

REVISED

NO. 000355

A.P.# 161-181-006-000

In the matter of the application of
Agnes Wimer TR (DA000355)

FINDINGS & DECISION

for a Design Approval in accordance with Title 21 (Zoning) Chapter 21.44 (Regulations for Design Control Zoning Districts or "D" Districts) of the Monterey County Code, to allow an approximately 700 ft. long, 6 ft. tall chain link fence around approximately 2/3 of the parcel on the western portion of the property; located at 65 Corral de Tierra Road east of Corral de Tierra and north of Mesa del Sol, Toro area, came on regularly for hearing before the Zoning Administrator on June 14, 2001.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING:** The proposed project and/or use, as described in condition #1 is consistent with the policies of the Monterey County General Plan, the applicable Area Plan and the requirements and standards of the Monterey County Zoning Ordinance (Title 21).
EVIDENCE: The text and policies of these documents have been evaluated during the course of the review of this application. No conflicts were found to exist. No communication was received during the course of review of this project to indicate that there is any inconsistency with the text and policies of these documents.
2. **FINDING:** The proposed project will not have a significant environmental impact.
EVIDENCE: Section 15303(e) of the California Environmental Quality Act (CEQA) Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during review of the proposed development application.
EVIDENCE: The application, plans and support materials submitted for the proposed development in Planning File No. DA000355.
3. **FINDING:** The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, 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.
EVIDENCE: The project, as conditioned and described in the application and accompanying materials, was reviewed by the Planning and Building Inspection Department. The department has recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood, or the county in general.
4. **FINDING:** The site is physically suitable for the use proposed.
EVIDENCE: The project has been reviewed by the Monterey County Planning and Building Inspection

Department and the Toro Land Use Advisory Committee. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

EVIDENCE: The Toro Land Use Advisory Committee recommended approval of the project by a vote of 4 to 0 on February 12, 2001.

5. **FINDING:** The project, as approved by the Zoning Administrator, is appealable to the Board of Supervisors.

EVIDENCE: Section 21.44.070 of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. The subject Design Approval allows the construction of an approximately 700 linear foot, 6 ft. tall fence to be placed around approximately 2/3 of the parcel on the western portion of the property. The property is located at 65 Corral de Tierra Rd (Assessor's Parcel Number 161-181-006-000), east of Corral de Tierra and north of Mesa del Sol, in the Toro area. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning 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 Department)**
2. Approved materials to consist of either galvanized chain-link with galvanized metal posts or 2" X 4" welded wire framed with 4" X 4" wood posts and 2" X 4" wood rails or corral boards at top and bottom. **(Planning and Building Inspection Department)**
3. The fence shall be constructed so that the densely vegetated area above the stream corridor shall lie completely outside the fence. The applicant shall submit a revised site plan to the Director of Planning and Building Inspection for approval prior to construction of any additional portions of the fence. Any portions of the fence not in compliance with this condition shall be removed. **(Planning and Building Inspection Department)**
4. If the applicant chooses to construct the chain link fence, the fence on the southern side of the property shall be landscaped with plantings that will completely screen the view of the fence from the south. **(Planning and Building Inspection Department)**
5. The fence and any required landscaping shall be installed by September 1, 2001. If landscaping is required, at least three weeks prior to installation, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. The project will be subject to a landscape plan review fee, which 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 materials and shall be accompanied by

a nursery or contractor's estimate of the cost of installation of the plan. **(Planning and Building Inspection Department)**

6. 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 Department)**
7. The applicant shall record a notice which states: "A permit (Resolution DA000355) was approved by the Zoning Administrator for Assessor's Parcel Number 161-181-006-000 on June 14, 2001. The permit was granted subject to 7 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 Department)**

PASSED AND ADOPTED this 14th day of June, 2001.


LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **AUG - 1 2001**

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JULY 26, 2001.

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.

