

Attachment D

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**ATTACHMENT D
DRAFT RESOLUTION**

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No.

Resolution of the Monterey County Board of Supervisors to:)
Supervisors to:)
a. Deny the Request to change the General Plan Land Use Designation of Parcel D of the Ferrini Ranch vesting tentative map from LDR 2.5 to Agricultural Industrial; and)
b. Deny the Request to apply the Agricultural Industrial zoning classification to Parcel D of the Ferrini Ranch vesting tentative map.)
[PLN040758, Bollenbacher & Kelton (Ferrini Ranch), South side of Highway 68 between San Benancio Road and River Road, Toro Area Plan (APN: 161-011-019, -030, -039, -057, -058, -059, -078, -084, 161-031-016, -017)])
)

The Ferrini Ranch application (PLN040758), including application for General Plan Amendment and zoning of Parcel D, came on for public hearing before the Monterey County Board of Supervisors on December 2, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

FINDINGS

1. **FINDING:** **Request is Unnecessary** – The applicant (Bollenbacher and Kelton, Inc.) as part of its original project proposal requested to change the 1982 General Plan Land Use Designation of Parcel D of the proposed Ferrini Ranch vesting tentative map from LDR 2.5 to Agricultural Industrial and to apply the Agricultural Industrial zoning classification to Parcel D of the proposed Ferrini Ranch vesting tentative map. The requested general plan amendment and zoning are unnecessary. The Board of Supervisors is not approving the original project proposal, and the requested general plan amendment and zoning request are not necessary for Alternative 5 or any of the alternatives under consideration by the Board of Supervisors
- EVIDENCE:** a) The applicant’s request for a General Plan amendment and zoning was to facilitate the creation of a parcel for a winery on Parcel D at the eastern end of the project site as part of its original project proposal.
b) The vesting tentative map is subject to the 1982 General Plan because it is the general plan that was in effect when the Ferrini Ranch subdivision

application was deemed complete.

- c) The Planning Commission recommended approval of Alternative 5 rather than the original project proposal. Alternative 5 creates Parcel D but does not authorize a particular use on the site. Alternative 5's creation of Parcel D is consistent with the 1982 General Plan. Therefore, no general plan amendment or zoning is necessary to find consistency. Alternative 5 envisions the potential for a Winery Corridor/Gateway visitor center on Parcel D. Such use would require a future discretionary use permit which is not part of the current application.
- d) If the future owner of Parcel D applies for an entitlement to construct a visitor center, the discretionary entitlements would be subject to the 2010 General Plan, the plan currently in effect, and whatever zoning is enacted to implement the 2010 General Plan. The 2010 Monterey County General Plan in the Agricultural Winery Corridor Plan (section 3.1.H) encourages development of a visitor center near the intersection of Highway 68 and River Road. The subject site is within the Ag/Winery Corridor established by the 2010 General Plan. The placement of a Visitor Center at this location would not require modification to the Land Use and no amendment of the 2010 General Plan would be necessary for that use. The County intends to apply the LDR Zoning Designation to the property consistent with the 2010 General Plan. Low Density Residential Zoning District would allow this use as a Public/Quasi Public use subject to approval of a Use Permit.
- e) In the event that the Ferrini Ranch Subdivision application is not approved, the General Plan Amendment and zoning request would be unnecessary and the requests should be denied.

- 2. **FINDING:** **CEQA:** The Ferrini Ranch EIR considered and adequately evaluated the impacts of both approving the General Plan Amendment/zoning and not approving the General Plan Amendment and zoning. The Board of Supervisors has considered the EIR before taking this action.
EVIDENCE: a) The EIR prepared for the Ferrini Ranch Subdivision evaluated the impacts of putting a Winery on Parcel D of the Tentative Map. The EIR also evaluated alternatives and the impacts of those alternatives.
b) Alternatives considered in the EIR included the No Project Alternative in which nothing would happen on this property, and Alternative 5 which included development of a Visitor Center located on Parcel D. The Visitor Center as contemplated in Alternative 5 does not require approval of a General Plan Amendment or Rezone (see Finding 1).
- 3. **FINDING:** **PROCEDURAL BACKGROUND** – The General Plan amendment and zoning request have been processed in compliance with state law and County regulations.
EVIDENCE: a) On March 24, 2005, Bollenbacher & Kelton, Inc. filed an application with Monterey County Planning Department for a Combined Development Permit, including a Standard Subdivision Vesting

Tentative Map. The Ferrini Ranch application included a request to change the 1982 General Plan Land Use Designation from LDR 2.5 to Agricultural Industrial and a request to apply the Agricultural Industrial zoning designation to Parcel D of the proposed subdivision.

- b) The Ferrini Ranch application, including a Combined Development Permit, General Plan Amendment, and zoning request, was deemed complete in April 2005.
- c) The project was brought to public hearing before the Monterey County Planning Commission on October 8, October 29, and November 12, 2014. On November 12, 2014, the Planning Commission recommended the Board of Supervisors deny the applicant's request to change the General Plan Land Use Designation of Parcel D, and deny the request to apply the Agricultural Industrial zoning classification to Parcel D (PC Resolution No. 14-045).
- d) The General Plan Amendment request and zoning request were brought to public hearing before the Board of Supervisors on December 2, 2014. At least 10 days prior to the public hearing, notices of the public hearing before the Board of Supervisors were published in the *Monterey County Weekly* and were posted on and near the property and mailed to the property owners within 300 feet of the subject property as well as interested parties.
- e) Staff Report, video and minutes of Planning Commission and Board of Supervisors, information and documents in Planning file PLN040758.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a. Deny the applicant's request to change the General Plan Land Use Designation of Parcel D from LDR 2.5 to Agricultural Industrial; and
- b. Deny the applicant's request to apply the Agricultural Industrial zoning classification to Parcel D.

PASSED AND ADOPTED on this 2nd day of December, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book___ for the meeting on _____.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy