

MONTEREY COUNTY PLANNING COMMISSION

Meeting: October 31, 2007 Time:	Agenda Item No.:
Project Description: Zoning Reclassification to rezone a portion of a 20-acre parcel from the "RG/20" Zoning Classification (Rural Grazing 20 acre minimum) to the "RG/20-D" Zoning Classification (Rural Grazing 20 acre minimum with Design Control Overlay).	
Project Location: The project site is located at 33750 and 33748 East Carmel Valley Road, Carmel in the Cachagua Land Use Plan.	APN: 197-211-001-000, 197-211-003-000, and 197-211-004-000
Planning File Number: GPZ070003	Name: Carmel Cutting Horse Inc., Property Owner.
Plan Area: Cachagua Area Plan	Flagged and staked: No
Zoning Designation: : "RG/20 " (Rural Grazing 20 acre minimum)	
CEQA Action: Consider the Mitigated Negative Declaration previously adopted on April 14, 2005.	
Department: RMA – Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

- 1) Consider the previously adopted Mitigated Negative Declaration for the proposed zoning reclassification required as a condition of approval of PLN030456 (Exhibit C); and
- 2) Approve a resolution (Exhibit B) recommending the Board of Supervisors adopt an ordinance to reclassify the subject site from the "RG/20" (Rural Grazing 20 acre minimum) Zoning Classification to the "RG/20-D" (Rural Grazing 20 acre minimum with a Design Control Overlay) Zoning Classification.

PROJECT OVERVIEW:

On April 14, 2005 the property owners, Carmel Cutting Horses Inc. received approval for minor subdivision to create these new parcels and lot line adjustment among three existing parcels. (Resolution No. 05008, attached hereto as Exhibit D) The site is zoned "RG/20" (Rural Grazing 20 acre minimum) and "RG/20-D" (Rural Grazing 20 acre minimum with Design Control Overlay). The proposed "RG/20-D" (Rural Grazing 20 acre minimum with Design Control Overlay) zoning classification is to comply with a condition of approval of the minor subdivision, to place a D overlay on the remaining lots. On July 10, 2007 the Board of Supervisors accepted the final map per the subdivision.

The subject rezoning would add a Design Control Overlay to six parcels with a remainder lot all owned by Carmel Cutting Horses Inc. Lots range in size from 20.9 acre(Lot 1), 23.9 acre(Lot 2), 22.3 acre(Lot 3), 35.3 acre(Lot 4) , 27.7 acre(Lot 5), 34.5 acre(Lot 6) and a 111.4 acre remainder lot. The parcels are located between Carmel Valley Road and Cachagua Road on E. Carmel Valley Road. The zoning reclassification is needed in order for the project to be consistent with the surrounding land uses.

The project was not referred to any of the Land Use Advisory Committees for review, as the subject site was previously reviewed by the Land Use Advisory Committee on October 22, 2003 (PLN030456).

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October 5, 2007

cc: Planning Commission Members (10); County Counsel; Salinas Rural Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Planning & Building Services Manager; Valerie Negrete Assistant Planner; Carol Allen; Gail Hatter-Crawford of Lombardo and Gilles; Thomas De Regt; File GPZ070003.

Attachments: Exhibit A Project Data Sheet
Exhibit B Draft Planning Commission Resolution Recommending Approval of Zoning Reclassification
Exhibit C Mitigated Negative Declaration
Exhibit D Resolution No. 05008 for PLN030456 Carmel Cutting Horses Inc.

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

EXHIBIT B

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

**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 on for hearing on October 31, 2007 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 zoning reclassification of approximately 223 acre portion of a 276-acre site owned by Carmel Cutting horses Inc. would reclassify the subject area from the “RG/20” (Rural Grazing 20 acre minimum) Zoning District to the “RG/20-D” (Rural Grazing 20 acre minimum with Design Control Overlay) Zoning District (“Project”).
2. The property is located at 33750 and 33748 East Carmel Valley Road, Carmel (Assessor’s Parcel Number 197-211-001-000, 197-211-003-000, and 197-211-004-000), in the unincorporated area of Monterey County.
3. The proposed zoning reclassification of the approximate 223 acre subject site to the “RG/20-D” (Rural Grazing 20 acre minimum with Design Control Overlay) zoning designation would make the area zoning consistent with the land use designation and the Land Use in the General Plan.
4. At a duly noticed public hearing on October 31, 2007, the Planning Commission, considered a Mitigated Negative Declaration (“MND”) previously prepared for the approval of a minor subdivision and lot line adjustment which addressed the zoning reclassification as a condition of approval for PLN030456.

5. The Mitigated Negative Declaration was adopted by the Minor Subdivision Committee on April 14, 2005. The Mitigated Negative Declaration found that the “D” overlay would provide for consistency with the surrounding land uses. The Mitigated Negative Declaration identified mitigation measures for potential impacts resulting from the minor subdivision and lot line. The zoning overlay was a mitigation measure to mitigate potential aesthetic impacts and was required as a condition of approval of minor subdivision and lot line applied for and approved.
6. Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that supports a fair argument that the proposed zoning reclassification may cause a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based is the Monterey County Planning and Building Inspection Department located at 168 W. Alisal St., 2nd floor, Salinas, CA 93901. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinions supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports.
7. The proposed zoning ordinance is attached to this Resolution as **Attachment A** and is incorporated herein by reference. The ordinance would amend Section 24 of the Sectional District Maps of Section 21.08.060 of Title 21 (Zoning) of the Monterey County Code to apply the “RG/20-D” (Rural Grazing, 20 acre minimum with Design Overlay) to an approximately 223 acre portion of a 276 acre property owned by Carmel Cutting Horses Inc. of Monterey County (Assessor’s Parcel Number 197-211-001-000, 197-211-003-000, and 197-211-004-000).

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 October 31, 2007 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 “B”
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 APPLY THE “RG/20-D” ZONING CLASSIFICATION TO AN APPROXIMATE 223 ACRE PORTION OF 276 ACRE PARCEL (APN197-211-001-000, 197-211-003-000, and 197-211-004-000).

County Counsel Summary

This ordinance amends Section 24 to change the zoning from “RG/20” (Rural Grazing 20 acre minimum) to “RG/20-D” (Rural Grazing 20 acre minimum with Design Overlay) on an approximate 223 acre portion of 276 acre area owned by Carmel Cutting Horses Inc.

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

SECTION 1. Section 24 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 31st day after its adoption.

PASSED AND ADOPTED this ____ day of _____, 2007 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Dave Potter, Chair
Monterey County Board of Supervisors

ATTEST:
LEW BAUMAN
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM:
Charles McKee, County Counsel

By: _____
Deputy

