

EXHIBIT D
RECOMMENDED FINDINGS AND EVIDENCE
GENERAL PLAN AMENDMENT (PLN980516)

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

In the matter of the application of:

MOHSIN/SAMOSKE (PLN980516)

Resolution No. _____

Resolution of the Monterey County Board of Supervisors approving the following amendments to the 1982 Monterey County General Plan and Toro Area Plan:

1. Amend the Toro Area Plan to adopt Policy 30.1.1.2(T) to designate a Special Treatment Area (“STA”) on the Mohsin and Samoske properties.
2. Amend the land use designation in the General Plan and Toro Area Plan maps for 17-acres (APN 167-061-029-000/Samoske) to change the land use designations from Farmland/40 acre minimum (F/40) to Low Density Residential with a Special Treatment Area (STA) Overlay
3. Amend the land use designations in the General Plan and Toro Area Plan maps for the lower 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) to change the designation from Permanent Grazing/40 acre minimum to Low Density Residential with a STA Overlay on the entire 249 acres.
4. Designate 266 acres of land as a STA with reference to Policy 30.1.1.2(T), a new Toro Area Plan policy.

The property is located at 874, 884 and 870 River Road, Toro Area Plan.

The General Plan and Toro Area Plan Amendments (PLN980516) came on for public hearing before the Monterey County Board of Supervisors on May 19, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors hereby finds and decides as follows:

I. RECITALS

1. Section 65300 et. seq. of the California 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”). On March 3, 1992, the Board of Supervisors adopted the Toro Area Plan as an amendment to the General Plan. The General Plan “Land Use Plan” provides a graphic representation of the general distribution, location, extent and intensity of land uses and transportation routes in the county. The Toro Area Plan “Land Use Plan” (Figure 10) provides a graphic representation of the general distribution, location, extent and intensity of land uses and transportation routes in this planning area.

3. 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 and that the Board of Supervisors hold at least one noticed public hearing. Section 65358 of the California Code provides that any mandatory element of the General Plan shall be amended no more than four (4) times during any calendar year. The General Plan Amendments contained in this Resolution constitute the first amendment to the Monterey General Plan during 2009.

4. The current land use designations in the Toro Area Plan for the subject properties are:
a. APN: 167-061-029-000/Samoske (17 acres) Farmlands, 40 acre minimum (F/40).
b. APN: 167-061-033-000/Mohsin (249 acres). Permanent Grazing, 40 acre minimum (PG/40).

Both are limited to a minimum of 40 acres, which when combined (266 acres) would allow up to six lots under this designation.

5. Section 65860(a) of the Government Code requires that zoning be consistent with the General Plan.

6. The County desires to create a Special Treatment Overlay on the above referenced 266 acres. The Special Treatment Area (STA) would be established by amending the Toro Area Plan to include a new Policy 30.1.1.2(T) that defines uses allowed under this STA as follows:

Special Treatment Area: Mohsin/Samoske - Approximately 266 acres located east of River Road and north of Chualar River Road shall be designated as a “Special Treatment Area” to permit a planned development including:

- a. Development shall be limited to the creation of a clustered, rural density, residential subdivision consistent with the surrounding residential development.
- b. No more than 13 new residential lots may be created and shall be clustered on the lower 72 acres of land closest to River Road. The lots shall be a minimum of 5 acres.
- c. Agricultural buffers shall be established where applicable taking into account conditions such as the type of adjacent agriculture use, topography, and climate (e.g., prevailing winds) with the intent to protect agricultural operations from impacts of non-agricultural uses. An Agricultural Buffer Plan, to be approved by the Agricultural Commissioner, shall be required for any proposed subdivision within the STA.
- d. Development of the residential properties shall be required to comply with visual sensitivity policies of the Toro Area Plan.
- e. The upper 194 acres shall remain as permanent grazing with a habitat and scenic conservation easement over at least 150 acres, including areas where slopes exceed 30%.
- f. Any subdivision within the STA must comply with the inclusionary housing

ordinance in effect as of 1998.

Neither an infrastructure study nor a rural center plan is required for the development of the Mohsin-Samoske STA.

