

Exhibit B

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EXHIBIT B

DISCUSSION

The project, an after-the-fact Administrative Permit to allow the use of a temporary residence (mobile home) as a living unit prior to the construction of the first single family dwelling, is located on a 34.81 acre parcel in Bradley. The property is zoned “RG/40” or Rural Grazing, 40 acre minimum. This Administrative Permit is being requested for the unpermitted use of a mobile home that was placed on the parcel prior to securing the construction permit for the first single family dwelling.

Consistency with Applicable Regulations

Pursuant to Section 21.70.030 of the Monterey County Code the Director of Planning is appointed as the appropriate authority to grant Administrative Permits for minor and non-controversial developments. The subject application was set for an administrative hearing on April 4, 2017. A request for public hearing was received from a neighbor that outlined issues of concern and thus the application was referred to the Zoning Administrator.

Pursuant to Section 21.32.030.O of the Zoning Ordinance, Title 21, the first single family dwelling is a permissible use. The project proposes construction of the first single family dwelling on this parcel in the Rural Grazing land use and zoning designations.

Pursuant to Policy AG-1.7 of the *General Plan*, housing facilities are allowed with a discretionary permit. Criteria for granting the discretionary permit include locating housing to minimize the conversion of viable agricultural lands. The proposed single-family dwelling is located on a 34.81 acre site that could be suitable for grazing land. The dwelling is located on the site in a manner that would not significantly reduce grazing opportunities.

Public Comments

Code Enforcement

Comments were received that raised concerns about the existing code enforcement case on the property and proposed the County place a moratorium on building permits within the area until code violations and roads issues have been fully enforced, cleared, and maintained.

Comments were received that raised concerns about construction of a single family dwelling in a timely manner and proposed the County require from the property owner a constructed house completion bond, with an attached timeline with corresponding timelines for bond reduction.

Staff Response to Public Comment on Code Enforcement

Pursuant to Section 21.84.040.B of the Monterey County Code, no entitlements may be granted prior to the abatement of an existing violation on a property. Occupancy of a temporary residence is allowed during construction of the first dwelling on a lot pursuant to Section 21.32.030.F of the Monterey County Code. This permit, to allow construction of the first single family dwelling and detached garage would clear the violation and allow use of the mobile home as a temporary residence during construction. The applicant agrees to adhere to the condition placed on this permit requiring removal of the mobile home from the property once the primary residence is constructed and prior to occupancy of the new residence (Condition #1).

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Water Storage Tanks

Comments were received that raised concerns about the implementation of five (5) 5,000-gallon water storage tanks on the property:

- The amount of storage is triple the CDF requirement for standard rural housing and farming;
- Condition the project so that water from Salinas or Paso Robles Basins is not imported for filling the storage tanks without Monterey County Water Resources approval for temporary emergency use;
- Capacity of the well to refill the proposed storage is balanced and can occur without cone of depression impacts to neighboring parcels; and
- Assertions that this amount of water storage indicates a plan to cultivate marijuana on the property.

Staff Response to Public Comment on Water Storage Tanks

The property owners plan to use three tanks (15,000 gallons) for domestic/irrigation water and for collection of storm water runoff during the rainy season; and two tanks (10,000 gallons) dedicated to fire suppression systems in the house, the garage/workshop, and for CDF connections.

Referral to South County Land Use Advisory Committee (LUAC)

A comment was received that raised concerns about the project not going to the South County LUAC and that all projects for abatement of code violations should be referred to the LUAC for review.

Staff Response to Public Comment on Referral to South County Land Use Advisory Committee

Pursuant to Section 21.70.030 of the Monterey County Code that appoints the Director of Planning as an appropriate authority to grant Administrative Permits for minor and non-controversial developments, the application was set for an administrative hearing. As soon as a request for public hearing was received from a neighbor, the application was referred to the Zoning Administrator. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, the Director of Planning may refer a project to the LUAC that raises significant land use issues that necessitate public review prior to a public hearing. A request for public hearing of this application came in on 4 April 2017.

Ridgeline Views

A comment was received raising concerns about new development impacting the ridgeline view on Bryson-Hesperia Road and that existing “outbuildings” on ridgelines are currently in violation of this ordinance.

Staff Response to Public Comment on Ridgeline Views

Pursuant to Section 21.66.010.D, a Use Permit may be granted for ridgeline development if said development does not create a substantially adverse visual impact when viewed from a common public viewing area. Water storage tanks had been planned for placement on a ridgeline without previous development; however, the water tanks are now planned for a nearby location along the

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side of a ridgeline adjacent to where a cistern building exists and cannot be seen from Bryson-Hesperia Road. A condition of the project provides the applicant submit for approval by RMA-Planning water tank colors integrated with the surrounding vegetation along with a Landscape Plan (Condition #15).

Public Works and Property Taxes

Bryson-Hesperia and Sapaque Roads have not been re-paved in 28 years. Pro-rata contribution to private shared roads is a Civil Code requirement that is broadly unenforced in this particular area of South County.

Staff Response to Public Comment on Public Works and Property Taxes

Each property owner within Monterey County land use jurisdiction contributes fees and taxes. Maintenance and repair of private roads is not enforced by Monterey County. The comment has been noted regarding Bryson-Hesperia and Sapaque Roads not being re-paved in 28 years.

Archaeological Resources

A comment was received raising concerns about destruction of archaeological resources during any grading activity if there is not a qualified person present who is skilled and trained to recognize the presence of these resources.

Staff Response to Public Comment on Archaeological Resources

An archaeological easement exists on the property. Pursuant to Section 21.66.050.C.1.D, the project has been located more the 250 feet away from known cultural resources.

Tree Removal

A comment was received raising concerns about unpermitted grading for roads that could have resulted in unpermitted vegetation removal.

Staff Response to Public Comment on Tree Removal

The project has been located on the site to minimize removal of trees. No unpermitted grading was done that resulted in unpermitted vegetation removal. The arborist report prepared by Bryan E. Bradford assessed the one Blue oak tree and recommended it be removed due to its stunted growth and dire prospects for full future development, including previous constriction with barbed wire and its isolation from a grove which exposed the tree to high heat and lack of humidity.

Canyon Location

A comment was received raising concerns about the location of development in a steep canyon vulnerable to convection burns.

Staff Response to Public Comment on Canyon Location

Pursuant to *General Plan Policy OS-3.5.1.c*, a Use Permit is not required for development on slopes 30% or greater when the total area impacted is less than 10% and below 500 square feet of

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the total development footprint.

Cannabis spp. Cultivation

Comments were received raising concerns about the possibility of marijuana cultivation which could overburden local resource issues such as water use and road impacts.

Staff Response to Public Comment on Cannabis spp. Cultivation

The cultivation of *Cannabis spp.* in Monterey County would require a separate permitting process. This application PLN160373 does not include permitting for *Cannabis spp.* cultivation or distribution.