

Attachment C

Planning Commission Resolution No. 12-013

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

In the matter of the application of:

PATTERSON (PLN100573)

RESOLUTION NO. 12-013A

Resolution by the Monterey County Planning
Commission:

- 1) Adopt the Negative Declaration, pursuant to 15074 of the CEQA Guidelines; and
- 2) Approve a Lot Line Adjustment between two 40 acre parcels, resulting in parcel 1 (67.5 acres) and parcel 2 (12.5 acres) and the creation of parcel 3 (2.5) acres pursuant to Government Code 66426.5, based on the findings and evidence and subject to the conditions of approval

[PLN100573, Patterson, Intersection of Jolon Road and Lockwood-Bradley Road, Lockwood, South County Area Plan (APN: 423-061-035-000, 423-061-036-000 (portion) 423-071-006 (portion))]

The Patterson application (PLN100573) came on for public hearing before the Monterey County Planning Commission on April 25, 2012. 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 decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development and subject to the approval of the General Plan amendment to change Land Use Plan designation from Farmlands to Public/ Quasi Public and rezoning Parcels 2 and 3 from “F/40”, Farmlands 40 acre minimum to “PQP”, Public/Quasi-Public by the Board of Supervisors.
EVIDENCE:
 - a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - South County Area Plan;
 - Monterey County Zoning Ordinance (Title 21);
 - b) The property is located near the intersection of Jolon Road and Lockwood-Bradley Road, Lockwood (Portion of Assessor’s Parcel Number 423-061-035-000 and 423-061-036-000), South County Area Plan. The parcel is currently zoned Farmlands, 40 acre minimum (F/40) which allows uses that preserve agricultural operations. The project site had a lot line adjustment previously approved by the Board of Supervisor on December 9, 2008 with the intention to re-zone a portion of the two 40 acres parcel to allow the development of a museum and fire station. The proposal would create lots which are less than the minimum parcel size of 40 acres required by the zoning ordinance and General Plan. However, the application includes a request to amend the

land use plan and rezone the parcel to a Public/Quasi-Public. The Public/Quasi-Public zoning district and land use plan designation does not have a minimum building site. The proposed rezoning and General Plan amendment requires Board of Supervisors Approval. The project would be consistent with the applicable plans and policies if the Board of Supervisors approves the proposed rezoning and land use plan designation.

- c) The proposal is consistent with General Plan policy LU-1.19 which requires that development of five or more lots be considered based on a Development Evaluation System. This proposal will create one new 2.5 acre parcel (parcel 3) for the future fire station pursuant to 66426.5 of the Government Code, therefore is not subject to the Development Evaluation System.

The proposal is consistent with General Plan policy LU-9.7. The amendment better carries out the overall goals and policies of the general plan and the amendment is in the public interest. Though the proposed change in use would be different than uses currently in the vicinity of the area, the use is consistent with the community and the future of the community which supports tourism for the lake area and Mission San Antonio. The museum to be developed will enhance the community by displaying cultural artifacts and memorabilia regarding the history of the area. The development of a new fire station with training area will provide the community with better emergency response services, as well as a better location for the South County Fire Department.

- d) The project planner conducted a site inspection on August 26, 2011 to verify that the project on the subject parcel conforms to the plans listed above.
- e) The project was reviewed by the South County Land Use Advisory Committee (LUAC) on February 15, 2012 according to the guidelines adopted by the Board of Supervisors (Resolution No. 08-338). The LUAC unanimously recommended approval of the project.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100573.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, South County Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified six potential impacts: Aesthetics, Biological Resources, Cultural Resources, Hydrology/Water Quality, Land Use Planning, and Transportation/Traffic. Technical reports by outside consultants indicated that there are no physical or environmental constraints that

would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:

- Biological Assessment, 68375 Jolon Road, Sierra Delta Corporation, June 20, 2007;
- Phase I Archaeological Report, Nacitone Interpretive Center Complex, Robert L. Hoover, Ph.D., February 2006
- Tierra Prometida/Kennedy File No. PLN050404/PLN060014, Hydrogeological study;

- c) Staff conducted a site inspection on August 26, 2011 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100573.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by RMA - Planning Department, South County Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities will be provided when the applicant applies for the development of a museum and fire station.
 - c) Preceding findings and supporting evidence for PLN100573.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on August 26, 2011 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100573.