7. The STA would establish specific land use limits at the General Plan level. The intent of this language is to limit subdivision to only the lower 72 acres and retain the upper 194 acres as permanent grazing. There could be no further subdivision within the STA without a General Plan Amendment to this STA language.
8. The County further proposes to amend land use maps in the General Plan and Toro Area Plan as follows:
 - A. Change 17-acres (APN: 167-061-029-000/Samoske) from Farmland/40 acre minimum (F/40) to Low Density Residential with a Special Treatment Area (STA) Overlay (see Attachment 1);
 - B. Bacchante 55 acres on the lower portion of a 249-acre parcel (APN 167-061-033-000/Mohsin) from Permanent Grazing/40 acre minimum to Low Density Residential and apply a STA Overlay on the entire 249 acres (see Attachment 1);
 - C. Designate the entire 266 acres of land as a STA (see **Attachment 1**) with reference to Policy 30.1.1.2(T), a new Toro Area Plan policy.
9. The proposed General Plan Amendments are consistent with the General Plan and the Toro Area Plan as set forth in Chapter IV.G of the Recirculated Portion of the Draft EIR.
10. On December 10, 2008, January 28, 2009 and March 11, 2009 the Planning Commission held duly noticed public hearings on the project. On March 11, 2009 the Planning Commission voted 5-2 with one abstention to recommend that the Board of Supervisors approve the General Plan Amendment. The Planning Commission recommendation (Resolution No. 09014) has been transmitted to the Board of Supervisors (see Exhibit N of May 19, 2009 Board of Supervisors Staff Report).
11. On April 1, public hearing notices for the April 21, 2009 Board of Supervisors meeting were mailed to property owners within 300 feet of the site. A public hearing notice for the Board of Supervisors meeting on April 21, 2009 was advertised in the Salinas Californian on April 4, 2009. On April 21, 2009, the Board of Supervisors continued the public hearing to May 5, 2009. On May 5, 2009, the Board of Supervisors continued the public hearing to May 19, 2009.
12. On May 19, 2009, the Board of Supervisors considered the final EIR on the project and adopted Resolution ##### certifying the EIR for the project, approving a mitigation monitoring and reporting plan and adopting a statement of overriding considerations.

DECISION

NOW, THEREFORE, based on the above findings and evidence, and also subject certification of environmental impact report #06-01 (Resolution ###), the Board of Supervisors hereby takes the following actions:

1. Amend the Toro Area Plan to adopt new Policy 30.1.1.2(T) to provide as follows:

“The County desires to create a Special Treatment Overlay on the above referenced 266 acres. The Special Treatment Area (STA) would be established by amending the Toro Area Plan to include a new Policy 30.1.1.2(T) that defines uses allowed under this STA as follows:
Special Treatment Area: Mohsin/Samoske - Approximately 266 acres located east of River Road and north of Chualar River Road shall be designated as a “Special Treatment Area” to permit a planned development including:

Development shall be limited to the creation of a clustered, rural density, residential subdivision consistent with the surrounding residential development.

- i. No more than 13 new residential lots may be created and shall be clustered on the lower 72 acres of land closest to River Road. The lots shall be a minimum of 5 acres.*
- ii. Agricultural buffers shall be established where applicable taking into account conditions such as the type of adjacent agriculture use, topography, and climate (e.g., prevailing winds) with the intent to protect agricultural operations from impacts of non-agricultural uses. An Agricultural Buffer Plan, to be approved by the Agricultural Commissioner, shall be required for any proposed subdivision within the STA.*
- iii. Development of the residential properties shall be required to comply with visual sensitivity policies of the Toro Area Plan.*
- iv. The upper 194 acres shall remain as permanent grazing with a habitat and scenic conservation easement over at least 150 acres, including areas where slopes exceed 30%.*
- v. Any subdivision within the STA must comply with the inclusionary housing ordinance in effect as of 1998.*

Neither an infrastructure study nor a rural center plan is required for the development of the Mohsin-Samoske STA.”

2. Approve amendments to the 1982 Monterey County General Plan Land Use Map and the Land Use Map (Figure 10) in the Toro Area Plan for 266 acres of property located at 874, 884 and 870 River Road as follows and as further shown on Exhibit 1 attached hereto and incorporated herein by reference:
 - a. Amend the land use designation for 17-acres (APN: 167-061-029-000/Samoske) from Farmland/40 acre minimum (F/40) to Low Density Residential with a Special Treatment Area (STA) Overlay.
 - b. Amend the land use designation for the lower 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from Permanent Grazing/40 acre minimum to Low Density Residential with a STA Overlay on the entire 249 acres.
 - c. Designate 266 acres of land as a STA with reference to Policy 30.1.1.2(T), a new Toro Area Plan policy.

PASSED AND ADOPTED this 19th of May, 2009 by the following vote:

AYES: Supervisors
NOES:
ABSENT:

By _____
Lou Calcagno, Chair
Monterey County Board of Supervisors

ATTEST:
Gail T. Borkowski
Clerk of the Board of Supervisors

By: _____
Deputy

Attachment 1: General Plan Amendment Map

ATTACHMENT 1

