

**MONTEREY COUNTY PLANNING COMMISSION**

<b>Meeting:</b> December 13, 2006 Time _____		<b>Agenda Item:</b> _____
<p><b>Project Description: Country Lake Estates: PLN040103 and GPZ060006.</b> (Continued from November 8, 2006) A Combined Development Permit request to allow:</p> <ul style="list-style-type: none"> <li>• A General Plan Amendment to change the land use designation (1) from Rural Density Residential to Low Density Residential on approximately 40 acres of the subject property (70970 New Pleyto Road; APN423-071-059-000); and (2) from Commercial to Low Density Residential on approximately 2.5 acres of the subject property (eastern portion of 70850 New Pleyto Road; APN 423-251-034-000);</li> <li>• A Zone change (1) from RDR/5.1 (Rural Density Residential, 5.1 acres per unit) to LDR/1/B-6 (Low Density Residential, 1 acre per unit, no further subdivision) on approximately 40 acres of the subject property (70970 New Pleyto Road; APN423-071-059-000), (2) from HC (Heavy Commercial) to LDR/1/B-6 (Low Density Residential, 1 acre per unit, no further subdivision) on approximately 2.5 acres of the subject property (eastern portion of 70850 New Pleyto Road; APN 423-251-034-000), and (3) to add a B-6 overlay (no further subdivision) to all existing LDR/1 property;</li> <li>• A standard subdivision vesting tentative map to divide two properties totaling 92 acres into 52 market-rate single family parcels ranging in size from 1.0 acre to 5.1 acres and 5 commercial parcels located adjacent to New Pleyto Road. An alternative lot configuration proposed by the applicant would develop 45 market-rate single family parcels ranging in size from 1.0 acre to 5.1 acres and 5 commercial parcels;</li> <li>• A use permit for a mutual water system;</li> <li>• A use permit to continue automobile and recreational vehicle storage on all commercial lots; and</li> <li>• A General Development Plan</li> </ul>		
<p><b>Project Location:</b> The project sites are located at 70850 &amp; 70970 New Pleyto Road, Bradley  <b>Assessor's Parcel Numbers:</b> 423-251-034-000 and 423-071-059-000</p>		
<b>Plan Area:</b> South County Area		<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> RDR/5.1, LDR/1 , HC		<b>CEQA Action:</b> Proposed Mit. Neg. Declaration
<b>Department:</b> Resource Management Agency: Planning Department.		

**RECOMMENDATION:**

The Subdivision Committee and staff are recommending that the Planning Commission recommend to the Board of Supervisors that they:

- 1) Adopt the Mitigated Negative Declaration in **Exhibit E** of the November 8, 2006 staff report,
- 2) Approve the Draft Resolution and Ordinance for Amendment to the Monterey County General Plan and Zoning Ordinance (Title 21) **Exhibit J** of the November 8, 2006 staff report,
- 3) Adopt the Condition Compliance and Mitigation Monitoring Reporting Plan attached as **Exhibit D** of the November 8, 2006 staff report, and
- 4) Approve the Combined Development Permit for Lot Pattern #2 of the Country Lake Estates Subdivision, as described in Condition #1 of the Condition Compliance and Mitigation Monitoring Reporting Plan of the November 8, 2006 staff report, subject to the recommended Findings and Evidence attached as **Exhibit C** of the November 8, 2006 staff report.

**BACKGROUND:**

On November 8, 2006 the Planning Commission took public testimony and continued the item to December 13, 2006 with direction to the applicant and staff. Direction to the applicant was to:

- Provide onsite inclusionary housing.
- Provide correspondence from the Monterey County Sheriff’s Department regarding the offer to dedicate land area for a potential field station in New Pleyto.
- Incorporate park space into the subdivision.

Direction to staff was to:

- Receive and review new housing and Sheriff’s Department materials from the applicant.
- Have alternate Findings, Evidence and Conditions of Approval available should the Commission wish to entertain a motion different from the staff recommendation (Lot Pattern #1).

Additionally, staff will clarify the allowed and proposed density calculations for the Project. These items are discussed in Exhibits B and Exhibit D.

**OVERVIEW OF PROPOSED ACTION:**

The applicant has proposed a residential and commercial subdivision in South County along New Pleyto Road and has presented two lot configurations. One lot configuration (Lot Pattern #1) is dependent upon the County approving a General Plan Amendment and Rezoning to allow additional residential density than is currently designated and an adjustment to reduce the Commercial plan area. The other lot configuration (Lot Pattern #2) does not require a General Plan Amendment and Rezoning for the rural residential areas, but also requires an adjustment to the General Plan and Zoning Maps to reduce the Commercial area by approximately 2.5 acres. Staff and the Subdivision Committee recommend approval of Lot Pattern #2. See the Discussion in Exhibit B.

**OTHER AGENCY INVOLVEMENT:**

- |                                 |                                   |
|---------------------------------|-----------------------------------|
| ✓ Water Resources Agency        | ✓ Parks Department                |
| ✓ Environmental Health Division | ✓ CDF California Dept of Forestry |
| ✓ Public Works Department       | ✓ Housing and Redevelopment       |
| ✓ Monterey County Sheriff       | ✓ Subdivision Committee           |

All of the above have reviewed this project and recommended Conditions of Approval.

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Taven M. Kinison Brown, Senior Planner  
November 28, 2006

cc: Planning Commission Members; County Counsel; Health Department; Public Works; Water Resources Agency; California Department of Forestry, South County; Alana Knaster, Mike Novo; Taven M. Kinison Brown; Laura Lawrence; Robert Schubert; Carol Allen; Applicant, James Hansen; Representative, John Bridges; and all persons who have expressed interest (Permits + database)

Attachments: Exhibit A Project Data Sheet  
Exhibit B Discussion  
Exhibit C Letter from Monterey County Sheriff Mike Kanalakis  
Exhibit D Housekeeping Items. Findings, Evidence and Conditions of Approval that may support Lot Pattern #1  
Exhibit E Draft Planning Commission Resolution Recommending Approval Of Zoning Amendments (to allow Lot Pattern #1) This is a revision of Exhibit J from the November 8, 2006 staff report.

