# Exhibit B

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# DRAFT RESOLUTION TO RECOMMEND AMENDMENT OF LOCAL COASTAL PROGRAM PLN150149

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

#### **RESOLUTION NO. 16 -**

Resolution of the Monterey County Planning Commission recommending that the Board of Supervisors amend the text of Policy 20 of the Del Monte Forest Area Land Use Plan and Section 20.147.040.D.2 of Part 5 of the Monterey County Coastal Implementation Plan regulating development within the indigenous Monterey cypress habitat, Del Monte Forest, Coastal Zone.

An amendment to the Del Monte Forest Land Use Plan (LUP) to amend the text of Policy 20, and to amend the text of the Coastal Implementation Plan (CIP), Part 5, came on for a public hearing before the Planning Commission on June 29, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission hereby recommends that the Monterey County Board of Supervisors make the following amendments with reference to the following facts:

#### RECITALS

- 1. 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.
- 2. On September 30, 1982, the Board of Supervisors of the County of Monterey ("County") adopted a county-wide General Plan ("General Plan") pursuant to California Planning, Zoning and Development law.
- 3. Section 30500 of the Public Resources Code requires each County and City to prepare a Local Coastal Program for that portion of the coastal zone within its jurisdiction.
- 4. On July 17, 1984, the Board of Supervisors adopted the Del Monte Forest Land Use Plan as part of the Local Coastal Program in the Coastal Zone pursuant to the California Coastal Act.
- 5. On September 24, 1984 the California Coastal Commission acknowledged certification of the Del Monte Forest Land Use Plan as part of Monterey County's Local Coastal Program.
- 6. On January 5, 1988, Monterey County adopted the Coastal Implementation Plan of the Local Coastal Program consistent with Section 30512.1 of the Public Resources Code.

- 7. Section 30514 of the Public Resources Code provides for amendments to adopted Local Coastal Programs.
- 8. On September 24, 1985 the Monterey County Board of Supervisors adopted procedures for amending the Local Coastal Program-Coastal Implementation Plan.
- 9. On January 24, 2012, the Monterey County Board of Supervisors adopted amendments to the text, policies, and figures of the Del Monte Forest Land Use Plan and the Coastal Implementation Plan, Parts 1 and 5, including land use re-designations and zoning reclassifications at multiple locations.
- 10. On May 9, 2012, the California Coastal Commission acknowledged certification of the amendments to the Del Monte Forest Land Use Plan and Coastal Implementation Plan as part of Monterey County's Local Coastal Program.
- 11. Pursuant to Public Resources Code sections 30000 et seq., and Title 20 of the Monterey County Code, the County may amend the adopted Local Coastal Program provided the County follows certain procedures, including that the County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the Land Use Plan and Coastal Implementation Plan portions of the Local Coastal Program, and that the Board of Supervisors hold a public hearing to determine whether to adopt a resolution of intent to approve, and if affirmative, submit the proposed amendment to the California Coastal Commission for certification. The Coastal Commission may certify the amendment or may suggest modifications, which, if adopted by the County, are deemed certified upon confirmation of the Executive Director of the Coastal Commission.
- 12. 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 County 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. In this case, staff recommended that the proposed amendment is consistent with the policies as established in the Land Use Plan, that no changes will occur to General Plan policies or land use designations, and that all changes are otherwise consistent with the 1982 Monterey County General Plan.
- 13. Pursuant to CEQA Guidelines Section 15265 (Adoption of Coastal Plans and Programs), an amendment to a Local Coastal Program is statutorily exempt. Per Section 15265, CEQA does not apply to activities and approvals pursuant to the California Coastal Act by any local government necessary for the preparation and adoption of a local coastal program. This section shifts the burden of CEQA compliance from the local agency to the California Coastal Commission.
- 14. On June 29, 2016, the Monterey County Planning Commission considered, at a public hearing, a Local Coastal Program amendment to amend the text of Policy 20 of the Del Monte Forest Land Use Plan, and to amend the text of the Coastal Implementation Plan, Part 5, Section 20.147.040.D.2. The proposed amended policy and text are attached and incorporated by reference.
- 15. All policies of the 1982 General Plan and the Del Monte Forest Land Use Plan have been reviewed by Resource Management Agency Planning staff to ensure that the proposed

amendments maintain the compatibility and internal consistency of the General Plan and the Del Monte Forest Land Use Plan. The Planning Commission finds that:

- a. The proposed amendments is more protective of the natural resources of the Del Monte Forest than the existing Local Coastal Program, specifically with regard to the protection, enhancement, restoration, and maintenance of Monterey cypress habitat.
- b. The proposed amendment ensures a planned and balanced approach to development and preservation within the indigenous Monterey cypress habitat area.
- c. The proposed amendment is not expected to increase development potential in the indigenous Monterey cypress habitat area, or lessen protection of environmental resources, and is more likely to result in reduction of environmental impact overall compared to the text of Policy 20 in the existing Del Monte Forest Land Use Plan. The key changes in the proposed text of the Coastal Implementation Plan are similar in intent and scale to those proposed for the Land Use Plan.
- d. The proposed amendment is consistent with the Coastal Act.
- 16. On June 29, 2016, the Monterey County Planning Commission held a duly noticed public hearing to consider and make recommendations to the Board of Supervisors regarding approving amendments to the text of Policy 20 of the Del Monte Forest Land Use Plan and to amend the text of the Coastal Implementation Plan, Part 5, Section 20.147.040.D.2. At least 10 days before the first public hearing date, notices of the hearing before the Planning Commission were published in the Monterey County Weekly and were also posted on and near the affected property area.
- 17. This amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act (Public Resources Code Sections 30512, 30513, and 30519).

### **DECISION**

The Planning Commission of the County of Monterey, State of California, hereby recommends that the Board of Supervisors adopt a resolution of intent to amend the text of Policy 20 of the "Land Use Plan", and to amend the text of the Coastal Implementation Plan (CIP), Part 5, Section 20.147.040.D.2, Coastal Zone, as shown on Attachment "A".

**PASSED AND ADOPTED** this 29<sup>th</sup> day of June, 2016, upon motion of Commissioner \_\_\_\_\_\_, seconded by Commissioner \_\_\_\_\_\_, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

Carl P. Holm, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_.

# 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 \_\_\_\_\_\_.

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.

## Proposed LCP Amendment to DMF LUP Policy No. 20

Indigenous Monterey cypress habitat is an environmentally sensitive habitat area within the Del Monte Forest and is presumed present within the area mapped in LUP Figure 2a. Within their indigenous range (see LUP Figure 2a), Monterey cypress trees and habitat shall be protected to the maximum extent possible. All development that could impact Monterey cypress trees and/or Monterey cypress habitat mapped in this area shall be carefully sited and designed to avoid adverse impacts and potential damage or degradation to both individual cypress trees and cypress habitat, and shall be required to include measures that will enhance Monterey cypress habitat values. All development shall be consistent with the limitations and standards provided in Del Monte Forest Implementation Plan Section 20.147.040(D) to ensure no Monterey cypress trees are harmed, and that Monterey cypress habitat is increased, restored as high-value and self-functioning Monterey cypress habitat, and placed under a Conservation Easement.

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