

**RECOMMENDED FINDINGS AND EVIDENCE
GENERAL PLAN AMENDMENT (PLN980516)**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

MOHSIN/SAMOSKE (PLN980516)

Resolution No. 09014

Resolution of the Monterey County Planning Commission Recommending to the Monterey County Board of Supervisors to approve amendments to the General Plan and Toro Area Plan that:

1. Amend the Toro Area Plan to adopt Policy 30.1.1.2(T) to designate a Special Treatment Area (“STA”) on the Mohsin and Samoske properties.
2. Amend the land use designation in the Toro Area Plan maps for 17-acres (APN 167-061-029-000/Samoske) to change the land use designations from Farmland/40 acre minimum (F/40) to Low Density Residential with a Special Treatment Area (STA) Overlay
3. Amend the land use designations in the General Plan and Toro Area Plan maps for the lower 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) to change the designation from Permanent Grazing/40 acre minimum to Low Density Residential with a STA Overlay on the entire 249 acres.
4. Designate 266 acres of land as a STA with reference to Policy 30.1.1.2(T), a new Toro Area Plan policy.

The property is located at 874, 884 and 870 River Road, Toro Area Plan.

The General Plan and Toro Area Plan Amendments (PLN980516) came on for public hearing before the Monterey County Planning Commission on December 10, 2008, January 28, 2009 and March 11, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission forwards the following recommendation to the Board of Supervisors:

I. RECITALS

1. Section 65300 et. seq. of the California Code requires each county to adopt a comprehensive, long-term General Plan for the physical development of each county.
2. On September 30, 1982, the Board of Supervisors of the County of Monterey ("County") adopted a county-wide General Plan ("General Plan"). On March 3, 1992, the Board of Supervisors adopted the Toro Area Plan as an amendment to the General Plan. The Area Plan "Land Use Plan" (Figure 10) provides a graphic representation of the general distribution, location, extent and intensity of land uses and transportation routes in this planning area.
3. Pursuant to Government Code sections 65350 et seq., the County may amend the adopted General Plan provided the County follows certain procedures, including that the County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the General Plan. Section 65358 of the California Code provides that any mandatory element of the General Plan shall be amended no more than four (4) times during any calendar year. The General Plan Amendments contained in this Resolution constitute the first amendment to the Monterey General Plan during 2009.
4. The current land use designations in the Toro Area Plan for the subject properties are:
 - a. APN: 167-061-029-000/Samoske (17 acres) Farmlands, 40 acre minimum (F/40).
 - b. APN: 167-061-033-000/Mohsin (249 acres). Permanent Grazing, 40 acre minimum (PG/40).Both are limited to a minimum of 40 acres, which when combined (266 acres) would allow up to six lots under this designation.
5. Section 65860(a) of the Government Code requires that zoning be consistent with the General Plan.
6. The County desires to create a Special Treatment Overlay on the above referenced 266 acres. The Special Treatment Area (STA) would be established by amending the Toro Area Plan to include a new Policy 30.1.1.2(T) that defines uses allowed under this STA as follows:

Special Treatment Area: Mohsin/Samoske - Approximately 266 acres located east of River Road and north of Chualar River Road shall be designated as a "Special Treatment Area" to permit a planned development including:

 - a. Development shall be limited to the creation of a clustered, rural density, residential subdivision consistent with the surrounding residential development.
 - b. No more than 13 new residential lots may be created and shall be clustered on the lower 72 acres of land closest to River Road. The lots shall be a minimum of 5 acres.
 - c. Agricultural buffers shall be established where applicable taking into account conditions such as the type of adjacent agriculture use, topography, and climate (e.g., prevailing winds) with the intent to protect agricultural operations from impacts of non-agricultural uses. An Agricultural Buffer Plan, to be approved by the Agricultural Commissioner, shall be required for any proposed subdivision within the STA.
 - d. Development of the residential properties shall be required to comply with visual sensitivity policies of the Toro Area Plan.
 - e. The upper 194 acres shall remain as permanent grazing with a habitat and scenic conservation easement over at least 150 acres, including areas where slopes exceed

30%.

- f. Any subdivision within the STA must comply with the inclusionary housing ordinance in effect as of 1998.