5. **FINDING:** **CEQA (Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no

substantial evidence that the proposed project as designed and conditioned will have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN100573).
 - c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Negative Declaration.
 - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. Condition Compliance has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference.
 - e) The Draft Negative Declaration (“ND”) for PLN100573 was prepared in accordance with CEQA and circulated for public review from March 22, 2012 through April 10, 2012.
 - f) Issues that were analyzed in the Negative Declaration include: aesthetics, biological resources, cultural resources, hydrology/water quality, land use/planning, and transportation/traffic. All potential impacts were identified as “less-than-significant.”
 - g) Aesthetics- The visual character of the area is rural ranches and grazing land with rolling hills, grasslands, chaparral with some oak woodlands and vineyards. Adjusting property lines and allowing up to four houses, a fire station, and a small museum on 80 acres will not significantly effect or change the aesthetic or visual characteristics of the area. The number of structures expected on the three parcels is not known at this time; however, the museum and fire station will be subject to discretionary permits and environmental review when plans are finalized and submitted to the County.
 - h) Biological Resources- The site has been historically used for grazing and dry farming. Natural habitat has been disturbed by cattle grazing. General Plan Policy OS-5.3 requires that development shall be carefully planned to provide for the conservation and maintenance of critical habitat. General Plan Policy OS- 5.16 states that a biological study shall be required for any development project requiring a discretionary permit. When applications are submitted for the fire station and the museum, surveys for species of concern at that time will be conducted as part of the application and environmental review processes. Except for one shrub found in the area, Carmel Valley bush mallow, no sensitive habitats are known for this project site at this time, as explained below, but species could move into the area or new species listed for protection could occur prior to applications for the fire station

and museum.

- i) Cultural Resources- Based upon the background research and the surface reconnaissance, it was concluded that the project parcel does not contain surface evidence of potentially significant prehistoric archaeological resources. No structures or significant historic landscapes are known for this project site. No significant paleontological resources have been reported for the area. The site reconnaissance did not recognize any signs of potential human burial sites. Because of the possibility of cultural resources being found during ground disturbing activities, a standard condition of approval will be required that work shall stop if archaeological resources are found.
- j) Hydrology/Water Quality- The proposed project would not affect water quality or quantity or hydrological standards. Existing and future residences on the project site area will be supplied with water by existing private wells or by a small local water system. Conditions of Approval will require a water system be provided in accordance with Title 15.04 of the Monterey County Code, when development occurs and consistency with Geotechnical and Percolation and Investigations.
- k) Land Use/Planning- Based on the project's future proposal of a museum/learning center and fire station, the project proposes a change to the uses normally found in the surrounding area. The project site is currently zoned F/40 (Farmlands, 40 acres per unit) with the purpose of preserving prime, productive and unique farmlands. The proposed lot line adjustment, re-zoning and General Plan Amendment to convert the uses from Farmland to Public/Quasi-Public will change the purpose of a portion of the site to allow uses which serve the public at large. These uses can be allowed without a zoning change or General Plan Amendment; however the creation of parcel sizes to less than 40 acres in size is not allowed in the F/40 zoning district.
- l) Transportation/Traffic- County Roadways in the area are currently operating at acceptable levels of service (LOS A) and additional vehicle trips from the project would not be expected to substantially lower the level of service ranges along Jolon Road and nearby roadway facilities. However, the project would add incrementally to the cumulative traffic volume on the surrounding County and regional roads. Cumulative impacts to the regional traffic network are mitigated to a less than significant impact through payment of Transportation Agency for Monterey County (TAMC) Regional Development Impact Fee. As these fees are required by ordinance, they are not considered a CEQA impact and mitigation measure on a per-project basis.
- m) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN100573) and are hereby incorporated herein by reference.
- n) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations.

All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

- o) No comments from the public were received.
- p) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. FINDING:

LOT LINE ADJUSTMENT – The proposed Lot Line Adjustment is consistent with General Plan policy LU-1.14, LU1.15, LU-1.16 and Section 66412 of the California Government Code (Subdivision Map Act).

- 1. The lot line adjustment is between four or fewer adjoining parcels;
- 2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment;
- 3. The parcels resulting from the lot line adjustment conforms to the County's general plan and zoning.

EVIDENCE:

- a) The Lot Line Adjustment is to adjust property lines between two 40 acre parcels, resulting in parcel 1 (67.5 acres) and parcel 2 (12.5 acres).
- b) As shown on the Map titled "Proposed Lot Line Adjustment", the lot adjustment is between two adjacent parcels and will result in two parcels. The lot line adjustment will not create a greater number of parcels than originally existed.
- c) The lot line adjustment is between more than one and less than four existing adjacent parcels. The project area has a total of 80 acres, two 40 acre lots which were created through a previous lot line adjustment (PLN050039; Resolution No. 06-221 & 08-365, amended).
- d) The proposed Lot Line Adjustment is consistent with General Plan policy LU-1.15 which requires lot lines that could compromise wells and septic systems not be approved. The Bureau of Environmental Health Department has reviewed this application for consistency with this policy based on referral form found in the record (Planning File PLN100573) and found the lot line adjustment is consistent.
- e) The proposed Lot Line Adjustment is consistent with General Plan policy LU-1.16 which requires conforms with zoning, General Plan policies and building ordinances. The proposed lots are non-conforming to the zoning and land use designation as proposed. The parcels are currently zoned Farmlands, 40 acre minimum (F/40) which allows uses that preserve agricultural operations. The project site had a lot line adjustment previously approved by the Board of Supervisor on December 9, 2008 with the intention to re-zone a portion of the two 40 acres parcel to allow the development of a museum and fire station. The proposal would create lots which are less than the minimum parcel size of 40 acres required by the zoning ordinance and General Plan. However, the application includes a request to amend the land use plan and rezone the parcel to a Public/Quasi-Public. The Public/Quasi-Public zoning district and land use plan designation does not have a minimum building site. The proposed rezoning and General Plan amendment requires Board of Supervisors Approval. The project would be

