

RESOLUTION NO. 990501

A. P. # 015-044-015-000

In the matter of the application of
Sylvette J. Baird Tr (PLN990501)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, consisting of 1) Administrative Permit and Design Approval for the development of a 985 sq. ft. detached caretaker's unit with an 800 sq. ft. attached garage; and 2) Use Permit for development of a caretaker's unit in a one-acre parcel located in an area not served by a public sewer (Zoning Ordinance, Chapter 21.64.030©3, requires a minimum lot size of 2 acres for development of a caretaker's unit in areas not served by public sewer); located at 2611 Rio Vista Road, at the intersection of Rio Vista Road and Carmel Valley Road, Carmel Valley Master Plan, came on regularly for meeting before the Zoning Administrator on March 29, 2001.

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

1. **FINDING:** The proposed project consisting of the development of a 985 square foot, detached caretaker unit is not consistent with the policies of the General Plan and the County's Zoning Regulations.
EVIDENCE: Policy No. 21.3.3 of the General Plan states "No division of land or use permit for residential, commercial or industrial uses shall be approved without proof that an adequate waste disposal system can be developed." Development of the proposed caretaker unit will require an expansion of the existing septic system that will result in discharge of 600 gallons of sewage, which exceeds the sewage disposal limitations of the Septic Ordinance designed to prevent contamination of groundwater and soils.
EVIDENCE: The regulations of the Zoning Ordinance, Chapter 21.64.030 C (3), require a minimum lot size of two acres for establishment of a caretaker unit in areas not served by public sewers shall be." The size of the subject property is one acre and a public sewer does not serve the property.
2. **FINDING:** The proposed project is not consistent with the applicable provisions of the Monterey County Code, Chapter 15.20, relative to sewage disposal.
EVIDENCE: The regulations of the Septic Ordinance, Chapter 15.20, and the Central Coast basin plan allow for a maximum sewage discharge of 300 gallons of sewage per acre per day per residential unit. Development of the proposed caretaker unit on the existing one-acre parcel will result in discharge of 600 gallons of sewage, which exceeds the limitations of the Septic Ordinance.
3. **FINDING:** There are alternatives available to the applicant that would allow for a caretaker to be on the property without benefit of a separate living unit. Alternatives include an addition to the existing house, remodeling the existing house and merger of the subject lot with the vacant adjoining lot that is owned by the applicant and her children.
EVIDENCE: Testimony at public hearing.
EVIDENCE: Review of plans and documents in file PLN 990501.
4. **FINDING:** The proposed project is exempt from the California Environmental Quality Act.
EVIDENCE: Section 15303 (a) categorically exempts the proposed project from environmental review.

5. FINDING: The establishment, maintenance, or operation of the use or building applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: Plans and materials contained in File No. PLN 990501 to include Findings and Evidence 1-4 above.

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be denied.

PASSED AND ADOPTED this **29th** day of **March, 2001**.



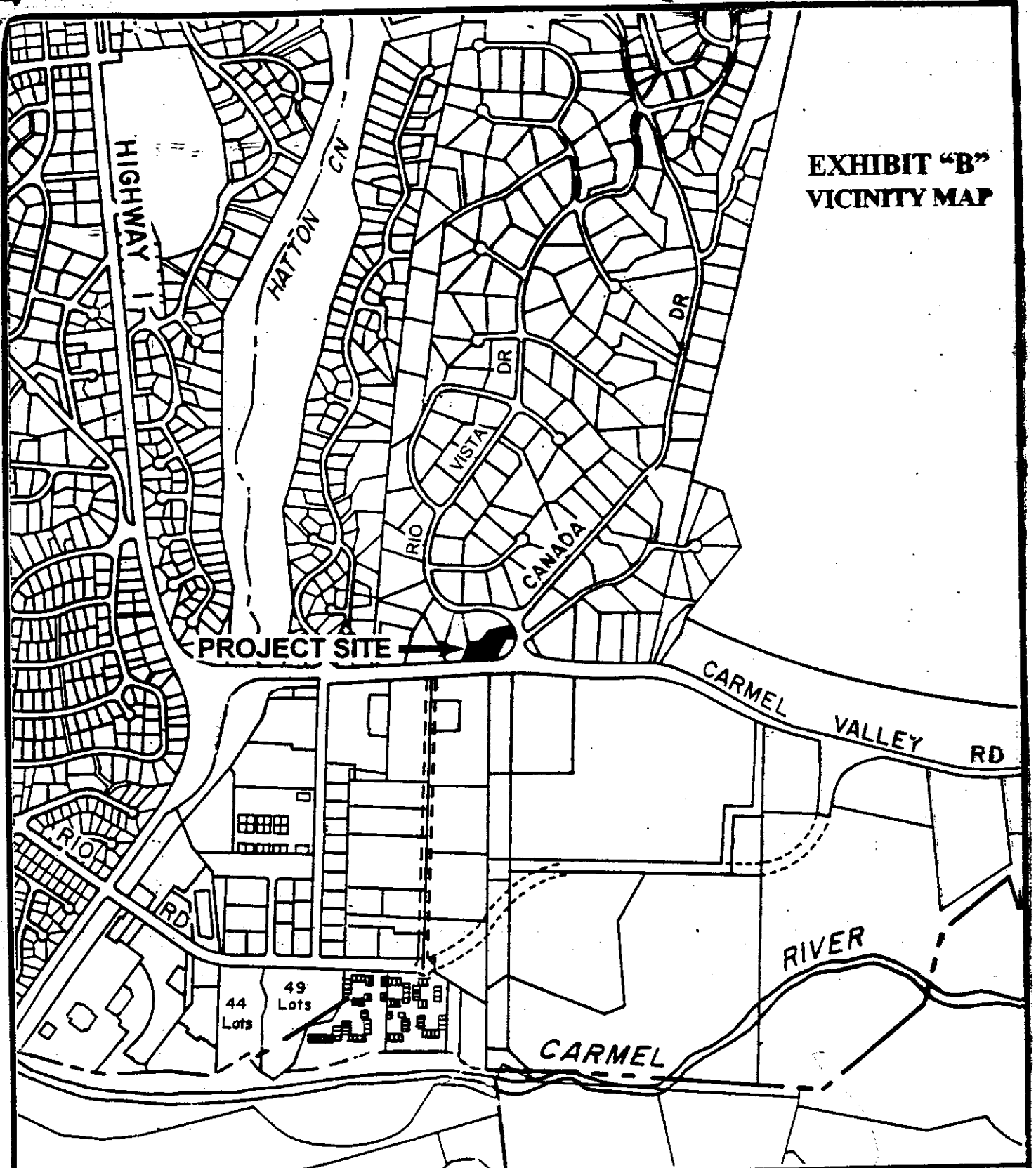
DALE ELLIS, AICP
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON **APR 17 2001**

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **APR 27 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.

**EXHIBIT "B"
VICINITY MAP**



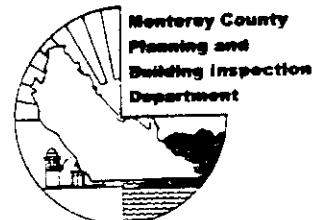
APPLICANT: BAIRD TRUST

APN: 015-044-015-000

FILE # 990501

300' LIMIT: 

2,500' LIMIT: 



DATE: