



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

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|----------------------|---------------------|----------------------|------------------------------|
| File #: | 12-634 | Name: | Lewis & Katherine RICHARDSON |
| Type: | General Agenda Item | Status: | Passed |
| File created: | 7/2/2012 | In control: | Board of Supervisors |
| On agenda: | 7/10/2012 | Final action: | 7/10/2012 |

Title: Public hearing to consider:

- a. Denial of an appeal by Katherine Richardson from the Planning Commission's adoption of a Negative Declaration and approval of an application by California American Water Company for a Combined Development Permit consisting of: 1) a Use Permit to replace two (2) existing 20,000 gallon water tanks with one (1) 120,000 gallon water tank and Design Approval; 2) a Use Permit to exceed the 15 foot height limit of the zoning district to allow a water tank 18 feet high; and 3) a Use Permit for the removal of a protected tree (one 8-inch oak tree);
- b. Denial of the Appellant's request to waive the appeal fee and requiring Appellant to pay the appeal fee;
- c. Adoption of the Negative Declaration prepared for the project; and
- d. Approval of the Combined Development Permit consisting of: 1) a Use Permit for the California American Company to replace two (2) 20,000 gallon water tanks at the "Upper Rimrock" site with one (1) 120,000 gallon water tank and Design Approval; 2) a Use Permit pursuant to section 21.62.030.B of the Monterey County Code to exceed the 15 foot height limit of the zoning district to allow a water tank 18 feet high; and 3) a Use Permit for the removal of a protected tree (one 8-inch oak tree).
[Appeal of a Combined Development Permit - PLN090087/Richardson (Cal-Am), 24522 Rimrock Canyon Road, Salinas, Toro Area Plan]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment B - Draft Board Resolution, 2. Attachment C - Notice of Appeal (May 1, 2012), 3. Attachment D - Fee Waiver Request and Correspondence, 4. Attachment E- Planning Commission Resolution No. 12-015, 5. Attachment F - Toro Land Use Advisory Committee Minutes, 6. Attachment G - Vicinity Map, 7. Attachment H - Initial Study-Negative, 8. Attachment A - Discussion, 9. Attachment I - Comments on Initial Study-Negative Declaration, 10. Attachment J - Letter from Monterey County Regional Fire Protection District, 11. Attachment K - Board of Supervisors Resolution No. 2000-342, 12. Attachment L - Board of Supervisors Resolution No. 08-132, 13. Completed Board Order, 14. Resolution No. 12-224, 15. Correction to Vote on Resolution 12-224, 16. Revised Resolution (Votes) with Exhibits 1 and 2 Attached

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 7/10/2012 | 1 | Board of Supervisors | approved | Pass |

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- b. Denial of the Appellant's request to waive the appeal fee and requiring Appellant to pay the appeal fee;
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Company to replace two (2) 20,000 gallon water tanks at the "Upper Rimrock" site with one (1) 120,000 gallon water tank and Design Approval; 2) a Use Permit pursuant to section 21.62.030.B of the Monterey County Code to exceed the 15 foot height limit of the zoning district to allow a water tank 18 feet high; and 3) a Use Permit for the removal of a protected tree (one 8-inch oak tree).
[Appeal of a Combined Development Permit - PLN090087/Richardson (Cal-Am), 24522 Rimrock Canyon Road, Salinas, Toro Area Plan]

PROJECT INFORMATION:

