

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

In the matter of the application of:

OMNI Enterprises LLC (PLN020344)

RESOLUTION NO. 11-004B

Resolution by the Monterey County Planning
Commission:

- 1) Statutorily exempt as a Project which is not approved.
- 2) Recommending that the Board of Supervisors deny the Request to remove the B-8 Zoning Overlay from the property at the corner of Corral de Tierra Road and Hwy 68

(PLN020344, OMNI Enterprises LLC., 5 Corral de Tierra Road, Toro Area Plan (APN: APN161-571-003-000, 161581-001-000

The Rezone to Remove B-8 Zoning Overlay District application (PLN020344) came on for public hearing before the Monterey County Planning Commission on December 8, 2010, January 12, 2011, and January 26, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and makes the following recommendation to the Board of Supervisors:

FINDINGS

1. **FINDING:** Purpose of B-8 Zoning
EVIDENCE: a) The "B-8" District was adopted by the Board of Supervisors on November 24, 1992 (Ordinance No. 03647) for certain properties in the El Toro Creek, Corral de Tierra and Calera Canyon sub basins of the Toro Area, including the subject site. The "B-8" District was adopted because of severe water constraints in the area covered by the District identified in the *Hydro geologic Update: El Toro Area, Monterey, California* Report prepared by Staal, Garner and Dunne.
b) In adopting the "B-8" District the Board of Supervisors found that additional development or intensification of land use in the area placed under the "B-8" Overlay District would be detrimental to the health, safety and welfare of the residents of the area.
2. **FINDING:** The Project Site can be developed under the B-8 and the B-8 provides an appropriate level of protection for the Commercial site at the corner of Hwy 68 and Corral de Tierra.
EVIDENCE: a) On September 7, 1993 the Board of Supervisors adopted Ordinance No. 3704 which amended the original provisions relative to development of commercial uses, as stated in Section 21.42.030 H (1) to state that the "B-8" District does not affect the "*construction or expansion of commercial uses where such construction or expansion can be found to not adversely affect the constraints which caused the 'B-8' district to be applied to the property.*"

3. **FINDING:** No rationale for removal of the B-8
EVIDENCE: a) No evidence has been submitted that supports changing the finding of Geosyntec that the area groundwater is in overdraft. Removing the B-8 would require a finding that the constraints existing at the time of the adoption of the B-8 no longer exist. In this particular case, all evidence including recent well logs show that the groundwater levels continue to decline (Page 220 of the DEIR). The circumstances under which the B-8 was imposed still exist and so the Planning Commission can not recommend removal of the B-8 zoning overlay.


DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby recommend that the Board of Supervisors:

- A. Find that the Project is Statutorily Exempt from CEQA as a project which is not approved.
- B. Deny the Request to remove the B-8 Zoning Overlay from the property at the corner of Corral de Tierra Road and Hwy 68.

PASSED AND ADOPTED this 26th day of January 2011 upon motion of Commissioner Mendez, seconded by Commissioner Padilla, by the following vote:

AYES: Getzelman, Vandever, Roberts, Salazar, Brown, Mendez, Diehl, Padilla
NOES: None
ABSENT: Rochester, Ottone
ABSTAIN: None


Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **JAN 27 2011**

THIS APPLICATION WILL BE FORWARDED TO THE BOARD OF SUPERVISORS FOR FINAL ACTION.