

**Before the Zoning Administrator in and for the  
County of Monterey, State of California**

In the matter of the application of:

**Burton & Koploy (PLN080371)**

**RESOLUTION NO. 080371**

Resolution by the Monterey County Zoning  
Administrator:

Approving a Combined Development Permit  
consisting of 1) A Coastal Administrative Permit for  
the installation of a 20 foot by 50 foot in-ground  
swimming pool with associated pool decking and  
excavation of approximately 230 cubic yards; 2) A  
Coastal Development permit to allow development  
within 100 feet of environmentally sensitive habitat;  
and 3) A Coastal Development Permit to allow  
development on slopes greater than 25%.

(PLN080371, Burton & Koploy, 14601 Tumbleweed  
Lane Royal Oaks, North County Land Use Plan  
(APN: 129-141-071-000)

**The Burton & Koploy application (PLN080371) came on for public hearing before the Monterey County Zoning Administrator on July 30, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.  
**EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
  - the Monterey County General Plan,
  - North County Land Use Plan,
  - Coastal Implementation Plan Part 2,
  - Monterey County Zoning Ordinance (Title 20)No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.  
b) The property is located at 14601 Tumbleweed Lane, Royal Oaks (Assessor's Parcel Number 129-141-071-000), North County Land Use Plan. The parcel is zoned Rural Density Residential, 10 acres per unit, in the Coastal Zone ("RDR/10 (CZ)") which allows accessory structures and accessory uses to any principal use subject to a Coastal Administrative Permit in each case. Therefore, the project is an allowed land use for this site.  
c) The project planner conducted a site inspection on March 11, 2009 to verify that the project on the subject parcel conforms to the plans listed

above.

- d) As designed and conditioned the project is consistent with the North County Coastal Implementation Plan policies (CIP part 2) dealing with environmentally sensitive habitat development standards (20.144.040 CIP). The site contains a mosaic of oak woodland and maritime chaparral both sensitive native plant communities. As designed and conditioned, the proposed development will not have a direct impact on sensitive communities as no vegetation or tree removal is required. The proposed development will not adversely affect the long term maintenance of the habitat (20.144.040.B.2) (Reference Biological Report dated May 26, 2008).
- e) In order to approve development on slopes of 25% or more, the Zoning Administrator must find based on substantial evidence, that there is either feasible alternative which would allow development to occur on slopes of less than 25%, or the proposed development better achieves the goals, policies and objectives of the North County Land Use Plan the other development alternatives. In this case the findings can be made based on topography, location of existing development, and location of existing sensitive vegetation the location. See Finding 6 for more detail.
- f) The project was referred to the North County Coastal Land Use Advisory Committee (LUAC) for review. On March 2, 2009 the North County Coastal Land Use Advisory Committee (LUAC) recommended approval on the project by a 3-0 vote. The LUAC expressed concern regarding the amount and frequency of water used to drain and refill the pool and the potential use of the pool water for fire suppression. The applicant responded by saying that the pool would be filled and maintained and that minimal amounts of additional water will be added as needed due to evaporation and stated that he did not object to use of the water for fire suppression. One member of the public made comments regarding drainage and erosion problems stemming from potential overflow of the pool caused by rainfall and the need to contact mosquito abatement. The applicant responded to this issue by saying that the pool cover has a collection and drain feature and that the pool will be chlorinated.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN080371.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, North County Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
  - b) Technical reports by outside biological and geological consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County

staff concurs. The following reports have been prepared:

- "Focused Botanical Survey" (LIB090100) prepared by Biotic Resources Group, Soquel, CA, May 26, 2008.
  - "Geotechnical Investigation" (LIB090099) prepared by AMSO Consulting Engineers, Hayward, CA, December 3, 2007.
- c) Staff conducted a site inspection on March 11, 2009 to verify that the site is suitable for this use.
  - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN080371.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by RMA - Planning Department, North County Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) Improvements to the septic system and setbacks from the septic system to the well on the property have been improved under the direction of Environmental Health through their review of the proposed project. The result is an adequate well and septic system that meets all of the local standards.
  - c) See Findings 1, 2, 3, and 6 with supporting evidence.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
  - b) Staff conducted a site inspection on March 11, 2009 and researched County records to assess if any violation exists on the subject property.
  - c) There are no known violations on the subject parcel.
  - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080371.

