

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING:	January 3, 2007; 10:30 a.m.	AGENDA NO.:	S-2
SUBJECT:	Public hearing on the 2006 General Plan Update (PLN050045) to consider: <ul style="list-style-type: none"> a. Adopting a resolution certifying the Final Program Environmental Impact Report (EIR) with findings for a Statement of Overriding Considerations and adopting a Mitigation Monitoring and Reporting Plan; b. Adopting a resolution approving the 2006 Monterey County General Plan; c. Adopting a resolution approving the 2006 Agricultural Winery Corridor Plan “Farm to Market” as a separate amendment to the General Plan; d. Directing staff to return with an Interim Ordinance entitled “An Ordinance of the County of Monterey, State of California Applying Certain restrictions to Permits for Land Uses in the County of Monterey; e. Directing County Counsel to return with a resolution calling for an election and placing the 2006 Monterey County General Plan on the ballot and direct the Registrar of Voters to translate the Plan into Spanish consistent with the “Voting Rights Act”; f. Directing County Counsel to continue exploring ways to resolve the litigation over the General Plan initiative titled “Amendment of the Monterey County General Plan, Including the North County Land Use Plan” and if legally permissible, return with a resolution placing the same on the election ballots and direct the Registrar of Voters to translate the Plan into Spanish consistent with the “Voting Rights Act”; and/or g. Directing staff to translate the Final Programmatic EIR into Spanish. 		
Project Location:	Unincorporated County	APN:	County-wide
Planning Number:	PLN050045	Name:	Monterey County
Plan Area:	Cachagua, Carmel Valley, Central Salinas Valley, Greater Monterey Peninsula, Fort Ord, Greater Salinas, North County (Inland), South County, Toro, Agricultural Winery Corridor	Flagged and Staked:	NO
Zoning Designation:	Multiple		
CEQA Action:	Program Environmental Impact Report		
DEPARTMENT:	Resource Management Agency – Planning Department		

RECOMMENDATION:

It is recommended that the Board of Supervisors consider the following options:

Option 1

- a. Adopt a resolution certifying the Final Program Environmental Impact Report (EIR) with findings for a Statement of Overriding Considerations and adopting a Mitigation Monitoring and Reporting Plan (*Exhibit B and Exhibit F*);
- b. Adopt a resolution approving the 2006 Monterey County General Plan (*Exhibit C*);
- c. Adopt a resolution approving the 2006 Agricultural Winery Corridor Plan “Farm to Market” as a separate amendment to the General Plan (*Exhibit D*); and

- d. Direct staff to return with an Interim Ordinance entitled “An Ordinance of the County of Monterey, State of California Applying Certain Restrictions to Permits for Land Uses in the County of Monterey.”

Option 2

- a. Adopt a resolution certifying the Final Program Environmental Impact Report (EIR) with findings for a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan (*Exhibit B and Exhibit F*);
- b. Adopt a resolution approving the 2006 Monterey County General Plan (*Exhibit C*);
- c. Adopt a resolution approving the 2006 Agricultural Winery Corridor Plan “Farm to Market” as a separate amendment to the 1982 General Plan (*Exhibit D*); and
- d. Direct County Counsel to return with a resolution calling for an election and placing the 2006 Monterey County General Plan on the election ballot and direct the Registrar of Voters to translate the Plan into Spanish consistent with the “Voting Rights Act”.

Option 3

- a. Adopt Option 2
- b. Direct County Counsel to continue exploring ways to resolve the litigation over the General Plan initiative titled “Amendment of the Monterey County General Plan, Including the North County Land Use Plan” and if legally permissible, return with a resolution placing the same on the election ballots and direct the Registrar of Voters to translate the Plan into Spanish consistent with the “Voting Rights Act”; and
- c. Direct staff to translate the Program EIR for the 2006 Monterey County General Plan into Spanish.

