

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 06031

A.P.# 221-171-053-000

In the matter of the application of
Edward & Ermalene Plaskett (PLN020376)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow development (grading) on slope in excess of 30 percent to expand an existing parking area for a fire turnaround (approximately 2,150 cubic yards cut and fill) on a 5.75 acre lot. The property is located at 51450 Pine Canyon Road, King City, approximately one mile south of the intersection of Pine Canyon Road and Jolon Road, Central Salinas Area, and came on regularly for hearing before the Planning Commission on May 10, 2006.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

- 1. FINDING:** The project (PLN020376 PLASKETT) as conditioned is consistent with applicable plans and policies, the Monterey County General Plan, Central Salinas Valley Area Plan, and the Monterey County Zoning Ordinance (Title 21) which designates this area appropriate for residential uses. Specifically, Section 21.64.230 allows development in excess of 30% slope with the approval of a Use Permit. The site is located at 51450 Pine Canyon Road, King City, approximately one mile south of the intersection of Pine Canyon Road and Jolon Road (Assessor's Parcel Number 221-171-053-000) Central Salinas Area.

EVIDENCE: Staff has reviewed the project as contained in the application and accompanying materials for consistency with the General Plan and the Central Salinas Valley Area Plan. The parcel is zoned "LDR/5-UR" (Low Density Residential, five acres per unit, Urban Reserve District).

EVIDENCE: The project planner conducted an on-site inspection on November 17, 2005 to verify that the project on the subject parcel conforms to the applicable plans and policies listed above.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN020376.

- 2. FINDING:** The site is suitable for the use proposed.

EVIDENCE: The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, South County CDF Fire District. Recommended Conditions of Approval have been incorporated into the project.

EVIDENCE: Staff conducted an on-site visit on November 17, 2005 to verify that the site is suitable for this use.

- 3. FINDING:** The project is exempt from environmental review according to CEQA Guidelines Section 15301, Class 1(c), existing facilities includes operation, repair, maintenance, permitting leasing or minor alteration of existing facilities, including road grading for the purpose of public safety.

EVIDENCE: a) The purpose of grading the driveway was to increase the width of an existing driveway to provide access and a turnaround for fire equipment to the residence with a dead end driveway.

(b) A letter from Soils Surveys, dated February 28, 2006, confirmed that the grading and cut are stable, drain properly and that no further corrective work is needed.

(c) Planning staff and the grading inspector conducted a site visit to verify that there are no resources or unusual circumstances affected by the grading.

(d) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN020376.

- 4. FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. Approval of this permit will correct the code violation existing on the property. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Approval of the Use Permit will allow a code enforcement action (CE020227) to be cleared on the property and double fees are required for the after the fact planning and grading permits. No restoration is required as it is unfeasible and was not in a natural condition with minimal vegetation prior to the code violation.

- 5. FINDING:** 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: Preceding findings and supporting evidence.

- 6. FINDING:** The project is consistent with the findings required for Section 21.64.230 Development on Slopes in Excess of 30 percent, specifically Finding No. 21.64.230(E)(b): a) There is no feasible alternative which would allow the development to occur on slopes of less than 30%.

EVIDENCE: Planning staff met the applicant on the site on November 17, 2005 to determine if there was any alternative to the proposed development on a 30% and greater slope. It was determined that there was no alternative to the proposed plans.

EVIDENCE: A letter from Soils Surveys, dated February 28, 2006, confirmed that the grading and cut are stable, drain properly and that no further corrective work is needed.

EVIDENCE: File and application materials in Project File PLN020376.

7. **FINDING:** The decision on this project is appealable to the Board of Supervisors.
EVIDENCE: Section 21.80.040(D) of the Monterey County Zoning Ordinance (Title 21).

THEREFORE, it is the decision of said Planning Commission that said application for a Use Permit be granted as shown on the attached sketch, and subject to the attached conditions.