consistent with the applicable plans and policies if the Board of Supervisors approves the proposed rezoning and land use plan designation.

- f) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. In order to appropriately document the boundary changes, a Certificate of Compliance for each new lot is required per a standard condition of approval.
- g) The project planner conducted a site inspection on August 26, 2011 to verify that the project would not conflict with zoning or building ordinances.
- h) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100573.

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** Section 21.80.040.D of the Monterey County Zoning Ordinance (Board of Supervisors).

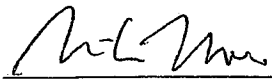
DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Adopt a Negative Declaration, pursuant to 15074 of the CEQA Guidelines;
2. Approve a Lot Line Adjustment between two 40 acre parcels, resulting in parcel 1 (67.5 acres) and parcel 2 (12.5 acres) and the creation of parcel 3 (2.5) acres pursuant to Government Code 66426.5, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 25th day of April, 2012 upon motion of Commissioner Brown, seconded by Commissioner Getzelman, by the following vote:

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


Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON APR 27 2012

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE MAY 07 2012

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County Planning Department

Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN100573

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

This Lot Line Adjustment (PLN100573) is between two parcels of approximately 40 acres in size each, resulting in a 67.5 acres (parcel 1) and a 12.5 acre parcel and the creation of a 2.5 acre parcel pursuant to Government Code 66426.5. The property is located near the intersection of Jolon Road and Lockwood-Bradley Road, Lockwood (Portion of Assessor's Parcel Numbers 423-061-035-000 and 423-061-036-000), 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 the RMA - Planning Department. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

The applicant shall record a notice which states: "A Lot Line Adjustment (Resolution 12-013A) was approved by the Planning Commission for a portion of Assessor's Parcel Number 423-061-035-000 and 423-061-036-000) on April 25, 2012. The permit was granted subject to 8 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

5. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

6. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall request unconditional certificates of compliance for the newly configured parcels.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant/Surveyor shall submit legal descriptions to the Planning Department for each newly configured parcel as prepared by the Surveyor. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the certificates.

7. WRSP1 - FLOODPLAIN RECORDATION - LL (NON-STANDARD CONDITION)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall record a floodplain notice, for each of the newly aligned parcels 1, "C", and "D1", stating: "The property is located within or partially within a Special Flood Hazard Area and may be subject to building and/or land use restrictions." (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to recordation of the notices, submit signed and notarized originals to the Water Resources Agency for review and approval.

A copy of the standard notice can be obtained at the Water Resources Agency or online at: www.mcwra.co.monterey.ca.us.

The Water Resources Agency will deliver the approved originals to the Planning Department, and they shall be recorded concurrently with the final map.

8. PDSP001 - LOT LINE ADJUSTMENT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The lot line adjustment, approved by the Planning Commission on April 25, 2012, is contingent upon the Board of Supervisor's approval of the associated General Plan Amendment and rezoning (PLN100573).

Compliance or Monitoring Action to be Performed: Upon the approval of the associated General Plan Amendment and rezoning, the lot line adjustment approved by the Planning Commission on April 25, 2012 shall become effective.



PARCEL "C"
31 SURVEYS 28
TO 824461

(PLN00573)

PROPOSED LOT LINE ADJUSTMENT MAP
BETWEEN PARCELS "A" AND "B" AS SHOWN ON MAP FILED IN VOLUME 31 OF SURVEYS, AT PAGE 28, IN SECTIONS 16 & 19, TOWNSHIP 23 SOUTH, RANGE 9 EAST, MOUNT DIABLO MERIDIAN, MONTEREY COUNTY, CALIFORNIA

PREPARED FOR
NACITONE FOUNDATION, INC.
P.O. Box 276 LOCKWOOD, CALIFORNIA 95322

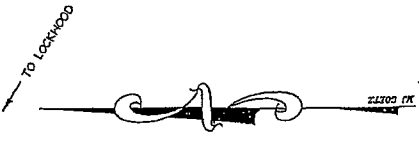
APR 23-06-05 1:03 1:423-071-006 (partens)
JOB NO. 05-04
SCALE: 1"=300'