Planning File Number: PLN090087

Owner: Lewis H. & Katherine Richardson

Project Location: 24522 Rimrock Canyon Road, Salinas

APN: 416-601-011-000

Agent: California American Water c/o Aman Gonzalez

Plan Area: Toro Area Plan

Flagged and Staked: Yes

CEQA Action: Negative Declaration

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Deny an appeal by Katherine Richardson from the Planning Commission's adoption of a Negative Declaration and approval of an application by California American Water Company for a Combined Development Permit consisting of: 1) a Use Permit to replace two (2) existing 20,000 gallon water tanks with one (1) 120,000 gallon water tank and Design Approval; 2) a Use Permit to exceed the 15 foot height limit of the zoning district to allow a water tank 18 feet high; and 3) a Use Permit for the removal of a protected tree (one 8-inch oak tree);
- b. Deny the Appellant's request to waive the appeal fee and requiring Appellant to pay the appeal fee;
- c. Adopt the Negative Declaration prepared for the project; and
- d. Approve the Combined Development Permit consisting of: 1) a Use Permit for the California American Company to replace two (2) 20,000 gallon water tanks at the "Upper Rimrock" site with one (1) 120,000 gallon water tank and Design Approval; 2) a Use Permit pursuant to section 21.62.030.B of the Monterey County Code to exceed the 15 foot height limit of the zoning district to allow a water tank 18 feet high; and 3) a Use Permit for the removal of a protected tree (one 8-inch oak tree).

SUMMARY:

On October 8, 2010, California American Water Company applied for a Combined Development Permit to allow the replacement of two existing 20,000 gallon water tanks with one 120,000 gallon water tank in an easement owned by California American Water Company on the Appellant's property. On April 25, 2012, the Planning Commission adopted a Negative Declaration and approved the Combined Development Permit for the project.

On May 7, 2012, the Appellant, Katherine Richardson, filed a timely appeal from the Planning Commission's approval of the Combined Development Permit. The appeal is brought on the basis that there was a lack of a fair or impartial hearing, that Findings 1, 2, 3, 4, 5 and 6 and the decision are not supported by the evidence, and that the decision is contrary to law.

Appellant has refused to pay the appeal fee based on alleged inability to pay. As of the writing of this staff report, Appellant has not provided evidence demonstrating inability to afford the filing fee and therefore staff recommends denial of the fee waiver request. The Board of Supervisors has discretion to grant or deny the fee

waiver. In the draft resolution, staff has provided findings for denial of the fee waiver. Should the Board wish to grant the fee waiver, the draft findings would need revision.

DISCUSSION:

Detailed discussion is provided in **Attachment A**.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Environmental Health Bureau
Public Works Department
Water Resources Agency
Monterey County Regional Fire Protection District

FINANCING:

The appellant has not paid fees associated with the appeal. Therefore, funding for staff time associated with this project is included in the FY11-12 Final Budget for the Planning Department.

Prepared by: Ramon A. Montano, Assistant Planner ext. 5169
Approved by: Mike Novo, Director, RMA-Planning, ext. 5192
<mailto:> Benny Young, Director Resource Management Agency

This report was prepared with assistance by Bob Schubert, Senior Planner, and was reviewed by Laura Lawrence, Planning Services Manager, and Wendy Strimling, Senior Deputy County Counsel

cc: Front Counter Copy; Monterey County Board of Supervisors; Mike Novo, Director of Planning; Monterey County Regional Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; Laura Lawrence, Planning Services Manager; Ramon Montano, Project Planner; Carol Allen, Senior Secretary; Lewis H. & Katherine Richardson, Appellant/Property Owner; Aman Gonzalez (Cal-Am), Agent; The Open Monterey Project; LandWatch; Michael Weaver; Planning File PLN090087

The following attachments on file with the Clerk of the Board:

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| Attachment A | Discussion |
| Attachment B | Draft Board Resolution Exhibit 1: Recommended Conditions of Approval Exhibit 2: Site Plans and Elevations |
| Attachment C | Notice of Appeal (May 1, 2012) |
| Attachment D | Fee Waiver Request and correspondence |
| Attachment E | Planning Commission Resolution No. 12-015 |
| Attachment F | Toro Land Use Advisory Committee Minutes dated November 8, 2010 and December 13, 2010 |
| Attachment G | Vicinity Map |
| Attachment H | Initial Study/Negative Declaration |
| Attachment I | Comments on Initial Study/Negative Declaration |
| Attachment J | Letter from Monterey County Regional Fire Protection District dated September 22, 2010 |
| Attachment K | Board of Supervisors Resolution No. 2000-342 (fee waiver policy) |

Attachment L Board of Supervisors Resolution No. 08-132 (establishing fees)