Neither an infrastructure study nor a rural center plan is required for the development of the Mohsin-Samoske STA.

7. The STA would establish specific land use limits at the General Plan level. The intent of this language is to limit subdivision to only the lower 72 acres and retain the upper 194 acres as permanent grazing. There could be no further subdivision within the STA without a GP Amendment to this STA language.
8. The County further proposes to amend land use maps in the General Plan/Toro Area Plan I as follows:
- A. Change 17-acres (APN: 167-061-029-000/Samoske) from Farmland/40 acre minimum (F/40) to Low Density Residential with a Special Treatment Area (STA) Overlay (see Attachment 1);
 - B. Bacchante 55 acres on the lower portion of a 249-acre parcel (APN 167-061-033-000/Mohsin) from Permanent Grazing/40 acre minimum to Low Density Residential and apply a STA Overlay on the entire 249 acres (see Attachment 1);
 - C. Designate the entire 266 acres of land as a STA (see **Attachment 1**) with reference to Policy 30.1.1.2(T), a new Toro Area Plan policy.
9. The proposed General Plan Amendments are consistent with the General Plan and the Toro Area Plan as set forth in Chapter IV.G of the Recirculated Portion of the Draft EIR.
10. The project, and changes thereto, has been referred to the Toro Land Use Advisory Committee (LUAC) on three occasions:
- 1. October 13, 1998: voted 3-1-1-0 opposing the proposed project.
 - 2. July 8, 2002: voted 3-2 supporting a proposed change of the General Plan land use designation and rezoning from agricultural to low density residential designations.
 - 3. November 10, 2008: voted 7-1 supporting the Lot Line Adjustment and 8-0 opposing the General Plan Amendment, Rezoning, and Combined Development Permit.
11. On October 30, 2008, the Standard Subdivision Committee held a duly noticed public hearing and considered the Draft EIR and the Recirculated Portion of the Draft EIR with the Mitigation Monitoring and Reporting Program. The Committee voted 5-1-0 to recommend that the Planning Commission adopt Findings and Evidence approving the project subject to conditions of approval.
12. The proposed project was presented to the Agricultural Advisory Committee (AAC) to address agriculturally related issues such as agricultural buffers and conversion of agricultural lands. The AAC held a hearing on December 4, 2008 and continued the matter to January 22, 2009 following a site visit on December 11, 2008. On January 22, 2009, the AAC took the following actions:
- 1. Agricultural Viability Report: The AAC noted that the report concluded that the viability for the project was an "8" for the lower (Samoske) property and a "6" for the Mohsin property, and that this is based on science by a reputable consultant. These rating are out of a possible 30 with higher numbers being better suited for farming. Having also visited the site, the AAC acknowledged that the lands could be used for grapes and grazing, but not for row crops. The AAC voted 9-0 finding that the Ag Viability Report is adequate.
 - 2. Conversion of Agricultural Lands: Public testimony raised issue for potential impact

on nearby Williamson Act lands and growth pressure in general to continue conversion of Ag lands in this area. The proposed project is designed with 5-acre lots that could allow limited agriculturally-related uses such as limited equestrian/livestock or small vineyards. This is consistent with the existing 5-acre lots abutting the 55-acre portion of the Mohsin property. In addition, approximately 200 acres would remain PG with $\frac{3}{4}$ (150 acres) of that land being placed in a permanent agricultural conservation easement. The AAC voted 8-1 to support the proposed conversion as designed.

3. Agricultural Buffers: The AAC had generally supported honoring the 200 foot standard. However, the Committee recognized that different conditions warrant reducing the required set back:
 - a. *Mohsin Property*: To the north, there is a ravine that provides a natural buffer from Riehl property (PG/40). Part of this property abuts existing residential 5-acre properties and vineyards are located south of the site (Knott property). On a 7-2 vote, the AAC found that based on the topography, climate (e.g. prevailing wind), and surrounding conditions, the proposed 100 foot buffers were adequate. The AAC further recommended that building envelopes be situated toward the north (e.g. toward the existing 5-acre parcels) to effectively create a larger buffer from the vineyards to the south.
 - b. *Samoske Property*: The AAC raised concern on reducing this set back matter due to active major Ag operations located to the north (Pedrazzi property). On a 7-2 vote, the AAC recommended denial of the proposed 75-foot buffers/mitigation. Upon further discussion, they felt that a full 200 feet was required from the Pedrazzi property due to the active cattle operation there.