This report was reviewed by Bob Schubert \_\_\_\_, Acting Building and Planning Services Manager.

**EXHIBIT A**

**Project Data Sheet**

## **EXHIBIT B**

### **Discussion**

Staff's analysis was included in the November 8, 2006 staff report to the Planning Commission and the Subdivision Committee's and Staff's recommendation has been restated on page 1 of this report, above. Staff had requested at the hearing that Commissioners keep possession of the report and project plans for the continuance to December 13, 2006. Several duplicate copies will be available at the hearing for reference.

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#### **Applicant Actions since November 8, 2006:**

*Inclusionary Housing.* As of November 28, 2006, no new on-site Inclusionary Housing information has been submitted by the applicant.

*Sheriff's Field Office.* On November 14, 2006 staff received a copy of correspondence from Sheriff Mike Kanalakis to applicant James Hansen (Exhibit E). While appreciative of the offer, the sheriff states that, "there is no mechanism, ordinance or long term plan in place for such offices or even donated land, funding that would provide the building and equipping of new field offices." "Even if the land were to be conveyed to Monterey County, this office cannot promise that your offer would result in a field office." "I do not want to give you the impression that we can build and utilize this area for a field office in the near future."

*Park Space.* Although only expressed by one Commissioner for the applicant to provide physical park space on the project site (in the Lot Pattern #2 scenario), no proposal or discussion of providing such has been offered by the applicant as of the writing of this report. The applicant's representative though, is anticipating a motion to approve Lot Pattern #1, which by code, would require a physical park on site and several associated conditions of approval from the Parks Department.

#### **Staff Review:**

*Inclusionary Housing.* With nothing new submitted by the applicant since the last Planning Commission, staff has nothing further to analyze. On November 8, 2006, several Commissioners expressed concern that the Evidence to support Finding #13 was not sufficient. Finding #13 would allow payment of an in-lieu fee and no on-site inclusionary units would be provided based on unique, unusual or unforeseen circumstances. While the project was reviewed by the Housing and Redevelopment Agency and the Housing Advisory Committee (HAC) recommended that payment of an in-lieu fee be approved, Commissioners were troubled by the Evidence used:

- The project site is located in a relatively remote location, somewhat distant from residential services, including sewer treatment.
- The project is a large lot, rural subdivision with potentially significant property maintenance costs.
- Alternatives to individual on-site wells and septic systems that would allow for Inclusionary units to be constructed on the project site either on smaller lots or as rental

units were found to be infeasible from a health and safety standpoint by the Monterey County Environmental Health Division.

Commissioners stated that these points of evidence could apply to any remote, large-lot rural subdivision. Additionally, the Commissioners stated that the applicant's obligation to provide 9.0-10.4 inclusionary units for the project would not be satisfied by the payment of \$22,950 per unit (noting the applicant's own real estate figures of how expensive residential properties are in South County). The Commission directed the applicant to provide onsite housing.

Several policy questions are coming to bear in this discussion. If it is the County's hope to allow new housing opportunities, is it appropriate to allow new development in remote rural areas far from urban services - and of a configuration that excludes the construction of Inclusionary Housing for the exact demographic that the County identifies as the most underserved? How can the Inclusionary Fee, which in this case is approximately 1/3 of the median price of a single family home in Monterey County, approach the applicant's obligation to provide 9.0 to 10.4 physical units under present Monterey County Ordinances?

The applicant has stated to staff that they are working on another proposal to address Inclusionary Housing, and that they will be prepared by December 13, 2006.

*Sheriff's Field Office.* As the Sheriff will not be able to use or act upon the applicant's offer, there will be no increased Sheriff's presence in the project area. The Sheriff does state that it is his hope for the County to commission a study for recommendations on how to provide funding, staffing and equipment to protect the new citizens that will be moving into such projects.

*Park Space.* The applicant's present proposal is to comply with code. If Lot Pattern #2 is recommended for approval, no on-site park space is required by code, nor offered by the applicant. If Lot Pattern #1 is recommended for approval, the 0.50 acre easement on residential Lot # 38 has been offered.

*Clarification on Density Calculations.* The subject eastern parcel is 52 acres in area. The applicant's is proposing to adjust the zoning line between the commercial areas and residential areas so that 10.8 acres remain Commercial and 41.2 acres remain residential. The LDR/1 zoning may allow 1 acre lots on the residential areas, and slope density calculations do not further constrain a potential allowance of 41 units. Without the adjustment to the commercial /residential separation, the applicant would only be allowed 38 lots in the residential areas and this would require redrawing the map.

The applicant has incorrectly "counted" the 10+ acres of the Heavy Commercial areas for generating residential units. Residential uses in commercial areas are always reviewed in the context of a commercial development proposal and are subject to discretionary review by the County to discuss and assure that such residential is in support of or secondary to the commercial uses - such as shopkeeper or caretaker units above a commercial space. Furthermore, such a residential allowance by the County is measured in building square footage - not a unit count. County Code Section 21.20.060 R states that a Use Permit is required for "All residential uses provided that the gross square footage of the residential use does not exceed the gross square footage of the commercial use." The applicant has not requested such a Use Permit, and has not proposed any commercial buildings. There is no foundation to an "allowance" of residential

units from the adjusted commercial areas. Only residentially designated and zoned property is to be used for calculations of allowable density and potential unit counts.

