

Exhibit C

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NO. 990440

A. P. # 418-132-002-000

In the matter of the application of

HELLGE ALEXANDER M & JACQUELINE (990440)

FINDINGS AND DECISION

for a Coastal Administrative Permit in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), and Design Approval for a multi-story single family dwelling with an attached two car garage (2,519 sq. ft.), a horse barn with corrals (1,918 sq. ft.), a perimeter fence, retaining walls, new driveway, well, septic system, grading (200 cubic yards), and tree removal (7) Coast live oaks; located on Lot 2, Rocky Creek Ranch, southerly of Palo Colorado Road, Big Sur, Coastal Zone, came on regularly for meeting before the Zoning Administrator on March 8, 2000.

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

1. **FINDING:** The project is a Coastal Administrative Permit and Design Approval for a multi-story single family dwelling with an attached two car garage (2,519 sq. ft.), a horse barn with corrals (1,918 sq. ft.), a perimeter fence, retaining walls, new driveway, well, septic system, grading (200 cubic yards), and tree removal (7) Coast live oaks. The project is located on Rocky Creek Road, Lot 2, Rocky Creek Ranch, southerly of Palo Colorado Road, Big Sur, Coastal Zone. (Assessor's Parcel Number 418-132-002-000). The proposed development, described in the application and accompanying materials, and as conditioned, together with the provisions of its design, is consistent with the plans, policies, requirements, and standards of the Monterey County Local Coastal Program.

EVIDENCE: Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- 1) The certified Big Sur Coast Land Use Plan, Local Coastal Program, and
- 2) The certified Monterey County Coastal Implementation Plan, regulations for WSC/40(CZ) (Watershed and Scenic Conservation) zoning districts in the Coastal Zone, and
- 3) Chapter 20.145 of the Monterey County Coastal Implementation Plan, "Regulations for Development in the Big Sur Coast Land Use Plan Area."

EVIDENCE: Plans and materials in Coastal Administrative Permit File 990440.

EVIDENCE: The project as described in the application and the Department of Planning and Building Inspection, Health Department, Public Works Department, Fire Department, and the Water Resources Agency reviewed accompanying materials. 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.

EVIDENCE: The Biological Report prepared for the project by Jud Vandevere, Biological Consultant, on November 30, 1999 determined that with implementation of the mitigation measures listed in the report as conditions, the project would not have a significant impact on the plant and wildlife onsite. No rare or endangered plants or animals were identified onsite. With the conditions, the project would conform to requirements, of the Big Sur Coast Land Use Plan.

- EVIDENCE: The Forest Management Plan prepared for the project by Stephen R. Staub, Forester, on January 2000 determined that the seven (7) Coast Live Oaks could be removed with implementation of the recommended conditions.
- EVIDENCE: The Geologic Report contained in the Rocky Creek Ranch EIR identified the building site on Lot 2 as suitable for development.
- EVIDENCE: The Archaeological report prepared for the project by Archaeological Consulting on December 1999 did not identify any archaeological or cultural resources onsite.
- EVIDENCE: The project as proposed is consistent with policies of the Big Sur Coast Land Use Plan dealing with visual resources and will have no significant impact on the public viewshed. Staff made a site visit and determined that the project as proposed would not be ridgeline or impact the public viewshed.
- EVIDENCE: The Big Sur Coast Land Use Advisory Committee reviewed and recommended approval of the Coastal Administrative Permit on January 25, 2000 with conditions.
2. FINDING: The proposed project will not have a significant environmental impact.
EVIDENCE: Section 15303 (a) of the Monterey County CEQA Guidelines categorically exempts this type of project from environmental review. No adverse environmental impacts were identified during review of the proposed project.
3. 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: Finding and evidence 1-2 above.
4. FINDING: The project, as approved by the Coastal Administrative Permit, is appealable to the Board of Supervisors. The project is not appealable to the California Coastal Commission.
EVIDENCE: Section 20.86 of the Monterey County Coastal Implementation Plan.