MJ GOETZ
Land Surveying & Planning
805-437-0177
mjgoetz@earthlink.net
827 The Center, Suite 100
Palo Alto, CA 94304



Michael J. Goetz

PROPERTY OWNER:
FLOYD LESTER PATTERSON III, ET AL
P.O. BOX 389 LOCKWOOD, CALIFORNIA 95322



SCALE: 1"=300'

NOTE ON SOMOCO FIRE LOT (PARCEL 3)

The Proposed 2.5 acre Fire Lot is being created with the intent of conveying it to the San Joaquin Fire District for Public Use as a Fire Station. This parcel will not be considered a newly created parcel of land in conformance with Section 66426.5 of the Subdivision Map Act.

NOTE ON PROPOSED PARCEL 2

Proposed Parcel 2 is being created for a Quasi-Public Use as the intended home of the future Nacitome Regional Interpretive Center, being a Museum of the history of the peoples of the San Antonio Valley. It will be owned and operated by a non-profit organization for the purpose of preserving the local history and to serve as an educational resource for the people of Monterey County and the State of California.

NOTE ON PROPOSED REZONING

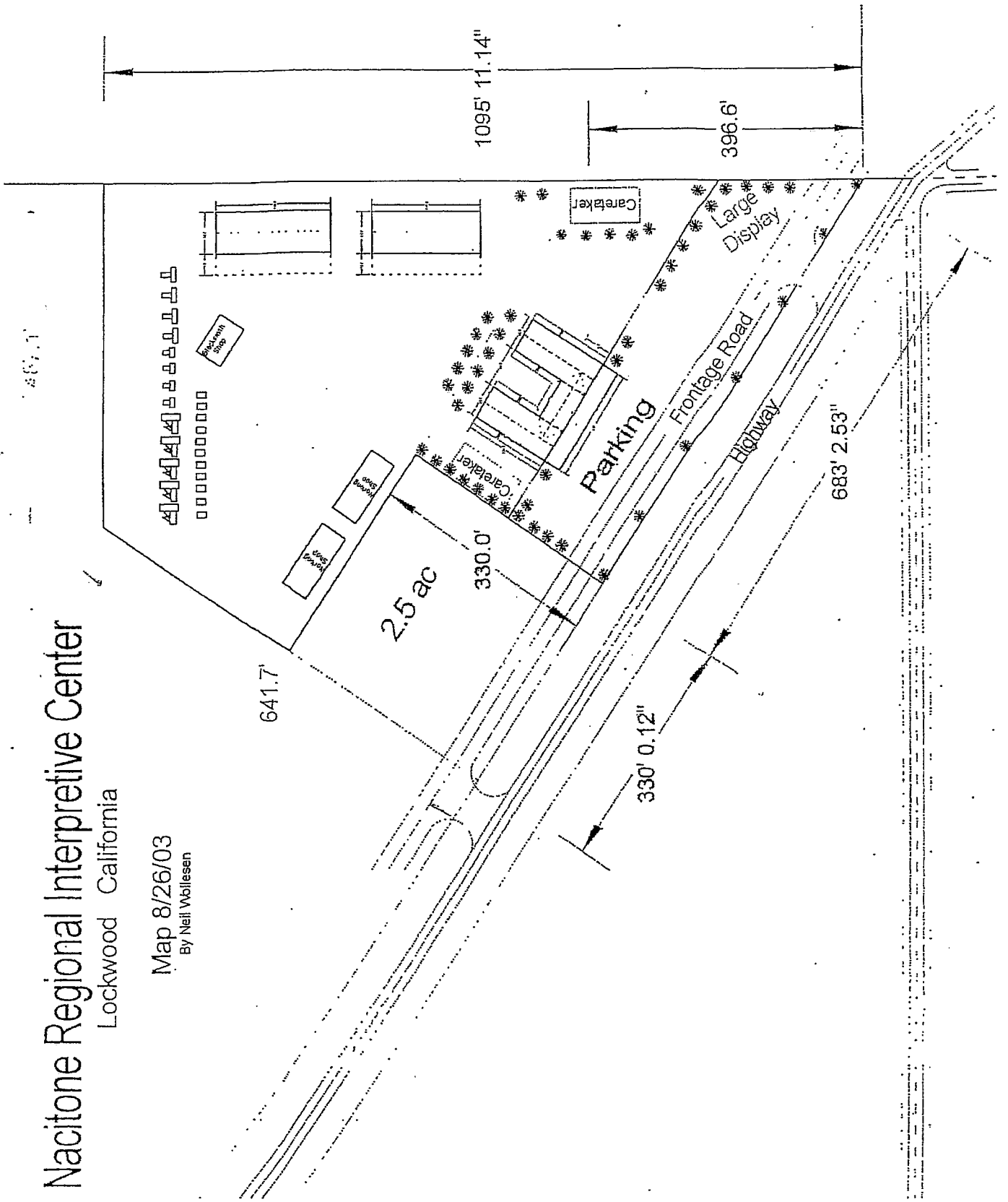
Proposed Parcel 2 and 3 are the parcels for which a Rezone is being requested. Currently the Subject Parcels are Zoned F/40. These two parcels are to be changed to FQP zoning. Parcel 1 is to continue to be zoned F/40.