## **CONCLUSION:**

Drawing from the discussion in the November 8, 2006 staff report, staff would remind the Planning Commission of the Memorandum to the Board of Supervisors from Scott Hennessey and Charles McKee for General Plan Study Session #1 (Exhibit I of the November 8, 2006 staff report), “There is no consensus ... for development outside designated Community Areas.” “Areas identified as rural centers would be the focus of studies after the Community Plans are complete.” “Although neither Lockwood nor Pleyto have significant development pressure or realistic possibility of sewer system, they were identified in GPU3 as locations that desired to have the ability to develop.” “Until criteria are established, there would be no development beyond the minimum density and intensity of development allowed by the basic zoning of the property.”

Approval of Lot Pattern #1 would increase the density and intensity of development greater than that allowed by the basic density – and it would primarily serve the interest of the developer to sell seven additional lots. Staff does not believe there are market controls or agreements in place that would assure that those additional seven lots make the development proposal more affordable to new buyers. Lot Pattern #2 is not beyond the minimum density and intensity of development allowed by the basic zoning of the property.

Although the applicant has approached the inclusionary housing requirements from several angles and run into conflicts with health and safety standards of the County in providing septic treatment for smaller lots – the project does not provide onsite inclusionary housing. According to Code, his obligation is for 9.0 to 10.4 units depending on which lot pattern the County chooses. The evidence to support a fee-only accommodation for inclusionary housing appears weak and not specific enough to the project’s circumstances. To grant this fee-only waiver of the on-site inclusionary housing requirements with this evidence would be to allow other such waivers. Eventually, South County and elsewhere would have additional remote hard-to-serve developments that have not provided onsite affordable housing to the exact demographic of citizens the Ordinance had hoped to serve.

Lastly, the Sheriff’s letter speaks for itself.

While not the applicant’s first choice of scenarios, Lot Pattern #2 has been presented as a subdivision design that meets adopted County standards and regulations, subject to the recommended Findings and Evidence and conditions of approval of the November 8, 2006 staff report.

Should the Planning Commission wish to approve Lot Patten #1, the Housekeeping Items in Exhibit D may be referred to. Staff has also prepared a revised Draft Resolution in Exhibit E to reflect this direction.

**EXHIBIT C**

**Letter from Sheriff Mike Kanalakis**



## EXHIBIT D

### Housekeeping Items

*Findings, Evidence and Conditions of Approval available, should the Commission wish to entertain a motion different from the staff recommendation (Lot Pattern #1).* In the November 8, 2006 staff report, Findings #5, 8 and 10 were supported by evidence that would deny Amendments to the General Plan and Zoning Maps to allow Lot Pattern #1. Should the Planning Commission wish to approve Lot Pattern #1, the following Alternative Findings are offered:

**5. ALTERNATE FINDING: GENERAL PLAN AMENDMENT ~~DENIED~~ APPROVED.** (The request to amend the Rural Residential Designation to Low Density Residential on APN: 423-071-059-000; approximately 40+/- acres is ~~denied~~ approved). If it deems it to be *in the public interest*, the legislative body may amend all or part of an adopted general plan (California Government Code Section 65358). The General Plan may be amended to reflect changing community values, conditions, and needs. The Plan should only be considered for amendment when the County determines, based on new information, that a change is necessary (Monterey County General Plan, Chapter VI, Plan Implementation).

#### EVIDENCE:

- (a) The proposal to increase density from 45 residential lots to 52 residential lots ~~does not have~~ has sufficient benefit to the public interest to cause an amendment to the General Plan.
  1. ~~The type of development is a standard subdivision in a remote rural area.~~
  2. ~~Innovative housing or siting is not proposed.~~
  3. ~~No provisions are made to help enable a greater affordability for Monterey County residents.~~
  4. ~~No new sewer treatment systems, new or more efficient transit systems, community buildings, or other items of public benefit are proposed.~~
  5. Allowing seven additional residential units will sufficiently affect supply and demand such that the availability of 52 developable lots instead of 45 developable lots should mean that each of the 52 lots are offered at less cost by the developer than had only 45 been approved.
  6. The proportionate per unit cost of infrastructure spread over 52 residential lots is less than if the same costs were spread over 45 residential lots.
- (b) There are ~~no~~ apparent public health, safety or general welfare issues that warrant revision to the County's Land Use Plan for the additional seven market rate properties.
  1. ~~An increase in development density on a 40 acre portion of the proposal is not necessary to serve a compelling public health, safety or general welfare issue identified in this region.~~
  2. As the applicant will be installing a mutual water system, this could be extended to the additional 7 units.
- (c) There are ~~no known~~ changes in the area that create the need for an amended General Plan.

1. ~~There are no other applications for subdivision within the area proposed for more intense development in this rural area. There are existing, vacant parcels in the immediate vicinity with Low Density Residential designations.~~
2. This proposal constitutes new pressure to develop a remote rural area in the County. Previous subdivision development interest in the vicinity has been minor in nature. Amending the County's General Plan as requested will allow the applicant to increase density beyond that forecast by the 1982 General Plan.

**8. ALTERNATE FINDING: ZONE CHANGE ~~DENIED~~ APPROVED.** (The request to rezone the RDR/5.1 (Rural Density Residential 5.1 acres per unit) zoning designation to LDR/1 (Low Density Residential 1.0 acre per unit) zoning designation on APN: 423-071-059-000; Approximately 40+/- acres is ~~denied~~ approved). A zone change may be allowed to provide consistency with the General Plan and existing land uses, or to serve a greater public purpose.

**EVIDENCE:**

- ~~i. The Zone Change request does not correct an existing or perceived mapping error or inconsistency in official county documents.~~
- ~~ii. The Subdivision Committee has recommended against the applicant's General Plan Amendment request to change the Rural Density Residential designation to Low Density Residential. A Rezone from RDR/5.1 to LDR/1 would not be consistent with the General Plan unless the General Plan is amended by the County.~~
- ~~iii. The Zone Change request from RDR/5.1 to LDR/1 is not necessary to implement the applicant's proposed Lot Pattern 2, as recommended by the Subdivision Committee.~~
- iv. The Zone Change request from RDR/5.1 to LDR/1 is necessary to implement the applicant's proposed Lot Pattern 1.

