

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 03088

A.P. # 418-191-012-000

FINDINGS AND DECISION

In the matter of the application of
Joseph & Kristen De Maria (PD030275)

for a Zoning Map correction from “F/40” (Farmlands, 40-acre minimum building site) to “RC/40” (Resource Conservation) and Cachagua Area Land Use Plan Map Amendment from Farmlands, 40 acre minimum to Resource Conservation, 40 acre minimum, for a portion of the subject property, located on Cachagua Road, Carmel Valley, Cachagua Area Plan, came on regularly for hearing before the Planning Commission on December 10, 2003.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDING 1

The subject property, Assessors Parcel Number 245-011-016 carries an erroneous zoning and land use designation. To correct these errors, the zoning and Cachagua Area Land Use Plan Map land use designations should be changed from F/40 (Farmlands, 40-acres minimum building site) to RC/40 (Resource Conservation) and from Farmlands, 40 acres minimum to Resource Conservation, 40 acres minimum, for a portion of the subject property, respectively, as shown on Exhibits B and C.

EVIDENCE

1. The Farmland land use and zoning designation is partially inconsistent with existing conditions and uses on the ground. As shown on the aerial photograph (Exhibit “D”), the entire northern portion of the property is covered in oak woodland, however, the land use and zoning designations for this portion of the property are Farmland. It appears the open area in the southern portion of the property was historically, farmed, however, and remains suitable for this use. This portion of the property is designated and zoned Farmlands, however, this designation erroneously extends through to the northern property line (Cachagua Road), encompassing the oak woodland area, with rocky and uneven terrain, which is more appropriately designated Resource Conservation. The corrected designation will be consistent with other Resource Conservation-designated oak woodland areas on the subject and surrounding parcels.

2. The Cachagua Area Plan states:

The farmlands sub-category [of Agricultural lands] includes those farmlands designated by the USDA Soil Conservation Service Important Farmlands Inventory system as prime, of statewide importance, unique or of local importance.

The Agricultural Lands map of the Cachagua Area Plan designates the majority of the parcel, including the area in question, as farmlands of local importance, and this designation carried over to the land use map zoning the portion of the property as Farmlands. When overlayed on the aerial photograph, the locally important farmlands designation can be seen to correspond to the flat, open areas on the surrounding parcels, avoiding the oak

woodlands area, with the exception of the portion of the property in question (Exhibit “D”).

3. Concerning Resource Conservation designation, the plan states:

This category is intended to ensure conservation of a wide variety of the Planning Area’s resources while allowing for some limited use of these properties. Typical of lands included in this category are watershed areas, riparian habitat, scenic resources...

Oak Trees receive strong protection within the Cachagua Area Plan, as they contribute to the scenic quality of the area. Policy 8.2.2(C) of the area plan discourages the removal of native trees, which include oak trees, and allows their removal only in certain circumstances. Removing these trees for farmland uses would therefore be inconsistent with this policy.

4. There is nothing to distinguish the oak woodland portion of the property in question from other woodland areas, which carry the designation of Resource Conservation.

FINDING 2

The map correction is exempt from the California Environmental Quality Act because it is not a project under CEQA

EVIDENCE

CEQA is not applicable to activities where it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment. The map correction will make the Cachagua Area land use map consistent with the land use intent for the property, as stated in Policy 8.2.2.C and the descriptions of the Resource Conservation and Agricultural designations on page 76 of the area plan.

DECISION

THEREFORE, it is the decision of said Planning Commission to adopt the recommended findings and evidence and recommend approval to the Board of Supervisors for the subject zoning map and area plan map corrections.

PASSED AND ADOPTED this 10th day of December, 2003, by the following vote:

AYES: Errea, Hawkins, Padilla, Brennan, Sanchez, Diehl, Salazar, Rochester, Wilmot
NOES: None
ABSENT: Parsons

Original Signed By:

JEFF MAIN, SECRETARY

Copy of this decision mailed to applicant on

