

Exhibit A

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**EXHIBIT A
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

**DEVELOPMENT EVALUATION SYSTEM PROGRAM (REF120030)
RESOLUTION NO.**

Resolution by the Monterey County Planning Commission recommending that the Monterey County Board of Supervisors:

- a) Consider Addendum No. 3 together with the previously certified Final Environmental Impact Report (FEIR) for the 2010 General Plan (SCH #2007121001);
- b) Adopt an ordinance adding Chapter 21.92 to Title 21 (non-coastal zoning ordinance) of the Monterey County Code and amending multiple sections of Title 21 to establish regulations for the Development Evaluation System; and
- c) Approve the County of Monterey Development Evaluation System Manual.

The proposed ordinance adding regulations to the Monterey County Code establishing the Development Evaluation System program came before the Monterey County Planning Commission at a duly noticed public hearing on June 24 and July 8, 2020. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony and other evidence presented, the Planning Commission forwards the following recommendation to the Board of Supervisors with reference to the following facts:

I. RECITALS

1. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

2. On October 26, 2010, the Board of Supervisors adopted the 2010 General Plan and certified its accompanying Final Environmental Impact Report (FEIR #07-01, SCH #2007121001) ("FEIR"). On February 12, 2013, the Board of Supervisors adopted Resolution

No. 13-029 approving “Addendum No. 1” to the General Plan FEIR and amending Policies CV-1.6, CV-2.17, CV-2.18, CV-3.11, CV-3.22 and CV-6.5 of the 2010 Monterey County General Plan/Carmel Valley Master Plan, and adopted Resolution No. 13-028 approving “Addendum No. 2” to the General Plan FEIR and amending Policies PS-3.1, PS-3.3 and PS-3.4 of the 2010 Monterey County General Plan.

3. Community Areas, Rural Centers, and Affordable Housing Overlay districts have been established as top priority areas for development within the unincorporated non-coastal area of Monterey County. To that end, the 2010 General Plan Land Use Element Policy LU-1.19 requires establishment of a Development Evaluation System to provide a systematic, consistent, predictable, and quantitative method for decision makers to evaluate developments of five or more lots or units and developments of equivalent or greater traffic, water, or wastewater intensity outside of those priority areas.

4. This ordinance implements Policy LU-1.19 by establishing Development Evaluation System (DES) regulations, including defining terms and establishing applicability and exemption criteria, evaluation milestones, evaluation criteria, and specific performance criteria for supporting a development project’s score as well as assurance mechanisms. The DES is intended to serve two purposes in the discretionary land use permitting process: 1) to allow staff an opportunity to advise the applicant quantitatively and constructively of the project’s overall quality through the entire permit process and 2) to provide a tool for the hearing body to assess critical aspects of a project. Because of the discretionary approval process, projects that receive a passing score are not guaranteed approval and projects that receive a failing score are not guaranteed denial.

5. The Monterey County Planning Commission held workshops on the draft DES program on July 31, 2013, February 11, 2015, November 29, 2017, and May 30, 2018. Additionally, a DES Focus Group was formed from December 2015 to January 2016 consisting of various local stakeholders (development and non-development groups). This group met a total of 3 times and provided suggestions to the Planning Commission on the Draft DES. Most recently, on December 4, 2019, the Planning Commission held a workshop on the draft DES program, consisting of a draft ordinance (implementing regulations) and a draft manual. The Commission found the concepts of the draft program acceptable and recommended minor changes which have been incorporated into the draft ordinance and manual. Section 21.92.D.6 of the ordinance was modified to state: *“Projects with a failing score shall receive a staff recommendation of denial when staff brings the project to hearing before the appropriate hearing authority.”* The Evaluation Score Sheet Guide in the draft Manual was modified to clarify criteria for improvements are beyond the minimum required and two criteria in the Jobs/Housing section were combined.

6. On May 5, 2020, the Board of Supervisors held a workshop on the draft DES program, as modified by the Planning Commission. Based on direction from the Board of Supervisors, Section 21.92.D.6 was further modified to state: *“In recognition that the DES scoring is part of a discretionary process for land use entitlements in which the Appropriate Authority serves in a quasi-judicial capacity, the DES score does not and is not intended to limit the exercise of discretion by the Appropriate Authority in rendering a decision on any particular project application.”* ” In addition, the Board requested RMA to create a short (1-2 pages)

executive summary that would provide a simplified explanation of the DES process for the public and staff. The executive summary would be available after the DES was adopted.

7. An Addendum No. 3 to the Certified FEIR (“Addendum No. 3”) has been prepared pursuant to Public Resources Code section 21166 and the California Environmental Quality Action (“CEQA”) Guidelines section 15164(d) because substantial evidence in the record shows that the conditions requiring a Subsequent Environmental Impact Report (“EIR”) or Supplement to the EIR do not exist. This ordinance provides an evaluation tool for developments outside of priority areas to support orderly growth and development and preserve and conserve open-space land and natural resources as addressed in the 2010 General Plan. Implementation of this ordinance would not result in an increase to the build-out projections identified in the 2010 General Plan. This ordinance will not 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.

8. State law requires the Planning Commission to hold a noticed public hearing on proposed amendments to zoning ordinances and to make a written recommendation to the Board of Supervisors.

9. On July 8, 2020, the Planning Commission held a duly noticed public hearing to consider making a recommendation to the Board of Supervisors on the proposed ordinance (**Attachment 1**) and DES Manual (**Attachment 2**). At least 10 days before the previously scheduled June 24, 2020 hearing date, notices of the hearing before the Planning Commission were published in the *Monterey County Weekly*. On June 24, 2020, the Planning Commission continued the hearing to July 8, 2020.

II. DECISION

NOW, THEREFORE, BE IT RESOLVED that the Monterey County Planning Commission hereby recommends that the Board of Supervisors:

- a) Certify that it considered Addendum No. 3 together with the previously certified Final Environmental Impact Report (FEIR) for the 2010 General Plan (SCH #2007121001);
- b) Adopt an ordinance to add Chapter 21.92 to Title 21 (non-coastal zoning ordinance) of the Monterey County Code and amend multiple sections of Title 21 to establish regulations for the Development Evaluation System (**Attachment 1**); and
- c) Approve the County of Monterey Development Evaluation System Manual (**Attachment 2**).

PASSED AND ADOPTED on this ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

By: _____

Brandon Swanson, Secretary

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