PASSED AND ADOPTED this 10th day of May, 2006, by the following vote:

AYES: Errea, Brown, Isakson, Salazar, Vandever, Padilla, Sanchez, Diehl, Rochester, Wilmot
NOES: None
ABSENT: None


DALE ELLIS, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON MAY 17 2006

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE MAY 27 2006

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

NOTES

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

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

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

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

**Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring
Reporting Plan**

Project Name: PLASKETT

File No: PLN020376

APN: 221-171-053-000

Approval by: Planning Commission

Date: May 10 ,2006

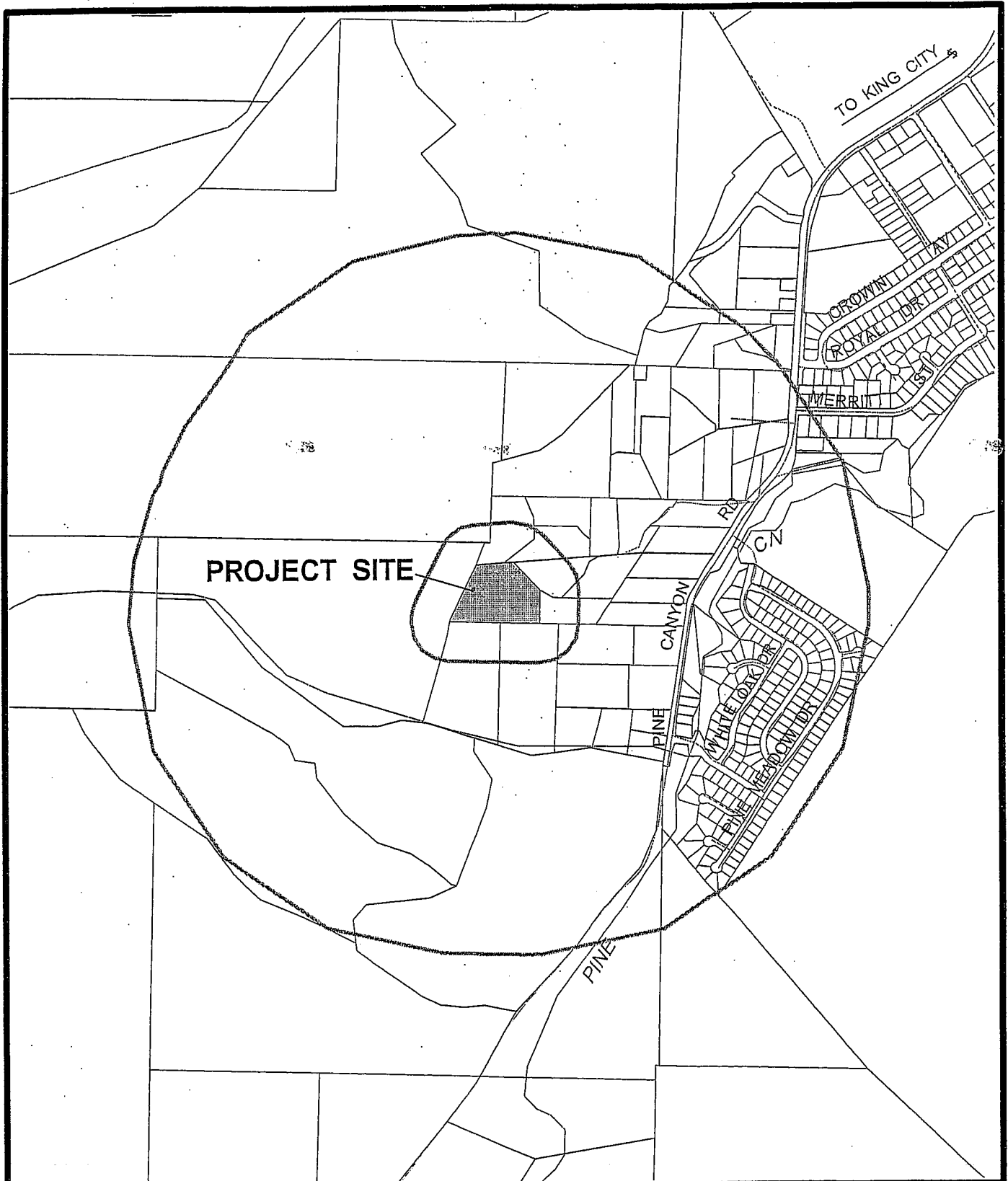
**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<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>PBD029 - SPECIFIC USES ONLY</p> <p>This Use Permit (PLN020376 PLASKETT) allows development on a slope in excess of 30 percent to expand an existing parking area for a fire turnaround (approximately 2,150 cubic yards cut and fill) on a 5.75 acre lot. The project is located at 51450 Pine Canyon Road, King City, approximately one mile south of the intersection of Pine Canyon Road and Jolon Road Assessor's Parcel Number 221-171-053-000) Central Salinas Area. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Planning Commission and Building Inspection. 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. (Planning and Building Inspection)</p>	Adhere to the conditions and uses specified in the permit.	Owner/ Applicant	Ongoing	

