



Legislation Details (With Board Report)

File #: PC 19-033 **Name:** PLN180345 - Scheid Vineyards California Inc
Type: Planning Item **Status:** Agenda Ready
File created: 5/1/2019 **In control:** County of Monterey Planning Commission
On agenda: 5/8/2019 **Final action:**
Title: PLN180345 - SCHEID VINEYARDS CALIFORNIA INC.
Public hearing to consider a Minor Subdivision Tentative Map to allow the division of a 373 acre parcel into four parcels of 149 acres (Parcel A); 94 acres (Parcel B); 68 (Parcel C); and 62 acres (Parcel D), respectively for agricultural financing purposes. The property is under a Williamson Act Contract. No individual septic or water systems are proposed.

Project Location: 34954 Metz Road, Soledad (Assessor's Parcel Number 34954 Metz Road, Soledad), Central Salinas Valley
Proposed CEQA action: Consider Addendum to previously adopted Mitigated Negative Declaration

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Exhibit A- Project Data Sheet, 3. Exhibit B - Draft Resolution, 4. Exhibit C - Vicinity Map, 5. Exhibit D - Williamson Act Contract, 6. Exhibit E - Addendum to the Mitigated Neg Dec, 7. Exhibit F - Negative Delacarion - Initial Study, 8. Exhibit G - AAC Meeting Minutes, 9. Exhibit H - Habitat Evaluation San Joaquin Kit Fox

Date	Ver.	Action By	Action	Result
5/8/2019	1	County of Monterey Planning Commission		

PLN180345 - SCHEID VINEYARDS CALIFORNIA INC.

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Proposed CEQA action: Consider Addendum to previously adopted Mitigated Negative Declaration

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- 1) Consider an Addendum to the previously adopted Mitigated Negative Declaration.
- 2) Adopt a resolution to Minor Subdivision Tentative Map to allow the division of a 373 acre parcel into four parcels of 149 acres (Parcel A); 94 acres (Parcel B); 68 (Parcel C); and 62 acres (Parcel D), respectively for agricultural financing purposes.

The attached draft resolution includes findings and evidence for consideration (*Exhibit B*). Staff recommends approval subject to 12 conditions of approval.

PROJECT INFORMATION:

Agent: Luis Osorio/JRG Attorneys
Property Owner: Scheid Vineyards California, Inc. c/o Scott Scheid
APN: 257-121-003-000
Parcel Size: 373 acres
Zoning: F/40 (Farmlands)
Plan Area: Central Salinas Valley
Flagged and Staked: No

SUMMARY:

Located approximately 1.7 miles east of Highway 101, at the southeastern end of the City of Soledad, the project involves the division of an approximately 373 acre parcel, zoned F/40 (Farmlands with 40 acres minimum) into four parcels. According to the California Department of Conservation, the parcel is designed as Prime Farmland (Prime Farmland has the best combination of physical and chemical features able to sustain long term agricultural production). The 373 acres are to be converted into four lots consisting of 149 acres (Parcel A); 94 acres (Parcel B); 68 acres (Parcel C); and 62 acres (Parcel D), respectively. The site currently grows wine grapes (viticulture) and the property is under a Williamson Act Contract (Contract No. 71-040). There are no structures existing on the property, and none are proposed as part of this project. The surrounding parcels are primarily zoned Farmlands and Permanent Grazing. The land use designation on the site requires that each subdivided parcel must be capable of remaining a viable agriculture unit, and that any land divisions do not adversely affect the land's long-term agricultural viability. The applicant's objective is to divide into four (4) lots consistent with the existing grape crop varieties in order to facilitate financing, which in return would allow the agricultural viability to continue. This is a common practice in the grape growing industry.

DISCUSSION:

Overview

The project was previously approved by the Minor Subdivision Committee on December 9th, 2010 (PLN070463). The granting of this permit was for two (2) years, unless there was a filing of the parcel map subject to meeting the conditions of approval. Since only one (1) of the sixteen (16) conditions were met, the permit expired on December 9th, 2012. Pursuant to the Subdivision Map Act, the applicant is granted several automatic legislative extensions. However, those extensions have been exhausted. Therefore, the applicant is currently applying for a new permit with the same entitlement.

Pursuant to 2010 General Plan Policy AG-1.3, Subdivision of Important Farmland, as mapped by the California Department of Conservation Farmland Mapping and Monitoring Program, and designated by the County as "Farmland", shall be allowed only for exclusive agricultural purposes. The subject property is designated as Prime farmland in the Important Farmland Mapping and Monitoring Program by the California Department of Conservation. Pursuant to AG-1.3, the subdivision of this property is allowed because the purpose of the subject minor subdivision is exclusively for agriculture.

Access

The proposed parcels have direct access off of Metz Road. The site also has an existing 20-foot wide road and utility right-of-way easement between proposed Parcels B & C. RMA-Public Works has imposed a condition of approval requiring it to be increased to 30-foot in width in order to meet the County's minimum standards. This will be reflected on the Final Map prior to recordation (Condition No. 11). Additionally, there is a Southern Pacific Railroad easement which runs along a six-acre area within the southern boundary of the project site.

Potential Future Development

In accordance with the Farmland zoning of this property, single-family dwellings accessory to the agricultural use of the property are allowed, not exceeding three (3) in total, for an owner, operator or employees employed on site (MCC Chapter 21.30 Farmlands zoning designation). Although there is no residential construction proposed, the subdivision creates the potential for construction of twelve (12) single family dwellings as a result of the four (4) lots (3 single family dwellings per lot).

Pursuant to PS. 3.1.c of the 2010 General Plan, new development for which a discretionary permit is required, and that will use or require the use of water, shall be prohibited without proof, based on specific findings and supported by evidence, that there is a long-term, sustainable water supply, both in quality and quantity to serve the development. However, this requirement shall not apply to development within Zone 2C of the Salinas Valley groundwater basin.

Monterey County Water Resources Agency Zone 2C is an assessment district established to collect fees to pay for water projects that improve water supply and water quality, including funding the operation and maintenance of the Nacimiento and San Antonio Reservoirs and a suite of other projects, all intended to address both seawater intrusion and water supply. The Scheid project is located within the Monterey County Water Resources Agency (MCWRA) Zone 2C. This exemption for Zone 2C shall be a rebuttable presumption that a Long-Term Sustainable Water supply exists within Zone 2C. Furthermore, there is an existing agricultural well on proposed Parcel C which serves the agricultural operation. If in the future, houses were constructed on the site, the historic use associated with the agricultural operation would more than offset the water requirements associated with the single-family dwellings. The well would also provide the appropriate quality and quantity to serve as the source for domestic water distribution system for all of the proposed parcels.

Conditions of approval (Exhibit B1, Condition No. 6) have been placed on the project from Environmental Health Bureau (EHB) to state prior to the approval of the final parcel map, the Owner shall enter into a water system agreement with the County in which Owner agrees that prior to the first sale of any lot in the subdivision or prior to the issuance of the first permit for a use requiring a domestic water source, whichever events occurs, Owner shall obtain a water system permit from Environmental Health Bureau.

In addition, in order to ensure that any parcel resulting from this minor subdivision will have access to the well on proposed Parcel C as a source of domestic water supply, the well on Parcel C and water line easements from the well on Parcel C to each of the other parcels shall be depicted on the final parcel map. The easements will provide each of the parcels access to the well and the right to install equipment as required for each parcel's use of the well as the source of domestic water supply (Condition No. 7).

Agricultural and Forest Resources

The project has not changed from the original application (PLN070463) which identified the preservation of the agricultural viability of each proposed lot. If development is proposed in the future, the applicant shall develop in areas that would minimize the removal of agricultural production. As a result, prior to the recording of the Parcel Map, the applicant shall place a following note on the Map stating that "All future single family dwellings proposed on each lot of record, shall be located in areas that would minimize the removal of agricultural production in order to maintain the agricultural viability of lots which are designated as "Prime Farmland." The location of each proposed single-family dwelling(s) shall be approved by the Director of Planning, prior to the issuance of any building permit(s)". No development is proposed at this time, since the objective is to facilitate financing and continue the current crop varieties. As a result, there will be no significant impacts to agricultural or forest resources.

