

**Board of Supervisors  
County of Monterey, State of California**

**Resolution No.**

Resolution of the Monterey County Board of Supervisors Certifying the Final Environmental Impact Report (SCH#2007121001) and adopting the associated Findings of Fact, a Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the 2010 Monterey County General Plan.

**RECITALS**

**WHEREAS,**

A. Pursuant to and in compliance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq. ("CEQA") and Title 14 of the California Code of Regulations, Section 15000 et seq. ("CEQA Guidelines"), the County of Monterey prepared a Program Environmental Impact Report ("EIR") for the 2010 Monterey County General Plan ("2010 General Plan" or "Project") to analyze its environmental effects. The County of Monterey ("County") is the CEQA lead agency for the Project.

B. Throughout the development and environmental review of the Project, various names have been used to refer to the plan under review, including "General Plan Update 5 (GPU5)," "2007 General Plan," "2008 General Plan," and "2010 Draft Monterey County General Plan," "2010 General Plan," and "2010 Monterey County General Plan." All of these terms describe the General Plan update that is the subject of this resolution.

C. The 2010 General Plan provides a comprehensive update of the 1982 Monterey County General Plan and its related Area Plans for the inland unincorporated area of the County. Pursuant to Government Code section 65300, each city and county must adopt "a comprehensive, long term general plan for the physical development of the county and city." In 1982, the Board of Supervisors adopted a comprehensive update of the General Plan and subsequently adopted Area Plans for specific geographic areas of the County within the unincorporated area of the County. The 2010 General Plan updates the 1982 General Plan and Area Plans for the inland unincorporated area of the County, except for the Housing Element and the Castroville Community Plan. The 2010 General Plan includes the mandatory Land Use Element, Circulation Element, Conservation and Open Space Element (including the mandatory Conservation and Open Space elements), Safety Element (including the mandatory Noise Element and also addressing flooding and other hazards), and Public Services Element

(addressing water, wastewater treatment, and other services) and includes two optional elements, the Agriculture Element and Economic Development Element. In addition, the 2010 General Plan includes and updates the area plans for specific geographic inland areas of the County, including the Cachagua, Central Salinas Valley, Greater Monterey Peninsula (including the inland portion of the Del Monte Forest), Greater Salinas, North County – Inland, South County, and Toro Area Plans, the Carmel Valley Master Plan, and the Fort Ord Master Plan. The 2010 General Plan also includes an Agricultural and Winery Corridor Plan (AWCP) to provide development policies for agricultural and winery related uses within specific areas of the County. The only portions of the 1982 General Plan and Area Plans which will not be amended or replaced by the 2010 General Plan for the unincorporated inland area of the County are the 2009 Housing Element and the Castroville Community Plan. The 2009-2014 Housing Element was adopted by the Board of Supervisors on June 15, 2010 and certified by the state Department of Housing and Community Development on August 18, 2010. The 2010 General Plan does not amend that Housing Element. The 2010 General Plan also does not amend the Castroville Community Plan, which was adopted by the Board of Supervisors as part of the North County Area Plan (inland) on April 10, 2007.

D. Pursuant to the California Coastal Act (Public Resources Code §30000 et seq.), the County has adopted a Local Coastal Program (“LCP”), certified by the California Coastal Commission, for that portion of the County that lies within the coastal zone. The 2010 General Plan will not apply in the coastal zone and does not amend the County’s Local Coastal Program. To the extent the Local Coastal Program relies on the 1982 General Plan, adoption of the 2010 General Plan does not rescind the 1982 General Plan as applied in the coastal zone.

E. The 2010 General Plan is the culmination of more than a decade of effort to prepare a comprehensive update of the 1982 General Plan and is also known as “GPU5,” as it is the County’s fifth effort at drafting a comprehensive update of the 1982 General Plan. The draft of the 2010 General Plan, then entitled “draft 2007 Monterey County General Plan,” was released to the public on December 21, 2007, and was updated in September and December 2008 with text and map corrections as well as revisions to correspond to state law requirements.

F. As lead agency under CEQA, the County issued a Notice of Preparation (“NOP”) of a Draft EIR for the draft 2007 Monterey County General Plan. The NOP was submitted to the State Clearinghouse (SCH No. 2007121001), all responsible and trustee agencies, and interested groups and individuals on December 3, 2007 for a 34-day review period ending on January 5, 2008. Availability of the NOP was advertised through certified, direct mailing to federal agencies (including the military), state agencies, regional agencies, local agencies (including cities and counties, local districts, school districts, water agencies), other special districts and agencies, as well as private groups and individuals requesting notification. The County also posted the NOP on its website and published it in the following local newspapers: the Monterey County Herald, Watsonville Register-Pajaronian, South County News, and Salinas Californian.

G. The County held an EIR scoping meeting on December 12, 2007 to provide information about the General Plan, the potential environmental impacts and the CEQA review process, as well as a schedule for General Plan adoption and implementation. Members of the

public and other interested parties were given had the opportunity to ask questions and provide their input as to the scope and content of the environmental information to be addressed in the EIR.

H. On September 5, 2008, the County published the Draft EIR for the Monterey County 2007 General Plan (SCH # 2007121001) and distributed it to the State Clearinghouse of the Governor's Office of Planning and Research as well as responsible and trustee agencies, citizen groups, and individuals for a public review period initially scheduled for September 5, 2008 through October 20, 2008. A Notice of Completion ("NOC") and Notice of Availability ("NOA") of the DEIR were prepared, published, and distributed, as required by CEQA Guidelines Sections 15085 and 15087. On September 8, 2008, the County added Appendix C (traffic data) to the DEIR because it had been inadvertently omitted from the draft released on September 5, 2008. The County then issued an amended Notice of Availability and recommenced the comment period on September 13, 2008, with close of the public review period scheduled for October 28, 2008; the County then extended this period. The public raised concern over the form of citations to the reference documents and availability of reference documents. On December 6, 2008, the County published a revised list of citations and references and other corrections to the Draft EIR ("December 2008 errata"). The County issued a new NOC and NOA and began a second public review period on December 16, 2008, which ended on February 2, 2009. The Draft EIR with the December 2008 errata was submitted to the State Clearinghouse for circulation to state agencies for their review. Copies of the DEIR were available for public review during normal business hours at the County Planning Department in Salinas. Copies of the draft General Plan and DEIR were also available for review at libraries in Monterey County, in the County Permit Centers, and on the County's website. The County distributed notices and documents based on a distribution list ("General Plan Distribution List") that included 9 federal agencies, 13 state agencies, six regional agencies, 12 cities within Monterey County, five neighboring counties, 10 local water agencies, seven local Native American groups, 25 local districts, 16 fire districts, and 19 libraries within Monterey County. Notices and documents were also posted locally with the County Clerk and on the County website as well as published in newspapers of general circulation, including the Salinas Californian, Watsonville Register-Pajaronian, South County News, and Monterey County Herald. In total, the public review period on the Draft EIR was approximately 147 days.

I. The County received numerous letters on the Draft EIR during and after the close of the public comment period ending on February 2, 2009, totaling almost 1,100 pages.

J. On September 10, 2008, during the initial comment period on the DEIR, the Planning Commission held a workshop to receive a presentation from staff on GPU 5, errata to the draft General Plan, and mitigation measures proposed by the DEIR. Following the close of the public comment period on the DEIR, the Planning Commission held a duly noticed public hearing on February 11 and 25, 2009 to receive a staff report and public testimony. At Planning Commission workshops held on May 27, June 10, July 8, and July 29, 2009, Monterey County staff presented possible changes to the draft General Plan policies and Draft EIR mitigation measures in response to comments received on the DEIR.

K. In response to issues raised by comments on the draft EIR and in the consultation with cities, and further guided by Planning Commission discussion at workshops and hearings, staff refined the text of some of the mitigation measures and made other clarifications and clerical corrections to the text and figures (graphics) of GPU5. On or about March 8, 2010, staff released to the public GPU5 as revised to incorporate the errata, corrections, clarifications, revisions, and proposed mitigation measures and updated the title to the "2010 draft Monterey County General Plan."

L. The County prepared a Final EIR for the 2010 draft Monterey County General Plan (SCH #2007121001) and released the Final EIR for public review on or about March 21, 2010. The March 2010 Final EIR included: the 2007 Monterey County General Plan Draft EIR, Volumes 1 and 2, dated September 2008; the December 2008 errata; all comment letters received on the DEIR during the public comment period and late letters received prior to release of the Final EIR in March 2010; a list of persons, organizations, and public agencies commenting on the Draft EIR; the County's written responses to all significant environmental points raised in the comments; changes to the text of the DEIR made in response to comments; the March 8, 2010 proposed draft General Plan showing the incorporation of proposed mitigation measures as policy and other corrections and clarifications; updated list of references cited in the DEIR and March 2010 Final EIR; and technical supporting data ("Monterey County General Plan Final Environmental Impact Report, dated March 2010" or "March 2010 FEIR"). The County prepared and circulated a Notice of Availability of the FEIR on March 21, 2010 to all commenters and any person who filed a written request, as well as the General Plan Distribution List. The March 2010 FEIR was made available for public review at the Monterey County RMA-Planning Department (Salinas and Marina offices); Steinbeck Library (City of Salinas); and County libraries and for purchase upon request, and the FEIR was posted on the County's website. In addition, copies of the FEIR were sent to all cities within Monterey County as well as public agencies that submitted comments on the DEIR, including but not limited to U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, California Coastal Commission, California Department of Toxic Substances Control, California Public Utilities Commission, the Department of Transportation (CalTrans), Association of Monterey Bay Area Governments, Monterey Bay Unified Air Pollution Control District, Monterey Regional Waste Management District, the Transportation Agency of Monterey County, Monterey Local Agency Formation Commission, County of San Benito, Monterey County Cities (12), Pajaro Valley WMA, Monterey-Salinas Transit.

M. The Planning Commission conducted a public workshop on the draft 2010 General Plan and Final EIR on March 31, 2010.

N. Subsequently, pursuant to Government Code section 65353, the Planning Commission held a duly noticed public hearing on the Final EIR and 2010 draft General Plan beginning on April 14, 2010 and continuing on April 28, 2010, May 12, 2010, May 26, 2010, June 9, 2010, June 30, 2010, July 14, 2010, July 21, 2010, July 28, 2010, and August 11, 2010. Notice of the April 14, 2010 hearing was published as 1/8-page display ads in the Salinas Californian and Monterey County Herald on March 20 and March 21, 2010 (respectively), at least 10 days prior to the hearing. Notice of the hearing was also provided on the County

webpage for the General Plan. At the hearing on April 14 and at the hearing on each of the above dates listed until the close of the hearing on August 11, 2010, the Planning Commission continued the hearing to the following date certain. At each of the hearings, the Planning Commission considered the 2010 draft General Plan and March 2010 FEIR, discussed possible revisions to the draft General Plan, took public testimony, and considered all testimony, written and oral.

O. The Planning Commission reviewed and considered the Final EIR, including the mitigation measures and alternatives identified therein. The mitigation measures identified in both EIR are generally set forth in the form of new policies to be incorporated into the General Plan or modifications to policies already in the General Plan. The 2010 draft General Plan before the Planning Commission included policies added by and/or modified by the feasible mitigation measures identified in the EIR.

P. On August 11, 2010, following the conclusion of the public hearing before the Planning Commission, the Planning Commission adopted a resolution containing its written recommendations to the Board of Supervisors on the draft General Plan (Planning Commission Resolution No. 10-021) and also approved a letter of transmittal. The Planning Commission recommended that the Board certify the FEIR and approve the 2010 draft General Plan subject to the recommendations and modifications of the Planning Commission. The 2010 draft General Plan and the FEIR were accordingly transmitted to the Board for consideration.

Q. Pursuant to Government Code section 65355, the Final Environmental Impact Report (SCH#2007121001) for the Monterey County General Plan and the 2010 Monterey County General Plan came on for a duly noticed public hearing before the Monterey County Board of Supervisors beginning on August 31, 2010 and continuing on September 14, 21, and 28, and October 12 and 26, 2010. During the public hearing on the Final EIR and the 2010 General Plan, the Board heard presentations on the 2010 draft General Plan and FEIR, heard testimony from the public, and deliberated on the content of the 2010 draft General Plan and FEIR. Notice of the August 31, 2010 hearing was published as 1/8-page display ads in the Salinas Californian and Monterey County Herald on August 18, 2010, at least 10 days prior to the hearing. Notice of the hearing was also provided on the County webpage for the General Plan. At the hearing on August 31 and at the hearing on each of the above dates listed until the close of the hearing on October 26, 2010, the Board of Supervisors continued the hearing to the following date certain.

R. Following the March publication of the Final EIR and in the course of the Planning Commission and Board of Supervisors' hearings on the EIR and 2010 General Plan, the County received approximately 100 comment letters from members of the public. On or about September 20, 2010, the County published "Supplemental Materials to the Final EIR," including a revised Executive Summary of the EIR, which incorporated the Planning Commission's recommended revisions to the mitigation measures and addressed issues raised in comments and letters since the March 2010 release of the Final EIR. On October 15, 2010, the County published "Revised Supplemental Materials to the Final EIR," including a further revised Executive Summary to reflect the current form of the mitigation measures per the Board's

direction and updating the Supplemental Materials to respond to comments received during the Board's hearings. These revisions merely clarify and amplify and make insignificant modifications to the EIR. They do not provide significant or substantial new information, and the term "supplemental" was used for the public's convenience, not as that term is used in CEQA.

S. The Final EIR, dated October 2010, consists of: the complete contents of the March 2010 Final EIR, as set forth above, and the "Revised Supplemental Materials to the Final EIR," dated October 15, 2010. A full and complete copy of the Final EIR is on file with the Clerk of the Board, available at the Monterey County Resource Management Agency-Planning Department, and incorporated herein by reference.

T. The County provided written responses to all agencies and members of the public commenting on the Draft EIR at least ten days prior to certification of the EIR in compliance with CEQA Guidelines section 15088(b).

U. Consistent with CEQA Guidelines §15126.4(a)(2) and as further described in the Findings of Fact which are attached to this Resolution as *Exhibit EIR1*, feasible mitigation measures proposed in the EIR are incorporated into the 2010 General Plan as policy or are included in the Mitigation Monitoring and Reporting Program which is attached hereto as *Exhibit EIR3*.

V. The Board has reviewed and considered the Final EIR and the 2010 draft General Plan. The Board has considered all comments on the Draft and Final EIR, oral and written, including comments from other responsible agencies and the public, testimony before the Board of Supervisors during all public workshops and hearings, all recommendations of the Planning Commission, and the administrative record as a whole.

W. The County has prepared Findings of Fact in compliance with Public Resources Code Sections 21081 and 21081.5 and CEQA Guidelines Section 15091 for every significant impact of the 2010 General Plan identified in the EIR and for each alternative evaluated in the EIR, including an explanation of the rationale for each finding. The Findings of Fact are set forth in *Exhibit EIR1*, which is attached hereto and hereby incorporated by reference.

X. Because the 2010 General Plan will have significant and unavoidable impacts, the County has prepared a Statement of Overriding Considerations in compliance with Public Resources Code Sections 21081 and CEQA Guidelines Section 15093, which finds that specific economic, legal, social, technological or other benefits of the 2010 General Plan outweigh the significant and unavoidable impacts identified in the EIR. The Statement of Overriding Considerations is set forth in *Exhibit EIR2* and hereby incorporated by reference.

Y. The County has prepared a Mitigation Monitoring and Reporting Program in compliance with Public Resources Code Sections 21081.6 and CEQA Guidelines Section 15097 to ensure compliance with the mitigation measures identified in the EIR during project implementation and operation. The Mitigation Monitoring and Reporting Program is attached

hereto as *Exhibit EIR3* and incorporated herein by reference.

Z. Pursuant to Title 14, Section 753.5 of the California Code of Regulations and in consideration of the record as a whole, the General Plan will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends as defined under sections 711.2 and 711.4 of the Fish and Game Code, and is therefore required to pay a filing fee to the Department of Fish and Game.

**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTEREY, AS FOLLOWS:**

1. The foregoing recitals and findings are true and correct.
2. The Board of Supervisors hereby certifies with respect to the Final EIR dated October 2010, which is on file with the Clerk of the Board and incorporated herein by reference, that (a) the Final EIR has been completed in compliance with CEQA; (b) the Final EIR was presented to the Board of Supervisors who reviewed and considered the information contained in the Final EIR prior to approving the 2010 Monterey County General Plan; and (c) the Final EIR reflects the County of Monterey's independent judgment and analysis.
3. The Board hereby adopts the Findings of Fact attached to this Resolution as *Exhibit EIR1* and incorporated herein by reference.
4. The Board hereby adopts the Statement of Overriding Considerations attached to this Resolution as *Exhibit EIR2* and incorporated herein by reference.
5. The Board hereby adopts the Mitigation Monitoring and Reporting Program attached to this Resolution as *Exhibit EIR3* and incorporated herein by reference.

**PASSED and ADOPTED** this 26<sup>th</sup> day of October 2010, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Gail 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 of Minute Book \_\_, for the meeting on \_\_\_\_\_ on \_\_\_\_\_, 2010.

Dated: \_\_\_\_\_, 2010

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

By \_\_\_\_\_, Deputy