SUMMARY:

A clean version of the 2006 General Plan (incorporating all changes directed by the Board through December 19, 2006) (*Exhibit E*) and a Final Program Environmental Impact Report (EIR) (*Exhibit F*) are presented for consideration by the Board of Supervisors. Once the EIR is certified, the Board can act on the General Plan which includes the Agricultural Winery Corridor Plan (AWCP) and separately adopt the AWCP as an amendment to the General Plan, if the Board so desires. The Board has the ability to certify the EIR and adopt the 2006 General Plan; however, the Board expressed the desire to consider an option of placing the 2006 General Plan on the election ballot as well as placing the General Plan Initiative (“Community Plan”) on the ballot. This staff report includes some options for the Board of Supervisors to consider. In addition, a separate report on the election options will be submitted by County Counsel.

DISCUSSION:

The 2006 General Plan attached to this report represents many public hearings and ultimate direction from the Board of Supervisors. A Program EIR has been processed in accordance with CEQA to evaluate potential environmental impacts of the General Plan. The Final EIR was released on December 20, 2006 with responses to comments sent to

agencies that submitted comments on the Draft EIR. The EIR was designed with separate analysis for the AWCP so that the Board could act on that document. This EIR identifies potentially significant impacts that cannot be reduced to a level of insignificance. As such, the Board must adopt findings and evidence as part of a Statement of Overriding Considerations in order to certify the EIR. Errata to the FEIR and General Plan are also provided for Board consideration as *Exhibits G and H*.

On December 19, 2006, the Board provided direction to staff to present the 2006 Monterey County General Plan for its approval on January 3, 2007 and to prepare an Interim Ordinance to cover the timeframe between subsequent adoption ordinances implementing the General Plan and the effective date of the approval of the General Plan. This direction included providing the Board with the option of approving the General Plan and submitting it to the voters as well as placing the General Plan Initiative (a.k.a. Community Plan) on a ballot for voter consideration if legally possible. Separate prior Board direction included translating both the 2006 General Plan and the Program EIR into Spanish. If the General Plan is placed on the ballot, County Counsel advised that the County Registrar of Voters is charged with making all appropriate translations of ballot materials.

Attachment A provides an overview of the Final EIR for the 2006 General Plan, a summary of the elements of the 2006 General Plan, and a description of other possible actions. It also includes a brief description of the options requested by the Board for its consideration.

FISCAL IMPACT:

Preliminary estimates of the cost of translation of the General Plan, and Final Program EIR ranged from \$75,000 to \$90,000. The cost of an election has not been determined as yet.

Costs for development of ordinances, requisite implementation programs, plans and fiscal studies/plans has not been determined as yet. These would be included in the annual budget of departments responsible for each activity.

OTHER AGENCY INVOLVEMENT:

The 2006 General Plan is a product of expertise from all County land use departments including: Agricultural Commissioner, Water Resources Agency, Division of Environmental Health, Public Works, Building Department, County Parks Department, and Housing and Redevelopment.

Prepared by:

Approved by:

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December 28, 2006

Alana Knaster, Deputy Director, RMA

This report was reviewed by Charles McKee, County Counsel

cc: Board of Supervisors (5); County Counsel (McKee, Iglesia, Strimling), Resource Management Agency (Tanda, Knaster), Planning Department (Novo, Holm), Building Department (Ellis), Public Works (Lundquist, Saavedra, Alinio), Housing/Redevelopment (Cook, Noel), Agricultural Commission (Lauritzen, Roach), Monterey County Water Resources Agency (Weeks, Mulholland, Moss), Environmental Health (Stroh, LeWarne, Dennis), Parks (Pinio), Elections (Venezuela), Project File

Exhibits:

- A Discussion
- B CEQA Resolution
- C GP Resolution
- D AWCP Resolution
- E 2006 General Plan, as amended
- F Final Program EIR (Distributed separately 12/21/2006)
- G Errata to the FEIR
- H Errata to the 2006 General Plan

EXHIBIT A **DISCUSSION**

A. GENERAL PLAN TEAM

The 2006 Monterey County General Plan was completed entirely by staff from the County land use departments:

- Resource Management Agency
- Resource Management Agency - Planning Department
- Resource Management Agency - Building Department
- Resource Management Agency - Housing and Redevelopment
- Resource Management Agency - Public Works
- Division of Environmental Health
- Parks Department
- Water Resources Agency
- Agricultural Commissioner

This document is a product of many years of expertise both within the County and with other agencies.

B. PROGRAM EIR

The County hired the consulting firm of Michael Brandman and Associates (MBA) to assist staff with the preparation of the Program EIR for the project. MBA brought additional expertise for technical environmental issues as well as experience with preparing many different types of planning documents. MBA included supplemental technical expertise from traffic (Kimley-Horn and Associates), hydrology (Questa Engineering), plus noise and air consultants (Giroux & Associates and Mestre Greve Associates) to assist with the complicated issues surrounding Monterey County land use.

Prior to drafting a Program EIR for the 2006 General Plan, a Notice of Preparation was published and a scoping meeting was held to provide an opportunity for agencies and the public to express issues they felt should be addressed in this EIR. Written comments in response to the NOP are included in the Draft EIR. Early in the process, the EIR team and County staff met with public agencies consisting of Caltrans, TAMC, AMBAG, and the Regional Air Quality Management District to review and collectively agree on Memorandum of Assumptions regarding the preparation of the traffic impact analysis. A Draft EIR was released on August 18, 2006.

During the comment period, we received about 40 comment letters. Responses to comments were included in the Final EIR which was released on December 20, 2006 (*Exhibit F*). Copies of the FEIR were sent to the public agencies that provided comments in accordance with CEQA. Notification of availability of the FEIR was also sent to all commenters and parties requesting information on the General Plan and EIR. Three comment letters from individuals were noted to have been inadvertently excluded from the Responses to Comments released on December 20, 2006. These responses

have been prepared, provided to these commenters and are included as Errata to the FEIR for the Board to consider. See Section G Errata, below.

The EIR explains that implementation of the 2006 General Plan would result in irreversible impacts that cannot be mitigated to a level of insignificance if the proposed project is implemented. CEQA requires a Statement of Overriding Considerations (SOC) for a project where a project has significant impacts that cannot be feasibly mitigated. Findings and evidence associated with the SOC represent the decision-makers findings that benefits of the project outweigh the impacts and these benefits are expressed in findings. These are provided for the Board's consideration in *Exhibit B* (EIR resolution).

Alternatives to the proposed project are evaluated in the Draft EIR. This document includes alternative for the General Plan as well as the AWCP. The resolution prepared for the Board to consider includes necessary findings for selecting a preferred alternative. Staff has presented findings that the 2006 General Plan and the AWCP, as amended, represent the preferred projects. These are provided for the Board's consideration in *Exhibits C and D* (GP Resolution and AWCP Resolution, respectively).

The Draft EIR combined with the Final EIR make up a complete EIR document. Staff has determined that the Final Program EIR for the 2006 General Plan and Agricultural Winery Corridor Plan complies with CEQA. A resolution is attached (*Exhibit B*) with appropriate findings and evidence for the Board to certify the Program Environmental Impact Report for the 2006 General Plan. This document includes a separate analysis of the Agricultural Winery Corridor Plan (AWCP), so that the Board could act on that project separately if it desired.

The Board is required to certify its CEQA action prior to placing an item on a ballot for voter approval. Accordingly, the resolution certifying the Final EIR is included as an action in each of the options under consideration by the Board.

RECOMMENDATION:

Staff recommends that the Board adopt a resolution certifying the Final Program Environmental Impact Report (EIR) with findings for a Statement of Overriding Considerations (*Exhibit B*).

C. ADOPTION OF THE 2006 MONTEREY COUNTY GENERAL PLAN

Staff has attached a clean version of the 2006 General Plan reflecting the Board's direction after completing an extensive public process. *Exhibit C* outlines the history of the County's consideration of General Plan issues and policies. Public involvement has been extensive. The Board has worked directly with the General Plan staff to provide policy direction and to consider how that direction can best be expressed in the policies of the General Plan. The Board's direction on December 19th with respect to the content of the General Plan included consideration of

- a) the recommendations of the Planning Commission;
- b) consultation with the cities in Monterey County;

- c) tribal nation consultation pursuant to SB-18;
- d) recommendations from the Airport Land Use Commission;
- e) policy changes proposed as mitigation measures in the EIR;
- f) staff recommendations; and
- g) public comments.

Staff is recommending that the Board include amending Policy OS-10.9 and adding one policy, OS-10.10 (See *Exhibits G and H*). The change to Policy OS-10.9 was included in the FEIR, but staff inadvertently left this out of its staff report on December 12, 2006. The addition of Policy OS-10.10 is consistent with the vision of the General Plan to promote “Smart Growth” principles as part of its strategy to direct growth in developed or developing areas of the County in order to reduce impacts to agricultural production, natural resources, or public services.

On December 19, 2006, the Board directed staff to set the 2006 General Plan for hearing on January 3, 2007 along with providing an option of approving the Plan, and submitting it to the voters if legally possible. Several options are proposed consistent with Board direction.

A separate resolution for the AWCP (*Exhibit D*) is provided for the Board’s consideration. This could be approved under any of the options proposed.

RECOMMENDATION:

Staff recommends including the General Plan Errata as part of its final action on the 2006 General Plan.

D. PROPERTY OWNER REQUESTS

The Board considered a number of items requests from private properties owners pertaining to amend their land use designations and/or adjust a Rural Center boundary to include/exclude their land. Direction from the Board on these matters has been reflected on maps within the General Plan and in the appropriate Area Plan and incorporated into the General Plan. Therefore, no separate actions are required.

RECOMMENDATION:

Staff finds that no separate action is required on the Property Owner Requests.

E. AGRICULTURAL WINERY CORRIDOR PLAN (AWCP)

Based on public comment from the local wine industry that the goals of the wine corridor are achieved primarily through the artisan wineries, the AWCP has been modified to remove the 10 full-scale wineries from the Project. As a result, the impacts of the AWCP are proportionately decreased, and are roughly consistent with the impacts of the environmentally superior Reduced Density Alternative.

Because of how the AWCP has been processed, the Board could adopt this Plan as an amendment to the General Plan.

RECOMMENDATION:

Staff recommends that the Board:

- 1) Adopt the AWCP (*Exhibit C*); and
- 2) Consider adopting a separate resolution amending the General Plan to include the AWCP (*Exhibit D*).

F. GENERAL PLAN INITIATIVE

On December 19, 2006, the Board directed staff to return with a staff report that would provide the Board the option of placing the General Plan Initiative (GPI) on the Ballot if legally possible.

RECOMMENDATION:

Staff has no recommendation.

G. ERRATA

As indicated in Section B and C above, the County received three letters prior to the close of the EIR comment period that had been inadvertently excluded from Responses to Comments released on December 20, 2006. This included response to letters from the City of Marina, Mr. Michael Weaver and the Jason Flanders, Law Offices of William Yeates. The responses to these letters are included in the errata to the FEIR. In addition, staff is recommending that an additional policy be added to the Open Space Element OS-10.10.

RECOMMENDATION:

Staff recommends that the Board adopt the resolution certifying the Final EIR and adopt the resolution approving the 2006 General Plan including the Errata presented in *Exhibit G* and *H*.

H. INTERIM ORDINANCE

On December 19, 2006, the Board directed staff to prepare an interim ordinance for Board consideration that would address the regulatory framework between the time the General Plan goes into effect and the completion of new ordinances. The Board indicated that the Interim Ordinance should provide that current ordinances would be in effect except in the case that an ordinance was inconsistent with the 2006 General Plan. In that case, the General Plan policy would prevail.

RECOMMENDATION:

Staff recommends that the Board direct staff to return with an Interim Ordinance as one of the actions under Option 1.

EXHIBIT A
DISCUSSION

EXHIBIT B
DRAFT RESOLUTION
Final Program EIR
Statement of Overriding Considerations

EXHIBIT C
DRAFT RESOLUTION
2006 Monterey County General Plan

EXHIBIT D
DRAFT RESOLUTION
2006 Agricultural Winery Corridor Plan

EXHIBIT E

**2006 General Plan
(Dated January 3, 2007)**

DISTRIBUTED UNDER SEPARATE COVER

EXHIBIT F
Final Program EIR

DISTRIBUTED UNDER SEPARATE COVER
(12/21/2006)

EXHIBIT G

Errata to the Final EIR

EXHIBIT H
Errata to the 2006 General Plan