Nacitone Regional Interpretive Center

Lockwood California

Map 8/26/03

By Neil Walllesen

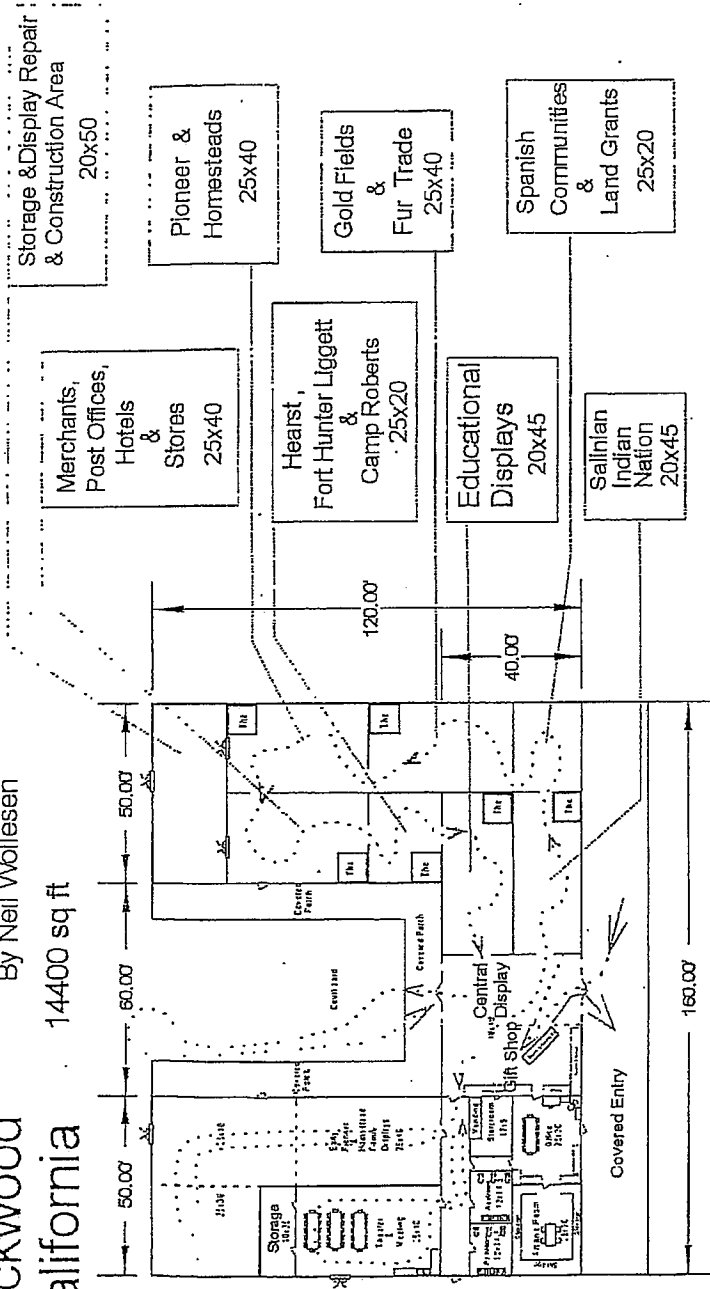


Nacitone Regional Interpretive Center

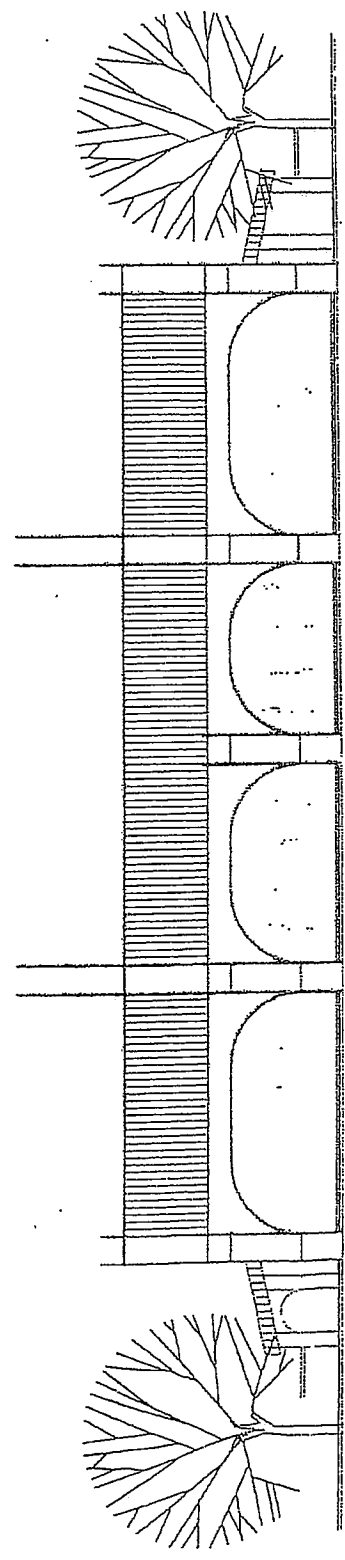
Lockwood
California

By Neil Wellesen

14400 sq ft



FRONT



**RESOLUTION TO RECOMMEND AMENDMENT OF THE COUNTY
CODE (ZONING RECLASSIFICATION) AND GENERAL PLAN
AMENDMENT (LAND USE REDESIGNATION) PLN100573/PATTERSON**

RESOLUTION NO. 12-013B

Resolution of the Monterey County Planning Commission recommending that the Board of Supervisors amend Figure #LU9 of the Monterey County General Plan, South County Area Plan, to reclassify both Parcels B and C from the Land Use Designation of "Farmlands 40-160 acre minimum" to a "Public/Quasi-Public" land use designation and adopt an ordinance amending Section 21.79 of the Monterey Sectional Maps of Section 21.08.060 of Title 21 (zoning) of the Monterey County Code to rezone a 2.5 acre parcel (Parcel 2) and a 12.5 acre parcel (Parcel 3) from the "F/40" [Farmland, 40 acres per unit] zoning classification to a "PQP" [Public/Quasi-Public] zoning classification. The parcels are located near the intersection of Jolon Road and Lockwood-Bradley Road, Lockwood (APN: Portion of 423-061-035-000 and 423-061-036-000), South County Area Plan.

The amendment to Figure #LU9 of the Monterey County General Plan, South County Area Plan and the amendment to Section 21-79 of the Monterey County Sectional District Maps to rezone two parcels came on for public hearing before the Monterey County Planning Commission on April 25, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission makes the following findings and recommendation:

FINDINGS

