

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.