

RESOLUTION NO. 010036

A.P.# 422-161-042-000

In the matter of the application of
Gerd and Nancy Konieczny (PLN010036)

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 of a 1,200 square foot agricultural support facility for slaughtering of deer raised on the property and for the processing of deer meat; located at 65801 Big Sandy Road, San Miguel, Indian Valley Road area, South County Area Plan, came on regularly for hearing before the Zoning Administrator on January 10, 2002.

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

FINDINGS OF FACT

1. **FINDING:** The subject Use Permit (File PLN010036) as described in Condition No. 1, and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, the South County Area Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 65801 Big Sandy Road (Assessor Parcel Number 422-161-042-000), easterly of Big Sandy Road, north of Hare Canyon Road, Bradley area. The parcel is zoned "PG/160" or Permanent Grazing, 160 Acre Minimum Parcel Size. The subject parcel is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21, and any zoning abatement costs have been paid.
EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
 - a) The South County Area Plan
 - b) Chapter 21.34 of the Zoning Ordinance (Permanent Grazing Zoning District Regulations).**EVIDENCE:** The project site is suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency and the California Department of Forestry and Fire Protection. There has been no indication from those agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.
EVIDENCE: The proposed use is consistent with the development standards for the Permanent Grazing Zoning District, pursuant to Title 21, Monterey County Zoning Ordinance.
EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
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.
EVIDENCE: The on-site inspection by the project planner to verify that the proposed project complies with the applicable regulations.
2. **FINDING:** The proposed project will not have a significant environmental impact.
EVIDENCE: Section 15303 of the Monterey County CEQA Guidelines categorically exempt the proposed

agricultural support facility from environmental review. No adverse environmental impacts were identified during review of the proposed project.

3. **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, Water Resources Agency, California Department of Forestry and Fire Protection (CDF), Public Works Department and Environmental Health Division. 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 application materials and plans contained in File No. PLN010036.
4. **FINDING:** The establishment, maintenance, or operation of the use or building applied for 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 described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, California Department of Forestry and Fire Protection (CDF), Public Works Department and the Water Resources Agency. The respective departments have 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.

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. This Use Permit allows the development of a 1,200 square foot agricultural support facility. The facility would be used for slaughtering of deer raised on the property and the processing of deer meat. The property is located at 65801 Big Sandy Road, (Assessor's Parcel Number 422-161-042-000), north of Hare Canyon Road, Bradley area, South County Area Plan. The project is 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 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)

Prior to the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A Use Permit (Resolution 010036) was approved by the Zoning Administrator for Assessor's Parcel Number 422-161-042-000 on January 10, 2002. The permit was granted subject to 15 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)

3. The location and colors of any required water tank(s) shall be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)
4. The applicant shall submit a detailed septic disposal system to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20, Monterey County Code, and Prohibitions of the Basin Plan of the Regional Water Quality Control Board (RWQCB). (Environmental Health)
5. Submit a written solid waste management plan to the Director of Environmental Health for review and approval. (Environmental Health)
6. The owner shall record a notice stating that the property is located within or partially within a flood plain and may be subject to building and/or land use restrictions. A copy of the recorded notice shall be provided to the County Water Resources Agency. (Water Resources Agency)
7. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. (Water Resources Agency)

Prior to Final Building Inspection/Occupancy:

8. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency & Planning and Building Inspection)
9. The applicant shall have and maintain a minimum of 10,000 gallons of water for fire protection. (CDF)
10. The applicant shall place an approved fire hydrant in a location approved by CDF. (CDF)
11. Prior to September 15, 2002, and prior to the issuance of a final building permit for the proposed facility, the applicant shall submit an application to amend his existing Williamson Act Contract (Contract No. 69-31), to include the proposed deer slaughtering under its "Land Conservation Agreement Compatible Uses" (Exhibit "A" of the Contract).

Continuous Permit Conditions:

12. No on-site sale of processed deer meat is allowed under the Use Permit. (Planning and Building Inspection)

13. If retail sales are to be conducted on the site, the following requirements must be met:
 - a) Obtain a water system permit from the Environmental Health Division.
 - b) Comply with all applicable sections of the California Uniform Retail Food Facilities Law.
14. Slaughtering of deer shall not exceed 40 deer per month. (Planning and Building Inspection)
15. The meat processing portion of the application is limited to the processing of meat from deer raised on the property. (Planning and Building Inspection)

PASSED AND ADOPTED this 10th day of January, 2002.

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

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

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.