5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:** a) California Environmental Quality Act (CEQA) Guidelines Section 15303 (e), categorically exempts the construction of accessory structures including swimming pools.
- b) The biological report prepared by Biotic Resources Group indicates that there are no significant impacts to sensitive botanical resources as designed and conditioned.
- c) The development on slopes in excess of 25% is limited to an 80 square foot area and will result in only a 4-foot high retaining wall. The surcharge on that retaining wall is not particularly significant in this case.
- d) No adverse environmental effects were identified during staff review of the development application during a site visit on March 11, 2009.
- e) See preceding and following findings and supporting evidence.
6. **FINDING: PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:** a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c. of the Monterey County Coastal Implementation Plan, can be demonstrated.
- b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 6, the Shoreline Access/Trails Map, of the North County Land Use Plan).
- c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080371.
- e) The project planner conducted a site inspection on March 11, 2009.
7. **FINDING: DEVELOPMENT ON SLOPE** – The proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and North County Land Use Plan and the Monterey County Zoning Ordinance (Title 20) than other development alternatives.
- EVIDENCE:** a) In accordance with the applicable policies of the North County Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
- b) The project site contains, an existing single family dwelling, a water well, a barn, two pastures, two animal pens, a water tank and a septic system. Although there are some areas along the driveway approach to the house that would be under 25%, these areas are currently used for keeping of animals. Additionally pools are generally located in close proximity to the residence for ease of use.
- c) The location of the pool has been positioned within the existing fenced backyard area off the existing house with the exception of 80 square

feet. The location provides ease of use and an appropriate site within a disturbed area while meeting setback requirements from the well and septic system.

- d) No tree or sensitive vegetation removal is required for the installation of the new pool (North County Land Use Plan Policies 2.3.3.A.2, 2.3.3.A.3, and 2.5.3.C.6.e). Other than animal use areas and the existing house, the lot contains rolling topography with Coast Live Oak trees and protected Manzanita species associated with maritime chaparral habitat. Impacts to these species will be appropriately avoided. A condition requiring construction fencing has been incorporated to protect trees and other sensitive vegetation during construction (Condition # 6).
- e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080371.
- f) The project planner conducted a site inspection on March 11, 2009.
- g) The encroachment on slopes is minor and will result in a maximum four foot vertical cut and the area furthest into the slope. The geotechnical report prepared for the project finds that the site is suitable for the proposed swimming pool provided recommendations contained in the report are followed. A standard condition requiring compliance with this report has been incorporated (Condition # 5).

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission

- EVIDENCE:**
- a) Section 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).
  - b) The project may be appealed to the California Coastal Commission pursuant to Section 20.86.080 of the Monterey County Coastal Implementation Plan - Part 1 because development within 100 feet of environmentally sensitive habitat is subject to a Coastal Development Permit in each case (Conditional Use).

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Approve the Combined Development Permit consisting of 1) A Coastal Administrative Permit for the installation of a 20 foot by 50 foot in-ground swimming pool with associated pool decking and excavation of approximately 230 cubic yards; 2) A Coastal Development permit to allow development within 100 feet of environmentally sensitive habitat; and 3) A Coastal Development Permit to allow development on slopes greater than 25%, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 30th day of July, 2009

  
JACQUELINE ONCIANO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON **AUG 14 2009**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **AUG 24 2009**

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

#### NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 4 years after the above date of granting thereof unless construction or use is started within this period.

**RESOLUTION 080371- EXHIBIT 1**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

Project Name: Jeanne Koploy and Bruce Burton

File No: PLN080371

APNs: 129-141-071-000

Approved by: Zoning Administrator

Date: July 30, 2009

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<b>PD001 - SPECIFIC USES ONLY</b> This Combined Development Permit (PLN0080371) allows 1) A Coastal Administrative Permit for the installation of a 20 foot by 50 foot in-ground swimming pool with associated pool decking and excavation of approximately 230 cubic yards; 2) A Coastal Development permit to allow development within 100 feet of environmentally sensitive habitat; and 3) A Coastal Development Permit to allow development on slopes greater than 25%. The property is located at 14601 Tumbleweed Lane, Royal Oaks (Assessor's Parcel Number 129-141-071-000), North County Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

