

ATTACHMENT C

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RESOLUTION APPROVING GENERAL PLAN AMENDMENTS

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

Resolution No. _____

Resolution considering Addendum No. 1 to)
FEIR #07-01, SCH #2007121001, and)
amending Policies CV 1.6, 2.17, 2.18, 3.11,)
3.22 and 6.5 of the 2010 Monterey County)
General Plan/Carmel Valley Master Plan)
relating to the New Residential Unit Cap,)
Traffic Methodology, Carmel Valley Road)
Committee, Tree Protection, and Non-)
agricultural Development on Slopes.)

RECITALS

WHEREAS, section 65300 et seq. of the California Government Code requires each county to adopt a comprehensive, long-term General Plan for the physical development of each county; and,

WHEREAS, on October 26, 2010, the Board of Supervisors adopted the 2010 Monterey County General Plan ("General Plan"), which included the Carmel Valley Master Plan ("CVMP"), and certified its accompanying Final Environmental Impact Report (#07-01, SCH #2007121001) ("FEIR"); and,

WHEREAS, subsequent to the adoption of the General Plan and certification of the FEIR, four lawsuits were commenced challenging those actions on a variety of grounds; and,

WHEREAS, one of those lawsuits was filed in the name of the Carmel Valley Association ("CVA"); and,

WHEREAS, pursuant to the requirements of the California Environmental Quality Act ("CEQA"), settlement negotiations were begun with all litigant groups; and,

WHEREAS, following extended negotiations, an agreement was reached with the CVA which requires the County to consider amendments to the General Plan/CVMP, and the Board of Supervisors approved the settlement; and,

WHEREAS, pursuant to Government Code sections 65350 et seq., the County may amend the adopted General Plan provided the County follows certain procedures, including that the Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the General Plan; and

WHEREAS, proposed amendments to the General Plan/CVMP came on regularly for public hearing before the Monterey County Planning Commission on November 14, 2012; and,

WHEREAS, the proposed amendments to the General Plan affect CVMP Policies CV-1.6 (New Residential Unit Cap), CV-2.17 (Traffic Methodology), CV-2.18 (Carmel Valley Road Committee), CV-3.11 (Tree Protection), and CV-6.5/3.22 (Non-agricultural Development on Slopes); and,

WHEREAS, an Addendum to the certified FEIR (“Addendum No. 1”) has been prepared pursuant to Section 15164 of the CEQA Guidelines because substantial evidence in the record shows that the conditions requiring a Subsequent Environmental Impact Report (“EIR”) or Supplement to an EIR do not exist; and,

WHEREAS, the Planning Commission considered the Addendum No. 1 and voted 8-0-2 to recommend the adoption of the proposed amendments with certain exceptions or modifications; and,

WHEREAS, a public hearing was scheduled before the Board of Supervisors on December 4, 2012, at 1:30 p.m. to consider the proposed amendments and the Addendum No. 1, and at least 10 days before the public hearing, notice of the hearing before the Board of Supervisors was published in the Monterey County Weekly and mailed to interested parties; and

WHEREAS, the matter was continued first to January of 2013, and subsequently to February 12, 2013; and

WHEREAS, the matter came on regularly for the public hearing before the Board of Supervisors on February 12, 2013, at 1:30 p.m. to consider the proposed amendments and the Addendum No. 1, and at least 10 days before the public hearing, notice of the hearing before the Board of Supervisors was published in the Monterey County Weekly and mailed to interested parties; and

WHEREAS, while the California Government Code provides that any mandatory element of the General Plan may be amended no more than four (4) times during any calendar year, Policy LU-9.6 (d) of the General Plan provides that amendments to the County’s General Plan be considered no more than twice per calendar year; and,

WHEREAS, there have been no General Plan amendments considered in 2013 prior to the Board meeting of February 12, 2013; and,

WHEREAS, General Plan Policy LU-9.7 sets forth general grounds for the consideration of General Plan amendments which, in relevant part, include (in subsection (b)) that there is a clear change of facts or circumstances, or (in subsection (c)) that the amendments better carry out the overall goals and policies of the General Plan and the amendments are in the public interest; and,

WHEREAS, all policies of the General Plan have been reviewed by the Planning Department staff and the County Counsel’s Office to ensure that the proposed amendments maintain the compatibility and internal consistency of the General Plan; and

WHEREAS, the modifications to the traffic methodology in Policy CV-2.17 are solely for the purposes set forth in the policy and no other; are not intended to create a CEQA threshold of significance; and the County is free to use any other methodology it deems appropriate for other purposes, including the establishment of CEQA thresholds; and

WHEREAS, the Board of Supervisors has considered all the written and documentary evidence, the staff report and its attachments, oral testimony, and other evidence presented; and

WHEREAS, the Board of Supervisors has considered the Addendum No. 1, attached hereto as Exhibit 1; NOW, THEREFORE,

BE IT RESOLVED, by the Board of Supervisors in and for the County of Monterey as follows:

FINDINGS

- A. The above recitals are true and correct.
- B. There are no substantial changes proposed to the General Plan/CVMP that will require major revisions to the certified FEIR (#07-01, SCH #2007121001) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- C. There are no substantial changes that will occur with respect to the circumstances under which the General Plan/CVMP is undertaken which will require major revisions of the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- D. There is no new information of substantial importance that shows any of the following:
 - i. that the General Plan/CVMP will have one or more significant effect not discussed in the FEIR;
 - ii. significant effects previously examined will be substantially more severe than shown in the FEIR;
 - iii. mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the General Plan/CVMP, but the County declines to adopt the mitigation measure or alternative; or
 - iv. mitigation measures or alternatives which are considerably different from those analyzed in the FEIR would substantially reduce one or more significant effects on the environment, but the County declines to adopt the mitigation measure or alternative.
- E. There has been a clear change of circumstances in that litigation has been filed challenging the validity of the General Plan and its FEIR, and the proposed amendments better carry out the overall goals and policies of the CVMP which, in relevant part, are to monitor conditions in Carmel Valley to better understand the impacts of development, and to place appropriate controls on development in light of existing constraints, such as traffic and water.

DECISION

The amendments to the 2010 Monterey County General Plan/Carmel Valley Master Plan set forth in Exhibit 2, attached hereto and incorporated herein by reference, are hereby adopted.

PASSED AND ADOPTED on this _____, 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