

MONTEREY COUNTY PLANNING COMMISSION

Meeting: September 24, 2008 Time: 10:30 A.M.	Agenda Item No.: 4
Project Description: Combined Development Permit to allow the continued use of an existing facility. The request consists of: 1) A Use Permit for an Educational Program facility pursuant to 21.14.050.B and 21.14.050.X, which includes a barn, a classroom, a library, a storage area and an office; 2) Administrative Permit for a Caretaker Unit pursuant to Section 21.14.040.C. and 21.64.030; 3) A Use Permit for exceeding the height of a standard Caretaker's Unit per Section 21.64.030.E; 4) A Use Permit for maintaining and exhibiting of animals pursuant to 21.14.050.P; 5) A Use Permit for assemblages of people and special events not involving permanent facilities, pursuant to section 21.14.050. and "after the fact" grading of 912 cubic yards of cut and 1,377 cubic yards of fill for repaving of the access driveway and excavation for the placement of the multi-purpose building and animal corral, which requires restoration; approval of the Combined Development Permit would close Code Enforcement file CE070045 relating to the building of structures and use of the property as an educational program facility before county permits were obtained. The property is located at 19014 Pesante Road, Salinas (Assessor's Parcel Number 125-091-059-000), North County Non-Coastal zone.	
Project Location: 19014 Pesante Road, Prunedale	APN: 125-091-059-000
Planning File Number: PLN060768	Name: Gayle and Mark Comer, Property Owner; John Bridges of Fenton and Keller, Agent
Plan Area: North County Area Plan	Flagged and staked: No
Zoning Designation: : "LDR/2.5" [Low Density Residential, 2.5 acres per unit]	
CEQA Action: Mitigated Negative Declaration	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission:

- 1) Adopt the Mitigated Negative Declaration;
- 2) Approve the Combined Development Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).
- 3) Adopt a Mitigation Monitoring/ Reporting Plan (**Exhibit D**).

PROJECT SUMMARY:

The project consists of a Combined Development Permit (CDP) to allow the operation of a non-profit learning center known as Educational Resources of Monterey County (ERMCo). The project has been in operation at the site for approximately four years. The property owners contacted the county in early January 2007 to legalize their operations and voluntarily comply with building and zoning code requirements for the ERMCo program. The subject property is a 45 acre site located at 19014 Pesante Road, Prunedale. The property contains several structures associated with the ERMCo operation including a multi-purpose building, barn, horse corrals and stables, classroom, single family residence, office and caretakers unit in addition to small storage buildings.

Outside of the disturbed area, the site slopes upwards to areas of 30% or greater and is surrounded by oak woodlands, maritime chaparral and native perennial grasslands. The northeast portion of the property contains an easement for state highway purposes, however this easement does not affect the use area and is discussed in more detail in the Initial Study. Several issues were identified during staff's review and a Mitigated Negative Declaration was prepared.

The Mitigated Negative Declaration/Initial Study identified potential impacts resulting from increased traffic to and from the site, biological resources, noise related to animals and events, and air quality. Potentially effected resource areas are discussed in more detail in **Exhibit B** and **Exhibit H**. The analysis in the Initial Study concluded that the impacts to the aforementioned would be less than significant with conditions of approval and mitigation incorporated. A Draft Mitigated Negative Declaration has been prepared and circulated for public review.

OTHER AGENCY INVOLVEMENT:

- ✓ North County Fire Protection District
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ Monterey County Sheriff's Department
- ✓ Caltrans District 5

The above checked agencies and departments have reviewed this project. Conditions recommended by North County Fire Protection District, Public Works Department, Environmental Health Department, and Monterey County Sheriff's Department have been incorporated into the Condition Compliance Reporting Plan (**Exhibit D**).

The project was referred to the North County Land Use Advisory Committee (LUAC) for review on June 6, 2007. The LUAC recommended approval 6:1, with comments for staff regarding the number of students and request for a traffic study. To address the LUAC concerns and as a requirement during staff's review, the applicant submitted a traffic study prepared by Higgins and Associates. The traffic study was analyzed in the Initial Study and conditions of approval such as payment of TAMC fees and a traffic management plan are incorporated to lessen any potential impacts as a result of increased traffic. Staff further analyzed the number of students (average of 9 students) in relation to their impacts to traffic, air quality and noise and found the number of students analyzed in the Initial Study would have a less than significant impact to the environment as conditioned and mitigated.

Note: The decision on this project is appealable to the Board of Supervisors.

Valerie Negrete
(831) 755-5227, negretev@co.monterey.ca.us
August 18, 2008

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; North County Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Cal Trans District 5; Taven Kinison Brown, Planning Services Manager; Valerie Negrete, Planner; Carol Allen; Mark and Gayle Comer, Applicant; Pedro Rosado, Architect; John Bridges, Agent; File PLN060768.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Project Discussion
 Exhibit C Recommended Findings and Evidence

Exhibit D	Recommended Conditions of Approval and Mitigation Monitoring and Reporting Program
Exhibit E	Vicinity Map
Exhibit F	Site Plan, Floor Plan and Elevations
Exhibit G	LUAC Minutes dated June 6, 2007
Exhibit H	Initial Study and Proposed Mitigated Negative Declaration
Exhibit I	Biological Report conducted by Jean Ferriera dated April 9, 2007 (LIB070219)
Exhibit J	Biological Report conducted by Jean Ferriera dated August 31, 2007 (LIB080203)
Exhibit K	Traffic Report conducted by Higgins and Associates dated October 11, 2007 (LIB080331)
Exhibit L	Report of Insitu Compaction Testing by Landset Engineers' Charles Potter dated April 18, 2007 (LIB080445)
Exhibit M	Geological Report conducted by Landset Engineers' Charles Potter dated April 24, 2007 (LIB080454)
Exhibit N	Correspondence from Biologist, Jean Ferriera dated June 25, 2008 <i>re: new water storage location</i>
Exhibit O	Correspondence from Gayle and Mark Comer dated May 14, 2007 <i>re: letter of justification for caretaker unit</i>
Exhibit P	Correspondence from Landset Engineers Inc. dated April 24, 2007 <i>re: infeasibility of restoration</i>
Exhibit Q	Correspondence from Landset Engineers Inc. dated February 15, 2008 <i>re: regarding easement for highway 101 bypass</i>
Exhibit R	Correspondence from Gayle and Mark Comer dated February 7, 2008 <i>re: names and number of animals and specific information on events</i>
Exhibit S	Correspondence from Landset Engineers Inc. dated August 13, 2008 <i>re: development on 30% slope</i>
Exhibit T	Correspondence from Gayle and Mark Comer dated 1/29/08 <i>re: regarding special events</i>
Exhibit U	Guidelines for operation of fairs, petting zoos and other animal events dated 6/26/06
Exhibit V	ERMCo Manure Management Plan dated 2/6/08
Exhibit W	Correspondence from Gayle Comer, correspondence received July 18, 2008. "What is a School?", "What does ERMCo provide?" and "12 month calendar"
Exhibit X	Correspondence from Monterey Bay Unified Air Pollution Control District dated August 22, 2008 <i>re: no comment on Mitigated Negative Declaration</i>