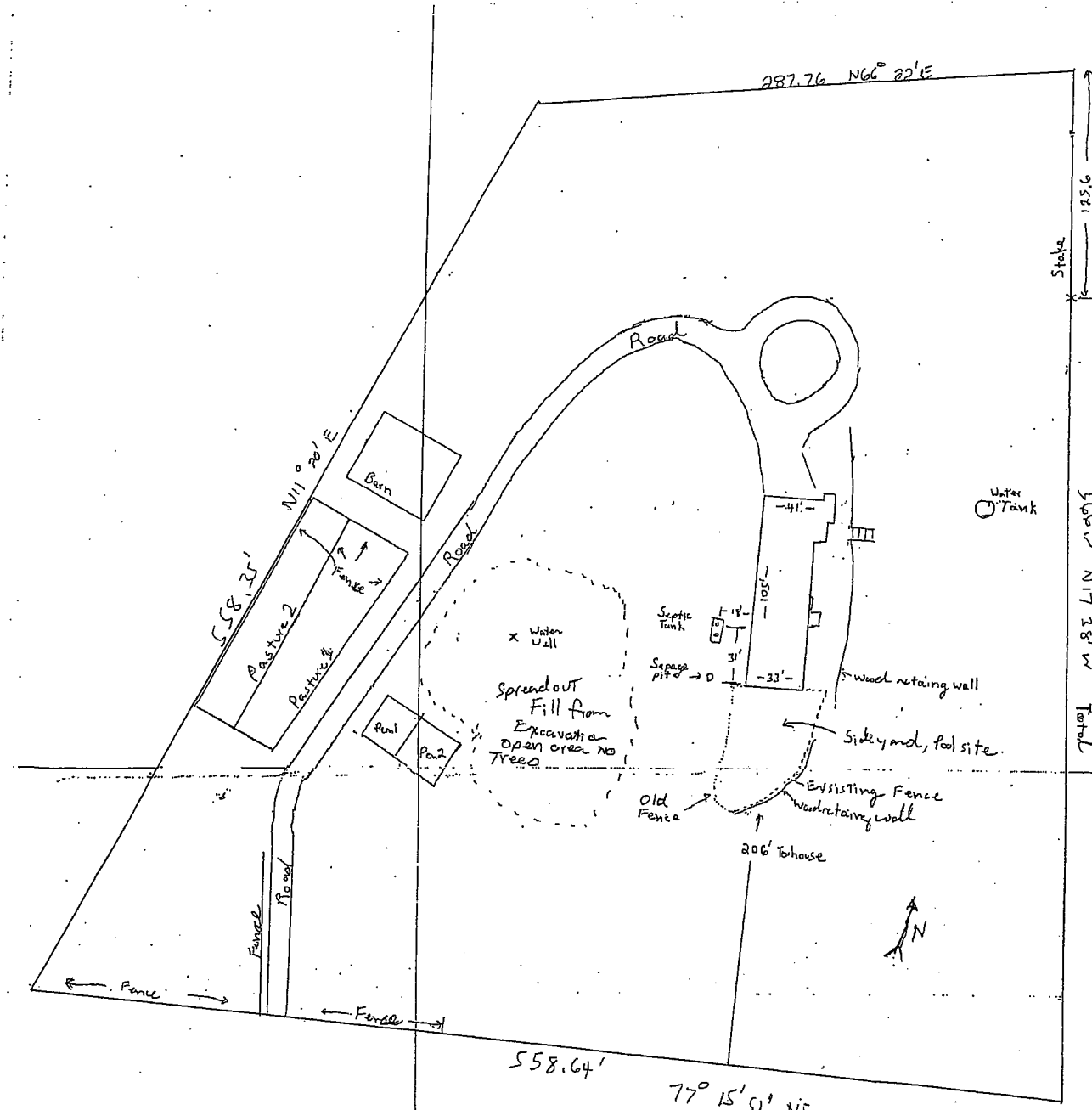




<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
			Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department	Owner/ Applicant	Prior to final inspection	
4.		<b>PD016 – NOTICE OF REPORT</b> Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A biological report has been prepared for this parcel by Biotic Resources Group, dated May 26, 2008 and is on record in the Monterey County RMA - Planning Department, Library No. LIB090100. All development shall be in accordance with this report." (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
			Submit proof that all development has been implemented in accordance with the report to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to Occupancy	
5.		<b>PD016 – NOTICE OF REPORT</b> Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A geotechnical report has been prepared for this parcel by AMSO Consulting Engineers dated December 3, 2007 and is on record in the Monterey County RMA - Planning Department, Library No. LIB090099. All development shall be in accordance with this report." (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
			Submit proof that all development has been implemented in accordance with the report to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to Occupancy	
6.		<b>PDSP001 – TREE AND VEGETATION PROTECTION (NON-STANDARD)</b> Trees and other sensitive vegetation (including Manzanita) which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or	Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and/or building permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
			Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a qualified biologist.	Owner/ Applicant/ Biologist	During Construc- tion	
			Submit photos of the trees and vegetation on the property to the RMA – Planning Department after construction to document that vegetation protection has been successful or if follow-up remediation or additional permits are required.	Owner/ Applicant	Prior to final inspection	

END OF CONDITIONS



PLN080371

- Pool Site grading: cut + Fill  $\approx$  10 cubic yards
  - Excavation for pool  $\approx$  230 cubic yards
  - Partial Topographical Map of pool site
- Baseline Land Survey from 07-08 Drawing

RECEIVED

FEB 03 2009

MONTEREY COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT.

