



Legislation Details (With Board Report)

File #: ORD 20-017 **Name:** REF120030 - DEVELOPMENT EVALUATION SYSTEM PROGRAM

Type: Ordinance **Status:** Scheduled PM

File created: 8/12/2020 **In control:** Board of Supervisors

On agenda: 8/25/2020 **Final action:**

Title: REF120030 - DEVELOPMENT EVALUATION SYSTEM PROGRAM
Public hearing to consider:
a. adoption of an ordinance to amend Title 21 (non-coastal zoning) of the Monterey County Code to enact Development Evaluation System (DES) regulations; and
b. adoption of a resolution to approve the Monterey County Development Evaluation System Procedure Manual.
Project Location: Non-Coastal Unincorporated area of the County
Proposed CEQA action: Consider an Addendum together with the certified Final Environmental Impact Report (FEIR) for the 2010 Monterey County General Plan (SCH #2007121001).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A – General Plan Policy LU-1.19, 3. Attachment B – Planning Commission Resolution 20-022, 4. Attachment C – Draft Development Evaluation System Ordinance, 5. Attachment D – Draft Resolution, 6. Attachment D-1 - Development Evaluation System Procedure Manual, 7. Attachment E – Development Evaluation System Informational Brochure, 8. Attachment F – General Plan Final Environmental Impact Report, 9. Attachment G - DEIR VOL 1 Section 1, 10. Attachment G - DEIR VOL 1 Section 2, 11. Attachment G - DEIR VOL 2 Section 1, 12. Attachment G - DEIR VOL 2 Section 2, 13. Attachment G - FINAL EIR Section 1, 14. Attachment G - FINAL EIR Section 2, 15. Attachment G - FINAL EIR Section 3, 16. Attachment G - FINAL EIR Section 4, 17. Attachment G - FINAL EIR Section 5, 18. Attachment G - FINAL EIR Section 6, 19. Supervisor Mary L. Adams comments for the record, 20. Item No. 15 Completed Board Order, 21. Item No. 15 MS PowerPoint (Presented at the Hearing)

Date	Ver.	Action By	Action	Result
8/25/2020	1	Board of Supervisors	continued	Pass

REF120030 - DEVELOPMENT EVALUATION SYSTEM PROGRAM

Public hearing to consider:
a. adoption of an ordinance to amend Title 21 (non-coastal zoning) of the Monterey County Code to enact Development Evaluation System (DES) regulations; and
b. adoption of a resolution to approve the Monterey County Development Evaluation System Procedure Manual.

Project Location: Non-Coastal Unincorporated area of the County
Proposed CEQA action: Consider an Addendum together with the certified Final Environmental Impact Report (FEIR) for the 2010 Monterey County General Plan (SCH #2007121001).

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt:
a. 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 (**Attachment C**); and

b. A resolution approving the Monterey County Development Evaluation System Procedure Manual (**Attachment D**).

PROJECT INFORMATION:

Planning File Number: REF120030

Project Location: Non-Coastal Unincorporated area of the County

Plan Area: Cachagua Area Plan, Carmel Valley Master Plan, Central Salinas Valley Area Plan, Greater Monterey Peninsula Area Plan, Greater Salinas Area Plan, North County Area Plan, South County Area Plan, and Toro Area Plan.

SUMMARY:

Implementation of the 2010 Monterey County General Plan includes establishment of a Development Evaluation System (DES) program to implement Land Use Element Policy LU-1.19 (see **Attachment A**). After numerous meetings/workshops with the public, DES Focus Group, Planning Commission, and Board of Supervisors, the program has been refined and is being presented for final adoption by the Board of Supervisors.

The program includes an ordinance that enacts DES regulations by adding a chapter to the County's inland zoning ordinance. The ordinance also amends several sections of Title 21 to include reference to the DES regulations in most inland zoning districts and authorizes the Board of Supervisors to adopt by resolution a DES manual that contains detailed information and forms.