This report was reviewed by Taven Kinison Brown, Planning Services Manager

Vicinity Map

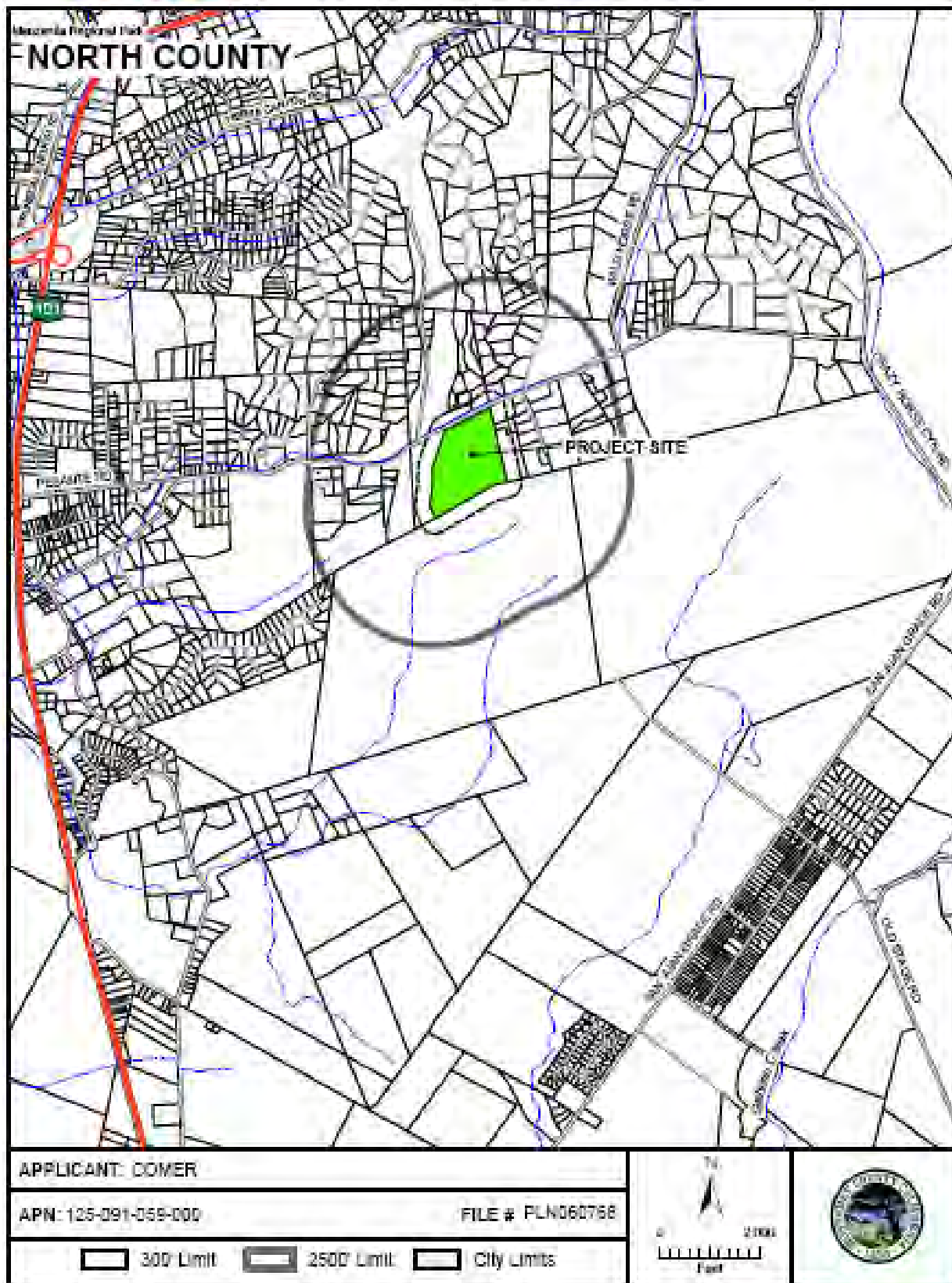


EXHIBIT A

Project Information for PLN060768

Project Title: **COMER MARK W & GAYLE L**

Location:	19014 PESANTE RD SALINAS	Primary APN:	125-091-059-000
Applicable Plan:	North County Area Plan	Coastal Zone:	No
Permit Type:	Combined Development Permit	Zoning:	LDR/2.5
Environmental Status:	MND	Plan Designation:	Low Density Residen
Advisory Committee:	North County (Inland)	Final Action Deadline (884):	8/30/2008

Project Site Data:

Lot Size:	45 ACRES	Coverage Allowed:	25%
Existing Structures (sf):	8,026.19	Coverage Proposed:	.45%
Proposed Structures (sf):	9,082.19	Height Allowed:	35
Total Sq. Ft.:	1,962,813.	Height Proposed:	20
		FAR Allowed:	N/A
		FAR Proposed:	N/A

Resource Zones and Reports:

Environmentally Sensitive Habitat:	Yes	Erosion Hazard Zone:	LOW
Biological Report #:	LIB070219	Soils Report #:	N/A
Forest Management Rpt. #:	N/A		
Archaeological Sensitivity Zone:	LOW	Geologic Hazard Zone:	II,IV
Archaeological Report #:	N/A	Geologic Report #:	N/A
Fire Hazard Zone:	HIGH	Traffic Report #:	LIB080331

Other Information:

Water Source:	WELL	Sewage Disposal (method):	SEPTIC
Water Dist/Co:	N/A	Sewer District Name:	N/A
Fire District:	NORTH COUNTY	Grading (cubic yds.):	2,289.0
Tree Removal:	None		

EXHIBIT B DISCUSSION

Project Site

The property is a 45 acre site known as Lot 101 of the Bolsa Nueva Y Moro Cojo Rancho located at 19014 Pesante Road, Prunedale. The property is zoned LDR/2.5 or Low Density Residential 2.5 acre minimum and the uses proposed are allowed with discretionary permits and building permits. The site is located in the North County Area Plan and is surrounded by scattered low density residential development and undeveloped areas.

Brief History

The property was formerly a horse breeding facility with a single family dwelling. Today, structures on the site comprise less than 1% coverage (approximately .45% of site) and include the proposed use of the site as a learning center. The Combined Development Permit is needed to abate a code enforcement case (CE070045) on the property for structures and activities conducted and placed without permits. Structures on the site are located in a largely disturbed area; the surrounding parcel is dense with oak woodlands, native perennial grasslands and maritime chaparral. Improvements are located in a central-southern area of the property and include a multi-purpose building, barn with caretakers unit, classroom, office, sheds, animal corral, horse stalls, and several animals.

The property owners are proposing the continued use of the property as a learning facility called Educational Resources of Monterey County (ERMCo) which is a non-profit organization founded in 1997. ERMCo provides supplemental educational programs, curriculum, and tutoring services to school age children. ERMCo also offers after school classes to public and private school students, short courses for home schooled children to science camp opportunities for students already enrolled in primary education programs in the area. ERMCo was established to supplement educational resources for students already enrolled in public or private schools in Monterey County. ERMCo differentiates itself from a traditional school as the proposal does not provide credentialed teachers, does not have a principal or administrative hierarchy, is not state funded but non profit, does not have a grading system, an attendance system, standardized tests, attendance health requirements, parent teacher conferences, state mandated textbooks, assemblies or school photos. The Initial Study and Staff Report refer to the program as an educational program and learning center. **(Exhibit W)**

The ERMCo program will hold events on the property with no more than 200 people four times a year. The applicants worked with the Environmental Department staff to determine the necessary requirements to serve food at these publicly noticed events and as a non profit agency, ERMCo can hold no more than four events a year serving food, more than four events would subject them to an Annual Food Serving Permit.



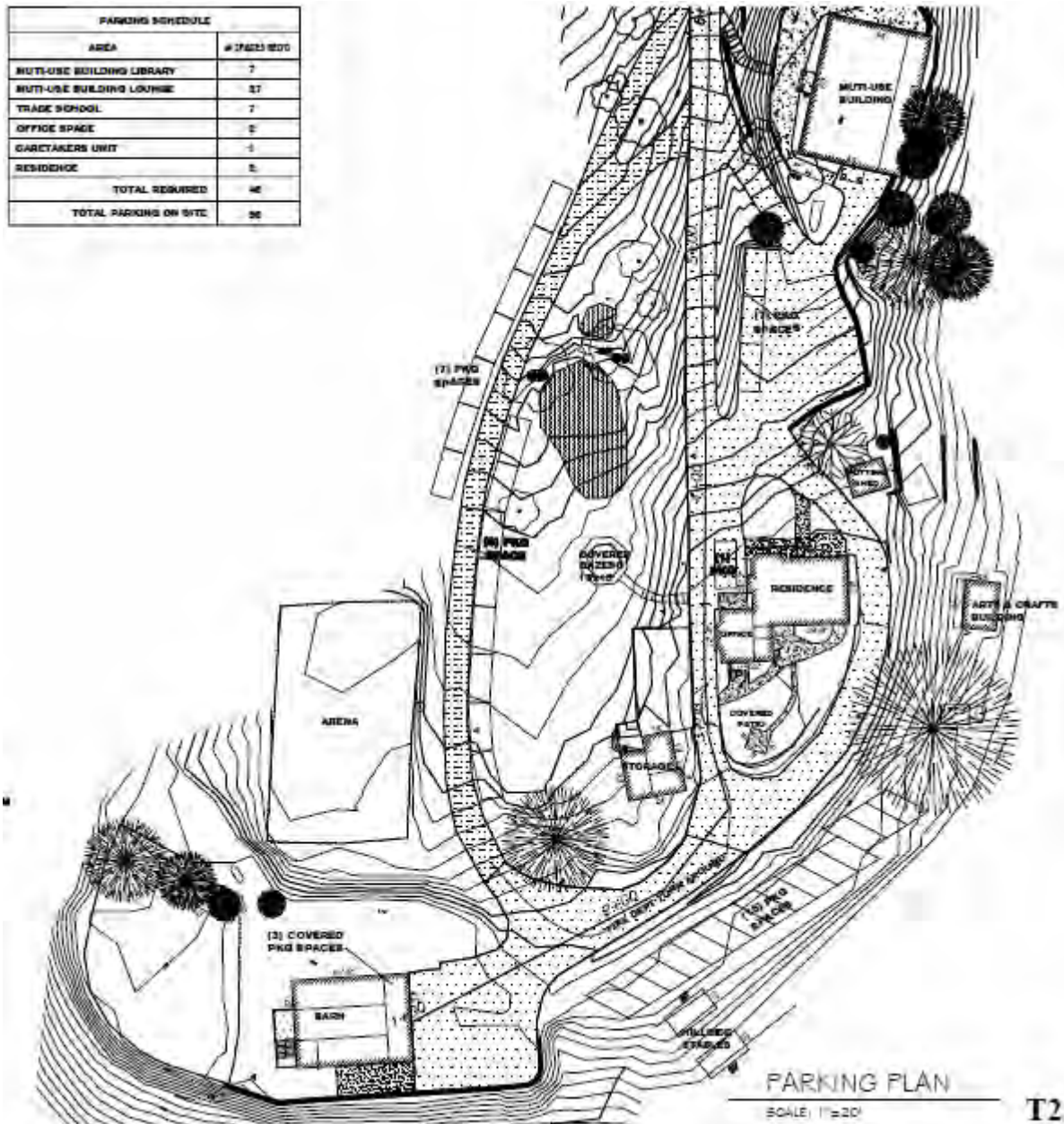
Permit Requirements

The property is zoned LDR/2.5 or Low Density Residential 2.5 acre minimum. The proposed use of a learning center will require a combined development permit. The proposed project includes:

1. A Use Permit for quasi public educational program facilities including a barn, office, classroom, library with multipurpose area, horse corrals and storage area; (Pursuant to 21.14.050.B)
2. An Administrative Permit for the establishment of a caretaker's unit; (Pursuant to 21.64.030.C)
3. A Use Permit for a habitable accessory structure (caretaker's unit) exceeding the zoning ordinance height limit of 15 feet; (Pursuant to 21.64.030.E)
4. A Use Permit for maintaining and exhibiting animals (including petting zoo); (Pursuant to 21.14.050.P)
5. A Use Permit for Assemblages of people, such as carnivals, festivals, races and circuses, not exceeding ten days and not involving construction of permanent facilities. Four events a year where prepared food is served. (Pursuant to 21.14.050.S)
6. Restoration for grading of approximately 912 cubic yards of cut and 1,377 cubic yards of fill for repaving of the access driveway and excavation for the placement of the multi purpose building and animal corrals. (Pursuant to 21.84.130)

The property owners contacted the county to voluntarily comply with building and zoning code requirements for the ERMCo program. Improvements on the site were done without planning or building permits and the subject proposal is needed to partially abate the code enforcement violations on the property. The applicants are requesting the aforementioned permits to continue their operation at the proposed site. A condition of approval will be placed requiring the property owner to apply for and final the required building and grading permits. **(Condition 12)**

PARKING SCHEDULE	
AREA	# TRUCKS REQ
MULTI-USE BUILDING LIBRARY	7
MULTI-USE BUILDING LOUNGE	27
TRADE SCHOOL	7
OFFICE SPACE	5
CARETAKERS UNIT	1
RESIDENCE	2
TOTAL REQUIRED	46
TOTAL PARKING ON SITE	36



Uses on the Property

Educational Program A Use Permit will be needed for the educational program. The project would involve an average of nine students on the property four days per week for eight months out of the year. An office, attached to the single family dwelling, will employ one full time employee and four part time employees. ERMCo provides a resource library for a school aged students (K-12) in the multi purpose building, tutoring as available, education for schooling options, educational field trips, community service projects, family activities, animal care program, science camp, day camp, horse camps and history days with advancement/graduation ceremonies, parent/teacher support seminars, art and talent shows which are all offered to the public not just home school students. The Initial Study analyzed potential impacts to aesthetics, biological resources, hazards and hazardous materials, air quality, geology/soils, hydrology/water quality, land use/planning, noise, public services, transportation and utilities. Impacts would be less than significant with mitigation and conditions incorporated in the approval.

