

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> May 28, 2014	<b>Agenda Item No.:</b> 3
<b>Project Description:</b> CONTINUED FROM THE May 14 <sup>TH</sup> PLANNING COMMISSION HEARING. Adoption of an ordinance amending Title 21 (Monterey County Zoning Ordinance, Inland Areas) to incorporate a general plan amendment process into the Monterey County Code.	
<b>Project Location:</b> Inland Area Only (Non-coastal)	<b>APN:</b> Inland Area Only (Non-coastal)
<b>Planning File Number:</b> REF130066	<b>Owner:</b> N/A
<b>Planning Area:</b> Inland Area Only (Non-coastal)	<b>Flagged and staked:</b> N/A
<b>Zoning Designation:</b> Inland Area Only (Non-coastal)	
<b>CEQA Action:</b> Statutorily Exempt per Section 15060 (c)(3) and 15378 (b)(5)	
<b>Department:</b> RMA - Planning	

### RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (Exhibit A) recommending that the Board of Supervisors take the following actions:

- 1) Find the ordinance statutorily exempt per Section 15060 (c)(3) and 15378 (b)(5) of the CEQA Guidelines; and
- 2) Adopt the ordinance (Exhibit A, Attachment 1) amending Title 21 (Monterey County Zoning Ordinance, Inland Areas) to incorporate a general plan amendment process into the Monterey County Code.

### PROJECT OVERVIEW:

The subject ordinance was continued from the April 9<sup>th</sup>, April 30<sup>th</sup> and May 14<sup>th</sup> Planning Commission hearings. The continuance on April 9<sup>th</sup> was granted in order to allow staff the opportunity to address issues raised at the hearing, on April 30<sup>th</sup> the continuance was granted due to a lack of quorum and on May 14<sup>th</sup> the ordinance was discussed and staff was provided with direction and comments. The item was continued to allow staff to work with County Counsel to refine the ordinance based on those comments. The proposed amendment to Title 21 provides a process to amend the Monterey County General Plan. It would add a new Chapter 21.91 - General Plan Amendments. On July 10, 2013 a workshop was held at the Planning Commission. At the workshop there was support for the proposed new chapter and the Planning Commission directed staff to return for formal action. Based on comments received at the April 9<sup>th</sup> and May 14<sup>th</sup> Planning Commission hearings, the propose ordinance has been modified.

### DISCUSSION:

This item is 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 general plan in non-coastal areas.

#### Analysis and Proposed Code Amendment

The proposed ordinance would create a new Chapter 21.91, General Plan Amendments, providing a process to make amendments to the Monterey County General Plan consistent with the policy directions 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 collectively review 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.

As a result of comments made at the April 9, 2014 and May 14, 2014 public hearings, staff revised the proposed ordinance, and these revisions are shown in underline and ~~strikeout~~ in Exhibit A, Attachment 1. These revisions include:

- 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.

#### Environmental Review

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.

#### Conclusion/Recommendation

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. Staff recommends that the Planning Commission recommend to the Board of Supervisors adoption of the inland ordinance attached as Exhibit A, Attachment 1.

**OTHER AGENCY INVOLVEMENT:**

The proposed ordinance amendment was provided to stakeholders throughout the processing commencing at the Planning Commission workshop through the hearings.

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Jacqueline R. Onciano, RMA Planning Services Manager  
(831) 755-5193, [oncianoj@co.monterey.ca.us](mailto:oncianoj@co.monterey.ca.us)  
May 19, 2014

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

Attachments: Exhibit A      Draft Resolution with Attachment 1—draft ordinance amending Title 21 (Monterey County Zoning Ordinance, Inland Areas) to incorporate a general plan amendment process into the Monterey County Code

This report was reviewed by Marti Noel, Assistant RMA Director, Resource Management Agency