13. A revised 200 foot/50 foot buffer plan and agricultural viability assessment memorandum from the Deputy Agricultural Commissioner were presented to the AAC on February 26, 2009. The AAC voted 5-3 to recommend approval of the revised buffer plan and voted 8-0 to reaffirm their action regarding the agricultural viability of the parcels. That action determined that the parcels could generally be considered suitable for vineyards/orchard and grazing but not row crops.

14. On December 10, 2008, January 28, 2009 and March 11, 2009 the Planning Commission held duly noticed public hearings on the project. On January 28, 2009, the Planning Commission passed a motion of intent to recommend approval of the project to the Board of Supervisors contingent upon the AAC's consideration and recommendation to the Planning Commission as to whether the AAC approves the applicant's revised 200 foot/50 foot buffer plan for the Samoske lot.

15. On March 11, 2009, the Planning Commission considered the final EIR on the project and adopted Resolution 09012 recommending that the Board of Supervisors certify the EIR for the project, approve a mitigation monitoring and reporting plan and adopt a statement of overriding considerations.

DECISION

NOW, THEREFORE, based on the above findings and evidence, and also subject certification of environmental impact report #06-01 (Resolution 09012), the Planning Commission does hereby recommend that the Board of Supervisors take the following actions:

1. Amend the Toro Area Plan to adopt new Policy 30.1.1.2(T) to provide as follows:
"The County desires to create a Special Treatment Overlay on the above referenced 266 acres. The Special Treatment Area (STA) would be established by amending the Toro

Area Plan to include a new Policy 30.1.1.2(T) that defines uses allowed under this STA as follows:

Special Treatment Area: Mohsin/Samoske - Approximately 266 acres located east of River Road and north of Chualar River Road shall be designated as a "Special Treatment Area" to permit a planned development including:

Development shall be limited to the creation of a clustered, rural density, residential subdivision consistent with the surrounding residential development.

- i. No more than 13 new residential lots may be created and shall be clustered on the lower 72 acres of land closest to River Road. The lots shall be a minimum of 5 acres.
- ii. Agricultural buffers shall be established where applicable taking into account conditions such as the type of adjacent agriculture use, topography, and climate (e.g., prevailing winds) with the intent to protect agricultural operations from impacts of non-agricultural uses. An Agricultural Buffer Plan, to be approved by the Agricultural Commissioner, shall be required for any proposed subdivision within the STA.
- iii. Development of the residential properties shall be required to comply with visual sensitivity policies of the Toro Area Plan.
- iv. The upper 194 acres shall remain as permanent grazing with a habitat and scenic conservation easement over at least 150 acres, including areas where slopes exceed 30%.
- v. Any subdivision within the STA must comply with the inclusionary housing ordinance in effect as of 1998.

Neither an infrastructure study nor a rural center plan is required for the development of the Mohsin-Samoske STA."

2. Approve amendments to the Land Use Map (Figure 10) in the Toro Area Plan for 266 acres of property located at 874, 884 and 870 River Road as follows and as further shown on Exhibit 1 attached hereto and incorporated herein by reference:
 - a. Amend the land use designation for 17-acres (APN: 167-061-029-000/Samoske) from Farmland/40 acre minimum (F/40) to Low Density Residential with a Special Treatment Area (STA) Overlay
 - b. Amend the land use designation for the lower 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from Permanent Grazing/40 acre minimum to Low Density Residential with a STA Overlay on the entire 249 acres.
 - c. Designate 266 acres of land as a STA with reference to Policy 30.1.1.2(T), a new Toro Area Plan policy.

PASSED AND ADOPTED this 11th day of March, 2009, upon motion of Commissioner Brown, seconded by Commissioner Rochester, by the following vote, to-wit:

AYES: Pessagno, Brown, Rochester, Salazar, Padilla
NOES: Vandevere, Diehl
ABSENT: Isakson, Sanchez
ABSTAIN: Ottone

By 
MIKE NOVO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANTS ON:

APR 17 2009

Attachment 1: General Plan Amendment Map

ATTACHMENT 1