Petting Zoo and Keeping and Exhibiting Animals A Use Permit is required for the maintaining and exhibiting animals on the property. Animals on the property include a dog, 2 cats, 2 ducks, 3 chickens, a rabbit, a guinea pig, 2 llamas, 2 goats, 2 dwarf goats, 4 horses, a miniature horse, a pony, a emu, 2 alpacas, 2 baby doll sheep, a miniature donkey and several koi fish. **(Exhibit R)** Students are allowed to feed the animals during certain times of the month and are part of an animal care program that ERMCo provides. **(Exhibit R)** Because animals have the potential to pass potentially dangerous bacteria to humans upon contact, the applicant will be required to prepare a *Petting Zoo / Animal Exhibit Management Plan* for review and approval by the Environmental Health Department prior to students being allowed to interact with the animals. The applicants have been provided with a copy of the Guidelines for Operation of Fairs, Petting Zoos and other Animal Events dated 6/26/06 and have agreed to submit guidelines accordingly. **(Exhibit U)** Animals are located in and around the barn and horse corral.

Caretaker Unit To assist in the care of animals and general security of the property, a caretakers unit is situated near the animal corral and on the first floor of the barn and requires an Administrative Permit. **(Exhibit O)** The barn is approximately 20 feet high and exceeds the height limitation for a standard caretakers unit and will require a Use Permit. Although a barn typically holds animals, the applicants are requesting the use in a portion of the converted barn for the caretaker. The barn will need to comply with building requirements to ensure the unit will meet current building code requirements.

Events A Use permit will be needed for the hosting of events which will not involve permanent facilities. No permanent facilities for events are proposed for construction however, events may be held in the learning center's multipurpose building. For the purposes of the special events in the Use Permit, a special event is referred to as an event which is publicly noticed. Events such as a private birthday party, potluck or family barbeque are not publicly noticed therefore these other events are private and do not count as the four special events per year. The proposed use involves hosting of Friday gatherings with 20 to 30 attendees eight times per year and are part of the educational program. Events with up to 200 attendees four times per year will allow the non profit to raise funds and have a larger gathering. **(Exhibit R)** As a condition of approval the applicant will be required to notify the Environmental Health Department and the Planning Department prior to any event. As a condition of approval, a parking management plan will also be submitted for approval by the Director of Planning and The Public Works Department prior to commencement of any event to ensure adequate parking overflow. The Health Department has not received complaints regarding noise over the last four years the facility has held events at the site. Adequate restroom facilities exist for the four larger events, specifically five public restrooms are located on the property; in the multipurpose building (2 stalls), the barn (2 stalls and 1 in caretaker unit), and office/residence (2 stalls in home, 2 stalls in office) which will accommodate no more than 200 people at a time for a larger event. All restroom and kitchen facilities will be subject to building code requirements prior to use.

Restoration Pursuant to 21.84.130, the property must be restored to its pre- violation state prior to staff's determination of completeness. Improvements on the site, with the exception of an approximate 1,300 square foot single family dwelling, were completed without the benefit of building or grading permits. The applicant submitted evidence from a licensed engineer stating restoration, including demolition and restoring of the land, would be infeasible, staff concurred. **(See Exhibit P)** Restoration involving the demolition of structures would cause further disturbance. The property owner will obtain necessary building and grading permits to fully abate the building code violations on the property. **(Condition 12)**

During the public review period the applicant presented a letter from Landset Engineers stating development, in their opinion, did not occur on slopes greater than 30% therefore not requiring a Use Permit. **(See Exhibit S)** Based on this information, staff concurred and did not include a Use Permit for development on slopes of 30% or greater in the Staff Report. As a condition of approval the applicant will still be required to obtain the necessary building and grading permits analyzed in the Initial Study.

Environmental Review (CEQA)

Staff identified and analyzed several issues which may have the potential to pose a significant impact on the environment, please refer to the Initial Study for a full analysis of these environmental factors although a summary of each follows:

Aesthetics The site is not visible from Pesante Road and is heavily vegetated with large portions of grasslands, a portion of oak wood lands and maritime chapparal. The project may result in additional permanent sources of light and glare from the barn, multi-use facility, and other structures on the property. Exterior lighting sources would not be directly visible when viewed from a common public viewing area and as a condition of approval lighting will be kept low glare and non illuminating. Landscaping on the site as a condition of will be weed free and maintained in its' natural state.

Air Quality The use area is located in an area which is already disturbed. The proposed involves the use of the property for the keeping and maintaining of animals which can generate unpleasant smells. Air emissions from the various animals on the property will not reduce air quality as they are short term in nature. As a condition of approval a Manure Management Plan was submitted and reviewed, the plan will reduce odors by isolating the areas of compost and as followed will lessen any impacts related to air quality. As conditioned, the likelihood of pathogen and air born bacteria that may be spread from animals to humans will be significantly reduced.

Biological Impacts Potential impacts to biological resources were identified in the Initial Study/Mitigated Negative Declaration specifically, the Biotic Survey found five sensitive plant species on the property. No development is proposed in these areas of the property therefore impacts to these resources are considered less than significant. To lessen future disturbance to special status species, bat boxes will be installed and maintained as recommended by the International Bat Conservation Society to ensure impacts to the species is less than significant. Biological resources on the property outside of the disturbed area include oak woodlands, perennial grasslands and maritime chaparral which are not believed to be affected as a result of the improvements. Oak wood lands on the property were not affected by the improvements and grading on the property and it is important to note that the conversion of oak woodlands is not exempt from further CEQA review, as further examination will be given if development in this area is proposed.

During staff's site visit on September 9, 2008, staff observed that *Pinus radiata* (Monterey pine) trees had been either trimmed or removed. Monterey pine trees are not listed as a protected tree in the North County Area Plan. However, due to the potential for injury to nesting birds in this grove of trees, a condition of project approval, states that no additional tree removal is allowed. Additional tree removal is subject to further environmental review and trimming will require a report from a biologist specifying measures to be taken to avoid any impacts to birds or raptors on the site. **(Condition 13)**

Geology/Soils The project site is located in the seismically active Monterey Bay region of the Coast Ranges Geomorphic Province. Despite the proximity to potentially active faults, the project site is not located on an Alquist-Priolo Earthquake Fault Zoning Map and no known faults are located on the property. A Geologic Site Reconnaissance & Analysis Report was prepared for the site by Landset Engineers and found there is no potential for surface rupture. Accordingly the project site has a low potential for liquefaction.

Hazards/Hazardous Materials The project would not involve the transport, use or disposal of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties, nor would the project involve stationary operations. The educational center offers courses in woodshop and metal however the use of these tools do not require a permit from the Air Quality District, their use is intermittent and will not omit hazardous materials. The project is in a high fire hazard zone and the North County Fire Department has deemed the project complete with standard and non-standard Conditions of Approval including the installation of an additional 10,000 gallon water tank. The incorporation of these conditions will make the high fire hazard less than significant.

Land Use/Planning The proposed project and improvements were built and commenced without the benefit of planning and building permits for approximately four years. As such, the subject Combined Development Permit will legalize the ERMCo program at the subject site and as a condition of approval the applicant will obtain necessary building and grading permits. The subject request is for the desired uses on the property, the plans and materials are subject to building code requirements and as a condition will need to be abided by in every respect. **(Condition 12)**

Noise The proposed use includes special events for fundraising and program functions such as a graduation ceremonies. Special events will be limited to four times a year and are limited to no more than 200 people. Another possible noise generator may be from the animals on the site. Monterey County Animal Control Code Title 8, states in part that it is unlawful for a person to keep and maintain an animal which may disturb the peace and comfort of any neighborhood in which case the proposed will not. The animals have been on site for at least 4 years and the county has not received complaints of noise from neighbors. Due to the topography of the site and size of parcel noise will be minimal.

Public Services The projects effect on police service, fire protection, nearby schools, parks and other services will be less than significant. During Interdepartmental review the Fire Department (North County Fire), the Parks Department and the Sheriffs Department deemed the project complete with conditions. The Sheriffs Department provided safety guidelines for the proposed and these conditions have been incorporated as conditions of approval. The program is not a primary education facility and will not affect the local school system.

Traffic The proposed development will increase trips to and from the site per day to 25 whereas the average single family dwelling generates 10 trips to and from a site per day. Special events and Friday gatherings will increase trips to and from the site to 800 annually. The Department of Public Works will require a TAMC (Transportation of Monterey County) fee for the projects fair share in trip generation of approximately \$1,443. A Parking Management Plan will be submitted to the RMA - Planning Department and the Department of Public Works to address overflow parking as a result of the deficiency of 44 spaces prior to the commencement of any event. According to the applicant's civil engineers, the easement for the Highway 101 bypass to the northwest of the property has been abandoned. As conditioned, impacts to traffic would be less than significant.