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2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A Use Permit (Resolution 06031) was approved by the Planning Commission for Assessor's Parcel Number 221-171-053-000 on May 10, 2006. The permit was granted subject to 2 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
3.		PBD016 - INDEMNIFICATION AGREEMENT 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. (Planning and Building Inspection)	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI.	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	
		Note: No conditions were required by any other departments or agencies				

EXHIBIT "D"



APPLICANT: PLASKETT

APN: 221-171-053-000

FILE# PLN 020376

300' Limit

2500 Limit



0 1000
Feet



PLANNER: KELLY

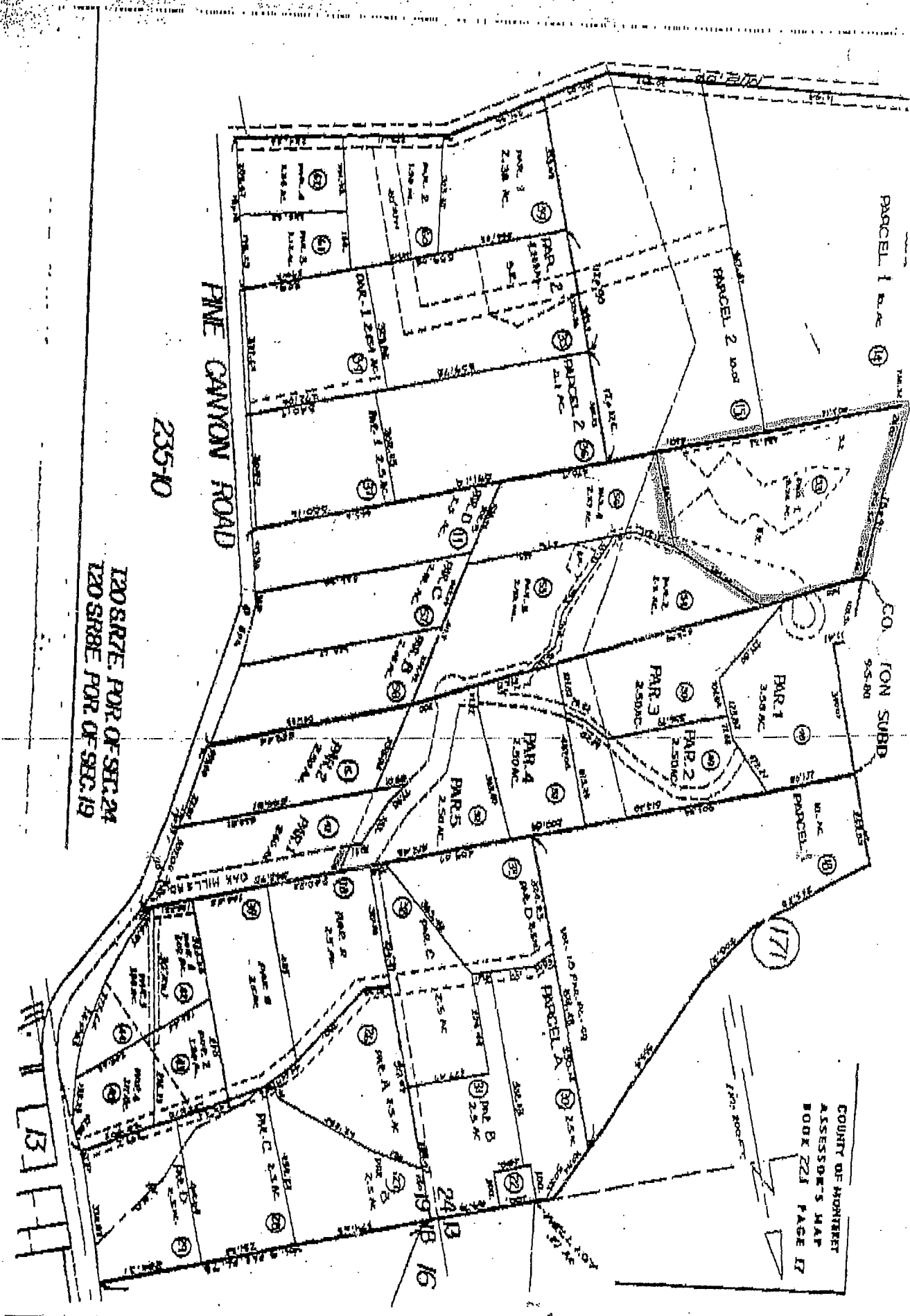


EXHIBIT "D-2"

