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MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director



LAND USE & COMMUNITY DEVELOPMENT | PUBLIC WORKS & FACILITIES | PARKS

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February 6, 2019

Stamp | Erickson Attorneys at Law

Attn: Molly Erikson

479 Pacific Street, Suite One

Monterey, California 93940

Re: Request for written protocols of project location

Dear Ms. Erikson,

The County of Monterey Resource Management Agency is in receipt of multiple appeal allegations, comments on environmental documents prepared pursuant to the California Environmental Quality Act (CEQA), and related correspondence from your law firm in representation of Friends, Artists, and Neighbors of the Elkhorn Slough (FANS), The Open Monterey Project (TOMP), and other interests for the following projects:

- PG&E (PLN160131)
- Smith/Eco-site/T-Mobile (PLN170647)
- Moss Landing Community Plan update (GPZ090005)

In addition to project-specific comments, your correspondence alleges County has a “pattern and practice” of placing obstacles in the way of public comment and notice. This letter responds to that general allegation. This letter is not intended to respond to any project specific comments, which will be addressed as appropriate in connection with those specific projects. While there is always room for improvement, the County disagrees that there is any “pattern and practice” of creating obstacles to public participation. The County and the Resource Management Agency have every intent of providing transparency in the land use process, including providing adequate and informative public notice, making documents publicly accessible, and facilitating public participation in the land use process.

Request for written protocols on project location

One of the issues you have raised is that notices (e.g., public hearing notices) indicate a city name for the location of a project when the project site lies outside that incorporated city. In your January 17, 2009 letter on behalf of FANS providing comments on the Initial Study for the above-referenced Smith/Eco-site/T-Mobile project, you allege you did not receive a response to your December 2018 request “for a copy of all adopted written protocols requiring consistent and accurate statement of project locations and applicable area plans.” The County provided a response to your request in December. As indicated in your email of December 19, 2018 and as recognized in FANS’ January 2, 2019 appeal of the Zoning Administrator’s approval of PLN160131 (PG&E), Interim Chief of Planning Brandon Swanson informed you in December

that, the Resource Management Agency does not have specific written protocols adopted by the Resource Management Agency for specification of project location in notices for land use applications. This letter provides further response. As Mr. Swanson indicated, County does not have records responsive to your request for protocols adopted by RMA. RMA follows state law and regulation. We refer you to Government Code section 65094 and Titles 19, 20 and 21 of the Monterey County Code, which are responsive to your request more broadly construed. Specifically, Government Code section 65094, section 21.78.050.D of Title 21, section 20.84.050.D of Title 20, and section 19.01.055.B.4 of Title 19 (inland subdivision ordinance) of the Monterey County Code require notices to include a general description, in text or by diagram, of the location of real property, if any, that is the subject of the public hearing. The Resource Management Agency complies with this law and regulation.

In practice, the RMA provides the mailing address of the project site, if available, in text on all required, and many optional, notices released by the RMA. Because large portions of the County are unincorporated, the mailing address often contains the name of the closest city, thereby providing indication of the general vicinity of the project. The mailing address can also be used to locate the exact project site. Any given project site can generally be found by entering the mailing address into free, publicly accessible mapping services (ie. Google, Yahoo, MapQuest, etc.). If a mailing address is not available, descriptions of the nearest cross streets and directional information such as North, South, East, West are typically provided in the notice. The project documents, such as staff reports, typically also include a project location map.

Addresses and street references are the most commonly used location identifiers for mail, emergency response, orientation, and navigation and are therefore the most recognizable form of describing a project location. We are open to a dialogue with you if you believe that we can improve in this regard.

Concerns Regarding Transparency

Your letters express a concern that the County planning staff hides information by not making it accessible to the public or being secretive about disclosure of applicant- submitted information. While RMA takes this concern very seriously, the concern appears unfounded, and RMA generally denies this accusation. The RMA is committed to providing a clear and transparent process for the benefit of the public. The RMA provides for opportunities for public participation beyond those that are legally required (example: Moss Landing Community Plan community meetings). Staff makes every effort to furnish written information in advance of meetings. Staff is aware of and works diligently to comply with Board of Supervisors' Resolution Number 01-093. RMA is committed to providing excellent quality of service to the public and maintaining transparency in processing land use projects.

The County also consistently responds to requests for documents and information by all members of the public through public records requests, via phone and email, and has been continuously improving the availability of information on the County website. Public documents are made available online through Accela Citizen Access, and other documents and materials can be obtained from our physical files subject to Public Records Act restrictions. If information is withheld, a description of the reasons for withholding information is provided in accordance with the Public Records Act.

Much the same as the noticing requirements discussed above, the RMA follows legal mandates for providing information on the location where CEQA documents and references are available for review. If documents are available electronically, RMA staff will provide electronic

information upon request. Again, we are open to feedback if you believe that we can improve in this regard.

We thank you for your interest and input on these matters.

Sincerely,

A handwritten signature in blue ink that reads "John Dugan". The signature is fluid and cursive, with the first name "John" being larger and more prominent than the last name "Dugan".

John Dugan, FAICP
County of Monterey
Resource Management Agency, Deputy Director of Land Use
Phone: (831) 759-6654
Email: DuganJ@co.monterey.ca.us

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