Analysis of Consistency

The project consists of four Use Permits, an Administrative Permit and Restoration. Staff must analyze each use and their respective impacts in order to make a recommendation for consistency with the policies, requirements, and standards of the Monterey County General Plan, North County Area Plan and Monterey County Zoning Ordinance Title 21.

Use Permit Requests

For each Use Permit staff must make two findings: 1) The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood; or to the general welfare of the County and 2) The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.

A brief summary of each Use Permit is listed below:

Quasi Public Educational Program (21.14.050.B)

Finding 1) The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood; or to the general welfare of the County.

- ✓ For the purposes of the analysis in the Initial Study and this permit, staff refers to the proposed use as a learning center not a school. The proposed center differentiates itself as an after-school learning center and/or supplemental program. The property owners presented staff with a list of why they do not feel they are a school and staff has presented the following as a learning center. **(See Exhibit Q)**
- ✓ The project site will cover less than 1% of the site with structures, sheds and animal corrals for the quasi public educational program. Specifically, the proposed use will consist of a barn, office, classroom, library with multipurpose area, horse corrals and storage area. All associated structures are allowed uses with a building or grading permit and as a condition of approval the applicant will be required to attain and final the required permits.
- ✓ Classes offered at the site will range from day and some weekend classes. Of particular concern for the LUAC (Land Use Advisory Committee) was the possible traffic to and from the site. The applicant submitted a traffic study to analyze possible traffic related impacts. There will be an increase in traffic to and from the site shown in the table below. The impacts will be offset by contributing a TAMC fee of approximately \$1,443 as a condition of approval.

Hidden Hills Ranch, Educational Resources of Monterey County
Trip Generation

	Quantity	Automobile Occupancy (people/veh)	Number of Vehicles	Number of trips (in & out) (per day per veh)	Trips per Day	Days of Operation per Week	Trips per Week	Weeks of Operation per Year	Days of Operation per Year	Trips per Year	Average Annual Daily Trips
<u>Existing Use:</u>											
Single Family Home	1 home	-	-	10	10	-	70	-	365	3650	10
Employees	4 employees	1.0	4	2	8	4	32	32	128	1024	3
Students	9 students	1.0	9	3	27	4	108	32	128	3456	9
Friday Events	30 attendees	2.0	15	2	30	-	-	-	8	240	1
Special Weekend Events	200 attendees	2.0	100	2	200	-	-	-	4	800	2
TOTAL EXISTING TRIPS:										9170	25
<u>Historic Use:</u>											
Single Family Home	1 home	-	-	10	10	-	70	-	365	3650	10
Horse Breeding/Training Facility	-	-	-	-	-	-	-	-	-	-	-
TOTAL HISTORIC TRIPS:										3650	10
NET DIFFERENCE IN TRIPS										5520	15

Other potential impacts related to traffic were discussed in more detail in the Initial Study and found to be less than significant.

- ✓ The size of the program was a concern for the LUAC and the applicant provided a worst case scenario of the number of students that may be at the site at any given time. The site will have no more than nine students at a time, one full time employee and four part time employees. The use is not a primary educational facility with standard hours of operation and courses offered are no more than five hours at a time and are offered eight months out of the year. Students whom enroll are already enrolled in other forms of formal education therefore impacts to existing schools will be less than significant.
- ✓ Aesthetics in the vicinity will not be affected by the operation of the learning center. The site is not visible from Pesante Road, the site slopes upward and is heavily vegetated. The surrounding oak woodlands and maritime chapparal screen the developed area from Pesante Road.
- ✓ As with any operation that may involve animals, events or school aged children, there is the potential for an increased level of noise. The animals on the site have been at the site for approximately four years and the Environmental Health Department has not received complaints of noise associated with the animals. Events will have not more than one event with amplified music. Noise levels were reviewed by the Environmental Health Department in accordance with Monterey County Code Title 10.60, which stipulates noise generation shall not exceed eighty-five (85) dbA measured fifty (50) feet therefrom and no impacts were thought to arise from the learning center.
- ✓ The proposed was reviewed by North County Fire Protection District, the Parks Department, Public Works, Environmental Health Division, Monterey County Sheriff's Department and Water Resources Agency and conditions of approval were incorporated and impacts to aesthetics, biological resources, hazards and hazardous materials, air quality, geology/soils, hydrology/water quality, land use/planning, noise, public services, transportation and utilities were found to be less than significant with mitigations.

Finding 2) - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.

- ✓ The Use Permit for a quasi public school is an allowed use with a conditional use permit. The applicants must attain a Use Permit in order to operate the use and abate the code enforcement violation.

- ✓ The applicants contacted the County to legalize their operation and desired uses, a code enforcement case was opened and the issuance of a Use Permit will partially clear the violation on the property. The applicant will still need to attain the necessary building and grading permits to be in full compliance with all zoning and building regulations.
- ✓ The applicant requests the use of the upstairs loft area of the barn as an area for overnight camps for children and families. Typically a barn is used for animals and associated uses and an additional use of more than one accessory habitable unit (Caretaker Unit) would change the intent of the barn. In addition, building code requirements may make the requested use of the barn unfeasible. As such, staff is recommending approval of the site for occasional overnight camp however staff is not in support of an additional habitable use in the barn and is recommending a condition that no children or families shall be allowed to use any area of the barn as a sleeping area. **(Condition 14)**
- ✓ The proposed was reviewed by North County Fire Protection District, the Parks Department, Public Works, Environmental Health Division, Monterey County Sheriff's Department and Water Resources Agency and conditions of approval were incorporated and impacts to aesthetics, biological resources, hazards and hazardous materials, air quality, geology/soils, hydrology/water quality, land use/planning, noise, public services, transportation and utilities were found to be less than significant with mitigations.

The Initial Study examined the impacts related to the operation of a learning center at this site and found the impacts to be less than significant.

Caretaker Unit exceeding the height of the district (21.64.030.E) exceeding the zoning ordinance height limit of 15 feet requires a Use Permit.

Finding 1) The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood; or to the general welfare of the County.

- ✓ The establishment of a caretaker unit is not growth inducing and is not subject to density, the minimum parcel size allowed for a caretaker unit with septic is two acres and the subject property is approximately 40 acres.
- ✓ Parking for the caretaker is provided either within the barn or under the roof overhang of the barn, next to existing spaces.
- ✓ The co-location of the caretaker unit inside the barn will cause less site disturbance and blend in more easily with the structures on the site.

Finding 2) - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.

- ✓ In order to be in compliance with zoning and building regulations the applicant must attain approval of the necessary permits including building and grading.
- ✓ All violation fees have been to date.

- ✓ The applicant will record a deed restriction stating they agree to comply with the regulations for a caretaker unit. An addition of a caretaker unit will not be growth inducing and will not impact aesthetics, biological resources, hazards and hazardous materials, air quality, geology/soils, hydrology/water quality, land use/planning, noise, public services, and transportation.

Maintaining and Exhibiting Animals (including petting zoo) (21.14.050.P)

Finding 1) - The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood; or to the general welfare of the County.

- ✓ The proposal is for the learning center to maintain and exhibit their animals on their property. Under their zoning designation, the parcel is allowed animal husbandry and small livestock farming provided that not more than one horse, mule, cow, or similar livestock shall be kept for each twenty thousand square feet of land area. Typically we refer to un-domesticated animals as part of this figure. The property is allowed at least eighty seven small livestock and animal husbandry animals and they currently have seventeen.
- ✓ Part of the courses offered are related to keeping and caring for animals. The applicant as a condition of approval will provide the Health Department a *Petting Zoo/Animal Exhibit Management Plan* for review and approval by the Environmental Health Department prior to students being allowed to interact with the animals.
- ✓ Potentially significant impacts with the use and keeping of animals are related to noise and air quality from smells and sounds. These and other environmental factors were analyzed in the Initial Study/Mitigated Negative and found to be less than significant with conditions incorporated. Because animals can also carry bacteria that may be harmful to humans the *Petting Zoo/Animal Exhibit Management Plan* will address proper hand washing and ingress/egress with the animal exhibiting areas.

Finding 2) - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.

- ✓ In order to be in compliance with zoning and building regulations the applicant must attain approval of the necessary permits including building and grading.
- ✓ All violation fees have been to date.
- ✓ Prior to any interaction between animals and people, the applicant will have submitted all required materials for review and approval by the Health Department.

Assemblages of people, such as carnivals, festivals, races and circuses, not exceeding ten days and not involving construction of permanent facilities. (Pursuant to 21.14.050.S)

Finding 1) - The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood; or to the general welfare of the County.

- ✓ With a large number of people at the property, the applicant must have the adequate restroom facilities to support all attendees. In accordance with Monterey County Code 15.20.050, the applicant must provide two toilet seats per every forty people. Septic design was reviewed and installed in accordance with the Environmental Health Department.
- ✓ The facility is functioning as a non-profit agency and an event which is publicly advertised may be exempt from an Annual Food Serving Permit from the Health Department. The facility does not fit the requirements of a commercial kitchen and does not meet the requirements to hold more than four publicly advertised events per year. The site does not have the required number of restroom facilities to hold more than 160 people on site, additional people will require portable toilets. Prior to any vents on the property the applicant will provide the Health Department and RMA-Planning Department a detailed narrative of the event, whether it is public or private, dates, times and number of attendees. **(Condition 15)**
- ✓ Noise from a large group of people is always a concern and of the four events held per year only one will have amplified music. Due to the topography and surrounding vegetation noise will be flushed out and is not likely to be heard by sensitive receptors. As a condition of approval only one event will have amplified music. **(Condition 15)**
- ✓ To ensure parking of vehicles will not be parking on Pesante Road and or block neighborhood traffic, the applicant will be providing a Parking Overflow Management Plan prior to any event being advertised. **(Condition 15)**
- ✓ Zoning regulations do not allow events within permanent structures and as no separate facility is proposed for the assemblages of people.