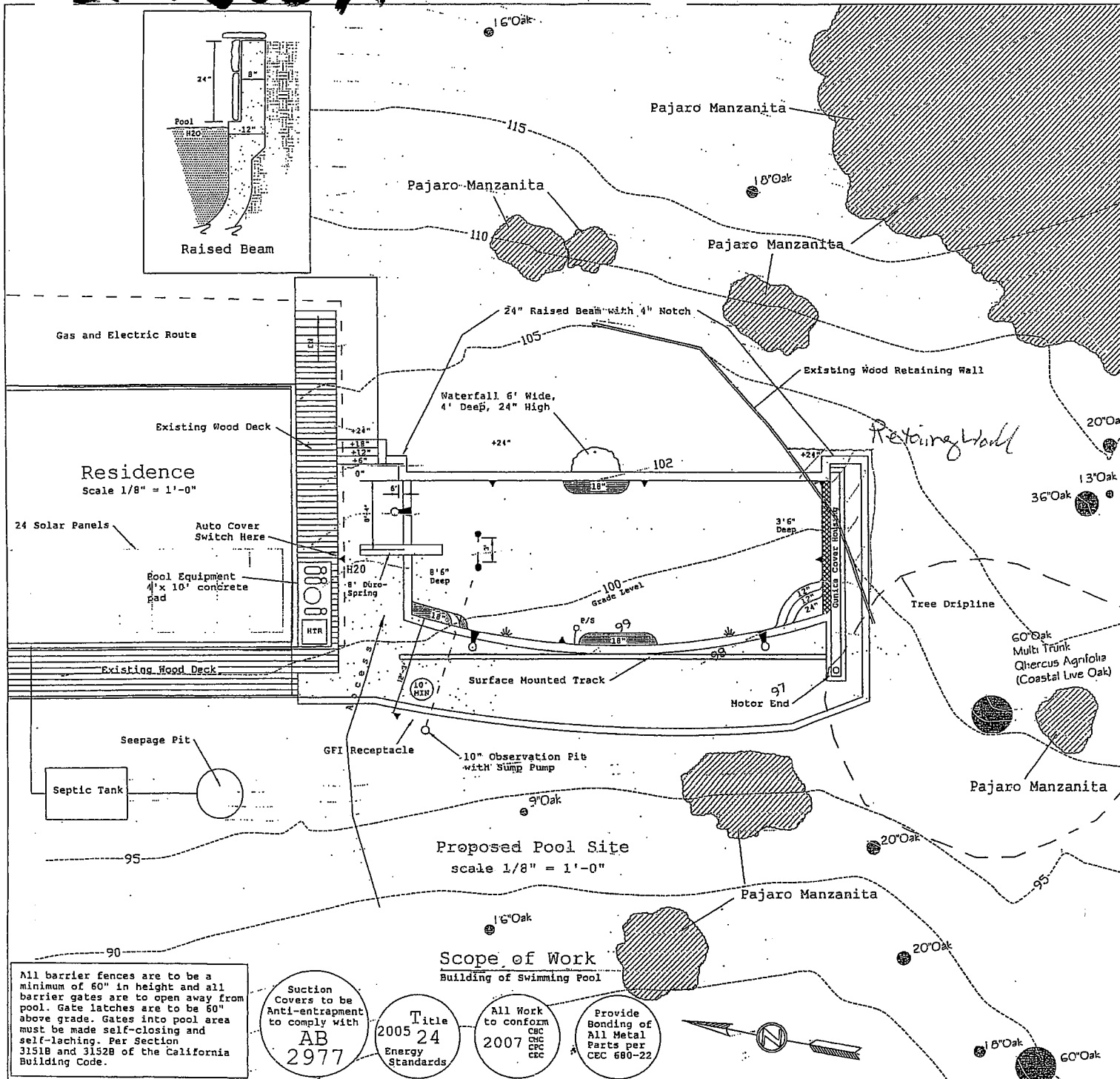
SCALE 1cm = 20ft

APN 129-141-07100

Drawn By Bruce B. Burton, [bruceb@elkhornranch.us](mailto:bruceb@elkhornranch.us)  
14601 Tumbleweed Lane  
Royal Oaks, CA 95076  
831-763-9088(H), 831-566-4232(C)  
October 25, 2008

- Home built 1978
- No Tree Removal required, Plant impact minimal

# LN080371



P O O L S P E C I F I C A T I O N S	ROYAL POOLS	
	2258 CAMDEN AVENUE SAN JOSE, CA 95124 Phone 371-8000 Licence No. CS3-278052	
	POOL SPECIFICATION	
	SIZE	20' x 50' SHAPE Custom
	DEPTH	3'6" to 8'6" VOL. 45,700
	CODE	153-1120
	Waterfall: 6' Wide, 4' Deep, 24" High	EXCAVATION 55 pcf
	GRADING	Pool Site Only RAMP Shallow End
	RBB	24" with 4" Notch
	SWIM OUT	
O W N E R	SPA	Auto Cover Box
	MISC.	Auto Cover Box
	Waterfall: 6' Wide, 4' Deep, 24" High	STEEL Auto Cover Box
	SWIM OUT	None LOVE SEAT 3 p/plan
	DEEP END STEPS	yes
	RBB	24" with 4" Notch
	SPA	None SURCHARGE 55 pcf
	PLUMBING	
	2 1/2" to 1st	
	SUCTION of 2 Skimmers	RETURN 2" to 1st
R E X	INLETS	5 FILL LINE Unobst.
	POOL SWEEP	Phantom with Pump
	MISC.	Auto Cover Box
	SPA PLUMBING	
	MAIN DRAIN	None RETURN None
	INJECTORS	None MISC. None
	BONDING	
	GRAB RAIL	None SLIDE None
	DIVING BOARD	yes LIGHTS None
	OTHERS	Auto Cover Box
J O B D I R E C T I O N S	EQUIPMENT	
	Ultra Pure Oxidizer	OPP30 Rainbow Chlor
	FILTER	525 sq. ft. Hayward Cart.
	PUMP	1 1/2 HP Hayward Northstar
	HEATER	150K BTU H.A. 2 PROPANE
	POOL SWEEP	Phantom
	CONTROLS	None
	BLOWER	None LIGHT 2-1 Pool w/dimmers
	DIVING BOARD	8' Duro-Spring
	MISC.	24 Helicool Panels
M A P	TITLE & COPING	
	TILE STD Choice	COPING STD Choice Rock
	RBB	
	MISC.	Trim Pkg. 1
	6" Tile Spots every 7' with Tees at both ends	
	PEBBLE TECH	
	COLOR	STD Choice
	ELECTRICAL	
	BY	Royal Pools
	MISC.	
A P P R O V E D	GAS	
	BY	Royal Pools PROPANE
	MISC.	
	ADDITIONAL NOTES	
	Pool RX & Start-Up	
	Pool Decking By Owner	
	24 Helicool Panels	
	OWNER	Bruce Burton
	ADDRESS	14601 Tumbleweed Ln
	CITY	Royal Oaks, Ca
A P P R O V E D	PHONE	831-763-3088 Hm 831-566-4232 Cell
	APN #	129-141-07100
	JOB DIRECTIONS	
	S 101	
	R San Miguel Canyon	
	R Strawberry Rd	
	R Bidden Valley Rd	
	L Tumbleweed Ln	
	1-31-08 JC	MAP PG. 1036 A6
	APPROVED BY	

# NORTH COUNTY



APPLICANT: BURTON

APN: 129-141-071-000

FILE # PLN080371



300' Limit



2500' Limit



City Limits

