

Attachment B

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ATTACHMENT B – DISCUSSION

Overview

For at least five years, RMA has been challenged with vacancies in the Planning Unit, including key positions such as the Chief of Planning, Planning Services Manager, and Supervising Planner. Positions are being filled where, and as quickly as, possible. In cases such as the Chief of Planning and Planning Services Manager, interim assignments were made from within the department that leaves a void in the home position, which does not bring any new resources to the organization until the position is filled. Given the statutory requirements on current planning projects, resources assigned to the long-range planning program need to be separate from current planning. In addition, with the dissolution of the Housing and Economic Development Department last year, the Housing Office was transitioned, and those services relocated under the County Administrator's Office. A new Housing Manager was hired to oversee these services.

Training for new planners is on-going, but there have been challenges with vacancies in the key positions. RMA executives have made planning recruitments a priority. As of writing this report, three planner positions and two Supervising Planner positions are not filled but active recruitments are well underway. Meanwhile, the RMA Director is making adjustments to provide the direct management necessary to properly focus on planning issues. For example, the Deputy Director of Land Use has been assigned to fill the vacant Chief of Planning position until the Board-initiated Citygate report is complete.

Priorities can shift as new issues arise (cannabis, hemp, Fort Ord Reuse Authority transition, fees, etc. - see Discussion). Monterey County has many competing priorities and limited resources to address them. With new priorities added, some tasks that were identified as priorities last year did not get as far along as planned.

RMA is currently developing a plan to improve progress on General Plan and Long-Range Planning projects. In an effort to help focus resources and complete tasks, RMA created a priorities matrix which will keep track of all priority projects that have been assigned to the agency. This will help the RMA Director communicate with the Board of Supervisors regarding resources (staff, funding) relative to workload, and obtain guidance of which items should be allocated those resources.

In addition, the new land use fees increased the General Plan Implementation Fee (GPUI) for all land use entitlements. Previously, this fee was a 3% charge of the permit costs. However, after adoption of the new land use fee schedule in 2019, the GPUI was increased to 10%. Funds collected from this fee are intended to be ear-marked exclusively for Long Range Planning resources, such as staff to work wholly on implementation of the General Plan. It is anticipated that new position(s) could be in place as early as Fall/Winter 2020 if revenue projections are realized.

2019 Accomplishments

The following is a more detailed update on what has been completed in 2019 from the list of priority projects that was presented to the Board of Supervisors last year:

- Moss Landing Community Plan Update. Progress was made on the comprehensive update and preparation of EIR to address long-range plans in the Moss Landing area, and update policies to address current issues such as sea level rise. Community meetings and Planning Commission workshops on the specific policies were fully completed. The Planning Commission gave direction to staff to complete a final draft of the Community Plan for review, which would then be the basis for environmental review. This work is in process and anticipated to be brought to the Planning Commission in mid-late 2020. In 2019, Planning Staff also collaborated with the California Coastal Commission staff to deliver a presentation on sea level rise and how it relates not only to Moss Landing but the rest of the County. Staff previously released a schedule that indicated the Board of Supervisors hearing date for consideration of adoption of the MLCP Update would be early/mid 2020; however based on time needed to bring the draft plan to the Planning Commission, staff's current availability, and time needed for environmental review, that hearing date is more likely to be late 2021.
- Salinas Valley Groundwater Basin Investigation. Amendment to GP Policy PS-3.1 in 2013, resulting from a settlement agreement, included language requiring a 5-year study of the basin relative to the projected buildout. The County contracted with the Monterey County Water Resources Agency (MCWRA) to provide staffing resources to manage outside consultants (such as US Geologic Service or USGS) for this work. Year 4 (of the 5-year study) work program was provided in 2018. The Salinas Valley Integrated Groundwater and Surface Water Hydrologic Model (SVIHM) being developed by USGS has been delayed and is anticipated to be complete this summer 2020. This model will enable the County's recently contracted consultant to complete the Salinas Valley Groundwater Basin Investigation, which is anticipated to be completed in late 2020/early 2021.
- Ag Land Mitigation Program. Working with Ag Land Trust as part of a grant received through the Sustainable Agricultural Lands Conservation Program (SALC) was identified as a top priority due to grant fund timing. On June 27, 2017, the Board of Supervisors accepted the grant award and issued resolutions of support to the Ag Land Trust for five easement proposals to the California Department of Conservation SALC program. In 2018, a draft workplan was submitted to the state, and the grant was extended to June 2019. The grant was subsequently extended to June 2020 due to lack of County Staff resources to implement the work plan. Staff is working with the Department of Conservation to finalize the Ag Land Program and implement related work plan.
- Development Evaluation System (DES). On December 4, 2019, staff held the final Planning Commission workshop on the DES. The Planning Commission reviewed the draft ordinance and program which proposed thresholds for water and wastewater, appropriate methodology for calculating traffic, DES scoring methodology, and proposed