**10. ALTERNATE FINDING: ZONE CHANGE ~~DENIED~~ APPROVED** (The applicant's request to apply a B-6 Overlay to all project portions with the LDR/1 designation is ~~denied~~ approved {no further subdivision on Low Density Residential Properties}). A zone change may be allowed to provide consistency with the General Plan and existing land uses, or to serve a greater public purpose.

- i. The applicant's proposal included a B-6 overlay zoning district to declare that no further subdivision are intended nor allowed.
- ~~ii. As staff has recommended against the applicant's General Plan Amendment from Rural Residential to Low Density Residential and from the RDR/5.1 Zoning Designation to the LDR/1 Zoning Designation on APN: 423-071-059-000; (approximately 40+/- acres) the applicant's request to apply a B-6 overlay to these and other portions of the property is not necessary.~~
- iii. ~~As the eastern balance of the residential property (the 40+/- acres of APN 423-251-034-00) as shown on the November 2005 proposed Vesting Tentative Subdivision has been divided to the near maximum density possible with most lots at the district minimum parcel size of 1.0 acres, no substantial subdivision of the eastern parcel could occur anyway, making a B-6 in these areas superfluous.~~

- iv. If the accompanying General Plan Amendments and Zone Changes (Findings #5 and 8) to increase density on the western parcel are approved, a B-6 subdivision restriction would be in order. The Country Lake Estates Hydrological report, analysis and Environmental Health department review have not analyzed the further subdivision of the 5.1 acre lots (# 38, 39, 40, 41, and 42). Without the B-6 the potential for a request to subdivide the additional 25 lots would remain.
- v. A B-6 overlay if applied to the eastern LDR/1 residential properties would make minor Lot Line Adjustments between properties unnecessarily bureaucratic and expensive, subjecting each minor adjustment to an Administrative Permit, unless an exchange of exactly equal areas is made.

*Should a motion to approve Lot Pattern #1 be made by the Planning Commission, the following Parks Department Conditions of Approval would need to be included in Exhibit D of the November 8, 2005 Staff Report:*

#__	<b>RECREATION REQUIREMENTS / LAND DEDICATION NON-STANDARD</b> The Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the County Subdivision Ordinance, Title 19, Monterey County Code, by dedicating land and recreation improvements as follows: Prior to recordation of the first Final Map, the Applicant shall dedicate land or an easement on Lot 38 to the homeowners association or other maintenance entity acceptable to the County for park and recreation purposes, of a sufficient size to reasonably accommodate a slide, swing set and jungle gym to serve the residents of the subdivision. The standard parkland dedication requirement is .47 acres for this project; however, taking into account a credit for the cost of recreation improvements, this park acreage shall be reduced to a size sufficient to accommodate the improvements specifically listed above. <b>(Parks Department)</b>
#__	<b>NON-STANDARD</b> Prior to occupancy of the first residence within the subdivision, the Applicant shall complete the construction of the recreation improvements on the dedicated park land or easement, including a slide, swing set and jungle gym, and the Parks Department shall review and approve the improvements. <b>(Parks Department)</b>
#__	<b>NON-STANDARD</b> Prior to recordation of the first Final Map, the Applicant shall provide the Parks Department for review and approval with a recreation plan and cost estimate for the improvements to be made on the dedicated park land or easement. The plan shall delineate park and recreation structures, park improvements and landscaping components. <b>(Parks Department)</b>
#__	<b>NON-STANDARD</b> Prior to recordation of the first Final Map, the Applicant shall provide the County with adequate security in the form of a performance bond or other suitable security acceptable to the County of Monterey in the amount of one hundred percent (100%) of the costs for the park and recreation improvements shown on the approved recreation plan. <b>(Parks Department)</b>
#__	<b>NON-STANDARD</b> Prior to recordation of the first Final Map, the Applicant shall provide the Parks Department for review and approval a recreation facilities maintenance and operation plan. The purpose of this plan is to assure the County that the park and recreational facilities will be maintained and operated in perpetuity for the enjoyment, health and safety of the residents of the subdivision with an appropriate funding source and maintenance entity.

Additionally the following conditions would need to be revised as follows:

#1	<p><b>PBD029 - SPECIFIC USES ONLY</b></p> <p>This Combined Development Permit (Country Lake Estates /Hansen PLN040103 and GPZ06006) allows:</p> <ul style="list-style-type: none"> <li>• A General Plan Amendment to change the land use designation <u>(1) from Rural Density Residential to Low Density Residential on approximately 40 acres of the subject property (70970 New Pleyto Road; APN423-071-059-000) and (2) from Commercial to Low Density Residential on approximately 2.5 acres of the subject property to reflect the demarcation as shown in the applicant’s November 2005 Vesting Tentative Map submittal (eastern portion of 70850 New Pleyto Road; APN423-251-034-000);</u></li> <li>• A Zone change <u>(1) from RDR/5.1 (Rural Density Residential, 5.1 acres per unit) to LDR/1/B-6 (Low Density Residential, 1 acre per unit, no further subdivision) on approximately 40 acres of the subject property (70970 New Pleyto Road; APN423-071-059-000), (2) from HC (Heavy Commercial) to LDR/1 (Low Density Residential 1 acre per unit) on approximately 2.5 acres of the subject property to reflect the demarcation as shown in the applicant’s November 2005 Vesting Tentative Map submittal (eastern portion of 70850 New Pleyto Road; APN423-251-034-000), and (3) (2) to add a B-6 overlay (no further subdivision) to all existing LDR/1 property;</u></li> <li>• A standard subdivision vesting tentative map to divide two properties totaling 92 acres into <u>52 market-rate single family parcels ranging in size from 1.0 acre to 5.1 acres and 5 commercial parcels located adjacent to New Pleyto Road.(Lot Pattern #1). <del>An alternative lot configuration proposed by the applicant would develop 45 market rate single family parcels ranging in size from 1.0 acre to 5.1 acres and 5 commercial parcels located adjacent to New Pleyto Road (Lot Pattern #2);</del></u></li> <li>• A use permit for a mutual water system;</li> <li>• A use permit to continue automobile and recreational vehicle storage on all commercial lots; and</li> <li>• A General Development Plan.</li> </ul> <p>The property is located at 70850 and 70970 New Pleyto Road, Bradley. Assessors Parcel Numbers 423-251-034-000 and 423-071-059-000. South County Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. 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 action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. <b>(Planning)</b></p>								
# 3	<p><b>NON-STANDARD LANGUAGE</b></p> <p>In accordance with approval of the Country Lake Estates Subdivision <del>Lot Pattern #2</del> <u>Lot Pattern #1</u> and Combined Development Permit, all construction and improvements shall be in substantial conformance to those Vesting Tentative Map documents submitted to the County November 2005. <b>(Planning)</b></p> <p>The parcel count for <del>Lot Pattern #2</del> <u>Lot Pattern #1</u> totals <del>50</del> <u>57</u> as follows:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 40%;">Commercial Lots</td> <td style="width: 20%;">Five.</td> <td style="width: 10%;">Lot#</td> <td style="width: 30%;">C1, C2, C3, C4, and C5.</td> </tr> <tr> <td>Low Density Residential Lots</td> <td>Forty-Seven</td> <td>Lot#</td> <td>1-37 and 43-52</td> </tr> </table>	Commercial Lots	Five.	Lot#	C1, C2, C3, C4, and C5.	Low Density Residential Lots	Forty-Seven	Lot#	1-37 and 43-52
Commercial Lots	Five.	Lot#	C1, C2, C3, C4, and C5.						
Low Density Residential Lots	Forty-Seven	Lot#	1-37 and 43-52						

	Rural Density Residential Lots	Five	Lot#	38, 39, 40, 41, 42, Fifty-Seven
#66	<b><del>PKS002—RECREATION REQUIREMENTS/FEES</del></b>			
	<del>The Applicant shall comply with Section 19.12.010—Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D) (Parks Department)</del>			
#__	Other minor clerical and numerical adjustments as necessary to account for the final count (quantity) of Conditions.			

*Exhibit J* of the November 8, 2006 staff report would need to be substantially revised to reflect Lot Pattern #1. This exhibit is the Draft Planning Commission Resolution Recommending Approval of Zoning Amendments. Refer to Exhibit E attached to this staff report

**EXHIBIT E**

**Draft Planning Commission Resolution Recommending Approval of Zoning Amendments  
(to allow Lot Pattern #1)  
(This is a revision of Exhibit J from the November 8, 2006 staff report.)**

**EXHIBIT E**

**DRAFT PLANNING COMMISSION RESOLUTION RECOMMENDING  
APPROVAL OF ZONING AMENDMENTS**

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

Resolution No. \_\_\_\_\_ )  
Resolution of the Monterey County )  
Planning Commission recommending )  
approval of amendments to Title 21 )  
(Zoning Ordinance) to the Monterey )  
County Board of Supervisors )

Proposed amendments to Title 21 (Zoning Ordinance) came for hearing on November 8, 2006 and December 13, 2006 before the Monterey County Planning Commission. 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 with reference to the following facts:

**I. RECITALS:**

1. The proposed Country Lake Estates Combined Development Permit Request (File# PLN040103 / GPZ060006) (Lot Pattern #1) consists of:
  - a. A General Plan Amendment to change the land use designation (1) from Rural Density Residential to Low Density Residential on approximately 40 acres of the subject property (70970 New Pleyto Road; APN423-071-059-000) and (2) from Commercial to Low Density Residential on approximately 2.5 acres of the subject property to reflect the demarcation as shown in the applicant's November 2005 Vesting Tentative Map submittal (eastern portion of 70850 New Pleyto Road; APN423-251-034-000);
  - b. A Zone change (1) from RDR/5.1 (Rural Density Residential, 5.1 acres per unit) to LDR/1/B-6 (Low Density Residential, 1 acre per unit, no further subdivision) on approximately 40 acres of the subject property (70970 New Pleyto Road; APN423-071-059-000), (2) from HC (Heavy Commercial) to LDR/1 (Low Density Residential 1 acre per unit) on approximately 2.5 acres of the subject property to reflect the demarcation as shown in the applicant's November 2005 Vesting Tentative Map submittal (eastern portion of 70850 New Pleyto Road; APN423-251-034-000), and (3) to add a B-6 overlay (no further subdivision) to all existing LDR/1 property;
  - c. A standard subdivision vesting tentative map to divide two properties totaling 92 acres into 52 market-rate single family parcels ranging in size from 1.0 acre to 5.1 acres and 5 commercial parcels located adjacent to New Pleyto Road.(Lot Pattern #1).
  - d. A use permit for a mutual water system;
  - e. A use permit to continue automobile and recreational vehicle storage on all commercial lots; and
  - f. A General Development Plan. ("the Project")

2. At a duly noticed public hearing on November 08, 2006 and continued to December 13, 2006, the Planning Commission, among other actions, considered and recommended adoption of the Mitigated Negative Declaration (“MND”) prepared for the Project, and considered and recommended approval of the proposed General Plan Amendment and related change in zoning classification and the Combined Development Permit for the Project.
3. The proposed zoning ordinance is attached to this Resolution as **Attachment A** and is incorporated herein by reference. The ordinance would amend Section 21-88 of the Sectional District Maps of Section 21.08.060 of Title 21 (Zoning) of the Monterey County Code to allow (1) A Zone change from RDR/5.1 (Rural Density Residential, 5.1 acres per unit) to LDR/1/B-6 (Low Density Residential, 1 acre per unit, no further subdivision) on approximately 40 acres of the subject property (70970 New Pleyto Road; APN423-071-059-000) and (2) allow an adjustment of zoning designations between HC (Heavy Commercial) and LDR/1 (Low Density Residential 1 acre per unit) on approximately 2.5 acres of the subject property to reflect the demarcation as shown in the applicant’s November 2005 Vesting Tentative Map submittal (eastern portion of 70850 New Pleyto Road; APN423-251-034-000).
4. The proposed ordinance is consistent with the General Plan, as proposed to be amended for Lot Pattern #1 as described in the November 8, 2006 and December 13, 2006 staff reports to the Planning Commission. The amendments will accommodate Lot Pattern #1 of the proposed residential subdivision and its associated uses.

**II. DECISION:**

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission hereby recommends that the Board of Supervisors approve the attached Ordinance amending Title 21 (Zoning Ordinance) of the Monterey County Code.

**PASSED AND ADOPTED** on this December 13, 2006, upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, by the following vote, to-wit:

AYES:  
 NOES:  
 ABSENT:

By \_\_\_\_\_  
 MIKE NOVO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON:



**ATTACHMENT A TO EXHIBIT E  
DRAFT ZONING ORDINANCE AND ZONING MAP**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA AMENDING SECTION 21.08.060 OF TITLE 21 (ZONING) OF THE MONTEREY COUNTY CODE TO ALLOW (1) A ZONE CHANGE (1) FROM RDR/5.1 (RURAL DENSITY RESIDENTIAL, 5.1 ACRES PER UNIT) TO LDR/1/B-6 (LOW DENSITY RESIDENTIAL, 1 ACRE PER UNIT, NO FURTHER SUBDIVISION) ON APPROXIMATELY 40 ACRES OF THE SUBJECT PROPERTY (70970 NEW PLEYTO ROAD; APN423-071-059-000) AND (2) AN ADJUSTMENT OF ZONING DESIGNATIONS BETWEEN HC (HEAVY COMMERCIAL) AND LDR/1 (LOW DENSITY RESIDENTIAL 1 ACRE PER UNIT) ON APPROXIMATELY 2.5 ACRES OF THE SUBJECT PROPERTY TO REFLECT THE DEMARCATION AS SHOWN IN THE APPLICANT'S NOVEMBER 2005 VESTING TENTATIVE MAP SUBMITTAL.

*County Counsel Synopsis*

*This ordinance amends Section 21-88 of the Sectional District Maps of Section 21.08.060 of Title 21 (Zoning) of the Monterey County Code to allow (1) A Zone change (1) from RDR/5.1 (Rural Density Residential, 5.1 acres per unit) to LDR/1/B-6 (Low Density Residential, 1 acre per unit, no further subdivision) on approximately 40 acres of the subject property (70970 New Pleyto Road; APN423-071-059-000) and (2) an adjustment of zoning designations between HC (Heavy Commercial) and LDR/1 (Low Density Residential 1 acre per unit) on approximately 2.5 acres of the subject property to reflect the demarcation as shown in the applicant's November 2005 Vesting Tentative Map submittal (eastern portion of 70850 New Pleyto Road; APN423-251-034-000) (File# PLN040103 / GPZ060006).*

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

**SECTION 1.** Section 21-88 of the Sectional District Maps of Section 21.08.060 of the Monterey County Code is hereby amended as shown on the map attached hereto as Exhibit 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 31<sup>st</sup> day after its adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2006 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Jerry Smith, Chair  
Monterey County Board of Supervisors

Attest:  
LEW C. BAUMAN, Clerk  
to the Board of Supervisors

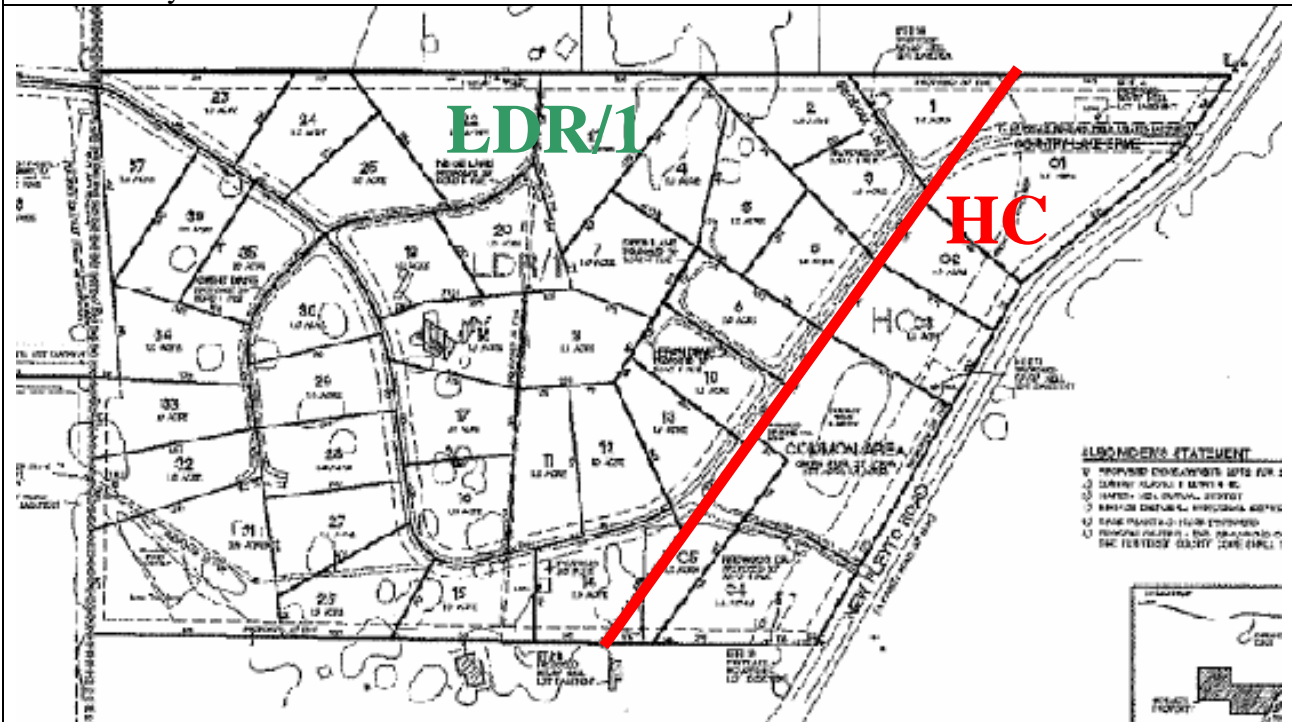
By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
Charles McKee, County Counsel

By: \_\_\_\_\_  
Deputy

### EXHIBIT A

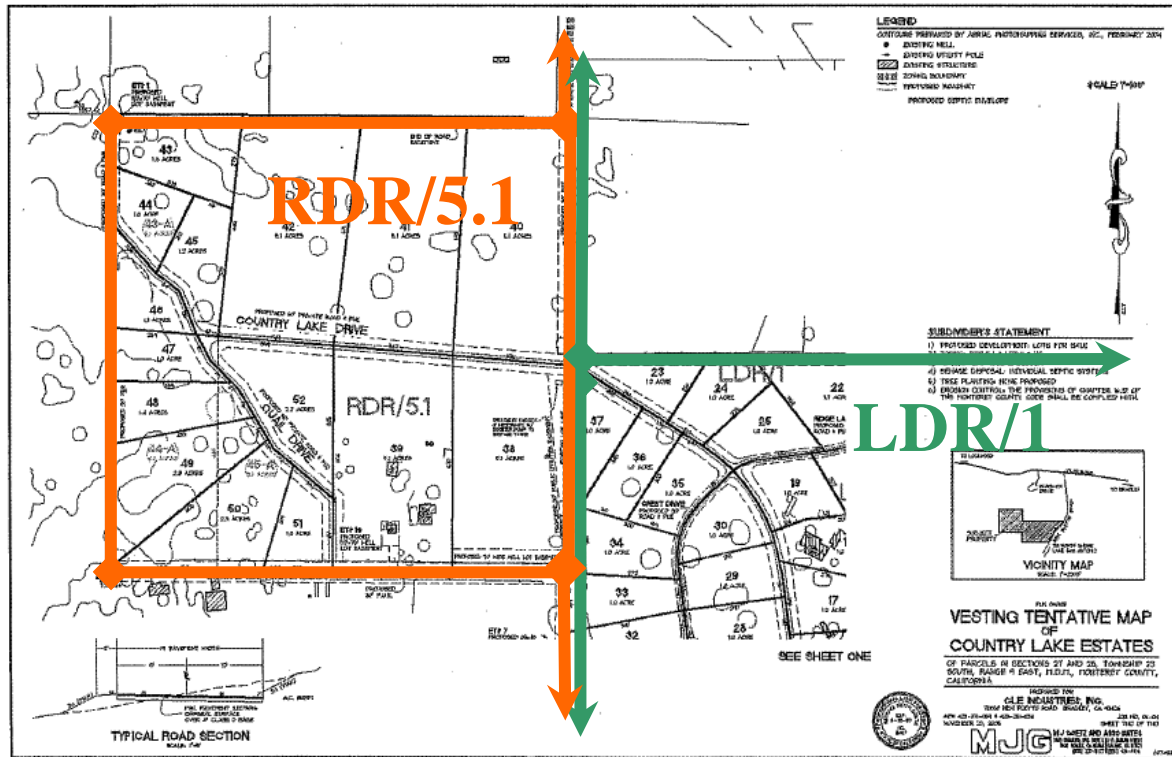
This Figure shows the applicant's eastern subject parcel (APN 423-251-034) which is 52 +/- acres in area. Staff has highlighted the requested demarcation of the Heavy Commercial district and the Low Density Residential District.



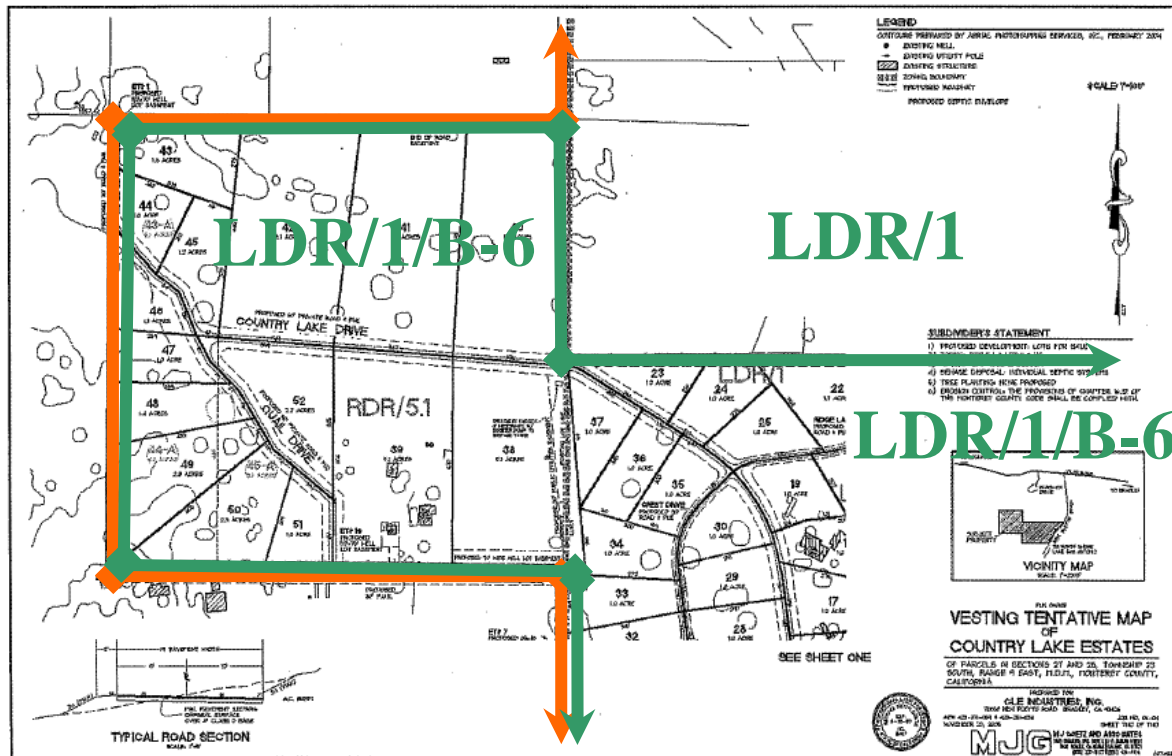
This Figure illustrates the County Zoning Map overlaid on the applicant's Vesting Tentative Subdivision Map. The shaded area is the difference between the Official map and the applicant's request to adjust the demarcation between the districts. An adjustment of approximately 2.5 acres.



