

ATTACHMENT I

**Before the Planning Commission
County of Monterey, State of California**

Resolution No. 12-053

Resolution of the Planning Commission)
recommending that the Board of)
Supervisors consider Addendum No. 2 to)
FEIR #07-01, SCH #2007121001, and)
amend Policies PS-3.1, 3.3 and 3.4 of the)
2010 Monterey County General Plan)
relating to Long-Term, Sustainable Water)
Supply, Domestic Wells, and High)
Capacity Wells.)

Proposed amendments to the 2010 Monterey County General Plan (“General Plan”) came on regularly for public hearing before the Monterey County Planning Commission (“Planning Commission”) on November 14, 2012. At that time the matter was continued to December 12, 2012. Having considered all the written and documentary evidence, the staff report and its attachments, oral testimony, and other evidence presented at the hearing, the Planning Commission makes this recommendation to the Monterey County Board of Supervisors (“Board of Supervisors”) with reference to the following facts and findings:

RECITALS

1. Section 65300 et seq. of the California Government Code requires each county to adopt a comprehensive, long-term General Plan for the physical development of each county.
2. On October 26, 2010, the Board of Supervisors adopted the General Plan and certified its accompanying Final Environmental Impact Report (#07-01, SCH #2007121001) (“FEIR”).
3. Subsequent to the adoption of the General Plan and certification of the FEIR, four lawsuits were commenced challenging those actions on a variety of grounds.
4. One of those lawsuits was filed in the name of the Salinas Valley Water Coalition (“SVWC”) and the Monterey County Farm Bureau. The lawsuit was subsequently amended to include the Monterey/Santa Cruz Counties Building and Construction Trades Council, Monterey Peninsula Taxpayers Association, and the Howard Jarvis Taxpayers Association.
5. Pursuant to the requirements of the California Environmental Quality Act (“CEQA”), settlement negotiations were begun with all litigant groups. Following extended negotiations, an agreement was reached with the SVWC et al. litigant group which requires the County to consider amendments to the General Plan, and the Board of Supervisors approved the settlement.
6. Pursuant to Government Code sections 65350 et seq., the County of Monterey (“County”) may amend the adopted General Plan provided the County follows certain procedures, including that the Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the General Plan.

7. While the California Government Code provides that any mandatory element of the General Plan may be amended no more than four (4) times during any calendar year, Policy LU-9.6 (d) of the General Plan provides that amendments to the County's General Plan be considered no more than twice per calendar year. There has not been a package of General Plan amendments considered in 2012.
8. The proposed amendments to the General Plan affect Policies PS-3.1 (Long Term, Sustainable Water Supply), 3.3 (New Domestic Wells), and 3.4 (New High-Capacity Wells).
9. All policies of the General Plan have been reviewed by the Planning Department staff and the County Counsel's Office to ensure that the proposed amendments maintain the compatibility and internal consistency of the General Plan.
10. An Addendum to the certified FEIR ("Addendum No. 2") has been prepared pursuant to Section 15164 of the CEQA Guidelines because substantial evidence in the record shows that the conditions requiring a Subsequent Environmental Impact Report ("EIR") or Supplement to an EIR do not exist.
11. A public hearing was scheduled before the Planning Commission on November 14, 2012, at 9 a.m. to consider the proposed amendments and the Addendum No. 2, and make appropriate recommendations to the Board of Supervisors. At least 10 days before the public hearing, notices of the hearing before the Planning Commission were published in the Salinas Californian and mailed to interested parties. At that hearing, the matter was continued to December 12, 2012, for further consideration.
12. Prior to making recommendations on the General Plan amendments, the Planning Commission reviewed and considered the Addendum No. 2.

II. FINDINGS

The Planning Commission finds as follows:

- A. The above recitals are true and correct.
- B. There are no substantial changes proposed to the General Plan that will require major revisions to the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- C. There are no substantial changes that will occur with respect to the circumstances under which the General Plan is undertaken which will require major revisions of the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- D. There is no new information of substantial importance that shows any of the following:
 - i. that the General Plan will have one or more significant effect not discussed in the FEIR;

- ii. significant effects previously examined will be substantially more severe than shown in the FEIR;
- iii. mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the General Plan, but the County declines to adopt the mitigation measure or alternative;
or
- iv. mitigation measures or alternatives which are considerably different from those analyzed in the FEIR would substantially reduce one or more significant effects on the environment, but the County declines to adopt the mitigation measure or alternative.


III. DECISION

NOW, THEREFORE, BE IT RESOLVED by the Monterey County Planning Commission that the Planning Commission recommends to the Monterey County Board of Supervisors as follows:

- I. That the Board of Supervisors consider the Addendum No. 2 to FEIR #07-01, SCH #2007121001, attached hereto as Exhibit A; and
- II. That the Board of Supervisors adopt the amendments to the 2010 Monterey County General Plan set forth in Exhibit B, attached hereto.

PASSED AND ADOPTED on this 12th day of December, 2012, upon motion of Commissioner Brown, seconded by Commissioner Padilla, by the following vote, to-wit:

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



Mike Novo, Secretary