

MONTEREY COUNTY BOARD OF SUPERVISORS

Meeting: June 2, 2009	Time: 1:30 pm	Agenda Item No.:
<p>Project Description: Public hearing to consider taking the following actions:</p> <ol style="list-style-type: none"> 1) Certify the EIR and adopt statement of overriding considerations. 2) Approve, subject to conditions, a Lot Line Adjustment between two parcels reducing APN167-061-032-000 (Riehl) from 52.0 acres to 48.53 acres and increasing APN167-061-033-000 (Mohsin) from 245.51 acres to 249.0 acres. 3) Amend the 1982 Monterey County General Plan and Toro Area Plan to: a) Amend land use map 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; and b) Amend land use map for 266-acres (APN 167-061-033-000/Mohsin) from Permanent Grazing/40 acre minimum (PG/40) to Low Density Residential with a STA Overlay; and c) Adopt Toro Area Plan policy 30.1.1.2(T), establishing a STA Overlay policy that would generally allow a maximum of 14 new single-family residential lots on the lower 72 acres with an agricultural buffer plan and require the upper 249 acres to remain Permanent Grazing. 4) Adopt an Ordinance to: a) change the zoning designation of 17 acre parcel (APN 167-061-029-000/Samoske) from F/40-D to LDR/5-VS; and b) 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 remaining PG/40. 5) Approve, subject to conditions, a Combined Development Permit consisting of: a) 14-lot residential subdivision, and b) Administrative Permit for a small water system; and adopt a mitigation monitoring and reporting plan. 		
Project Location: 874, 884 & 870 River Road		APN: 167-061-029-000, 167-061-032-000 & 167-061-033-000
Planning Number: PLN980516		Name: Mused and Terry Mohsin, Joseph and Sandra Samoske and Robert and Nancy Riehl
Plan Area: Toro Area Plan		Flagged and staked: No
Zoning Designation: : F/40-D [Farmlands/40 acre minimum-Design Control] and PG/40-D [Permanent Grazing/40 acre minimum-Design Control]		
CEQA Action: Environmental Impact Report prepared (EIR #06-01, SCH#: 2006051020), consisting of a draft EIR (DEIR), re-circulated draft EIR (RDEIR) and final EIR (FEIR)		
Department: RMA - Planning Department		

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- 1) Certify the project EIR (#06-01) and adopt statement of overriding considerations. (Resolution attached as **Exhibit B**)
- 2) Approve a Lot Line Adjustment between APN: 167-061-032-000/Riehl and APN: 167-061-033-000/Mohsin. (Resolution attached as **Exhibit C**)
- 3) Amend the 1982 General Plan and Toro Area Plan as follows (Resolution attached as **Exhibit D**):
 - Change land use map for 17 acres (APN: 167-061-029-000/Samoske) from Farmland/40 acre minimum (F/40) to a Special Treatment Area (STA) Overlay.
 - Change land use map for 249 acres (APN 167-061-033-000/Mohsin) from Permanent Grazing/40 acre minimum (PG/40) to a STA Overlay.
 - Adopt Toro Area Plan Policy 30.1.1.2(T), establishing a STA overlay policy that would generally allow a maximum of 14 new single-family residential lots on the

lower 72 acres with an agricultural buffer plan and the upper 249 acres would remain Permanent Grazing.

- 4) Adopt an ordinance to amend the underlying zoning designation as follows (Ordinance attached as **Exhibit E**):
 - APN: 167-061-029-000/Samoske: change 17-acres from F/40-D to LDR/5-VS
 - APN 167-061-033-000/Mohsin: change 55 acres of a 249-acre parcel from PG/40-D to LDR/5-VS, with 194 acres remaining PG/40.
- 5) Based on the findings and evidence and subject to the conditions of approval, approve a Combined Development Permit (PLN980516) for: (a) Standard Subdivision to subdivide one 17-acre parcel (APN 167-061-029-000/Samoske into three parcels consisting of 7.0 acres (Parcel A), 5.0 acres (Parcel B) and 5 acres (Parcel C) and subdivide one 249.0 acre parcel (APN 167-061-033-000/Mohsin) into 11, 5-acre parcels (LDR/5) plus one remainder parcel totaling 194 acres (PG/40); and (b) Administrative Permit pursuant to Monterey County Code Section 21.14.040.G to allow a small water system with 14 connections, and adopt a mitigation monitoring and reporting plan. (Resolution attached as **Exhibit F**).

SUMMARY:

On March 11, 2009 the Planning Commission voted 5-2-1 to recommend that the Board of Supervisors approve a series of actions that would amend the General Plan and Toro Area Plan to designate a Special Treatment Area (STA), rezone the property to convert 72 acres from Farmland/Grazing to Low Density Residential, and approve a subdivision for 14 new single family lots. Due to unique components of this project and the surrounding area, a Special Treatment Area designation is proposed with language to maintain the upper 194 acres as permanent grazing, including an agricultural conservation easement over 150 of the 194 acres.

A public hearing for the Board of Supervisors to consider certification of the EIR, approval of the General Plan and Toro Area Plan amendments, rezoning, and approval of the Combined Development Permit was duly noticed for the meeting of April 21, 2009. On April 21, 2009, the Board of Supervisors continued the public hearing on the project to May 5, 2009. On May 5, 2009, the Board of Supervisors continued the public to May 19, 2009.