1. On December 9, 2008, the Board of Supervisors approved a lot line adjustment (Resolution No. 06-221, amended 08-365) between four parcels to adjust 80.02 acres out of a Williamson Act contract (No. 73-034) and split the 80.02 acres into two parcels (40.01 acres each) for the future development of a museum/learning center and fire station. As a condition of approval the 80.02 acres can only be used as agricultural uses, a fire station and/or a museum (Condition No. 7, Resolution No. 08-365. The property is located near the intersection of Jolon Road and Lockwood-Bradley Road, Lockwood (APN: 423-061-035-000, 423-061-036-000 (portion) 423-071-006 (portion)], South County Area Plan, in the unincorporated area of Monterey County.
2. On April 25, 2012, at a duly noticed public hearing, the Planning Commission considered the adoption of a Negative Declaration and the approval of a lot line adjustment and recommendation to the Board of Supervisors to adopt the proposed rezoning and General Plan Amendment. The Lot Line Adjustment is between two 40 acre parcels resulting in a 67.5 and 12.5 acre parcel. A 2.5 acre parcel would be divided out of the 12.5 acre parcel

for public use as a future fire station. The 2.5 acre parcel (Parcel 3) would be created pursuant to Government Code Section 66426.5 which allows land to be conveyed to a government agency without a parcel map. The proposal includes a rezoning of Parcel 2 and Parcel 3 from "F/40" (Farmlands, 40 acre minimum) to "PQP" (Public/Quasi-Public); and a General Plan Amendment to change the land use designation of Parcel 2 and Parcel 3 from Farmlands to Public and Quasi-Public to allow for the fire station and museum use. Parcel 1 (67.52 acres) will remain designated as Farmland. The lot line adjustment is conditioned upon the approval of the General Plan Amendment and rezoning. Without the General Plan Amendment and rezoning, the lot line adjustment will be inconsistent with the land use designation and density approved in the General Plan and Zoning Ordinance.

3. The General Plan must be amended to change the land use designations in order for the lot line adjustment to be consistent with the General Plan. The land use designations for Parcel 2 (10 acres) and Parcel 3 (2.5 acres) would be amended on Figure #LU9 of the Monterey County General Plan, South County Area Plan, from "Farmlands 40-160 acre minimum" to a "Public/Quasi-Public" land use designation.
4. Section 21.08.060 of the Monterey County Zoning Ordinance, (Title 21) references sectional district maps that show the Zoning Plan. Section 21-79 of the Sectional District Maps of the Monterey County Zoning Plan provides a graphic representation of the zoning designations in this portion of the planning area. The proposed Ordinance is attached to this Resolution as **Attachment "A"** and is incorporated herein by reference. The ordinance would amend Section 21-79 of the Sectional District Maps of Section 21.08.060 of Title 21 of the Monterey County Code to apply the "Public/Quasi-Public" zoning district overlay over Parcel 2 (10 acre Parcel) and Parcel 3 (2.5 acre parcel).
5. The requested rezoning and General Plan Amendment will better achieve the overall goals of the General Plan and the amendment is in the public's interest. The owner's future goal to develop a museum/learning center and the establishment of fire station will benefit the Lockwood community. The owner intends to convey to the Nacitone Foundation, a non-profit organization, Parcel 2 (10 acres) to construct the Nacitone Regional Interpretative Center, a museum dedicated to preserving the local history. The museum hopes to promote interpretation of the history of the Nacimiento/San Antonio River, gathering and preserving oral histories from descendants of Native American and early settler families, and restore and exhibit items that demonstrate domestic, economic and social life among the Native American and Euro-American residents of the region. The owner intends to convey the 2.5 acres (Parcel 3) to the South County Fire Protection District in order to develop a new fire station with a training facility which will benefit the community.
6. Pursuant to Section LU-9.6 and LU-9.7 of the Monterey County General Plan, the County may amend the General Plan provided the County follows certain procedures, including that the County Planning Commission make an early assessment and provide a written recommendation to the Board of Supervisors on the proposed amendment. On February 29, 2012, the proposal of a new lot line adjustment, rezoning and General Plan amendment (PLN100573) was brought before the Planning Commission at a noticed public workshop. The workshop was intended to satisfy the early assessment requirement of policy LU-9.6.

7. On April 25, 2012, the Monterey County Planning Commission held a duly noticed public hearing to consider and make recommendations to the Board of Supervisors regarding the proposed zoning ordinance and land use designation. At least 10 days before the first public hearing date, notices of the hearing before the Planning Commission were published in the *Monterey County Herald* and were also posted on and near the property and mailed to the property owners within 300 feet of the subject property. The notices were posted pursuant to Chapter 21.88.030.B of Title 21.
8. The proposed amendment to General Plan Figure #LU9 is attached to the Resolution as **Attachment "B"** and is incorporated herein by reference. The amendment would amend Figure #LU9 of the Monterey County General Plan, South County Area Plan, to apply the "Public/Quasi-Public" land use designation over Parcel 2 (10 acre parcel) and Parcel 3 (2.5 acre parcel).

DECISION

NOW, THEREFORE, the Planning Commission of the County of Monterey, State of California, hereby recommends that the Board of Supervisors amend Figure #LU9 of the Monterey County General Plan, South County Area Plan, to reclassify both Parcels B and C from the Land Use Designation of "Farmlands 40-160 acre minimum" to a "Public/Quasi-Public" land use designation and adopt an ordinance amending Section 21.79 of the Monterey Sectional Maps of Section 21.08.060 of Title 21 (zoning) of the Monterey County Code to rezone a 2.5 acre parcel (Parcel 2) and a 12.5 acre parcel (Parcel 3) from the "F/40" [Farmland, 40 acres per unit] zoning classification to a "PQP" [Public/Quasi-Public] zoning classification, as shown **Attachment "A"** and **Attachment "B"**.

PASSED AND ADOPTED this 25th day of April, 2012 upon motion of Commissioner Brown, seconded by Commissioner Getzelman, and passed by the following vote:

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



Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON APR 27 2012

ATTACHMENT "A"
DRAFT ORDINANCE TO AMEND COUNTY CODE

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING SECTION 21.08.060 OF TITLE 21 (MONTEREY COUNTY ZONING ORDINANCE) OF THE MONTEREY COUNTY CODE TO AMEND THE ZONING CLASSIFICATION OF CERTAIN PROPERTIES IN THE COUNTY OF MONTEREY.

County Counsel Summary

This ordinance amends Section 21-79 of the Zoning Maps of the Monterey County Zoning Ordinance (Title 21 of the Monterey County Code) to rezone a 2.5 acre parcel and a 10 acre parcel from the "F/40" [Farmland, 40 acres per unit] zoning classification to a "PQP" [Public/Quasi-Public] zoning classification.

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

SECTION 1. ZONING DISTRICT MAP. Section 21-79 of the Sectional District Maps of Section 21.08.060 of the Monterey County Code is hereby amended to change the zoning of a 2.5 acre parcel and 12.5 acre parcel located near the intersection of Jolon Road and Lockwood – Bradley Road (Portion of Assessor’s Parcel Numbers: 423-061-035-000, and 423-061-036-000) from the "F/40" [Farmland, 40 acres per unit] zoning classification to a "PQP" [Public/Quasi-Public] zoning classifications as shown on the map attached hereto as Exhibit 1 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 has 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 4. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day following its adoption.

