

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

RESOLUTION NO. 06043

A.P. # 419-101-066-000

In the matter of the application of
Granite Construction (PLN060389)

FINDINGS & DECISION

for a Use Permit Amendment in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to comply with Condition Number 112 of a Combined Development Permit (Handley Quarry PLN010290, PLN010291). PC95004 included a Use Permit to allow the establishment and operation of an asphalt concrete batch plant in an existing quarry. The Use Permit Amendment is to allow a termination date of April 30, 2006, instead of April 20, 2006 to terminate the entire quarry operation. The project is located 20 miles west of Greenfield, on a portion of Section 19, Township 19 South, Range 6 East, Arroyo Seco Area, fronting on and southerly of Arroyo Seco Road, 45135 Arroyo Seco Road, Greenfield, Central Salinas Valley Area, and came on regularly for hearing before the Planning Commission on July 12, 2006.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY - The project (**PLN060389 GRANITE**) 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 the removal of minerals and natural materials per Section 21.34.50(Y). The site is located on a portion of section 19, township 19 south, range 6 East, Arroyo Seco area, fronting on and southerly of Arroyo Seco Road, 45135 Arroyo Seco Road, west of Greenfield (Assessor's Parcel Number 419-101066-000) Central Salinas Valley Area.

EVIDENCE: (a) 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 "PG-40" (Permanent Grazing, 40 acre minimum parcel size). The use is an existing use and the amendment modifies the date to terminate the use as of 4/30/06, and close the plant as required by the Use Permit that allowed the facility (PC95004) Condition No. 23.

(b) The Central Salinas Valley Area Plan Commercial Land Use policy.

(c) The project planner and Biologist for the Restoration Plan compliance inspection conducted an on-site inspection to verify that the project on the subject parcel conforms to the applicable plans and policies listed above.

(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 PLN060389.

(e) The proposed amendment is consistent with the requirements of PLN95004 in that it would effectively enforce Condition of Approval No. 23 of that permit.

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

EVIDENCE: The project is to close an existing approved mining operation in compliance with the restoration plan and conditions of approval.

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

3. **FINDING: CEQA** - The project is exempt from CEQA pursuant to Section 15061(b)(3). The section states that CEQA applies only to activities which have the potential for causing a significant impact on the environment. It can be seen with certainty that the proposed activity will not have a significant effect on the environment and is thus not subject to CEQA.

EVIDENCE: No construction or physical changes will result from the approval of this permit amendment. It is simply an administrative action to change the termination date of the asphalt batch plant in an existing quarry under a separate permit and ownership. The asphalt batch is now closed and restored as required by the approved reclamation plan (PC07542) and a Use Permit condition of approval (PC95004 and PLN010290 and PLN010291).

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

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

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: APPEALABILITY** - 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).

DECISION

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

PASSED AND ADOPTED this 12th day of July, 2006, by the following vote:

AYES: Errea, Brown, Isakson, Salazar, Vandever, Padilla, Sanchez, Diehl, Rochester

NOES: None

ABSENT: Wilmot


MIKE NOVO, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON AUG 22 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

SEP - 1 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: GRANITE CONSTRUCTION

