



Legislation Details (With Board Report)

File #: 12-916 **Name:** Desalination Plants Public Ownership
Type: General Agenda Item **Status:** Passed
File created: 9/25/2012 **In control:** Board of Supervisors
On agenda: 10/16/2012 **Final action:** 10/16/2012
Title: Consider process to amend the County’s certified Local Coastal Program to apply Chapter 10.72 of the Monterey County Code requiring public ownership of desalination plants within the Coastal zone. (Board Referral #2012.09)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A - Board Memo and attachment, 2. Exhibit B Board Referral, 3. Completed Board Order

Date	Ver.	Action By	Action	Result
10/16/2012	1	Board of Supervisors	approved	Pass

Consider process to amend the County’s certified Local Coastal Program to apply Chapter 10.72 of the Monterey County Code requiring public ownership of desalination plants within the Coastal zone. (Board Referral #2012.09)

RECOMMENDATION:

It is recommended that the Board of Supervisors not pursue an amendment to the Local Coastal Program because amending the Local Coastal Program is not necessary to achieve consistency in the application of Chapter 10.72 to the inland and coastal areas of the County.

SUMMARY:

On September 7, staff distributed a memorandum (**Exhibit A**) to all Board offices responding to Board Referral No. 2012.09 (**Exhibit B**) presenting the process to include an ordinance requiring public ownership of desalination plants within County’s certified Local Coastal Program (LCP). The referring Board office requested staff to bring this matter forward so the full Board could consider possible next steps.

In 1989, the Board adopted an ordinance establishing Chapter 10.72 of the Monterey County Code relative to standards for desalination plants, including ownership. For reasons outlined in the attached memorandum, staff concluded that Chapter 10.72 applies countywide and therefore already applies in the coastal zone. As such, an amendment to the LCP is not necessary to achieve consistency in the application of Chapter 10.72 to the inland and coastal areas of the County. Alternatively, if the Board wishes to consider amending the Local Coastal Program, the Board may initiate an amendment by adopting a Resolution of Intent to consider amending the Local Coastal Program. If the Board desires to follow this course, the Board should direct staff to return with a Resolution of Intent to start the process for consideration of an amendment to the LCP.

OTHER AGENCY INVOLVEMENT:

The attached memorandum was developed in coordination between the Resource Management Agency (RMA), RMA-Planning, Health Department, Environmental Health Bureau, and County Counsel.

FINANCING:

The recommended action has no direct financial impact to the General Fund. Staff time would be required to process a LCP amendment, if so directed, with potential increased costs for related review, report and ordinance preparation and hearings, as well as ordinance publishing and required public notices. Required staff efforts would become part of the long range planning work program, and associated staff time would be included in the approved budget for the Planning Unit 8172, RMA001.

Prepared by:

Approved by:

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This report was prepared with assistance by Wendy Strimling, Senior Deputy County Counsel

cc: Front Counter Copy; Board of Supervisor's; County Counsel; Environmental Health Bureau; RMA-Planning; Monterey County Water Resources

Attachments:

- Exhibit A - Board Memo, dated 9/7/2012 (with attachment)
- Exhibit B - Board Referral