

**EXHIBIT D
DRAFT RESOLUTION**

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

In the matter of the application of:

BOLLENBACHER AND KELTON (PLN040758)

RESOLUTION NO. ----

Resolution by the Monterey County Planning Commission to recommend that the Monterey County Board of Supervisors take the following Actions:

- 1) 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
- 2) Deny the Request to apply the Agricultural Industrial zoning classification to Parcel D of the Ferrini Ranch vesting tentative map

[PLN040758, Bollenbacher and Kelton, 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 Planning Commission on October 8, October 29, and November 12, 2014. 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:** **Request is Unnecessary** – The applicant (Bollenbacher and Kelton) as part of its original project proposal requested to change the 1982 General Plan Land Use Designation from LDR 2.5 to Agricultural Industrial and to apply the Agricultural Industrial zoning designation to Parcel D of the proposed Ferrini Ranch vesting tentative map. The requested general plan amendment and zoning are unnecessary for Alternative 5.
EVIDENCE:
 - a) The applicant’s request for a GPA and rezone is 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 application was deemed complete.
 - c) The Planning Commission is recommending 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 owner of Parcel D in the future applies for an entitlement to a visitor center on Parcel D, future discretionary entitlements on the site 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 3.1H) encourages development of a visitor center near Highway 68. 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:**

The Ferrini Ranch FEIR considered and adequately evaluated the impacts of both approving the General Plan Amendment/Rezone and not approving the General Plan Amendment and Rezone. The Planning Commission 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.

DECISION

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

- 1) Deny the applicant's request to change the General Plan Land Use Designation of Parcel D from LDR 2.5 to Agricultural Industrial.
- 2) Deny the applicant's request to apply the Agricultural Industrial zoning classification to Parcel D.

PASSED AND ADOPTED this 12th day of November, 2014 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Secretary, Planning Commission

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