Finding 2) - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.

- ✓ The following Use Permit will legalize the use of the site for events. The applicant will need to attain and final respective building and grading permits.
- ✓ All violation fees have been to date.
- ✓ As a conditioned, the Combined Development Permit will be less than significant and potential impacts were discussed in detail in the Initial Study.

Administrative Permit Request

Caretaker Unit There are four findings staff must make in order to support the issuance of a caretaker unit. These findings are as follows:

Finding 1) - That the establishment of the caretaker unit will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

- ✓ During Interdepartmental Review there was no other policies or restrictions that would prohibit the property from having a caretaker.
- ✓ This area of the county, North County, has areas in which there are water quality and quantity issues. Areas outside of Zone 2C, may not have long term water supply. This property is located in Zone 2C and based on review by the Health Department has long term water supply.
- ✓ The placement of a caretaker unit in a barn is not prohibited and will be subject to further building code requirements to ensure the use area meets building code.

Finding 2) - That the proposed caretaker unit complies with all of the applicable requirements of Section 21.64.030(C) of this Title

- ✓ Section 21.64.030C are the applicable regulations for the establishment of a caretaker unit. The property owner will, as a condition of approval, record a deed restriction stating they agree to and will adhere to said policies.
- ✓ A caretaker unit is subject to an Administrative Permit which is approved by the Director of Planning.
- ✓ The conversion of horse stalls to create a caretaker unit in the barn will have to comply with building code and as conditioned will need to meet the building code requirements in every respect.

Finding 3) - That the subject property upon which the caretaker unit is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any, have been paid.

- ✓ The Administrative Permit is needed in order to be in compliance with zoning regulations, without the request the property would be in violation.
- ✓ All zoning violation costs have been paid to date. The applicant will need to apply for the respective building and grading permits, which will be double fee'd in order to fully clear the violation on the property.

Finding 4) - That adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.

- ✓ When the property owner came to the county to get the appropriate permits there were two illegally installed septic systems on the property and the existing system for the single family dwelling was in failure. The property owner worked with the Health Department during the thirty day review time and abandoned those illegal systems and constructed new septic systems that meet the Health Department code.
- ✓ The property is located in North County Zone 2C which has the benefit of long term water supply, impacts to water are considered less than significant.

- ✓ It was determined by the Health Department that no water supply issues existed on the property. A pump test was not required and impacts to water supply are considered less than significant.

Restoration

In order for staff to process any permit, staff must ensure that there are no violations on the property. The applicants have been working with staff to address the violations and staff has prepared an Initial Study/Mitigated Negative Declaration to analyze any potentially significant factors that may arise as a result of the uses proposed. The subject application will partially clear the code enforcement case. The applicant is required to attain grading and building permits in order to fully abate the violation on the property.

Correspondence received during 30 day review of Initial Study

During the public comment period the applicant submitted a letter from Landset Engineers dated August 18, 2008 stating, contrary to the Initial Study analysis, grading had not occurred on 30% slopes. Because the amount and areas of grading are somewhat speculative in nature staff concurred and did not include a Use Permit for grading on slopes over 30%.

A letter was received on August 26, 2008 dated August 22, 2008 from the Monterey Bay Unified Air Pollution Control District stating the agency had no comment. Staff has not received any further correspondence.

Staff Site Visit

On September 9, 2008, staff visited the site. Portions of the Monterey Pine trees had been either trimmed or removed. Although Monterey Pine trees are not protected in the North County Area Plan, the removal of any trees on the site may have an impact on nesting birds. Staff added a condition, stating no tree removal shall occur without the further review of a qualified biologist. Trimming, if more than a third, is only allowed after a qualified biologist specifies measures to further protect any birds nesting on the property.

Conclusion

Staff is recommending approval of the Combined Development Permit based on the following:

- 1) The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.
- 2) The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood; or to the general welfare of the County;

Staff has analyzed each use proposed and has not found the project to cause a significant effect on the environment. Although the project is unique in nature, the project components have been analyzed and compliance with conditions and mitigations will make any impacts to the environment less than significant. Staff has worked with the applicant to abate the code

enforcement violation on the property and staff is recommending approval based on the analysis contained in the Initial Study/Mitigated Negative Declaration.

EXHIBIT C

RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING:** **CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, North County Area Plan and Monterey County Zoning Ordinance Title 21, which designates this area as appropriate for development.
- EVIDENCE:**
- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. 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 19014 Pesante Road, Prunedale (Assessor's Parcel Number 125-091-059-000), North County Area Plan. The parcel is zoned LDR/2.5 "Low Density Residential 2.5 acre minimum" which allows the Combined Development Permit therefore, the property is suitable for the proposed development.
 - (c) The project planner conducted a joint site inspection on February 14, 2007 with the Environmental Health Department, Water Resources, Code Enforcement Department, Grading Department, Building Department, and North County Fire Department to determine the required permits. With the exception of the single family dwelling and barn which had been partially converted, all improvements were placed without the benefit of permits.
 - (d) The proposed is a combined development permit which will partially abate the zoning violation (CE070045) on the property and includes: a Use Permit for quasi public educational program facilities including a barn, office, classroom, library with multipurpose area, horse corrals and storage area (Pursuant to 21.14.050.B) a Use Permit for a habitable accessory structure (caretaker's unit) exceeding the zoning ordinance height limit of 15 feet (Pursuant to 21.64.030.C); a Use Permit for maintaining and exhibiting animals including a petting zoo (Pursuant to 21.14.050.P); and a Use Permit for Assemblages of people, such as carnivals, festivals, races and circuses, not exceeding ten days and not involving construction of permanent facilities specifically four events a year where prepared food is served (Pursuant to 21.14.050.S); An Administrative Permit for the establishment of a caretaker's unit (Pursuant to 21.64.030.C); and restoration.
 - (e) Approximately 912 cubic yards of cut and 1,377 cubic yards of fill were excavated on the site without a grading permit. The Grading Department and Planning Department determined that a Use Permit would be needed for grading on slopes of 30% or greater. It appeared retaining walls near the multipurpose room and portions of the driveway were in areas of 30% slope. Since grading was completed more than four years it remains speculative to determine how much grading occurred and whether grading occurred on slopes greater

than 30%. Staff analyzed a worst case scenario and estimated grading in the Initial Study/Mitigated Negative Declaration which was circulated for public review. On August 19, 2008 the applicants' representative presented a letter from Landset Engineers stating grading had not occurred on slopes of over 30%. Based on this new information staff is not including a use Permit for development on 30% slopes. According to Monterey County Zoning Code Title 21.84.130 restoration is required for grading, vegetation removal or tree removal. The property owner will need to apply for and final a grading permit to correct the grading violation.

- (f) The project was referred to the North County Land Use Advisory Committee (LUAC) for review on June 6, 2007. The LUAC recommended approval 6:1, with comments for staff to analyze the number of students on the site and requested staff to require a traffic study. Comments and concerns were incorporated in the Initial Study/Mitigated Negative Declaration and are incorporated as conditions of approval.
- (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 PLN060768.

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, Parks Department, Public Works, Environmental Health Division, Monterey County Sheriff's Department 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) The Mitigated Negative Declaration/Initial Study found impacts resulting in the proposed project to be less than significant. Conditions and mitigation measures have been incorporated to lessen impacts to aesthetics, biological resources, hazards and hazardous materials, air quality, geology/soils, hydrology/water quality, land use/planning, noise, public services, transportation and utilities. Air quality and aesthetics were conditioned to a less than significant level with standards conditions of approval of landscaping and lighting, hazards and hazardous materials will not be omitted in the operation of the facility. The noise that may result in the operation of the learning center will not exceed Monterey County Code Title 10.60 Noise ordinance, which stipulates noise generation shall not exceed eighty-five (85) dbA, measured fifty (50) feet therefrom. Water usage and hydrology will not adversely be affected as the proposed does not significantly increase the use of water and is located in an area of the county which has long term water supply. With conditions incorporated the site is suitable for the proposed development and the subject Combined Development Permit will legalize the proposed uses on the property.

- (c) Technical reports by outside biological, geological and traffic 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:
 - i. “Biotic Survey” (LIB070219) prepared by Jean Ferreira, Carmel, CA, prepared on April 9, 2007);
 - ii. “Revised Biotic Survey” (LIB080201) prepared by Jean Ferreira, Carmel, CA, prepared on August 31, 2007);
 - iii. “Trip Generation Study” (LIB080331) prepared by Keith Higgins and Associates, Gilroy, CA, prepared on October 11, 2007;
 - iv. “Report of Insitu Compaction Testing” (LIB080445) prepared by Charles Potter, Salinas, CA, prepared April 18, 2007;
 - v. “Geological Report” (LIB080454) prepared by Charles Potter, Salinas, CA, prepared April 24, 2007.
- (d) Staff conducted a site inspection on February 14, 2007 to verify that the site is suitable for this use.
- (e) Materials in Project File PLN060768.

3. FINDING: CEQA (Mitigated Negative Declaration): - On the basis of the whole record before the Planning Commission there is no substantial evidence that the proposed project as designed, conditioned, and mitigated will have a significant effect on the environment. The mitigated negative declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- (a) The Resource Management Agency – Planning Department prepared an initial study pursuant to CEQA. The Initial Study identified the potential for impacts to air quality, biological resources, noise, traffic, and land use planning on the site. The applicant has agreed to proposed mitigation measures and conditions of approval to avoid potential adverse impacts as a result of the proposed development. As such a Mitigated Negative Declaration was prepared and circulated. The Initial Study reflects the independent judgment and analysis of the County and is hereby incorporated by reference.
 - (b) A Mitigated Negative Declaration was filed with the Clerk to the Board on August 8, 2008 and circulated to the State Clearinghouse from August 8, 2008 to September 6, 2008.
 - (c) Analysis conducted in the Initial Study included the following:
 - 1. “Biotic Survey” (LIB070219) prepared by Jean Ferreria, Carmel, CA, prepared on April 9, 2007);
 - 2. “Revised Biotic Survey” (LIB080203) prepared by Jean Ferreria, Carmel, CA, prepared on August 31, 2007);
 - 3. “Trip Generation Study” (LIB080331) prepared by Keith Higgins and Associates, Gilroy, CA, prepared on October 11, 2007;
 - 4. “Report of Insitu Compaction Testing” (LIB080455) prepared by Charles Potter, Salinas, CA, prepared April 18, 2007;
 - 5. “Geological Report” (LIB080454) prepared by Charles Potter, Salinas, CA, prepared April 24, 2007.
 - (d) A Condition Compliance and Mitigation Monitoring and Reporting Program (MMRP) has been prepared and is designed to ensure

compliance with conditions and mitigation measures. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and Reporting Program” as a condition of project approval.