exemptions. The Planning Commission has provided a recommendation to move the draft DES forward to the Board of Supervisors for review and direction. It is anticipated that the draft DES will be brought to the Board of Supervisors for direction in May 2020. After review and direction from the Board on the draft DES, environmental review will commence on the DES Program, and then it will return to the Planning Commission for a recommendation to the Board of Supervisors and then brought to the Board to consider adoption, anticipated to be in early 2021.

- Water and Energy Efficient Landscape Ordinance/Water Conservation Ordinance/ Fire Resistance Plant List /Invasive Plant Policy and Procedures. Implementation of General Plan Policies OS-5.14 and S-2.4 require the exclusion and eradication of invasive plants and incorporating the use of fire-resistant plants. In addition to the General Plan policies, the “State Water Conservation in Landscaping Act” requires local jurisdictions to either adopt the State Model Water Efficient Landscape ordinance (MWELO) or a local ordinance that is at least as effective in water conservation. Staff has drafted Coastal and Inland Water and Energy Efficient Landscape ordinances and an accompanying design manual that incorporates the requirements of the General Plan and state law. Staff presented the revised ordinance to the Board of Supervisors on October 23, 2018. Staff has held two stakeholder working group meetings as directed by the Board in 2019. These meetings have helped to refine the technical components of the ordinance. Staff anticipates bringing the final draft of the ordinances and implementation manual to the BOS for adoption in June/July 2020.
- Community Climate Action Plan. No significant progress was made on the Community Climate Action Plan in 2019 after the GoGreen Program position was eliminated from the CAO’s office. However, the Board restored the position, and a new Sustainability Program Manager was hired in February, 2020. The new Program Manager will begin working again on the Action Plan in the year 2020.
- Zoning Map Updates (Ordinance). Due to staff constraints, updates to the zoning maps have been placed on hold. Staff will need to assess priorities for completing this task.
- Carmel River Floodplain Restoration & Environmental Enhancement (CRFREE) Projects. In March 2019, the draft EIR/EA for the CRFREE project was circulated for public review. In January 2020, the Board of Supervisors unanimously certified the EIR/EA. County received two grant awards pending final contracts in April/May 2020 in the amount of \$2.8 million to fund final pre-construction activities (approximately \$657,000) and project implementation (approximately \$1,843,000). In addition, an approximately \$23 million implementation grant is pending National Environmental Protection Act (NEPA) analysis by FEMA. Prior to returning to the Board of Supervisors for project approval, staff continues to work to negotiate the following agreements: 1) All party Memorandum of Understanding (MOU) for project implementation; 2) MOU with Carmel Area Wastewater District (CAWD) for cooperation and funding; and 3) MOU agreement with Monterey Peninsula Regional Parks District (MPRPD) and Ms. Fish regarding Riverfield Well protection and access.
- Vacation (aka Short-Term) Rentals. The draft vacation rental ordinances and proposed environmental documentation were released in in Spring 2019. Subsequently, the Planning Commission held a workshop to provide direction on modifications to the draft

ordinance. Staff will be returning to the Planning Commission in June 2020 to present the modified ordinances before bringing them to the Board for direction. It is anticipated that the Board will receive the draft vacation rental ordinance in late summer/early fall of 2020. Based on direction, staff will determine the appropriate level of environmental review under CEQA. Once CEQA is complete, the ordinances will return to the Planning Commission for a recommendation to the Board and to the Board to consider adoption.

Other 2019 Accomplishments:

Staffing challenges, coupled with evolving priorities, significantly impacted performance on the planned Long-Range Planning tasks, whereby a number of tasks did not meet certain milestones as planned. Despite these unforeseen tasks/events, staff was able to accomplish a number of other additional other priority tasks that were assigned and completed in 2019 which were not presented to the Board of Supervisors during the previous reporting period.

- Cannabis Regulations. Commercial cannabis remains a top priority as evolving State regulations required more revisions to the adopted set of regulations. RMA retained the lead role in working with all County land use agencies and County Counsel, for ordinance amendments, while the Cannabis Program transitioned into a lead role for the day to day management of the industry. The following amendments to ordinances relating to commercial cannabis uses were completed within this reporting period:
 1. BOS adopted regulations for an outdoor pilot program to permit small existing grows in the Big Sur, Carmel, and Cachagua Areas.
 2. Local Coastal Program amended to permit an outdoor pilot program in the Big Sur area
 3. LCP Amendment of Title 20 (Zoning Ordinance, Coastal Implementation Plan), submitted to and certified by Coastal Commission:
 - An ordinance amending setbacks from parks and playgrounds
 - An ordinance amending setbacks between retailers
 - Changing the permit type
 4. Worked on development of Programmatic Initial Study to analyze environmental impacts associated with the new industry in Monterey County
- Hemp Regulations. On June 25, 2019, the Board of Supervisors provided direction to Resource Management Agency (RMA) and the Agricultural Commissioner to begin work on a pilot program for the cultivation and processing of industrial hemp in certain unincorporated areas of Monterey County. With input from the Board and feedback from town hall meetings, staff drafted an ordinance that was adopted on July 10, 2019 creating a one-year pilot program that permitting cultivation and processing of industrial hemp on a limited basis. The draft ordinance established a new combining zoning district in Chapter 21.49, “HMP” District, of the inland zoning area. Amendments to the first draft of the Hemp Ordinance have been requested by the Standing Cannabis Committee, were heard by the Planning Commission on April 8, 2020, and are anticipated to be brought to the Board in mid-2020.

