

Exhibit B
Draft Board Resolution for adoption of
General Plan Amendment

Banker's Development Group, LLC
York Highlands
PLN100020

Board of Supervisors
October 18, 2011

EXHIBIT B
DRAFT BOARD RESOLUTION APPROVING GENERAL PLAN AMENDMENT

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

Resolution No.

Resolution of the Board of Supervisors)
amending the Greater Monterey Peninsula)
Area Plan portion of the 2010 General Plan)
Figure #LU5 to change the land use)
designation from the "Public Quasi-Public and)
Urban Reserve" designation to the "Rural)
Density Residential, 10 acres per unit and)
Urban Reserve" land use designation. [York)
Highlands Subdivision APN: 259-241-004-)
000 (a portion of Parcel H as shown on the)
Monterra Ranch Phase 10 Final Map recorded)
on December 1, 2005 in Volume 23 Cities and)
Towns at Page 16), located south of the)
intersection of State Highway 68 and York)
Road, Monterey.])

A General Plan Amendment to change a portion of Parcel H currently designated as Public Quasi-Public and Urban Reserve in the Greater Monterey Peninsula Area Plan (part of the 2010 Monterey County General Plan) to Rural Density Residential, 10 acres per unit and Urban Reserve came on for public hearing before the Monterey County Board of Supervisors on October 18, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

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 October 26, 2010, the Board of Supervisors of the County of Monterey ("County") adopted the 2010 Monterey County General Plan ("General Plan"), which updated the County's previously adopted general plan and area plans applicable to the unincorporated inland area of the County,
3. The General Plan Figure #LU5 provides a graphic representation of the general distribution, location, extent and intensity of land uses and transportation routes in the Greater Monterey Peninsula Area Plan area.
4. 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.
5. Section 65358 (b) of the California Government Code provides that no mandatory element of a general plan shall be amended more frequently than four times during any calendar

year. This proposed General Plan amendment is the first amendment to the General Plan in the 2011 calendar year.

6. The proposed General Plan amendment is part of an application (PLN100020, York Highlands) for a General Plan Amendment and Combined Development Permit ("Project"). The Combined Development Permit is for the merger and re-subdivision of lots created by Monterra Ranch Final Map Phases 6, 8 & 10 consisting of the reconfiguration of 24 residential lots, 3 open space parcels, 1 scenic easement parcel, and 3 road and utility parcels.
7. A portion of this property was given a General Plan Land Use designation of Public Quasi-Public when the Greater Monterey Peninsula Area Plan was first adopted in 1984 while the zoning remained Rural Density Residential at 10 acres per unit. The reason that this area was designated Public Quasi-Public in the Greater Monterey Peninsula Area Plan is not clear. The General Plan Land Use designation remained Public Quasi-Public when the General Plan was adopted in 2010. The portion of the property that is designated Public Quasi-Public and that is the subject of this general plan amendment consists of APN 259-241-004-000 (a portion of Parcel H as shown on the Monterra Ranch Phase 10 Final Map recorded on December 1, 2005 in Volume 23 Cities and Towns at Page 16), located south of the intersection of State Highway 68 and York Road, Monterey.
8. The proposed General Plan amendment would change the existing land use designation on the above-described portion of the property from the "Public Quasi-Public and Urban Reserve" designation to the "Rural Density Residential, 10 acres per unit and Urban Reserve" land use designation. .
9. The General Plan Amendment is required because the Public Quasi-Public Land Use designation is intended for publicly or privately owned uses such as schools, parks, regional parks, public works facilities and hospitals that serve the public at large. The site is not intended for any type of public project or even a private project that serves the public. Therefore, a General Plan Amendment is required in order to find the proposed map, which proposes residential uses, consistent with the General Plan.
10. The zoning designation on the property does not need to be modified. The existing zoning designation is Rural Density Residential, 10 acres per unit as shown on Section 21-17B of the Monterey County Sectional District Maps. The proposed Combined Development Permit is consistent with this zoning.
11. All policies of the General Plan have been reviewed by the Planning Department staff to determine whether the proposed amendment maintains the compatibility and internal consistency of the General Plan. Board of Supervisors finds the proposed general plan amendment does not affect the internal consistency of the General Plan. The Board of Supervisors also finds that the proposed Project is consistent with the General Plan as proposed to be amended. Section III of the Initial Study prepared for the project determined that the Project is consistent with goals and policies in the Monterey County General Plan. Modifying the land use plan to allow the parcels to be spread out over a greater area will not intensify development.
12. An initial study was prepared and circulated to the public with a proposed Negative Declaration from September 8, 2011 through September 27, 2011. Because the initial study demonstrated that none of the conditions described in Section 15162 calling for preparation

of a subsequent EIR have occurred, a determination has been made that an Addendum is more appropriate than a Negative Declaration; the underlying analysis has not changed.

13. The Addendum to previously certified EIR No. 84-007 prepared for the Project included and analyzed the environmental impacts associated with the General Plan amendment. Prior to making the recommendation on the General Plan amendment, the Board of Supervisors reviewed and considered the Addendum and previously certified EIR.
14. On September 28, 2011, the Monterey County Planning Commission adopted Resolution No. 11-033 recommending that the Board of Supervisors amend Figure #LU5 of the General Plan to redesignate the York Highlands land, APN 259-241-004-000 (a portion of Parcel H as shown on the Monterra Ranch Phase 10 Final Map recorded on December 1, 2005 in Volume 23 Cities and Towns at Page 16), located south of the intersection of State Highway 68 and York Road, Monterey, from the "Public Quasi-Public and Urban Reserve" designation to the "Rural Density Residential, 10 acres per unit and Urban Reserve" designation, as shown on Attachment 1 attached hereto and incorporated herein by reference.
15. On October 18, 2011, the Monterey County Board of Supervisors held a duly noticed public hearing to consider the Addendum, the proposed General Plan amendment, and the proposed Combined Development Permit. At least 10 days before the public hearing, notices of the hearing before the Board of Supervisors were published in the Monterey Herald, were posted on and near the property and mailed to property owners within 300 feet of the subject property as well as interested parties.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a. Adopt an amendment to Figure #LU5 of the General Plan to redesignate the York Highlands land, APN 259-241-004-000 (a portion of Parcel H as shown on the Monterra Ranch Phase 10 Final Map recorded on December 1, 2005 in Volume 23 Cities and Towns at Page 16), located south of the intersection of State Highway 68 and York Road, Monterey, from the "Public Quasi-Public and Urban Reserve" designation to the "Rural Density Residential, 10 acres per unit and Urban Reserve" designation, as shown on Attachment 1 attached hereto and incorporated herein by reference.

PASSED AND ADOPTED on this 18th day of October 2011, 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