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. This permit consists of a Coastal Administrative Permit and Design Approval for a multi-story single family dwelling with an attached two car garage (2,519 sq. ft.), a horse barn with corrals (1,918 sq. ft.), a perimeter fence, retaining walls, new driveway, well, septic system, grading (200 cubic yards), and tree removal (7) Coast live oaks. This project is approved in accordance with County ordinances and land use regulations subject to the following terms and condition. 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 actions. No use or construction other than that specified by this permit is allowed unless the appropriate authorities approve additional permits.
(Planning and Building Inspection Department)

Prior to Final Building Inspection/Occupancy:

2. The applicant shall comply with Ordinance No. 3932 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 Department)**
3. Per the approval of the Big Sur Land Use Advisory Committee (January 25, 2000), the applicant shall submit color samples of the single family residence and fencing for approval to the Big Sur Land Use Advisory Committee, prior to final inspection or Occupancy. **(Planning and Building Inspection Department)**
4. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees 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. The landscape plan shall include the recommendations from the Forest Management Plan prepared by Stephan R. Staub. The landscape plan shall include the recommendations from the Biological Report prepared by Jud Vandevere. The landscape plan shall include native plants. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for the cost estimate, shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection Department)**

Continuous Permit Conditions:

5. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection Department)**

Prior to issuance of Grading or Building Permits:

6. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road. If a hammerhead/T is used, the top of the "T" shall be minimum of 60 feet in length. **(Carmel Fire Protection Association)**

7. Roadway turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25-foot taper on each end. **(Carmel Fire Protection Association)**
8. Driveways shall not be less than 12 feet wide unobstructed. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400 foot intervals. **(Carmel Fire Protection Association)**
9. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. **(Carmel Fire Protection Association)**
10. Size of letters, numbers and symbols for addresses shall be a minimum of 3-inch letter height, 3/8-inch stroke, contrasting with the background color of the sign. **(Carmel Fire Protection Association)**
11. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. **(Carmel Fire Protection Association)**
12. A minimum fire protection water supply of 3,000 gallons shall be provided regardless of parcel size. Minimum storage requirements for single family dwelling may be reduced to 2,000 gallons if an approved automatic fire sprinkler is required. **(Carmel Fire Protection Association)**
13. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. **(Carmel Fire Protection Association)**
14. The hydrant serving any building shall be not less than 50 feet nor more than 1000 feet by road from the building it is to serve. **(Carmel Fire Protection Association)**
15. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2-inch National Hose outlet supplied by a minimum 4 inch main and riser. The Reviewing Authority may apply more restrictive hydrant requirements. **(Carmel Fire Protection Association)**
16. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:

"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection." **(Carmel Fire Protection Association)**

17. Where road grades exceed 8 percent, a minimum structural roadway surface thickness of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. **(Carmel Fire Protection Association)**
18. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be a Class A or Class B, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired or modified so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel. **(Carmel Fire Protection Association)**
19. Prior to issuance of a building permit, obtain a well permit form the Division of Environmental Health, and construct the well. **(Environmental Health Division)**
20. A drainage plan shall be prepared by a registered civil engineer or architect to address on-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. **(Water Resources Agency)**
21. 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)**
22. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. That the applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection Department)**
23. All new utility and distribution lines shall be placed underground. **(Planning and Building Inspection, Public Works Department)**
24. If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection Department)**

25. Prior to issuance of building or grading permits, a deed restriction shall be recorded with the Monterey County Recorder which states: "A Biological report and Addendum (Library No. [LN] 26.06.061) have been prepared by Jud Vandevere, Biological Consultant, dated November 1999, an Addendum to the Biological Report prepared by Bruce Cowan, Environmental Landscape Consultant, dated June 27, 1990; a Forest Management Plan (LN. 33.05.020) prepared for this parcel by Stephen R. Staub, Forester, dated January 2000; an Addendum (Geotechnical Report) (LN. 24.01.042) to the Geologic Report contained in the Rocky Creek Ranch EIR, prepared by Geoconsultants, Inc, dated August 1990, and an Archaeological Reconnaissance (LN. 04.01.138), prepared by Archaeological Consulting, dated December 1999 have been prepared for the subject parcel and are on record in the Monterey County Planning and Building Inspection Department. All development shall be in accordance with these reports." **(Planning and Building Inspection Department)**
26. 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)**
27. The applicant shall record a notice which states: "A permit (Resolution 990440) was approved by the Zoning Administrator for Assessor's Parcel Number's 418-132-002-000 on March 8, 2000. The permit was granted subject to 27 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 8th day of March, 2000.


DALE ELLIS, AICP
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON MARCH 8, 2000.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE MARCH 20, 2000.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. IT IS NOT APPEALABLE TO THE COASTAL COMMISSION.

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 Monterey.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.

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