- (e) Aesthetics. The project will result in additional permanent sources of light and glare associated with the barn, multi-use facility, and other structures however the property is heavily vegetated. Exterior lighting sources would not be directly visible when viewed from a common public viewing area and as a condition of approval lighting will be kept low glare and no illuminating. Landscaping on the site as a condition of will be weed free and maintained in its’ nature state.
- (f) Air Quality. The use area is located in a predominantly disturbed area of the 45 acre property, prior to the current property owner’s use as a learning center the property was used as a horse breeding facility. According to the Monterey Peninsula Air Pollution Control District the proposed use of the property is not growth inducing therefore adverse impacts are considered less than significant. The proposed involves the use of the property for the keeping and maintaining of animals which can generate unpleasant smells; air emissions from unpleasant odors from the various animals on the property will not reduce air quality as they are short term in nature. As a condition of approval ERMCo has provided a Manure Management Plan which is designed to reduce odors by isolating the areas of compost. As a condition of approval the applicant will also be required to submit a Petting Zoo/Animal Exhibit Management Plan which will address specific safety measures for the keeping and maintaining animals in and around the general public. The Petting Zoo management plan, as followed will reduce the likelihood of pathogen and air born bacteria that may be spread from animals to humans.
- (g) Biological Impacts. Potential impacts to biological resources were identified in the Initial Study/Mitigated Negative Declaration. The Biotic Survey found five sensitive plant species on the property. No development is proposed in these areas of the property therefore impacts to these resources are considered less than significant. Special status species, pallid bat and hoary bat could have occurred during this conversion as they are very sensitive to disturbance. To lessen future disturbance, bat boxes will be installed and maintained as recommended by the International Bat Conservation Society to ensure any further impacts to the species is less than significant. Biological resources on the property outside of the disturbed area include oak woodlands, perennial grasslands and maritime chaparral which are not believed to be affected as a result of the improvements. Maritime chaparral habitat is listed as threatened in the General Plan and locally unique in the North County Area Plan, however development is not proposed in this area. The conversion of oak woodlands is not exempt from CEQA and subject to further environmental review if development in this area is proposed.
- (h) Geology/Soils. The project site is located in the seismically active Monterey Bay region of the Coast Ranges Geomorphic Province. The San Andreas Fault is the closest Type A Fault, and is located about 7.2 miles northeast of the site. The Zayante-Vergeles Fault is the closest Type B Fault, and is located 2.9 miles northeast of the site.

Despite the proximity of these seismically active faults, the project site is not located on an Alquist-Priolo Earthquake Fault Zoning Map and no known faults are located on the property. A Geologic Site Reconnaissance & Analysis Report was prepared for the site by Landset Engineers and found there is no potential for surface rupture. Accordingly the project site has a low potential for liquefaction.

- (i) Hazards/Hazardous Materials. The project would not involve the transport, use or disposal of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties, nor would the project involve stationary operations. County records indicate that the project site is located in a rural area subject to wildland fire hazards (“high” SRA/Fire Hazard Zone). During Interdepartmental Review the North County Fire Department reviewed the proposed project and has deemed the project complete with standard and non-standard conditions of approval including the installation of an additional 10,000 gallon water tank. The incorporation of these conditions will make the high fire hazard less than significant.
- (j) Land Use/Planning. The proposed project and improvements were built and commenced without the benefit of planning and building permits for approximately four years. The Combined Development Permit will allow the use of the property and partially abate the violations on the property. As a condition of approval the applicant will obtain necessary building and grading permits and abide the building code requirements in every respect.
- (k) Noise. The non profit learning facility will hold events for fundraising and program functions such as a graduation ceremony. Special events (publicly noticed) will be limited to four times a year and are limited to no more than 200 people and are analyzed as events where food is served and adequate restroom facilities exist. The county does not anticipate issues with noise and has not received any complaints of noise as a result of the activities at the site.
- (l) Public Services. The projects effect on police service, fire protection, nearby schools, parks and other services will be less than significant. During Interdepartmental review the Fire Department (North County Fire), the Parks Department and the Sheriffs Department deemed the project complete with conditions. The Sheriffs Department provided safety guidelines for the proposed and these conditions have been incorporated as conditions of approval. The program is not a primary education facility and will not affect the local school system.
- (m) Traffic. The Department of Public Works will require a TAMC (Transportation of Monterey County) fee for the projects fair share in increase to trip generation of approximately \$1,443. Parking at the site will be adequate with 56 spaces however prior to an event which may yield 200 people; a parking management plan will be submitted to the RMA - Planning Department and the Department of Public Works to address overflow parking as a result of the deficiency of 44 spaces prior to the commencement of an event. The northwest portion of the property and a portion of the property fronting Pesante Road and the applicant’s civil engineers and staff at Caltrans District 5

have confirmed the Highway 101 bypass project has been abandoned and the current highway 101 alignment is farther east of the property.

4. **FINDING: VIOLATIONS** – There currently exists a combined violation on the property which is a result of the operation of the learning center operation and associated improvements. This combined development permit will abate a portion of the violation. The property owners will need to attain a building and grading permit to fully abate the violations. Zoning violation abatement costs have been paid to date; additional costs will be associated with the building and grading permits.

EVIDENCE: (a) The applicant apply for building permit and grading permits for the substandard structures, and receive a final from the Monterey County RMA-Building Services Department prior to the commencement of use of the property for any and all activities contained in this permit.
(b) In order to be in compliance with land use regulations, the applicant must attain the Combined Development Permit for the uses on the property.

5. **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) Preceding finding and evidence.

6. **FINDING: USE PERMIT (EDUCATIONAL PROGRAM)** – In order to grant a Use Permit for the quasi public educational program the county must find that the establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood; or to the general welfare of the County. The subject property must also be compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.

EVIDENCE: (a) The Combined Development permit allows the use of the property as an educational facility which offers supplemental educational services to students within the County of Monterey. The program, ERMCo (Educational Resource of Monterey County) will offer after school classes to public and private school students, short courses for home schooled children, programs for the keeping of animals and science camp opportunities for students already enrolled in primary education programs in the area. Courses offered will not hold more than 9 students at a time and are intermittent throughout the week; courses are also held off site. As part of the counties review, staff identified several areas which may have a potentially significant impact as a result of the proposed use and conditions and mitigations have been incorporated to lessen these impacts to less than significant.

- (b) ERMCo is a non profit agency which began using the site approximately four years ago. Improvements of grading and buildings were placed on the site without the benefit of building permits; these structures include an 1,800 square foot multi purpose building with a library and office space, portion of an existing 1,183 square foot barn for a caretaker unit and upstairs loft for overnight camping, construction of stables and corrals for keeping and maintaining animals, conversion of a portion of the existing 1,031 square foot residence to an office, 280 square foot arts and craft building, and several small storage buildings and koi pond. The proposed combined development permit will legalize the operation and allow the property owners to use the structures once the proper building and grading permits are applied for and attained.
- (c) ERMco employs between 8-9 part time employees and 1 full time employee four days out of the week. The facility is open between 7-8 months out of the year an average 5.5 hours a day. As a condition of approval, the applicant will be required to submit a schedule of operations with hours and number of employees for the non-profit agency every school year.
- (d) Signage on the property will be accordance with Monterey County Title 21 regulations on signs and as a condition of approval will be submitted and approved prior to any signage being placed on the property.
- (e) The county does not refer to the subject use as a school for the reasons set forth in the Initial Study. Analysis of the use was done with the scope of uses given and potential impacts associated with each respective use.
- (f) The program will offer overnight camps. Prior to county review cots were placed upstairs in the barn to allow children and families to sleep in the second story area of the barn. An additional sleeping area in the barn will change the use of the barn and may not meet current building code requirements or uses allowed for occupancy type and zoning. Children and families are not allowed to sleep upstairs in the barn as a condition of approval.
- (g) Impacts to aesthetics, biological resources, hazards and hazardous materials, air quality, geology/soils, hydrology/water quality, land use/planning, noise, public services, transportation and utilities have been analyzed in the Initial Study/Mitigated Negative Declaration and are considered less than significant with mitigation and conditions of approval incorporated.

7. FINDING: USE PERMIT (PETTING ZOO, ANIMAL EXHIBIT) – In order to grant a Use Permit for a petting zoo and animal exhibit the county must find that the establishment, maintenance, or operation of the use applied for, will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood; or to the general welfare of the County. The subject property must also be compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other

applicable provisions of this Title and any zoning violation abatement costs have been paid.