Consistency with General Plan Policy LU-1.19 (Development Evaluation System - 'DES')

Policy LU-1.19 directs that “Community Areas, Rural Centers, and Affordable Housing Overlay districts are the top priority for development in the unincorporated areas of the County. Outside of those areas, a Development Evaluation System (DES) shall be established to provide a systematic, consistent, predictable, and quantitative method for decision-makers to evaluate developments of five or more lots or units and developments of equivalent or greater traffic, water, or wastewater intensity. The system shall be a pass-fail system and shall include a mechanism to quantitatively evaluate development in light of the policies of the General Plan and the implementing regulations, resources and infrastructure, and the overall quality of the development.” The intended purpose of Policy LU-1.19 and the DES would be to direct most residential development (i.e., small-lot or unit residential subdivisions) to Community Areas, Rural Centers, and Affordable Housing Overlay districts.

An agricultural subdivision should not be subject to the provisions of LU-1.19 because an agricultural subdivision will not be found in a Community Area, Rural Center, or Affordable Housing district. This will need to be addressed as part of development of the County’s DES. Until the DES is completed, agricultural subdivisions will need to be considered on a case by case basis based upon the policy direction of the 2010 General Plan. If the Planning Commission finds that this is an agricultural subdivision, it would be consistent with AG-1.3, and then the Planning Commission could find it consistent with LU-1.19 because it is not the type of development intended to be regulated.

Prime agricultural land is presumed to be on parcels large enough to sustain their agricultural use if the land is at least 10 acres, and non-prime agricultural land is presumed to be in parcels large enough to sustain their agricultural use if the land is at least 40 acres (California Government Code Section 66474.4). Therefore, the four proposed parcels would be capable of remaining viable agricultural units. The County has processed several agricultural-related lot line adjustments and subdivisions, primarily for financing purposes. Applicants have reported that lenders have stricter lending guidelines such as configuring lots to reflect crop patterns. The County has found it appropriate to allow agricultural subdivisions for financing purposes where the economically viable use of the new lot is production of a distinct crop. By improving financing opportunities, the proposed subdivision could preserve and enhance the agricultural viability of the subject land, consistent with 2010 General Plan policies that allow subdivision of agricultural lands (Policy AG-1.3) and promote agriculturally-related housing (Policies AG-1.6 and AG-1.7).

CEQA

Pursuant to Section 15162 of the CEQA Guidelines, there are no substantial changes proposed in the project, no changes to circumstances under which the project was undertaken, and there is no new information of substantial importance not known at time that would require major revisions to the prior Mitigated Negative Declaration (MND). The prior MND (Exhibit E) did not identify significant impacts to the environment. However, potential impacts to agricultural and forest resources were identified. The Tentative Map would not result in a substantial change to the lot layout or result in the change of the MND’s outcome. A Minor Subdivision onto Assessor’s Parcel Number 257-121-003-000 would not require a major revision to the prior MND. The project is a Minor Subdivision Tentative Map to divide into four (4) lots consistent with the existing grape crop varieties in order to facilitate financing and is currently under the Williamson Act Contract (71-040). No constructions are being proposed.

Agricultural Advisory Committee

The project was referred to the Monterey County Agricultural Advisory Committee (AAC) on February 28, 2019. The AAC unanimously recommended approval with no conditions for the project.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Environmental Health Bureau
RMA-Public Works
RMA-Environmental Services
Mission Soledad Rural Fire Protection District
RMA-Parks
Housing and Economic Development

LUAC:

The project was not referred to the Land Use Advisory Committee (LUAC) for review because no LUAC exists for this area of the County of Monterey

Prepared by: Son Pham-Gallardo, Associate Planner, x5226

Reviewed by: Brandon Swanson, Interim RMA Chief of Planning

Approved by: John M Dugan, FAICP, RMA Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

Attachments:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution including:

- Conditions of approval
- Tentative Parcel Map

Exhibit C - Vicinity Map

Exhibit D - Williamson Act Contract (71-040)

Exhibit E - Addendum to the Mitigated Negative Declaration

Exhibit F - Mitigated Negative Declaration - Initial Study

Exhibit G - Monterey County Agricultural Advisory Committee Minutes

Exhibit H - Habit Evaluation San Joaquin Kit Fox

cc: Front Counter Copy; Planning Commission; Son Pham-Gallardo, Associate Planner, Craig Spencer, RMA Interim Services Manager; Luis Osorio, Agent; Scheid Vineyards Applicant/Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN180345