

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

- Conduct a public hearing to consider:)
- a. Adoption of the Negative Declaration for the)
Housing Element 2009-2014;)
- b. Amendment of the 1982 Monterey County)
General Plan to replace the Housing Element)
2002-2008 with the Housing Element 2009-)
2014; and)
- c. Direction to staff to submit the Housing Element)
to the State Department of Housing and)
Community Development for certification.)

Upon motion of Supervisor Armenta, seconded by Supervisor Parker, and carried by those members present, the Board hereby:

- a. Adopted Resolution No. 10-150 adopting the Negative Declaration for the Housing Element 2009-2014;
- b. Amended the 1982 Monterey County General Plan to replace the Housing Element 2002-2008 with the Housing Element 2009-2014; and
- c. Directed staff to submit the Housing Element to the State Department of Housing and Community Development for certification.

PASSED AND ADOPTED this 15th day of June, 2010, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, Potter
 NOES: None
 ABSENT: None

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 75 for the meeting on June 15, 2010.

Dated: June 16, 2010

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By *Paola R. Quintana*
Deputy

STATE OF CALIFORNIA
COUNTY OF MONTEREY

I, Gail T. Borkowski, Clerk of the Board of Supervisors, do hereby certify the foregoing to be a full, true and correct copy of the original

Board Order

on file in my office.

Witness my hand and seal of the Board of Supervisors.

This 16th day of June 2010

GAIL T. BORKOWSKI
Clerk of the Board of Supervisors

seal

By *Paola R. Quintana* Deputy

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

Resolution No: 10 – 150

Resolution of the Monterey County Board of)
Supervisors to adopt a Negative Declaration and)
adopt the Housing Element 2009-2014 of the)
Monterey County General Plan.)

The Housing Element 2009-2014 and related draft Negative Declaration came before the Board of Supervisors at a duly noticed public hearing on June 15, 2010. 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 resolves as follows:

RECITALS

1. The Housing Element is one of the seven required elements of the County's General Plan. The County's current certified Housing Element covers the planning period of 2003 to August 2009 and is part of the 1982 Monterey County General Plan as amended. State law requires that the County periodically update its Housing Element. (California Government Code, section 65588.) The Housing Element which is the subject of this resolution covers the planning period of July 1, 2009 through June 30, 2014 and would replace the current Housing Element.
2. In 2008, the Association of Monterey Bay Area Governments (AMBAG) certified the Regional Housing Needs Allocation (RHNA) of 1,554 units for the unincorporated areas of Monterey County for the 2007-2014 planning period.
3. On August 13, 2008, the Monterey County Housing Advisory Committee (HAC) appointed a subcommittee to work with staff on the preparation of the draft Housing Element.
4. On December 10, 2008 and May 13, 2009, the HAC received presentations on the Preliminary Draft Housing Element 2009-2014. On August 12, 2009, the HAC approved a recommendation to transmit the draft Housing Element to the Planning Commission for consideration and submittal to the State Department of Housing and Community Development (HCD) for an initial review.
5. On September 9, 2009 and September 30, 2009, the Monterey County Planning Commission received a presentation and conducted a public workshop on the Preliminary Draft Housing Element and recommended that the Housing Element be submitted to HCD for the initial review.

6. State law (Government Code section 65585) requires that draft and adopted housing elements be submitted to the State Department of Housing and Community Development for review with compliance with State law. On October 8, 2009, County staff submitted a draft of the Housing Element 2009-2014 to HCD for review. HCD responded with comments on December 10, 2009. Based on discussions with HCD, County staff prepared a revised Draft Housing Element.
7. A letter received from HCD dated May 28, 2010 notified the County that the draft Housing Element 2009-2014 received by HCD for review on May 19, 2010 complies with State housing element law (Article 10.6 of the Government Code) once adopted by the Board of Supervisors.
8. The Housing Element 2009-2014 amends the County's 1982 General Plan. The Housing Element 2009-2014 is consistent with the County's 1982 General Plan, as amended. The RHNA for the unincorporated areas of Monterey County can be entirely accommodated with already constructed or approved projects and already adopted Community Plans and Specific Plans. Although the Housing Element applies to both the coastal and inland areas, no amendment to the County's Local Coastal Program (LCP) or certification by the California Coastal Commission is required per Chapter 3 of State Coastal Act (Public Resources Code section 30200 et seq.)
9. A General Plan update (2010 draft Monterey County General Plan) has been prepared by the County. Although the 2010 draft General Plan is currently going through public hearings and may be considered for adoption by the Board of Supervisors within the next few months, it is critical to complete the Housing Element adoption and state certification process as soon as possible in order for the County to remain eligible to apply for State housing grants.
10. The Housing Element 2009-2014 has also been reviewed for consistency with the goals and policies of the draft 2010 Monterey County General Plan, and the Housing Element is consistent with the proposed General Plan update, as currently drafted. If, however, inconsistencies between the Housing Element and the 2010 draft General Plan are identified or emerge during the course of the General Plan update proceedings, it is the intent of staff and the recommendation of the Planning Commission that the Board of Supervisors would resolve any such inconsistencies through amending the Housing Element to achieve consistency with the 2010 General Plan. Any such amendments to the Housing Element would be considered by the Planning Commission and Board of Supervisors in accordance with the requirements of state law.
11. Pursuant to Government Code section 65358, in general, no mandatory element of a general plan shall be amended more frequently than four times during any calendar year. The Housing Element has not previously been amended during the 2010 calendar year.

