



Monterey County

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Board Report

8/26/14

Legistar File Number: ORD 14-017

Introduced: 8/14/2014

Current Status: Agenda Ready

Version: 1

Matter Type: Ordinance

Public hearing to consider:

Adoption of an ordinance adding Chapter 21.91 to Title 21 (non-coastal zoning) of the Monterey County Code to establish procedures to amend the 2010 Monterey County General Plan and including findings that the ordinance is not a project under CEQA.
(REF130066/General Plan Amendment Ordinance)

PROJECT INFORMATION:

Planning File Number: REF130066

Owner: N/A

Project Location: Inland areas of the County only

APN: All inland area APNs

Agent: N/A

Plan Area: All inland plan areas

Flagged and Staked: N/A

CEQA Action: Exempt per Section 15060 (c)(3) and 15378 (b)(5) of the CEQA Guidelines

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Adopt the ordinance (Attachment B) adding Chapter 21.91 to Title 21 (non-coastal zoning) of the Monterey County Code to establish procedures to amend the 2010 Monterey County General Plan and including findings that the ordinance is not a project under CEQA.

SUMMARY:

The proposed amendment to Title 21 provides a process to amend the 2010 Monterey County General Plan. It would add a new Chapter 21.91 - General Plan Amendments, consistent with the policy direction set forth in General Plan Policies LU-9.6 and LU-9.7. The new chapter will provide a process that would: 1) Limit the consideration of general plan amendments to two times per year, with certain exceptions; 2) require a comprehensive and cumulative review of general plan amendments and; 3) provide a process for early assessment of proposed general plan amendments. The Planning Commission, at its May 28, 2014 meeting, recommended approval of the ordinance with a modification to Section 21.91.030 C (Early Assessment of Proposed Amendments) of the proposed ordinance to include other County advisory committees, as appropriate, in the early assessment process (Attachment C). The attached ordinance includes the modification recommended by the Planning Commission.

OTHER AGENCY INVOLVEMENT:

The Planning Commission has held multiple workshops and hearings on the draft ordinance.

County Counsel has approved the ordinance as to form.

Due to late submission of this Board Report, the CAO Budget and Analysis Division was not provided adequate time to fully review for potential fiscal, organizational, policy or other implication to the County of Monterey.

FINANCING:

Funding for staff time associated with this project is included in the FY14-15 Adopted Budget for RMA-Planning.

Prepared by: Martin Carver, AICP, Management Specialist, Ext. 60710

Approved by: Mike Novo, Director, RMA-Planning, ext. 51921

Benny Young, Director Resource Management Agency

This report was reviewed by Jacqueline ~~R~~ Onciano, Planning Services Manager

cc: Front Counter Copy; Planning Commission (10); LUACs (11), Fire Protection District; RMA-Public Works; RMA-Environmental Services; Parks Department; Environmental Health Bureau; Water Resources Agency; Martin Carver, Project Planner; Carl Holm, RMA Deputy Director; Wendy Strimling, County Counsel; The Open Monterey Project (Molly Erickson); Land Watch (Amy White); John H. Farrow; Janet Brennan; Refinement Group (Nancy Isakson); Ernie Mill; William Perkins; Planning File REF130066

The following attachments are on file with the Clerk of the Board:

- Attachment A: Discussion
- Attachment B: Ordinance amending Title 21 (Monterey County Zoning Ordinance, Inland Areas) to incorporate a general plan amendment process into the Monterey County Code
- Attachment C: Planning Commission Resolution No. 14-025

Attachment A DISCUSSION

Background

This ordinance fulfills Task no.76 and 77 of the Long Range Planning Work Program and implements General Plan Policies LU-9.6 and LU-9.7. Adoption of this ordinance would create a process to amend the 2010 Monterey County General Plan, applicable in non-coastal areas.

Analysis and Proposed Code Amendments

The proposed ordinance (Attachment B) would create a new chapter of Title 21 (inland zoning), Chapter 21.91, General Plan Amendments, providing a process to make amendments to the 2010 Monterey County General Plan, consistent with the policy direction set forth in General Plan Policies LU-9.6 and LU-9.7. Policy LU-9.6 calls for an amendment process that:

- Establishes the right of an individual to apply;
- Requires collective review of plan amendments in a comprehensive, cumulative and timely manner;
- Requires an early assessment of plan amendment requests to determine the suitability of the request and provide early feedback to applicants before embarking on an extensive, expensive amendment process; and,
- Limits the number of general plan amendment packages that the Board of Supervisors may consider to two packages per year.

Policy LU-9.7 specifies the circumstances under which a general plan amendment may be considered, as follows:

- There is a demonstrable error or oversight in the adopted plan; or,
- There is a clear change of facts or circumstances; or,
- The amendment better carries out the overall goals and policies of the general plan and the amendment is in the public interest.

The proposed new Chapter 21.91 closely follows the directions contained in Policies LU-9.6 and LU-9.7, providing additional details regarding process where necessary for clarity.

Planning Commission Hearings

This item was considered by the Planning Commission on April 9, 2014; April 30, 2014; May 14, 2014; and May 28, 2014. As a result of comments made at the April 9, 2014, May 14, 2014 and May 28, 2014 public hearings, staff revised the proposed ordinance. These revisions included:

- Clarification on the process of including the Land Use Advisory Committees in the early assessment process.
- Added direction on the actions to be taken by the Planning Commission during the early assessment phase.
- Added direction on what RMA – Planning is to include in the comprehensive, cumulative, and timely review of proposed amendments.

- Modifications to Section 21.91.030 C. - Early Assessment of Proposed Amendments, of the proposed ordinance, that will include other County advisory committees, as appropriate, in the early assessment process.

At its May 28, 2014 hearing, the Planning Commission adopted a resolution recommending that the Board of Supervisors adopt the proposed ordinance in the form presented at the May 28, 2014 hearing. The Planning Commission resolution is contained in Attachment C.

Environmental Review

This proposed addition to Title 21 is statutorily exempt under the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15060 (c)(3) and 15378 (b)(5) because the process enacted by this ordinance is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment. Any actual proposal to amend the general plan would be subject to review under the California Environmental Quality Act.

Conclusion

The proposed new Chapter 21.91, General Plan Amendments, is an appropriate and accurate implementation of General Plan Policies LU-9.6 and LU-9.7.

Attachment B

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ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
ADDING CHAPTER 21.91 TO THE MONTEREY COUNTY CODE RELATING TO
GENERAL PLAN AMENDMENTS**

County Counsel Summary

This ordinance adds Chapter 21.91 to Title 21 (non-coastal zoning) of the Monterey County Code to establish procedures to amend the 2010 Monterey County General Plan. The new chapter establishes a process, as directed by the 2010 Monterey County General Plan, that would limit consideration of amendments to the 2010 Monterey County General Plan to two times each year, with certain exceptions. The new chapter also requires comprehensive and cumulative review of proposed general plan amendments and provides a process for early assessment of proposed general plan amendments. The procedures established by this ordinance would apply in addition to procedures required by state law for consideration of general plan amendments. This ordinance applies only to amendments to the 2010 Monterey County General Plan and is applicable only in the non-coastal unincorporated area of the County of Monterey.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. FINDINGS AND DECLARATIONS

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect the public health, safety, and welfare of its citizens.

B. This proposed addition to Title 21 protects the public health, safety, and welfare of Monterey County citizens by supporting the overall integrity of the General Plan in the periods between comprehensive updates of the General Plan.

C. This proposed addition to Title 21 implements *2010 Monterey County General Plan* policies LU-9.6 and LU-9.7 by providing a process that, with certain exceptions, limits the consideration of general plan amendments to two times per year, requires comprehensive and cumulative review of these general plan amendments, and provides a process for early assessment of these general plan amendments.

D. This proposed addition to Title 21 is statutorily exempt under the California Environmental Quality Act (CEQA) per CEQA Guideline Sections 15060 (c)(3) and 15378 (b)(5) because the process enacted by this ordinance is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment. Any actual proposal to amend the general plan would be subject to review under the California Environmental Quality Act.

SECTION 2. The Table of Contents of Title 21 of the Monterey County Code is amended to add Chapter 21.91 as follows:

Chapter 21.91 General Plan Amendments

SECTION 3. Chapter 21.91 is added to the Monterey County Code to read as follows:

**Chapter 21.91
GENERAL PLAN AMENDMENTS**

Sections:

- 21.91.010 Purpose.
- 21.91.020 Applicability.
- 21.91.030 Early Assessment of Proposed Amendments.
- 21.91.040 Comprehensive Review.
- 21.91.050 Evaluation Criteria.
- 21.91.060 Public Hearing Process.
- 21.91.070 Reapplication.
- 21.91.080 Fees.