VICINITY MAP

EXHIBIT "E"



PROJECT INFORMATION

1. **OWNER:** EDWARD E. PLASKETT
2000 17TH AVENUE
KING CITY, CA 95045

2. **DATE OF PREPARED:** 10/1/77

3. **DESIGNER:** GARY L. BROWN
1000 17TH AVENUE
KING CITY, CA 95045

4. **CONTRACT NO.:** 17-0000

5. **PROJECT NO.:** 17-0000

6. **DATE OF PREPARED:** 10/1/77

7. **ALL CITY AND COUNTY ENGINEERS SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.**

GRADING PLAN
EDWARD PLASKETT

GOVT. LAND SURVEYORS
IN PUBLIC WORKS
SAN FRANCISCO, CALIFORNIA

GRADING NOTES

1. ALL EXISTING GRADE SHOWN BY DOTTED LINES.

2. ALL PROPOSED GRADE SHOWN BY SOLID LINES.

3. ALL EXISTING STRUCTURES SHOWN BY SHADING.

4. ALL PROPOSED STRUCTURES SHOWN BY SHADING.

5. ALL EXISTING UTILITIES SHOWN BY DASHED LINES.

6. ALL PROPOSED UTILITIES SHOWN BY DASHED LINES.

7. ALL EXISTING EROSION CONTROL MEASURES SHOWN BY SHADING.

8. ALL PROPOSED EROSION CONTROL MEASURES SHOWN BY SHADING.

9. ALL EXISTING FLOODING AREAS SHOWN BY SHADING.

10. ALL PROPOSED FLOODING AREAS SHOWN BY SHADING.

11. ALL EXISTING DRAINAGE PATTERNS SHOWN BY ARROWS.

12. ALL PROPOSED DRAINAGE PATTERNS SHOWN BY ARROWS.

13. ALL EXISTING ROADWAYS SHOWN BY SHADING.

14. ALL PROPOSED ROADWAYS SHOWN BY SHADING.

15. ALL EXISTING FENCING SHOWN BY SHADING.

16. ALL PROPOSED FENCING SHOWN BY SHADING.

17. ALL EXISTING SIGNAGE SHOWN BY SHADING.

18. ALL PROPOSED SIGNAGE SHOWN BY SHADING.

19. ALL EXISTING LIGHTING SHOWN BY SHADING.

20. ALL PROPOSED LIGHTING SHOWN BY SHADING.

21. ALL EXISTING LANDSCAPING SHOWN BY SHADING.

22. ALL PROPOSED LANDSCAPING SHOWN BY SHADING.

23. ALL EXISTING UTILITIES SHOWN BY DASHED LINES.

24. ALL PROPOSED UTILITIES SHOWN BY DASHED LINES.

25. ALL EXISTING EROSION CONTROL MEASURES SHOWN BY SHADING.

26. ALL PROPOSED EROSION CONTROL MEASURES SHOWN BY SHADING.

27. ALL EXISTING FLOODING AREAS SHOWN BY SHADING.

28. ALL PROPOSED FLOODING AREAS SHOWN BY SHADING.

29. ALL EXISTING DRAINAGE PATTERNS SHOWN BY ARROWS.

30. ALL PROPOSED DRAINAGE PATTERNS SHOWN BY ARROWS.

31. ALL EXISTING ROADWAYS SHOWN BY SHADING.

32. ALL PROPOSED ROADWAYS SHOWN BY SHADING.

33. ALL EXISTING FENCING SHOWN BY SHADING.

34. ALL PROPOSED FENCING SHOWN BY SHADING.

35. ALL EXISTING SIGNAGE SHOWN BY SHADING.

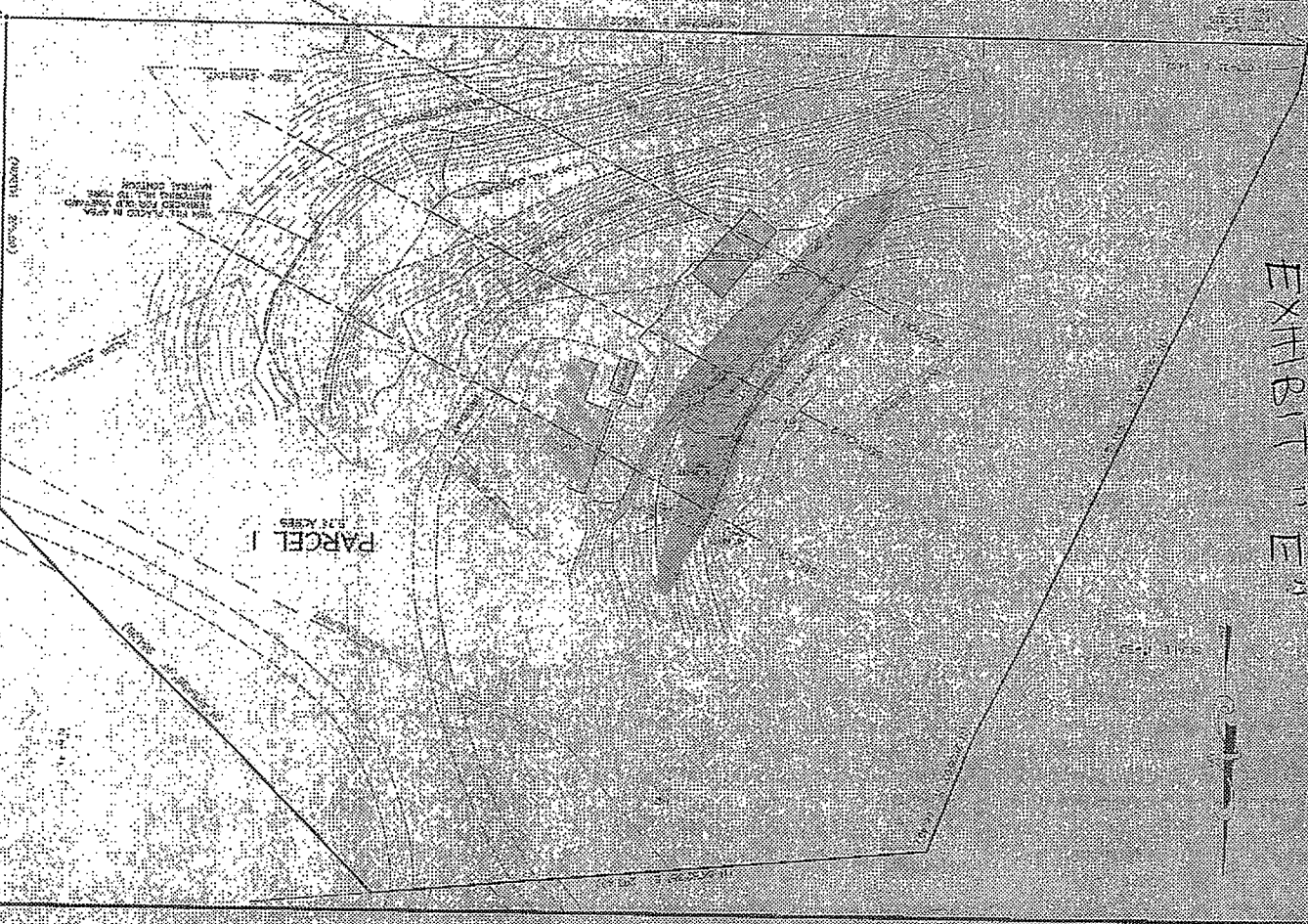
36. ALL PROPOSED SIGNAGE SHOWN BY SHADING.

37. ALL EXISTING LIGHTING SHOWN BY SHADING.

38. ALL PROPOSED LIGHTING SHOWN BY SHADING.

39. ALL EXISTING LANDSCAPING SHOWN BY SHADING.

40. ALL PROPOSED LANDSCAPING SHOWN BY SHADING.



REVISION	BY
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EXHIBIT "E"

PLN030376 – PLASKETT

51450 Pine Canyon Road King City

View to west finished cut slope