On July 8, 2020, the Monterey County Planning Commission held a public hearing and adopted a resolution (see **Attachment B**) recommending the Board of Supervisors consider an Addendum together with the General Plan Final Environmental Impact Report, adopt an ordinance to establish the DES regulations, and adopt a resolution approving the DES manual.

Staff now returns to the Board of Supervisors for adoption of the DES program as recommended by the Planning Commission.

DISCUSSION:

Between 2013 and 2019, RMA-Planning staff collaborated with members of the public and Planning Commission to frame the DES program. After numerous meetings and Planning Commission workshops, the proposed program was refined and brought before the Board of Supervisors at a workshop on May 5, 2020. The Board directed that the ordinance clarify that a failing score and staff recommendation for denial do not circumvent the discretionary process afforded to the applicant. In other words, a failing score is not an automatic denial. In addition, the Board directed staff to create an executive summary document as part of the overall DES Program that would provide a simplified explanation of the DES process for the public.

Staff modified the draft DES ordinance language per Board direction and conducted environmental review under CEQA, resulting in an Addendum to the General Plan Final Environmental Impact Report. (See CEQA discussion below and **Attachments F and G**.) At a public hearing on July 8, 2020, staff presented the Addendum and final draft ordinance to the Planning Commission for their final recommendation. As provided in the Planning Commission resolution (**Attachment B**), the Commission recommended the Board of Supervisors consider the Addendum to the General Plan Final Environmental Impact Report; adopt an ordinance to create a new chapter, Chapter 21.92 - *Regulations for Projects Subject to the Development Evaluation System*, within the Monterey County Inland Zoning Ordinance (Title 21) and amend zoning districts to refer to the DES regulations; and approve the Monterey County Development Evaluation System Procedure Manual (DES Manual). The final ordinance presented to the Board of Supervisors for adoption is attached to this report as **Attachment C**. The DES Manual, to be adopted by resolution, is attached as **Attachment D**.

Staff and counsel have made minor, primarily non-substantive changes to the draft DES ordinance language subsequent to the Planning Commission hearing. These changes include minor form and number changes and elimination of definitions from the ordinance where the terms are defined in Title 21 or the 2010 Monterey County General Plan. In addition, one clarification has been made in response to public comment received. The second evaluation milestone, called “Formal Application Evaluation” (section 21.92.040.A.2). had stated that the formal application score would be provided to the applicant at the time County staff deems the project application complete pursuant to the Permit Streamlining Act; this section has been clarified to add that the formal application score would also be provided if the application is deemed complete by operation of law.

As directed by the Board of Supervisors, an informational brochure containing an executive summary and a simplified explanation of the DES process has been created, and a draft is attached as **Attachment E**.

CEQA:

On October 26, 2010, the Board of Supervisors adopted the 2010 Monterey County General Plan and certified its accompanying Final Environmental Impact Report (FEIR #07-01, SCH #2007121001) (“FEIR”), which is attached as **Attachment G**. Since then, two Addenda to the FEIR have been previously prepared and considered: “Addendum 1” to the FEIR for amending policies in the Carmel Valley Master Plan (Board of Supervisors Resolution No. 13-029); and “Addendum 2” to the FEIR for amending Public Services Element policies of the 2010 Monterey County General Plan (Board of Supervisors adopted Resolution No. 13-028).

A third Addendum to the Certified FEIR (“Addendum No. 3, **Attachment F**) has been prepared for the proposed action to adopt the DES program. Pursuant to Public Resources Code section 21166 and California Environmental Quality Action (“CEQA”) Guidelines section 15164(d), an Addendum may be prepared if some changes or additions are necessary but none of the conditions requiring a Subsequent Environmental Impact Report (“EIR”) or Supplement to the EIR exist. That is the case here, where the proposed ordinance and manual are implementing a policy of the General Plan. The ordinance enacts regulations to evaluate proposed development outside of priority areas to support orderly growth and development and preserve and conserve open-space land and natural resources as addressed in the General Plan. Implementation of this ordinance would not result in an increase to the build-out projections identified in the General Plan. This ordinance and the implementing manual 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. Additionally, all projects subject to the DES will require their own independent CEQA analysis.