21.91.010 Purpose.

The primary purpose of this Chapter is to set forth regulations governing amendments to the *2010 Monterey County General Plan* and future comprehensive updates to the *2010 General Plan* (“General Plan”). Because the *2010 Monterey County General Plan* is applicable only in the non-coastal, unincorporated area of the County, these regulations apply only to General Plan amendments affecting the non-coastal unincorporated area of the County. These regulations are intended to maintain the overall integrity of the General Plan, as may be periodically comprehensively updated, by requiring early assessment of proposed amendments, requiring comprehensive and cumulative review of proposed amendments, limiting the number of times each year the General Plan may be amended, and by identifying the limited circumstances under which General Plan amendments may be approved.

21.91.020 Applicability.

A. The provisions of this Chapter shall apply in addition to State law to proposed amendments to the *2010 Monterey County General Plan* and future comprehensive updates to the *2010 Monterey County General Plan*, unless the amendment is exempt under subsection B below. These regulations apply to amendments initiated by any of the following methods:

1. Application by an individual property owner to amend the General Plan designation(s) of the owner’s property;

2. Application by an individual or individuals to amend the text provisions of the General Plan; or
 3. Resolution of Intention by either the Planning Commission or the Board of Supervisors of the County of Monterey to consider amendments to either the General Plan designations for property or properties or the text provisions of the General Plan, or both.
- B. The provisions of this Chapter shall not apply to the following categories of General Plan amendment:
1. Periodic comprehensive updates of the *2010 Monterey County General Plan*;
 2. General Plan amendments initiated by either the Planning Commission or the Board of Supervisors of the County of Monterey when such an amendment is necessary to address a threat to the public health or safety; or
 3. General Plan amendments instituted by citizen initiative.

21.91.030 Early Assessment of Proposed Amendments.

- A. No application for a General Plan amendment shall proceed to hearing until completion of the early assessment process described in this Chapter.
- B. The applicant must obtain an early assessment as part of either the pre-application or application process.
- C. The Director of Planning shall refer the pre-application or application to the applicable Land Use Advisory Committee(s) and other County advisory committees, as appropriate, for comments on the early assessment.
- D. The Planning Commission shall provide an early assessment of each application for General Plan amendment to determine the suitability of the request. The Planning Commission shall provide by a majority vote its early assessment as to whether the proposed project has the potential to meet the evaluation criteria set forth in Section 21.91.050 of this Chapter.
- E. The early assessment by the Planning Commission shall not be construed as approval of the amendment or a guarantee of the ultimate outcome, nor shall a negative early assessment preclude the applicant from pursuing the General Plan amendment. In addition to the early assessment process, all General Plan amendments shall be subject to all appropriate environmental review and procedures required by law for consideration of general plan amendments.

- F. The early assessment may be undertaken prior to environmental review under the California Environmental Quality Act (CEQA) based on the recognition that the early assessment is not a commitment to the General Plan amendment and does not excuse preparation of environmental review as appropriate under CEQA.
- G. Early assessment by the Planning Commission of applications for a General Plan amendment may be undertaken at any time and as frequently as deemed appropriate by the Director of Planning.

21.91.040 Comprehensive Review.

- A. Each application for General Plan amendment shall be reviewed in the context of all other current applications for amendments to the *2010 Monterey County General Plan* and previously approved amendments to the *2010 Monterey County General Plan*, for the purpose of providing a comprehensive and cumulative analysis of the proposed General Plan amendment.
- B. RMA Planning staff shall prepare the comprehensive and cumulative analysis. The analysis shall include but not be limited to a single map that depicts the location of all proposed and approved amendments to the *2010 Monterey County General Plan maps*.
- C. The comprehensive and cumulative analysis shall be presented to the Planning Commission and Board of Supervisors as part of their consideration of each proposed General Plan amendment.

21.91.050 Evaluation Criteria.

The decision to approve a General Plan amendment remains in the discretion of the Board of Supervisors in accordance with state law. If the Board of Supervisors in its discretion chooses to approve an amendment to the General Plan, the amendment must at a minimum satisfy the following criteria in addition to any other relevant considerations:

- A. The amendment is not in conflict with the goals, objectives, and policies of the General Plan that are not proposed for amendment; and
- B. The applicant demonstrates, based on substantial evidence, one or more of the following:
 - 1. There is a demonstrable error or oversight in the adopted General Plan, or
 - 2. There is a clear change of facts or circumstances, or
 - 3. The amendment better carries out the overall goals and policies of the General Plan.

21.91.060 Public Hearing Process.

- A. The Planning Commission and Board of Supervisors may consider General Plan amendments no more than two (2) times each year and only after completion of the early assessment as prescribed by Section 21.91.030. General Plan amendments may be grouped together in a package for the twice-yearly consideration. The public hearing on proposed General Plan amendments at the Planning Commission must begin in either February or August. The public hearing on the proposed General Plan amendments at the Board of Supervisors must begin in either April or October. Once a public hearing has commenced, the Appropriate Authority may continue the hearing from one meeting date to another without restriction until a decision is reached.
- B. Within the limits of Subsection A of Section 21.91.060, the process by which the Planning Commission makes recommendations to the Board of Supervisors for approval or denial of the proposed amendment shall be as governed by state law. The Planning Commission shall consider the evaluation criteria set forth in Section 21.91.050 when making its recommendations.
- C. Within the limits of Subsection A of Section 21.91.060, the process by which the Board of Supervisors approves or denies a proposed amendment shall be as governed by state law. The Board of Supervisors must find that the proposed General Plan amendment meets the evaluation criteria set forth in Section 21.91.050.

21.91.070 Reapplication.

When an application for an amendment is denied by the Board of Supervisors, no new application for an amendment substantially the same as the one denied shall be considered for a period of one (1) year following such denial.

21.91.080 Fees.

The fee for an application to amend the General Plan shall be set by the Board of Supervisors by resolution. The fee shall generally not be refundable, except the resolution may provide for partial refunds in the case where proposed amendments are withdrawn by the applicant as a result of early assessment by the Director of Planning.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 2014, by the following vote:

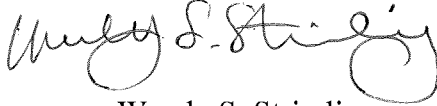
AYES: Supervisors
NOES:
ABSENT:
ABSTAIN:

Louis R. Calcagno, Chair
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM BY:

Wendy S. Strimling
Senior Deputy County Counsel

Attachment C

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**Before the Planning Commission in and for the
County of Monterey, State of California**

Resolution No. 14-025

Resolution of the Monterey County Planning Commission)
recommending that the Board of Supervisors:)
1) Find that the ordinance is not a project under the California)
Environmental Quality Act (CEQA) per CEQA Sections)
15060 (c)(3) and 15378 (b)(5);)
2) Adopt the ordinance amending Title 21 (Monterey County)
Zoning Ordinance, Inland Areas) in order to incorporate a)
general plan amendment process into the Monterey County)
Code.)
[REF130066, Ordinance Creating MCC Sections 21.91)
(General Plan Amendments)].)

Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Planning Commission forwards the following recommendation to the Board of Supervisors with reference to the following facts:

RECITALS

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect the public health, safety, and welfare of its citizens.

B. This proposed addition to Title 21 protects the public health, safety, and welfare of Monterey County citizens by supporting the overall integrity of the General Plan in the periods between comprehensive updates of the General Plan.

C. This proposed addition to Title 21 implements *2010 Monterey County General Plan* policies LU-9.6 and LU-9.7 by providing a process that, with certain exceptions, limits the consideration of general plan amendments to two times per year, requires comprehensive and cumulative review of these general plan amendments, and provides a process for early assessment of these general plan amendments.

D. This proposed addition to Title 21 is statutorily exempt under the California Environmental Quality Act (CEQA) per CEQA Guideline Sections 15060 (c)(3) and 15378 (b)(5) because the process enacted by this ordinance is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment. Any actual proposal to amend the general plan would be subject to review under the California Environmental Quality Act.

E. On July 10, 2013 a Planning Commission workshop was conducted where staff presented a proposed amendment to Title 21 (non-coastal zoning). The Planning Commission directed staff to return the item for formal action without substantial changes to what was presented at the workshop.

F. A public hearing on the proposed ordinance at the Planning Commission was duly noticed for April 9, 2014 in the Monterey County Weekly at least ten days prior to the hearing, and the Planning Commission held the public hearing on the ordinance on April 9, 2014. This public hearing was continued to April 30, 2014, May 14, 2014 and May 28, 2014, at which time the Planning Commission completed its deliberations.

DECISION

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

1. Find that the ordinance is not a project under the California Environmental Quality Act (CEQA) per CEQA Sections 15060 (c)(3) and 15378 (b)(5), because the ordinance is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment; and
2. Adopt the ordinance, attached hereto as Attachment 1, amending Title 21 (Monterey County Zoning Ordinance, Inland Areas) in order to incorporate a general plan amendment process into the Monterey County Code.

PASSED AND ADOPTED this 28th day of May, 2014, upon motion of Commissioner Diehl, seconded by Commissioner Brown, by the following vote, to-wit:

AYES: Brown, Getzelman, Rochester, Salazar, Hert, Roberts, Diehl, Padilla
NOES: None
ABSENT: Vandever, Mendez
ABSTAIN: None



Laura M. Lawrence, Acting Secretary

Attachment 1

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING TITLE 21 OF THE MONTEREY COUNTY CODE RELATING TO GENERAL PLAN AMENDMENTS

County Counsel Summary

This ordinance adds Chapter 21.91 (General Plan Amendments) to Title 21 (non-coastal zoning) of the Monterey County Code to establish procedures to amend the 2010 Monterey County General Plan. The new chapter establishes a process, as directed by the 2010 Monterey County General Plan, that would limit consideration of amendments to the General Plan to two times each year, with certain exceptions. The new chapter also requires comprehensive and cumulative review of general plan amendments, and provides a process for early assessment of general plan amendments. This ordinance applies only to general plan amendments in the non-coastal unincorporated area of the County of Monterey.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. FINDINGS AND DECLARATIONS

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect the public health, safety, and welfare of its citizens.

B. This proposed addition to Title 21 protects the public health, safety, and welfare of Monterey County citizens by supporting the overall integrity of the General Plan in the periods between comprehensive updates of the General Plan.

C. This proposed addition to Title 21 implements *2010 Monterey County General Plan* policies LU-9.6 and LU-9.7 by providing a process that, with certain exceptions, limits the consideration of general plan amendments to two times per year, requires comprehensive and cumulative review of these general plan amendments, and provides a process for early assessment of these general plan amendments.

D. This proposed addition to Title 21 is statutorily exempt under the California Environmental Quality Act (CEQA) per CEQA Guideline Sections 15060 (c)(3) and 15378 (b)(5) because the process enacted by this ordinance is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment. Any actual proposal to amend the general plan would be subject to review under the California Environmental Quality Act.

SECTION 2. The Table of Contents of Title 21 of the Monterey County Code is amended to add Chapter 21.91 as follows:

Chapter 21.91 General Plan Amendments

SECTION 3. Chapter 21.91 is added to the Monterey County Code to read as follows:

Chapter 21.91
GENERAL PLAN AMENDMENTS

Sections:

21.91.010	Purpose
21.91.020	Applicability
21.91.030	Early Assessment of Proposed Amendments
21.91.040	Comprehensive Review
21.91.050	Evaluation Criteria
21.91.060	Public Hearing
21.91.070	Reapplication
21.91.080	Fees

21.91.010 Purpose

The primary purpose of this Chapter is to set forth regulations governing amendments to the *2010 Monterey County General Plan* and future comprehensive updates to the *2010 General Plan* (“General Plan”). Because the *2010 Monterey County General Plan* is applicable only in the non-coastal, unincorporated area of the County, these regulations apply only to general plan amendments affecting the non-coastal unincorporated area of the County. These regulations are intended to maintain the overall integrity of the General Plan, as may be periodically comprehensively updated, by requiring early assessment of proposed amendments, requiring comprehensive and cumulative review of proposed amendments, limiting the number of times each year the plan may be amended, and by identifying the limited circumstances under which plan amendments may be approved.

21.91.020 Applicability

- A. The provisions of this Chapter shall apply in addition to State law to proposed amendments to the *2010 Monterey County General Plan* and future

comprehensive updates to the *2010 Monterey County General Plan*, unless the amendment is exempt under subsection B below. These regulations apply to amendments initiated by any of the following methods:

1. Application by an individual property owner to amend the general plan designation(s) of the owner's property;
 2. Application by an individual or individuals to amend the text provisions of the General Plan; or
 3. Resolution of Intention by either the Planning Commission or the Board of Supervisors of the County of Monterey to consider amendments to either the general plan designations for property or properties or the text provisions of the General Plan, or both.
- B. The provisions of this Chapter shall not apply to the following categories of general plan amendment:
1. Periodic comprehensive updates of the Monterey County General Plan;
 2. General plan amendments initiated by either the Planning Commission or the Board of Supervisors when such an amendment is necessary to address a threat to the public health or safety; or
 3. General plan amendments instituted by citizen initiative.

21.91.030 Early Assessment of Proposed Amendments

- A. No application for a general plan amendment shall proceed to hearing until completion of the early assessment process described in this Chapter.
- B. The applicant must obtain an early assessment as part of either the pre-application or application process.
- C. The Director of Planning shall refer the pre-application or application to the applicable Land Use Advisory Committee(s) and other County advisory committees, as appropriate, for comments on the early assessment.
- D. The Planning Commission shall provide an early assessment of each application for general plan amendment to determine the suitability of the request. The Planning Commission shall provide by a majority vote its early assessment as to whether the proposed project has the potential to meet the evaluation criteria set forth in Section 21.91.050 of this Chapter.
- E. The early assessment by the Planning Commission shall not be construed as approval of the amendment or a guarantee of the ultimate outcome, nor shall a negative early assessment preclude the applicant from pursuing his/her/its general plan amendment. In addition to the early assessment process, all general plan

amendments shall be subject to all appropriate environmental review and procedures required by law for consideration of general plan amendments.

- F. The early assessment may be undertaken prior to environmental review under the California Environmental Quality Act (CEQA) based on the recognition that the early assessment is not a commitment to the general plan amendment and does not excuse preparation of environmental review as appropriate under CEQA,
- G. Early assessment by the Planning Commission of applications for a general plan amendment may be undertaken at any time and as frequently as deemed appropriate by the Director of Planning.

21.91.040 Comprehensive Review

- A. Each application for general plan amendment shall be reviewed in the context of all other current applications for amendments to the 2010 General Plan and previously approved amendments to the 2010 General Plan, for the purpose of providing a comprehensive and cumulative analysis of the proposed general plan amendment.
- B. RMA Planning staff shall prepare the comprehensive and cumulative analysis. The analysis shall include but not be limited to a single map that depicts the location of all proposed and approved amendments to the 2010 General Plan maps.
- C. The comprehensive and cumulative analysis shall be presented to the Planning Commission and Board of Supervisors as part of their consideration of each proposed general plan amendment.

21.91.050 Evaluation Criteria

The decision to approve a general plan amendment remains in the discretion of the Board of Supervisors in accordance with state law. If the Board of Supervisors in its discretion chooses to approve an amendment to the General Plan, the amendment must at a minimum satisfy the following criteria in addition to any other relevant considerations:

- A. The amendment is not in conflict with the goals, objectives, and policies of the General Plan that are not proposed for amendment; and
- B. The applicant demonstrates, based on substantial evidence, one or more of the following:
 - 1. There is a demonstrable error or oversight in the adopted General Plan, or
 - 2. There is a clear change of facts or circumstances, or

3. The amendment better carries out the overall goals and policies of the General Plan.

21.91.060 Public Hearing Process

- A. The Planning Commission and Board of Supervisors may consider general plan amendments no more than two (2) times each year and only after completion of the early assessment as prescribed by Section 21.91.030. General plan amendments may be grouped together in a package for the twice-yearly consideration. The public hearing on proposed general plan amendments at the Planning Commission must begin in either February or August. The public hearing on the proposed general plan amendments at the Board of Supervisors must begin in either April or October. Once a public hearing has commenced, the Appropriate Authority may continue the hearing from one meeting date to another without restriction until a decision is reached.
- B. Within the confines of Section 21.91.060.A, the process by which the Planning Commission makes recommendations to the Board of Supervisors for approval or denial of the proposed amendment shall be as governed by state law. The Planning Commission shall consider the evaluation criteria set forth in Section 21.91.050 when making its recommendations.
- C. Within the confines of Section 21.91.060.A, the process by which the Board of Supervisors approves or denies a proposed amendment shall be as governed by state law. The Board of Supervisors must find that the proposed general plan amendment meets the evaluation criteria set forth in Section 21.91.050.

21.91.070 Reapplication

When an application for an amendment is denied by the Board of Supervisors, no new application for an amendment substantially the same as the one denied shall be considered for a period of one (1) year following such denial.

21.91.080 Fees

The fee for an application to amend provisions of the General Plan shall be set by the Board of Supervisors by resolution. The fee shall generally not be refundable, except the resolution may provide for partial refunds in the case where proposed amendments are withdrawn by the applicant as a result of early assessment by the Director of Planning.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence,

clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 2014, by the following vote:

AYES: Supervisors

NOES:

ABSENT:

ABSTAIN:

Louis R. Calcagno, Chair
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM BY:

Wendy S. Strimling
Senior Deputy County Counsel