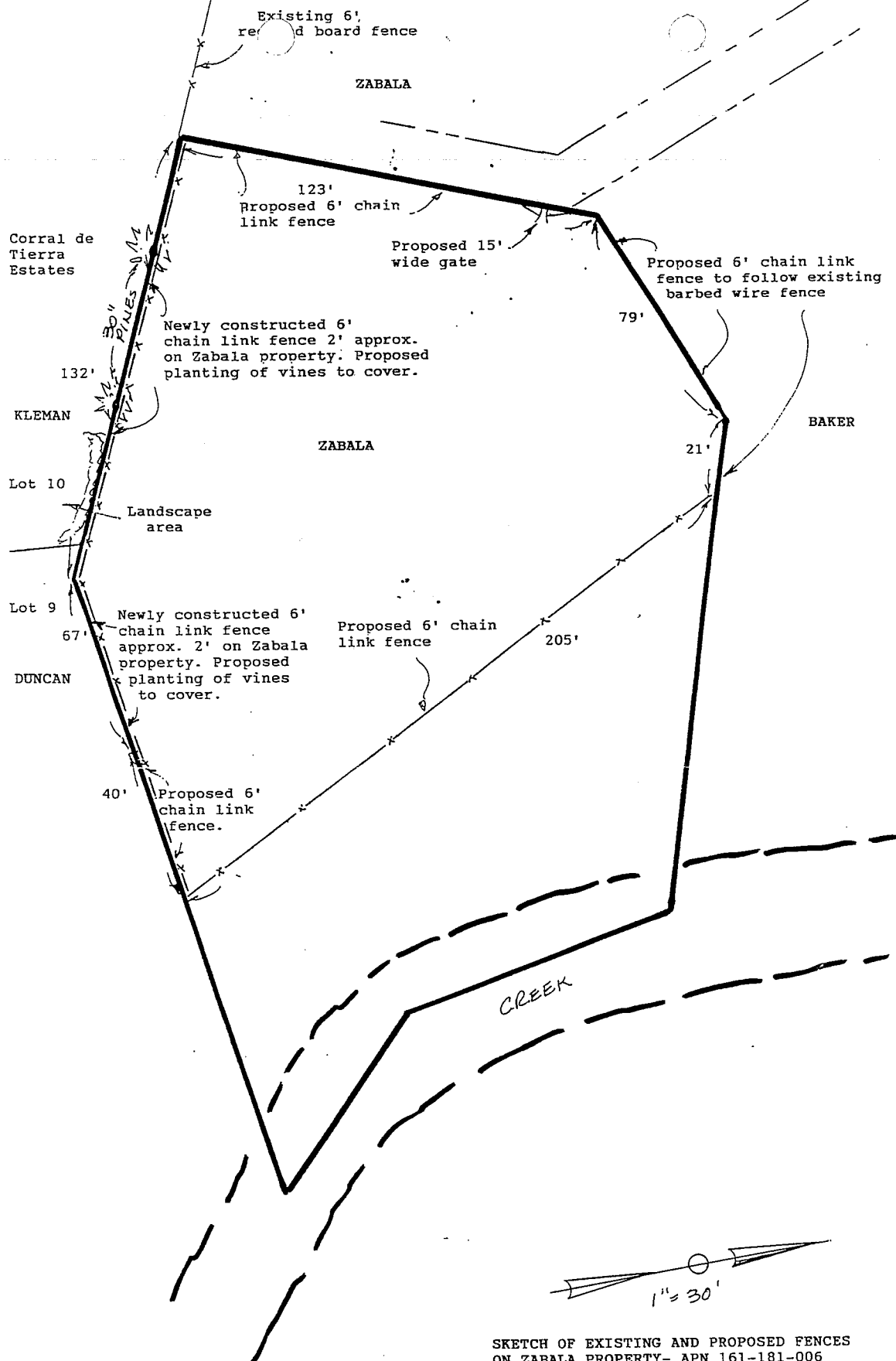
NOTES

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.



SKETCH OF EXISTING AND PROPOSED FENCES
 ON ZABALA PROPERTY- APN 161-181-006
 65 CORRAL DE TIERRA ROAD MONTEREY COUNTY

PREPARED BY GOETZ LAND SURVEYORS