This Figure shows the applicant's western subject parcel (APN 423-071-059-000) which is approximately 40 acres in area. The parcel and surrounding parcels to the North, West and South are zoned RDR/5.1.

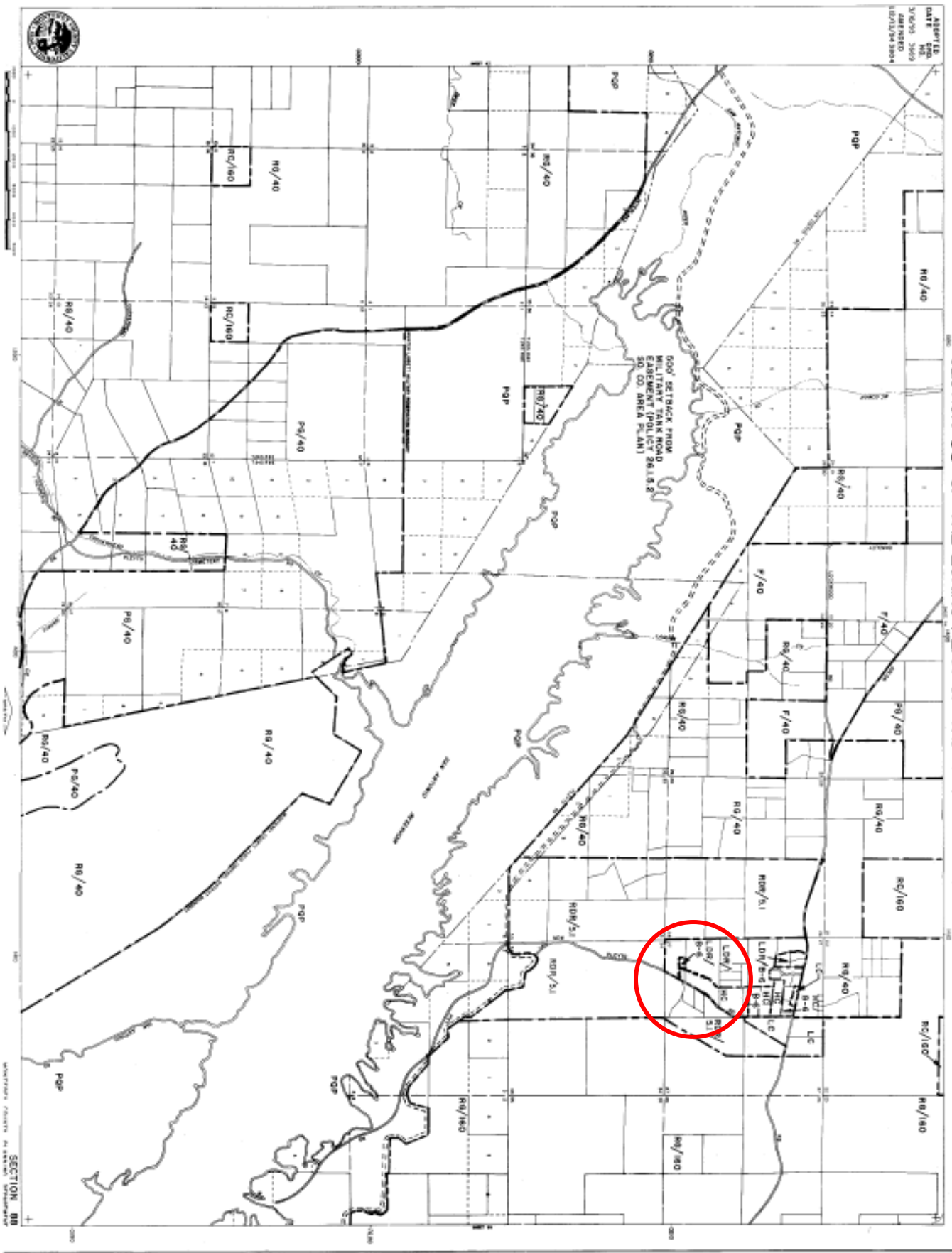


This Figure shows the applicant's western subject parcel (APN 423-071-059-000) which is approximately 40 acres in area, changed to LDR/1/B-6. This Zone Change would also add the B-6 overlay to the eastern residential property on all LDR/1 areas of the subject parcels.



APPROX. DATE 3/16/93  
DRAWN BY JAMES HARRIS  
CHECKED BY JAMES HARRIS

SECTION 88 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY



SECTION 88