DISCUSSION:

On February 15, 2005, the Board of Supervisors adopted a Mitigated Negative Declaration, approved a Combined Development Permit and took related actions for this project. Litigation was brought challenging these actions. The court granted a writ of mandate, holding that an Environmental Impact Report (EIR) was required because there was a fair argument that the project may have an environmental impact. The Board of Supervisors set aside its prior approvals, and the County proceeded to prepare an EIR. The project now before the Board proposes roughly the same subdivision, but the project also includes a General Plan amendment to establish a Special Treatment Area (STA) overlay with specific criteria for future development of the subject site. In addition, the applicant has proposed an agricultural buffer plan.

A Draft EIR (DEIR) was prepared that addresses potential impacts to aesthetic resources, agricultural resources, air quality, biological resources, geology and soils, hydrology and water quality, land use and planning, population and housing, public services, traffic and transportation and utilities and service systems. The DEIR was circulated for comment from February 8 to March 24, 2008. In response to comments on the DEIR, the project was modified to include

amendments to the Toro Area Plan to create a Special Treatment Area overlay policy, and staff developed a revised alternative with a clustered design. Subsequently, the Executive Summary, Project Description, Land Use and Planning and Alternatives chapters were revised. The Recirculated Portion of the Draft EIR was circulated for public review from September 26 to November 10, 2008. The Planning Commission considered a draft of the Final EIR including possible Overriding Considerations to address significant unavoidable growth inducing impacts to surrounding agricultural lands (see Finding 13 in **Exhibit B**).

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

OTHER AGENCY INVOLVEMENT:

The following checked agencies and departments reviewed the subject project and CEQA documents.

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| ✓ Water Resources Agency | ✓ Office of Redevelopment and Housing |
| ✓ Environmental Health Division | ✓ Salinas Rural Fire Protection District |
| ✓ Public Works Department | ✓ Monterey County Sheriff's Office |
| ✓ Parks Department | ✓ Agricultural Commissioner |

Conditions recommended by the Planning Department, Water Resources Agency, Housing and Redevelopment Agency, Environmental Health Division, Sheriff's Office, Parks Department, Agricultural Commissioner and Salinas Rural Fire Protection District have been incorporated into the Condition Compliance and Mitigation Monitoring Reporting Plan attached to the draft resolution for the Combined Development Permit (**Exhibit F**).

FINANCING:

Funding for staff time associated with this project is included FY07-08 Final Budget for the Planning Department.

Prepared by:

Approved by:

Bob Schubert, AICP, Senior Planner
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Mike Novo, Planning Director

cc: Front Counter Copy; Planning Commission; Public Works; Water Resources Agency; Environmental Health; Parks Department; Redevelopment and Housing Office; Agricultural Commissioner; Salinas Rural Fire Protection District; Sheriff's Office; Carl Holm; Alana Knaster, Wendy Strempling, Bob Schubert, Representative (Tony Lombardo), Owners (Mohsin, Samoske); LandWatch (A. White), Neighbor (Knott); Neighbor (Reihl); Neighbor (Pedrazzi); Neighbor (Hillard); Project File PLN980516.

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| Attachments: | Exhibit A | Project Discussion * |
| | Exhibit B | Draft Resolution, EIR * |
| | Exhibit C | Draft Resolution, Lot Line Adjustment * |
| | | 1. LLA Map |
| | | 2. Conditions of Approval |
| | Exhibit D | Draft Resolution, GPA * |
| | | 1. General Plan Land Use Map |
| | Exhibit E | Draft Ordinance, Zone Change * |
| | | 1. Zoning Map |
| | Exhibit F | Draft Resolution, CDP * |
| | | 1. Condition Compliance and Mitigation Monitoring Reporting Plan |

	2. Tentative Subdivision Map
Exhibit G	Revised Agricultural Buffer Mitigation Plan (Samoske Property) *
Exhibit H	Agricultural Suitability and Land Capability Assessment (Agricultural Viability Report) *
Exhibit I	Agricultural Commissioner Memorandum "Review and Update of the Agricultural Viability Report (dated February 12, 2009) *
Exhibit J	AAC Minutes (1/22/09, 2/26/09) *
Exhibit K	AAC Handouts (Aerial Photos, Articles) *
Exhibit L	Minutes from Toro LUAC meetings on 10/13/1998, 7/8/2002 and 11/10/2008 *
Exhibit M	Standard Subdivision Committee resolution of meeting on 11/10/2008 *
Exhibit N	Planning Commission Resolutions of meeting on 3/11/2009 *
Exhibit O	Planning Commission Handouts (meeting of 3/11/2008) *
Exhibit P	Tentative Subdivision Map (Board members only) *
Exhibit Q	Draft EIR (Board members only) *
	Recirculated Portion of Draft EIR
	Responses to Comments *
Exhibit R	Correspondence received following March 11, 2009 Planning Commission meeting *
Exhibit S	Memorandum from Building Services Department dated May 7, 2009 *
Exhibit T	E-mail message from RMA-Planning Department dated May 7, 2009 *

*Items distributed with the staff report for the meeting of May 19, 2009.

