

**RECOMMENDED FINDINGS AND EVIDENCE
ZONE CHANGE (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. 09015

Resolution of the Monterey County Planning Commission Recommending to the Monterey County Board of Supervisors to approve amendments to Zoning District maps as follows:

1. Section 21-19: Change the zoning of a 17 acre parcel (APN 167-061-029-000/Samoske) from F/40-D to LDR/5-VS
2. Section 21-19: Change 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from PG/40-D to LDR/5-VS with 194 acres remaining PG/40.

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

A proposed ordinance (see **Attachment 1**) to amend the zoning of the referenced parcels (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. FINDINGS

1. Current zoning for the properties are F/40 (APN167-061-029-000/Samoske) and PG/40-D (APN 167-061-033-000/Mohsin). The proposed project includes a Zone Change that would: a) change the underlying zoning designation of 17 acre parcel (APN167-061-029-000/Samoske) from F/40-D to LDR/5-VS; and b) change the underlying zoning designation of the lower 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from PG/40-D to LDR/5-VS with 194 acres remaining PG/40 (see **Attachment 2**).
2. Parcels are proposed that do not exceed a maximum gross density of 5 acres/unit. Furthermore, no residential development is proposed at this time. Future residential development is subject to project specific review.
3. The project, and changes thereto, has been referred to the Toro Land Use Advisory Committee (LUAC) on three occasions:
 - a. October 13, 1998: voted 3-1-1-0 opposing the proposed project.
 - b. 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.
 - c. November 10, 2008: voted 7-1 supporting the Lot Line Adjustment and 8-0 opposing the General Plan Amendment, Rezoning, and Combined Development

Permit.

4. 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 Lot Line Adjustment subject to conditions of approval.
5. 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:
 - a. 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.
 - b. 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.
 - c. 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:

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.

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.
6. A revised 200 foot/50 foot buffer plan and agricultural viability assessment memorandum from the Deputy Agricultural Commissioner was 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.

7. 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.
8. On March 11, 2009, the Planning Commission 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.
9. On March 11, 2009, the Planning Commission adopted Resolution 09014 recommending that the Board of Supervisors amend the Monterey County General Plan/Toro Area Plan to designate 266 acres of land from Farmlands (Samoske, 17 acres) and Permanent Grazing (Mohsin, 249 acres) as a Special Treatment Area ("STA") and adopt Policy 30.1.1.2(T), a new Toro Area Plan policy that would generally allow a maximum of 14 new single-family residential lots on the lower 72 acres with agricultural buffers and the upper 249 acres would remain Permanent Grazing.

DECISION

NOW, THEREFORE, based on the above findings and evidence, and also subject certification of environmental impact report #06-01 (Resolution 09012) and approval of a general plan amendment to create a Special Treatment Area (Resolution 09014) and amend the land use designations in the Toro Area Plan, the Planning Commission does hereby recommend that the Board of Supervisors adopt the ordinance attached hereto as Attachment 1 and incorporated herein by reference to amend the sectional district maps of Section 21.08.060 of Title 21 (zoning) of the Monterey County Code as follows:

- 1) Section 21-19: Change the zoning of a 17 acre parcel (APN 167-061-029-000/Samoske) from F/40-D to LDR/5-VS; and
- 2) Section 21-19: Change 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from PG/40-D to LDR/5-VS with 194 acres remaining PG/40.

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: Draft Ordinance
Attachment 2: Rezoning Map

EXHIBIT __

(PROPOSED)
ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY MONTEREY, STATE OF CALIFORNIA AMENDING SECTION 21.08.060 OF TITLE 21 (ZONING) OF THE MONTEREY COUNTY CODE TO CHANGE THE ZONING OF A 17 ACRE PARCEL (APN 167-061-029-000/SAMOSKE) AND A PORTION OF A 249 ACRE PARCEL (APN 167-061-033-000/MOHSIN)

County Counsel Summary

This ordinance amends Section 19 of Section 21.08.060 of Title 21 (Zoning) to change the zoning designation of a 17 acre parcel (APN 167-061-029-000/Samoske) from F/40-D to LDR/5-VS and to change the zoning designation of the lower 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from PG/40-D to LDR/5-VS, with 194 acres to remain PG/40.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Section 19 of the Sectional District Maps of Section 21.08.060 of the Monterey County Code is hereby amended to change the underlying zoning designation of a 17 acre parcel (APN167-061-029-000/Samoske) from Farmlands/40 Design Control District (F/40-D) to Low Density Residential/5-Visual Sensitivity District (LDR/5-VS) and to change the underlying zoning designation of the lower 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from Permanent Grazing/40- Design Control District (PG/40-D) to Low Density Residential/5-Visual Sensitivity District (LDR/5-VS), with 194 acres to remain Permanent Grazing/40 (PG/40-D), as shown on the map attached hereto as Attachment A and incorporated herein by reference.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day after its adoption.

PASSED AND ADOPTED this ___ day of ___ 2009 by the following vote:

AYES: Supervisors

NOES:

ABSENT:

ABSTAIN:

Lou Calcagno, Chair
Monterey County Board of Supervisors

A T T E S T :

Gail T. Borkowski

Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

LEROY W. BLANKENSHIP
Assistant County Counsel

ATTACHMENT A