- EVIDENCE:**
- (a) Animals on the property are kept in designated areas; an 1,183 square foot barn holds several stalls, 480 square foot detached stables, 400 square foot hillside stables, 96 square foot pen, and horse arena and animal corral adjacent to the barn.
 - (b) The proposal includes a use permit for maintaining and exhibiting animals, including 2 ducks, 3 chickens, a rabbit, a guinea pig, 2 llamas, 2 goats, 2 dwarf goats, 4 horses, a miniature horse, a pony, a emu, 2 alpacas, 2 baby doll sheep, a miniature donkey and several koi fish. Animals serve as a learning tool for the students in the program and are part of the educational program Children and students are allowed to pet, groom, and feed the animals on the property. As a condition of approval the property owner will submit a *Petting Zoo / Animal Exhibit Management Plan* for review and approval by the Environmental Health Department prior to students being allowed to interact with the animals. The plan must address entry and exits for transition areas, food and water locations, ventilation from animals and humans, smoking and eating or drinking around animals, cleaning procedures, supervision of children around animals, trained staff, feeding of animals, proper signage of transition areas, exits signs, and hand washing, amongst other designed areas near animals corrals.
 - (c) Equestrian and livestock uses can generate odors that are perceived as unpleasant. Whereas the possibility of objectionable odors can be omitted from the animals on the property and possible contaminants of the animal waste, the property owner prepared a Manure Management Plan under the direction of the Environmental Health Department which will ensure manure is limited and kept to a designated area of the property and a plan is in place to maintain stalls and corrals as to lessen the possible impacts from bacteria being transferred from animals to humans.
 - (d) A list of animals on the property will be submitted to the Environmental Health Department and incorporated in the applicants *Petting Zoo / Animal Exhibit Management Plan*.
 - (e) The combined development permit is needed to abate the existing code enforcement case on the property and ensure compliance with regulations pertaining to Monterey County Zoning Ordinance Title 21, the General Plan and North County Area Plan once the Combined Development Permit is approved.

- 8. FINDING: USE PERMIT (Special Events)** - In order to grant a Use Permit for assemblages of people, such as carnivals, festivals, races and circuses, not exceeding ten days and not involving construction of permanent facilities the county must find that the establishment, maintenance, or operation of the use applied for, will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood; or to the general welfare of the County. The subject property must also be compliance with all rules and regulations pertaining to zoning uses,

subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.

- EVIDENCE:**
- (a) The Initial Study/Mitigated Negative Declaration and the subject Use Permit is defining “events” as larger gatherings held on a weekend which utilize permanent and non-permanent facilities. An event shall not serve food more than four times a year otherwise, a food facilities permit would be required by the Environmental Health Department. Amplified music or a public address system may only be used at one event and subject to approval by the Environmental Health Department.
 - (b) The proposed development will involve four large publicly noticed events per year where food will be served with no more than 200 people attending. As a non profit organization ERMCo will utilize these events for fundraising and other educational related venues such as graduation, community service barbeque or trip reunions. As a non profit agency ERMCo is allowed up to four events a year where food is served to the public without being subject to an Annual Food Serving Permit, as a condition of approval events will be reported to the Environmental Health Department prior to commencement.
 - (c) Impacts to noise and traffic are a concern with assemblages of people. These and other potential impacts were analyzed in the Initial Study and found to be less than significant. Prior to any event, either public or private, the applicant must submit to the Planning Department and Environmental Health Department a detailed list of the events and number of people expected to attend along with a plan to ensure the number of attendees does not exceed the capacity analyzed.
 - (d) There are no structures proposed for events. Permanent facilities in which the special events may be held are also used for the educational program which is part of the subject Combined Development Permit. The use of the permanent structures on the site has been analyzed in the Initial Study/Mitigated Negative Declaration and as conditioned impacts is considered less than significant.
 - (e) The Use Permit for assemblages of people is needed to abate the existing code enforcement case on the property and ensure compliance with regulations pertaining to Monterey County Zoning Ordinance Title 21, the General Plan and North County Area Plan once the Combined Development Permit is approved.

- 9. FINDING: USE PERMIT (CARETAKER UNIT)** – In order to grant a Use Permit for a deviation from the height limit of a caretakers unit the county must find that the establishment, maintenance, or operation of the caretaker unit applied for, will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood; or to the general welfare of the County. The subject property must also be compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.

- EVIDENCE:** (a) The caretaker unit is located in a portion of the barn on the first floor closest to the animal corral. The property owners intentionally placed the caretaker unit near the animal corral to allow the caretaker to tend to the animals on the property. Animals on the property require care during all hours of the day, the caretaker will also provide on site security for the animals and property.
- (b) The barn height is within the allowed height limit of 30 feet however the caretaker unit in the barn is not within the allowed 15 foot height limit for a caretaker unit and will require a Use Permit.
- (c) The establishment of caretaker unit will not increase local population or impact population and housing in the area. The caretaker unit is an accessory to a main dwelling and the property has an established main dwelling.

- 10. FINDING: ADMINISTRATIVE PERMIT (CARETAKER UNIT)** – In order to grant the establishment of the caretaker unit the county must find 1) the caretaker unit will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County; 2) find that the proposed caretaker unit complies with all of the applicable requirements of Section 21.64.030(C) of this Title. 3) find the subject property upon which the caretaker unit is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any, have been paid; 4) find that adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.

- EVIDENCE:** (a) Staff analyzed the establishment of a caretaker unit in the Initial Study/Mitigated Negative Declaration, potential impacts as a result of the operation of the educational program. The caretaker unit was not found to increase or cause significant effects to the environment.
- (b) Exceeding the height limit of a caretaker unit is allowed with a conditional use permit; all of the structures and uses involved were built and established without permits and the caretaker unit is situated in the barn without internal circulation. Without the proper permits the project would be inconsistent and in violation with the general plan, specific plan and zoning ordinance. A Use Permit is required in order to comply with the zoning ordinance and abate the code enforcement violation on the property. The property owner will be required to attain and final all necessary building and grading permits to fully abate the violation.
- (c) The property is located in an area of North County which would allow the addition of a caretaker unit, given the property's location in area Zone 2C. Zone 2C, has the benefit of long term water supply and additional habitable unit would not increase an overdraft or deplete underground water quality.
- (d) Typically, a barn would not have an accessory habitable unit such as a caretaker, however co-location of the unit would lessen site disturbance and will not be accessible from the inside of the barn. The barn structure will have to comply with applicable building code requirements.

- (e) Upon Interdepartmental Review the Environmental Health Department reviewed the sewage disposal system on the property. At the time, the property had 2 un-permitted septic systems installed and one was in failure. The applicants have installed a new system for the single family dwelling and two new drainage fields for the caretaker unit and multipurpose building which meets applicable County requirements and accommodates anticipated septic needs for the educational program.

11. FINDING: APPEALABILITY - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: Section 21.080.040 Monterey County Zoning Ordinance.

<p align="center">EXHIBIT D</p> <p align="center">Monterey County Resource Management Agency</p> <p align="center">Planning Department</p> <p align="center">Condition Compliance and/or Mitigation Monitoring Reporting Plan</p>	<p>Project Name: <u>Mark and Gayle Comer</u></p> <p>File No: <u>PLN060768</u> APNs: <u>125-091-025-000</u></p> <p>Approved by: <u>Planning Commission</u> Date: <u>September 24, 2008</u></p>
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**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.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Combined Development Permit (PLN060768) allows : 1) Use Permit for an educational program facility (ERMO program) pursuant to Section 21.14.050.B and 21.14.050.X which includes the use of a barn, a classroom, a library, a storage area and an office; 2) Administrative Permit for the establishment of caretaker unit pursuant to 21.14.040.C and 21.64.030; 3) Use Permit for exceeding the allowed height of a caretaker unit per 21.64.030.E; 4) Use Permit for maintaining and exhibiting of animals pursuant to 21.14.050.P; 5) Restoration for grading of approximately 912 cubic yards of cut and 1,377 cubic yards of fill for repaving of the access driveway and excavation for the placement of the multi purpose building and animal corrals; 6) Use Permit for assemblages of people not involving permanent facilities, namely special events pursuant to Section 21.14.050. The property is located at 19014 Pesante Road, Prunedale (Assessor's Parcel Number 125-091-059-000), North County Area Plan/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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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		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 the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Number 125-091-025-000 on September 24, 2008. The permit was granted subject to 31 conditions and 1 mitigation measure of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (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 or commencement of use.	

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3.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	

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4.		PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval.	
			If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Prior to the recordation of the final map, the start of use or the issuance of building or grading permits	
5.		PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	

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6.		<p>PD010 - EROSION CONTROL PLAN AND SCHEDULE</p> <p>The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an ongoing implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)</p>	<p>An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.</p> <p>Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.</p> <p>Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department</p>	Owner/ Applicant	<p>Prior to the issuance of grading and building permits</p> <p>Prior to final</p>	
7.		<p>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</p> <p>All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)</p>	<p>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p> <p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	Owner/ Applicant	<p>Prior to the issuance of building permits.</p> <p>Prior to Occupancy / Ongoing</p>	

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8.		PD016 – NOTICE OF REPORT 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 Jean Ferriera , dated April 9, 2007 and August 31, 2007 and is on record in the Monterey County RMA - Planning Department , Library No. LIB070219 and LIB080203. 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.	
9.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A traffic report has been prepared for this parcel by Higgins and Associates , dated October 11, 1007 and is on record in the Monterey County RMA - Planning Department , Library No. LIB0080331. 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.	