PASSED AND ADOPTED on this _____ day of _____, 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

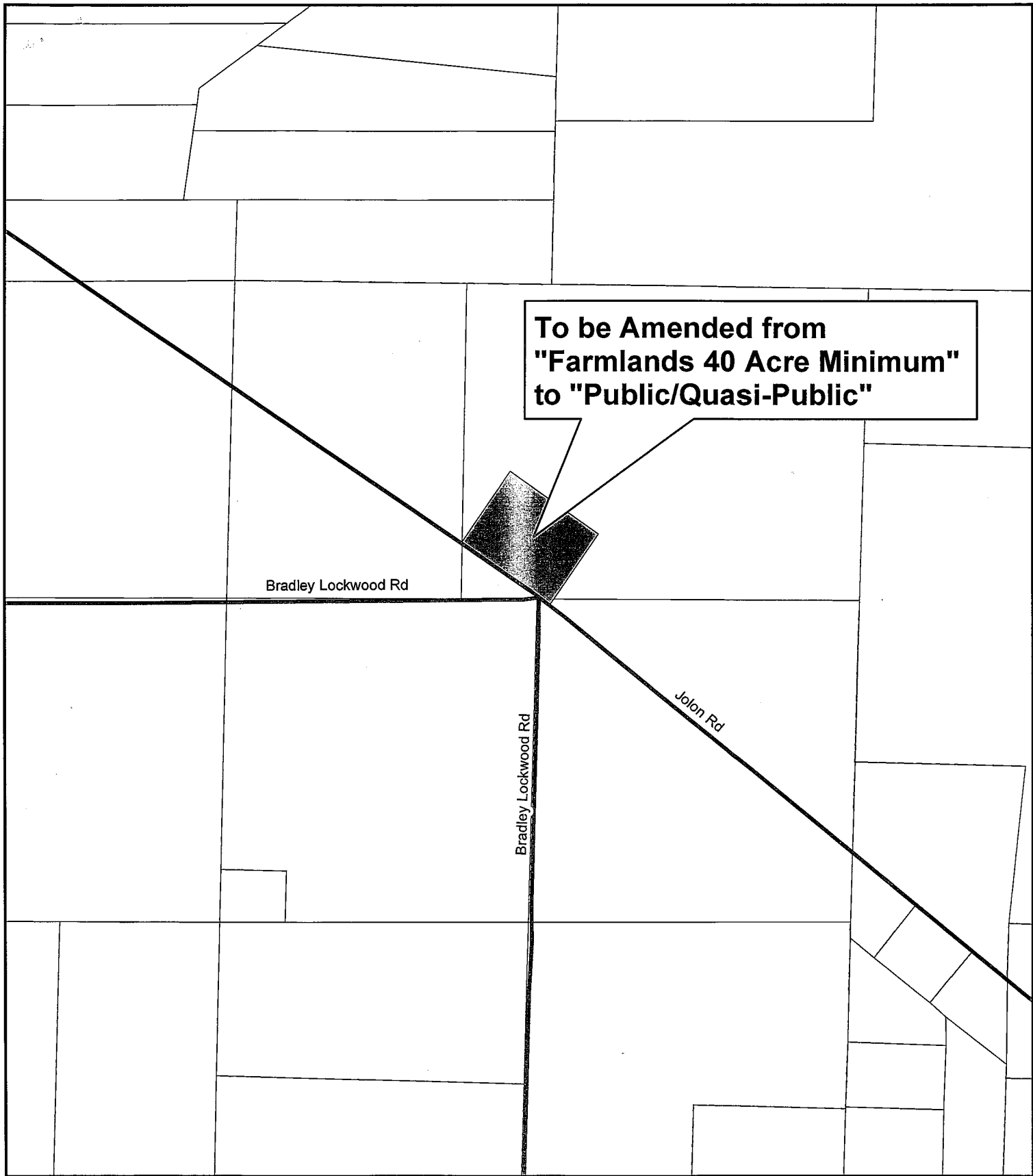
Chair, Monterey County Board of Supervisors

A T T E S T:
GAIL T. BORKOWSKI,
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM

WENDY STRIMLING
Senior Deputy County Counsel



To be Amended from
"Farmlands 40 Acre Minimum"
to "Public/Quasi-Public"

Bradley Lockwood Rd

Bradley Lockwood Rd

Jolon Rd

GENERAL PLAN AMENDMENT, SOUTH COUNTY AREA

APN: 423-061-035, 036, & 423-071-006

FILE # PLN100573, PATTERSON