File No: PLN060389

APN: 419-101-066-000

Approval by: Planning Commission

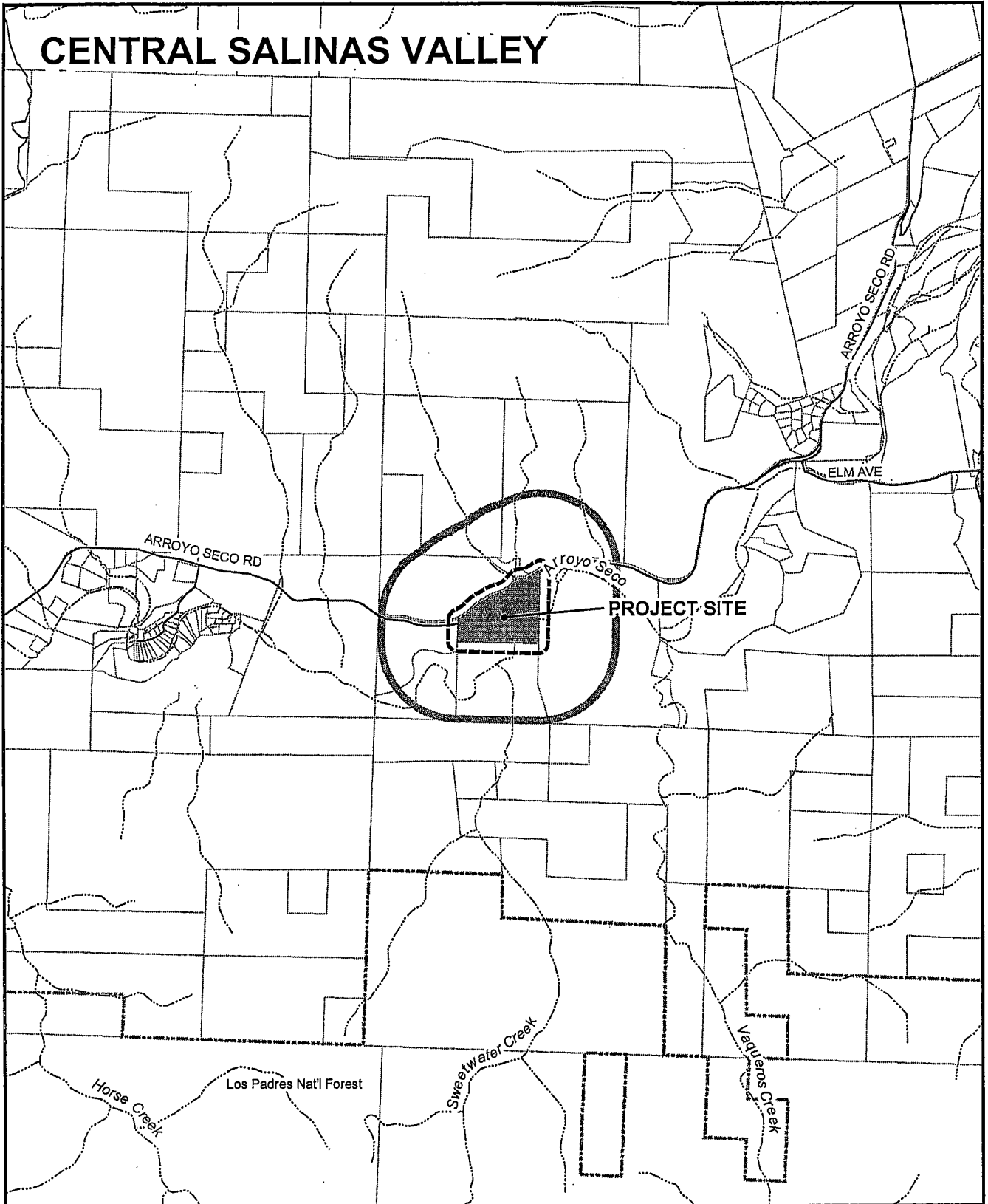
Date: July 12, 2006

**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 Amend Use Permit (Granite Construction PC95004) to comply with Condition No. 112 of a Combined Development Permit (Handley Ranch Quarry PLN010290 and PLN010291). PC95004 included a Use Permit to allow the establishment and operation of an asphalt concrete (AC) batch plant in the existing Arroyo Seco Quarry. PC95004 included an April 12, 2006 termination date for the AC plant. Approval of this Use Permit Amendment will allow a termination date of April 30, 2006. The project is located on a portion of section 19, township 19 south, range 6 East, Arroyo Seco area, fronting on and southerly of Arroyo Seco Road, 45135 Arroyo Seco Road, west of Greenfield. (Assessor's Parcel Number 419-101-066-000), Central Salinas Valley 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</p>	Adhere to the conditions and uses specified in the permit.	Owner/ Applicant	Ongoing	

<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>
		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)				
2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A Use Permit (Resolution 06043) was approved by the Planning Commission for Assessor's Parcel Number 419-101-066-000 on July 12, 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 building permits.	




CENTRAL SALINAS VALLEY

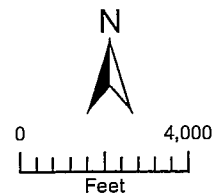


APPLICANT: GRANITE CONSTRUCTION

APN: 419-101-066-000

FILE # PLN060389

 300' Limit  2500' Limit  City Limits



PLANNER: BRADLEY