- Fort Ord. A Transition Plan was adopted by the Fort Ord Reuse Authority (FORA) in December 2018 to address FORA dissolution. Under current state law, FORA dissolution is scheduled to occur on June 30, 2020. Over the course of 2019, RMA staff, working with CAO staff and County Counsel, have been working to address County issues relevant to FOR A dissolution, which has required significant staff resources and will continue to require them into 2020. Significant issues include habitat management, building removal/FORA bond issuance, transportation, and assignment of various FORA duties to County and other entities. With the dissolution of FORA, staff will evaluate the Fort Ord Master Plan as part of the General Plan. In addition, RMA continues to process matters relative to the East Garrison project.
- Airport Land Use Compatibility Plan (ALUCP). The Monterey County Airport Land Use Commission (ALUC), which is staffed by RMA and County Counsel, adopted an Airport Land Use Compatibility Plan (ALUCP) for the Monterey Regional Airport February 25th, 2019. The ALUCP for the Marina Municipal Airport was adopted May 30th 2019. Subsequent to adoption of these documents, staff began working with local jurisdictions to implement the new ALUCPs into their General Plans and other Land Use regulations.
- State Annual Report(s) on Model Water Efficient Landscape Ordinance (MWELO). In November, 2019, RMA Staff was alerted to the fact that State law requires submittal of annual reports to the CA State Department of Water Resources (DWR) regarding implementation of the MWELO. This was the first notice that reports were not submitted for each of the previous five (5) years (2014-2018). In order to avoid possible penalties or litigation, staff completed compiled the information and submitted completed reports to DWR within the deadline of the notice.
- Condition of Approval and Mitigation Monitoring and Reporting Program (Revision). In response to a 2011 settlement agreement (aka Leeper Settlement) in a lawsuit filed by Save Our Peninsula Committee (SOPC), the County adopted the Condition of Approval and Mitigation Monitoring and Reporting Program (COAMMRP) on January 24, 2012. It was subsequently updated three times following that initial adoption. After the COAMMRP's most recent update in 2017, RMA staff, County Counsel and SOPC had continued discussions to implement the Program, clarify ambiguities, and improve the Program. On July 23, 2019, the Board approved the fourth amendment to the COAMMRP which provided major clarifications to the Program and better facilitated the Program's implementation. It also updated the terminology to correspond to RMA's reorganization. RMA is on track to meet the required timeline for the annual report per the agreement.
- Proof of Access Ordinance (Update). General Plan Policy C-3.6 requires the County to establish regulations for any new development that would intensify the use of a private road and to require proof of access as part of a development application. The County adopted a Zoning Ordinance accomplishing this General Plan Goal in 2014. However, Coastal Commission staff determined that this type of regulation is not subject to Coastal Commission certification. Therefore, the Coastal Zone of the county did not have coverage under this important General Plan policy. In response, RMA worked to update the ordinance and move it to a different Chapter of County Code (Title 16). On September 17, 2019, the Board of Supervisors adopted an ordinance removing the Proof of Access Ordinance from the Title 21 (inland zoning) of the County Code and placing it in Chapter 16.80, which covers the entire County.

- Land Use Fees Update. RMA updated Land Use Fees in 2019 to achieve a higher percentage of cost recovery without exceeding the actual costs of doing business, including revising the format to make permitting fees more understandable for the public. This update included a complete overhaul of the approach to how fees are charged, which required staff resources to also update our permit systems that calculate fees (e.g. Accela). RMA worked closely with stakeholders from the development industry and other County departments with land-use responsibilities such as EHB, MCWRA, County Counsel, and County Administrative Office throughout the process. The new structure for Land Use Fees was based on a “tiered” approach, which combined services that took a similar amount or resources into categories that would all have the same flat fee. This new fee structure was approved by the Board of Supervisors on September 17, 2019.
- Mixed Use Regulations (Ordinance). General Plan policy LU-2.33 requires the establishment of regulations for, and designation of Mixed-Use Zoning Areas in the county. These designated areas will accommodate a mix of residential and commercial uses, with higher residential density (30 units/acre) and allowance of housing options such as homeless shelters, transitional housing, supportive housing, and affordable housing. In 2019, County staff began work on a draft Mixed-Use Ordinance. Adoption of this ordinance could create new opportunity for more affordable housing options within the County, which would align with current State mandates. As of the date of this report, the Ordinance is scheduled to be presented to the Planning Commission in May, for a subsequent recommendation to the Board of Supervisors.
- Native American and Archaeological Resource Technical Advisory Panel (NAARTAP). General Plan Policy OS-8.5 requires the establishment of an advisory panel to provide technical input on how the County can best address monitoring and site treatment in a manner that is consistent with the General Plan. The Board previously adopted an ordinance enacting Chapter 2.95 of Monterey County Code to implement this policy, which detailed the composition and appointment of the panel and its duties. Over the course of 2019, a sub-committee of the Planning Commission was created with a goal of getting the NAARTAP created. Solicitations were made to tribal representatives and qualified archaeologists to join the panel. Ultimately, eight qualified participants came forward consisting of four (4) tribal representatives and (4) qualified archaeologists. In February 2020, these participants were officially appointed by the Planning Commission. It is anticipated that the first meeting of the NAARTAP will take place some time in early Summer, 2020. This does represent the implementation of a General Plan item, but since the appointment of the members took place in early 2020, it will be counted in next year’s annual report.