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10.		<p>PD018 A – DEED RESTRICTION – CARETAKER UNIT (INLAND)</p> <p>The applicant shall record a deed restriction stating the regulations applicable to a caretaker unit as follows:</p> <ul style="list-style-type: none"> • Only one caretaker unit per lot shall be allowed. • The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under same ownership. • The minimum lot size for establishment of a caretaker unit in areas not served by sewers shall be two acres. • Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located. • The maximum floor area for a caretaker unit is 1,000 square feet on lots of 10 acres or less and 1,200 square feet on lots greater than ten acres. • A minimum of one covered off-street parking space shall be provided for the caretaker unit. • The caretaker unit shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect. • Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning. • Caretaker units are not permitted on any lot less than ten acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to an Administrative Permit. <p>(RMA – Planning Department)</p>	<p>Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation needs to be submitted to the RMA-Planning Department</p>	Owner/ Applicant	<p>Prior to the issuance of grading or building permits</p> <p>Prior to occupancy or commencement of use</p>	

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11.		PD029 - HOURS OF OPERATION Hours of operation shall be between 7am to 10pm. Pursuant to General Plan policy 22.2.5 for Noise Hazards. Additionally, to ensure the peace and comfort of neighboring parcels and to further limit any potential impacts to nearby sensitive receptors, no more than one event per year shall have amplified music to ensure peace there are no impacts to sensitive receptors. (RMA – Planning Department)	Demonstrate compliance with the hours of operation to the Director of RMA – Planning Department. Prior to an event being publicly or privately noticed, a copy of the advertisement shall be furnished to RMA-Planning Department.	Owner/ Applicant	Prior to use/ Ongoing	
12.		PD001 NON-STANDARD – RESTORATION– BUILDING AND GRADING PERMITS REQUIRED GRADING - A grading permit is required for driveways greater than fifty (50) feet in total length that require 100 cubic yards or more of earthwork. Work that was completed without a grading permit will require a permit be finalized in order to fully abate any grading violation on the property. A timeline must be submitted and approved for the completion of the grading permit. BUILDING – Building permits will be needed for each structure that was built or placed on the property without the benefit of a building permit. Permits will be in accordance with Grading and Building Department regulations at the time of submittal and will need to comply with all current building code requirements in every respect. Any variation in uses of buildings, location, sitting and design will be subject to review by the Planning Commission if said changes are substantially changed. (RMA – Planning Department and Building Services Department)	Apply, receive and final the appropriate grading and building permits from Monterey County RMA – Building Services Department. A copy of the restoration plan with schedule of completion shall be included with the grading and building permits, a timeline must be submitted and approved by the RMA- Planning Department.	Owner/ Applicant/ Engineer	Prior to the use of the property of use of <u>any</u> structure on the property.	

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13.		PD002 NON-STANDARD – TREE REMOVAL To further protect the potential impacts to nesting birds and other sensitive species (including hoary bat and pallid bat) that may be found on the site; no tree removal (of any type or species) is allowed. Removal includes any trimming or pruning which constitutes more than 1/3 of the living canopy as verified by a qualified arborist. If trimming is requested the applicant must submit a report from a qualified arborist specifying specific measures to be taken in order to not disturb or displace any aviary species on the site. If tree removal is requested further environmental review will be needed. (RMA – Planning Department)	Ongoing compliance, adhere to said condition and submit verification as requested to RMA- Planning Department.	Owner/ Applicant/ Biologist	Ongoing	
14.		PD003 – NON STANDARD – USE OF BARN AS SLEEPING QUARTERS No children or families shall sleep in the upstairs loft area of the barn. (RMA – Planning Department)	Ongoing compliance, adhere to said condition and submit verification as requested to RMA- Planning Department.	Owner/ Applicant	Ongoing	

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15.		<p>PD004- EVENTS ON SITE</p> <p>The Use Permit allows no more than four large events “special events” per year. A special event is one that is publicly noticed via internet, advertisement or otherwise where no more than 200 people can attend. To ensure the number of special events does not exceed the amount permitted and amount the site has capacity for, a schedule of events listing the dates, times, anticipated number of attendees to attend, whether there will be live music and whether food will be served and any other applicable information shall be submitted to the Environmental Health Department and Planning Department for review and approval. Plan to limit attendees to no more than 200 must be submitted and if expecting more than 160 people must have portable toilets furnished in accordance with Environmental Health Department review and approval. Applicant will abide by said schedule and any requirements thereafter. If the applicant wishes to exceed the number of events allotted with this Use Permit further environmental review will be required. Additional review by the Environmental Health and RMA - Director of Planning will be needed if/when said events exceed one such event per year or if substantive complaints are received regarding noise. A possible Noise Study may be required at that time. Schedule shall be furnished to the Planning Department and Environmental Health Department prior to use and (RMA – Planning Department)</p>	Ongoing compliance, adhere to said condition and submit verification as requested to RMA- Planning Department.	Owner/ Applicant	Ongoing	

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16.		PD005- EMPLOYEES AND PROGRAM ON SITE To ensure consistency with the analyzed number of students and employees on site at all times, the property owner will provide every school year, a list of courses offers with a list of employees. The program shall be no longer than eight months out of the year and have no more than one full time employee and nine part time employees. Verification of the number of employees must be submitted at any given time upon the request of the RMA- Planning Department. If the property owner would like to increase the program duration or number of employees, the Use Permit for Educational Facility will be subject to further review by the Planning Commission. (RMA – Planning Department and Building Services Department)	Ongoing compliance, adhere to said condition and submit verification as requested to RMA- Planning Department.	Owner/ Applicant	Ongoing	
17.		PD009 - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA – Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotech- nical Consultant	Prior to final inspection	
18.		PD008 - GEOLOGIC CERTIFICATION Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning Department)	Submit certification by the geotechnical consultant to the RMA - Planning Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotech- nical Consultant	Prior to final inspection	

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19.		<p>PD012(G) - LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING)</p> <p>The site shall be landscaped with native plants or left in its' natural state. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required; fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan if necessary in areas which have been disturbed. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)</p>	<p>Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval.</p> <p>All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p>	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	<p>Prior to issuance of Building Permits</p> <p>Ongoing</p>	
20.		<p>PW0007 – PARKING STD</p> <p>The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. (Public Works)</p> <p>Note: County standards require that the parallel parking spaces be 22' long. The proposed parallel spaces are 20' long.</p>		Owner/ Applicant	Prior to Commence ment of use of property	
21.		<p>NON-STANDARD – TAMC FEES</p> <p>Prior to issuance of the building permits, applicant shall pay the Transportation Agency for Monterey County (TAMC) regional traffic mitigation fee identified in the TAMC nexus study. The Higgins Associates traffic study estimates the TAMC fee is \$1,443.00.</p>		Owner/ Applicant	Prior to issuance of Building Permits	

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24.		<p>FIRE015 - FIRE HYDRANTS/FIRE VALVES</p> <p>A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. North County Fire District.</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	<p>Prior to issuance of grading and/or building permit.</p> <p>Prior to final building inspection</p>	

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25		<p>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</p> <p>The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. North County Fire District.</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. rough sprinkler inspection</p> <p>Applicant shall schedule fire dept. final sprinkler inspection</p>	Applicant or owner	<p>Prior to issuance of building permit.</p> <p>Prior to framing inspection</p> <p>Prior to final building inspection</p>	
26.		<p>FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL)</p> <p>The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by NFPA Standard 72. Plans and specifications for the fire alarm system shall be submitted by a California licensed C-10 contractor and approved prior to requesting a rough sprinkler or framing inspection. (North County Fire District.)</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall submit fire alarm plans and obtain approval.</p> <p>Applicant shall schedule fire alarm system acceptance test.</p>	Applicant or owner	<p>Prior to issuance of building permit.</p> <p>Prior to rough sprinkler or framing inspection</p> <p>Prior to final building inspection</p>	

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28.		EH1 - WATER SYSTEM PERMIT Obtain a new or amended water system permit from the Division of Environmental Health. (Environmental Health)	Submit necessary application, reports and testing results to EH for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of grading/ building permits or prior to filing final map	

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29.		EH4 - FIRE FLOW STANDARDS Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. (Environmental Health)	Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency.	CA Licensed Engineer /Owner/ Applicant	Prior to installing or bonding water system improvements	

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30.		<p><u>PUBLIC EVENTS PROVIDING FOOD SERVICE</u></p> <p>Per the California Retail Food Code (Cal Code), four (4) public events serving prepared food are allowed per year, with the appropriate 501(c)3 non-profit status. Public events serving prepared food are identified as: Public events that involve announcements to the general public via internet, word of mouth or media. These events are identified as Temporary Food Facility events.</p> <p>The facility can apply for a Health Permit exemption if the facility is inviting the public, operating as a nonprofit charitable organization and they have a federal ID number that identifies them as such. Per California Retail Food Code (Cal Code), Article 13.5 <i>Nonprofit Charitable Temporary Food Facilities may operate up to four times annually. These four time periods shall not exceed 72 hours.</i></p> <p>If applying for the exemption, the applicant shall submit a letter to the Environmental Health Division (EHD), specifically the Consumer Health Protection Services (CHPS) program, providing the date, time and food to be served for each of the four events. At that time, CHPS will provide the applicant with a letter of exemption and Cal Code information for safe food handling. If the applicants apply for a fifth exemption (or EHD is notified of additional public events serving prepared food), the exemption will not be provided and the applicant shall apply for a Health Permit.</p> <p>Private functions for <u>members only</u> are not regulated by EHD, CHPS.</p>	<p>Contact the Monterey County Health Department (MCHD), Environmental Health Division (EHD), Consumer Health Protection Services (CHPS) <u>prior to the event(s).</u> If more than four (4) public events providing prepared food are going to occur per calendar year, obtain the necessary food facility permits from the Environmental Health Division. As necessary, maintain the 501 c 3 non-profit status.</p>	Owner / Applicant/ Operator	<p>Obtain a Health Permit exemption prior to holding public events serving prepared food; maximum of four such events per year.</p> <p>Obtain a Health Permit prior to holding more than four (4) public events serving prepared food.</p>	

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31.		PETTING ZOO – ANIMAL EXHIBITION Provide a <i>Petting Zoo / Animal Exhibit Management Plan</i> to the Monterey County Health Department (MCHD), Environmental Health Division (EHD) for review and approval.	Provide a <i>Petting Zoo / Animal Exhibit Management Plan</i> to EHD for review and approval. Institute and follow the Management Plan, and update as necessary.	Owner / Applicant/ Operator	Prior to commencement of activities involving the animals and humans.	
MM1.		Mitigation Measure #1 (Bat Boxes and Bird Boxes): Bat boxes shall be installed near the locations where development has occurred to reduce potential impacts to bat species that may have been present before development activities occurred. Nesting bird and bat boxes shall be species-specific in dimensions and should mimic a tree hollow or crevice. Bird boxes shall be installed at a height that is appropriate for bat and bird species and anti-predator measures, such as small metal spikes on the top, shall be included.	Applicant shall provide a plan in accordance with the guidelines on the International Bat Conservation Society	Applicant or owner	Prior to issuance of building permit	

END OF CONDITIONS