12. Pursuant to the California Environmental Quality Act (CEQA), the County prepared an Initial Study, Notice of Intent to Adopt a Negative Declaration, and draft Negative Declaration for the Housing Element 2009-2014. The Initial Study concluded that the adoption of the Housing Element would not have a significant impact on the environment. The Initial Study and Draft Negative Declaration were circulated for public review from April 22, 2010 to May 24, 2010. No comments were received on the proposed Negative Declaration during the public review period.
13. The Board of Supervisors finds on the basis of the whole record before it that there is no substantial evidence that the Housing Element will have a significant effect on the environment. The Board of Supervisors further finds that the Negative Declaration reflects the Lead Agency's independent judgment and analysis. The Housing Element will not result in any new housing beyond that which is already allowed by the current General Plan and zoning. All of the housing associated with meeting the County's RHNA can be entirely accommodated on sites already appropriately zoned for the housing densities needed to meet the required affordability levels. In addition, the other goals and policies included in the Housing Element have been reviewed, and it has been determined that none will result in significant environmental impacts and none commit the County to development without further environmental review. The Planning Commission recommended clarification of Policy H-3.3 relating to density of units in Community Areas to indicate that the adopted Castroville Community Plan complies with the policy and that the policy as applied to remaining Community Areas would become effective only with adoption of the 2010 General Plan Update, not as a result of adoption of this Housing Element. Therefore, the inclusion of this policy in the Housing Element does not in itself cause a direct or reasonably foreseeable indirect physical change in the environment. The Planning Commission also recommended that the Board of Supervisors determine if any other clarifications are needed to ensure the adequacy of the environmental determination. The Board has not identified any other policies requiring revision to clarify that the policies of the Housing Element do not commit the County to development beyond that which has already been approved or that which would be subject to future deliberation and appropriate environmental review. The Board received no public comments or evidence suggesting that the Housing Element may have a significant effect on the environment. For all these reasons, the Board finds that there is no substantial evidence supporting a fair argument that the Negative Declaration may have a significant environmental impact. The location and custodian of documents and materials which constitute the record of proceedings upon which the Board's decision is based are located at the Resource Management Agency Redevelopment and Housing Office, 168 W. Alisal Street, 3rd Floor, Salinas, California.
14. The Planning Commission held a duly noticed public hearing on the draft Negative Declaration and draft Housing Element 2009-2104 on May 26, 2010. By unanimous vote, the Planning Commission recommended that the Board of

Supervisors adopt the Negative Declaration, amend the 1982 County General Plan to replace the Housing Element 2002-2008 with the Housing Element 2009-2014, and direct staff to submit the Housing Element to HCD for certification. The written recommendation of the Planning Commission was transmitted to the Board of Supervisors prior to the Board's hearing on the Housing Element.

- 15. On June 15, 2010, the Monterey County Board of Supervisors conducted a public hearing on the draft Negative Declaration and Housing Element at which all persons were provided an opportunity to appear and be heard. The hearing was duly noticed, including publication of notice in the Salinas Californian and Monterey County Herald at least 10 days prior to the hearing.

DECISION

NOW, THEREFORE, based on all of the above findings and evidence and the record as a whole, the Board of Supervisors of the County of Monterey, State of California, hereby adopts the Negative Declaration for the Monterey County Housing Element 2009-2014, amends the 1982 Monterey County General Plan to replace the Housing Element 2002-2008 (adopted in October 2003) with the Housing Element 2009-2014, and directs staff to submit the Housing Element 2009-2014 to the State Department of Housing and Community Development for certification.

PASSED AND ADOPTED on this 15th day of June, 2010, upon motion of Supervisor Armenta, seconded by Supervisor Parker, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, Potter
NOES: None
ABSENT: None

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 75 for the meeting on June 15, 2010.

Dated: June 16, 2010

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By: [Signature]
Deputy

STATE OF CALIFORNIA
COUNTY OF MONTEREY

I, Gail T. Borkowski, Clerk of the Board of Supervisors, do hereby certify the foregoing to be a full, true and correct copy of the original Resolution 10-150 on file in my office.

Witness my hand and seal of the Board of Supervisors.

This 16th day of June 2010

GAIL T. BORKOWSKI
Clerk of the Board of Supervisors

By: [Signature] Deputy

seal