OTHER AGENCY INVOLVEMENT:

Staff consulted with public utilities for water and wastewater, water management districts, and State agencies to draft the DES. Consultation with the following County agencies also occurred:

- RMA-Public Works and Facilities
- Bureau of Environmental Health
- RMA-Building Services
- Economic Development and Housing
- Workforce Development
- Office of County Counsel

The Planning Commission held public workshops on development of the proposed DES regulations on the following dates: July 31, 2013; February 11, 2015; November 29, 2017; May 30, 2018; and December 4, 2019. The Board of Supervisors held a public workshop on the proposed DES regulations on May 5, 2020.

Staff also convened two DES Focus Group meetings on December 16, 2015 and January 6, 2016 to work through specific questions surrounding the DES and gain public input and direction to guide the refinement of

specific areas of the DES. Selection of the Focus Group members was based on their previous involvement with the DES and/or their area(s) of expertise, with the goal of having a group comprised of even representation from different interests of the County.

During the March 26, 2015 Agricultural Advisory Committee (AAC) meeting, RMA-Planning staff introduced the draft DES program, and the AAC provided input on the proposed exemptions. On July 23, 2020, the final draft DES program was brought back to the AAC for review and comment. The AAC found the final program acceptable. No comments or changes were recommended to the Board. County Counsel has approved the ordinance as to form.

FINANCING:

Funding for staff time associated with preparation of the ordinance and manual was included in the FY13-14, 15-16, 18-19 and 19-20 Adopted Budget for RMA-Planning. Costs for staff time to evaluate projects after implementation of the ordinance will be recovered through the existing fees charged for discretionary project review.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Adoption of the DES program represents implementation of a General Plan Land Use Element Policy, which provides the County accountability for proper management of County land resources.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Anna V. Quenga, Senior Planner, x5175

Reviewed by: Brandon Swanson, RMA Planning Services Manager
Craig Spencer, RMA Planning Services Manager

Approved by: John M. Dugan, FAICP, Deputy Director of Land Use and Community Development

The following attachments are on file with the Clerk of the Board:

Attachment A - General Plan Policy LU-1.19

Attachment B - Planning Commission Resolution 20-022

Attachment C - Draft Development Evaluation System Ordinance

Attachment D - Draft Resolution, including:

Attachment 1: Monterey County Development Evaluation System Procedure Manual (DES Manual)

Attachment E - Draft Development Evaluation System Informational Brochure

Attachment F - Addendum to the 2010 General Plan Final Environmental Impact Report

Attachment G - 2010 General Plan Certified Final Environmental Impact Report

- Attachment G - DEIR Volume 1, Section 1
- Attachment G - DEIR Volume 1, Section 2

- Attachment G - DEIR Volume 2, Section 1
- Attachment G - DEIR Volume 2, Section 2

- Attachment G - FEIR, Section 1
- Attachment G - FEIR, Section 2
- Attachment G - FEIR, Section 3
- Attachment G - FEIR, Section 4
- Attachment G - FEIR, Section 5
- Attachment G - FEIR, Section 6

cc: Front Counter Copy; Planning Commission; Land Use Advisory Committees (11); The DES Focus Group: Lino Belli, Janet Brennan, Dana Cleary, Sherwood Darrington, Alfred Diaz-Infante, Dale Ellis, Brian Finegan, Aaron Johnson, Pam Silkwood, Juan Uranga, Pris Walton, and Amy White; The Open Monterey Project (Attn: Molly Erickson); LandWatch Monterey County (Attn: Executive Director); Richard Rudisill; Rob Carver; Michael Waxer; Carl Holm, AICP, RMA Director; John Dugan, FAICP, Deputy Director of Land Use and Community Development; Brandon Swanson, RMA Planning Services Manager; Craig Spencer, RMA Planning Services Manager; Wendy Strimling, County Counsel; Anna V. Quenga, Senior Planner; Planning File REF120030.