



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: 13-0125, **Version:** 1

Public hearing to:

Consider Amendments to the 2010 Monterey County General Plan (Carmel Valley Master Plan) Implementing a Litigation Settlement with the Carmel Valley Association. (**This item to be heard before item 13**)

PROJECT INFORMATION:

Planning File Number: REF120079

Project Location: Carmel Valley

Plan Area: Carmel Valley Master Plan

Zoning Designation: Multiple

CEQA Action: Addendum No. 1; to EIR #07-01, SCH #2007121001

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Consider Addendum No. 1 to the Final Environmental Impact Report for the 2010 Monterey County General Plan (#07-01, SCH #2007121001) ("FEIR") and adopt a resolution amending the 2010 Monterey County General Plan ("General Plan"), and specifically the Carmel Valley Master Plan ("CVMP"), to implement a settlement of litigation regarding the General Plan and CVMP. An underline/strikeout and summary of the proposed amendments is enclosed as **Attachments A** and **B**, respectively. A draft resolution is enclosed as **Attachment C**, and a draft Addendum No. 1 is enclosed as **Attachment D**.

The proposed Addendum No. 1 must be considered with the FEIR (consisting of the draft environmental impact report, comments, responses to comments, and supplemental materials). A CD of the FEIR, its approving resolution (No. 10-290), the Findings, Statement of Overriding Considerations, and the Mitigation, Monitoring and Reporting Program have been enclosed to the Board of Supervisors as **Attachment E**.

For members of the public, those materials are available on the County's website at

http://www.co.monterey.ca.us/planning/gpu/GPU_2007/FEIR_Information/FEIR_Information.htm

and will be available at the Planning Department counter, located on the second floor at 168 W. Alisal St., Salinas, CA.

SUMMARY:

On October 26, 2010, by Resolution Nos. 10-290 and 10-291, the Board of Supervisors adopted the General Plan, certified its accompanying FEIR, and adopted findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program. Subsequently, a total of four lawsuits were timely filed challenging the adoption and certification. One of those lawsuits was filed in the name of the Carmel Valley Association. The lawsuit, a copy of which is enclosed as **Attachment F**, challenged the adoption and certification on a variety of grounds.

Pursuant to the requirements of the California Environmental Quality Act, settlement negotiations were begun with all litigant groups. Following extended negotiations, an agreement was reached with the Association which requires the County to consider amendments to the General Plan, and the Board of Supervisors approved

the settlement. A copy of the settlement agreement is enclosed as **Attachment G**.

DISCUSSION:

The proposed amendments contemplated in the settlement affect policies in the CVMP only. Those amendments primarily affect the way traffic is counted along Carmel Valley Road, and certain consequences of increasing traffic counts and degrading levels of service. The amendments would also reduce the cap on new units in the CVMP area from 266 to 190, provide for detailed limitations on the removal of oak, madrone and redwood trees, and relocate a policy on non-agricultural development on certain slopes. The amendments are more fully described in Attachments A and B.

On October 15, 2012, the proposed amendments were presented to the Carmel Valley Land Use Advisory Committee (“LUAC”), which voted unanimously in support of a recommendation to the Board of Supervisors to adopt the amendments. In addition, but not as part of the litigation settlement, the LUAC recommended that the term “unit” as used in Policy CV-1.6 be clarified so that there is no ambiguity about the application of the new residential unit cap set forth in that policy. A copy of the LUAC minutes is enclosed as **Attachment H**. Staff is recommending clarifying language, which is set forth in Attachment A and discussed in Attachment B.

The matter came before the Planning Commission on November 14, 2012, for consideration and recommendation. By a vote of 8-0-2, the Planning Commission adopted a resolution recommending that the Board adopt the proposed amendments with the exception that the new unit cap remain at 266, and that traffic segment 10 (Carmel Valley Road from Carmel Rancho Road to SR 1) be added to the annual traffic count and that Segment 12 (Rio Road from Val Verde Drive to Carmel Rancho Road) be deleted from the annual count. A copy of the Planning Commission Resolution is enclosed as **Attachment I**.

Pursuant to Policy LU-9.6, amendments to the General Plan may be processed for Board consideration only two times per calendar year. This matter was first on the Board’s agenda in December of 2012, but was continued into 2013. Consideration of these amendments will be the first in this calendar year; one more opportunity will be available.

In addition, Policy LU-9.7 sets forth general grounds for the consideration of General Plan amendments (specific criteria are to be developed). In relevant part these include (in subsection (b)) that there is a clear change of facts or circumstances, or (in subsection (c)) that the amendments better carry out the overall goals and policies of the General Plan and the amendments are in the public interest. Here, there has been a clear change of circumstances in that litigation has been filed challenging the validity of the General Plan and its FEIR. Staff believes that the proposed amendments better carry out the overall goals and policies of the CVMP which, again in relevant part, are to monitor conditions in the valley to better understand the impacts of development, and to place appropriate controls on development in light of existing constraints, such as traffic and water.

OTHER AGENCY INVOLVEMENT:

The County Counsel’s Office headed negotiations regarding the settlement. The RMA-Planning Department and RMA-Public Works Department provided input into the settlement.

FINANCING:

Annual traffic counts and reports are included in the annual budget for the Public Works Department; attorney’s fees for the settlement will be paid out of the General Liability internal service fund.

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Dated: February 1, 2013

cc: Front Counter Copy; Planning Commission; County Counsel; Public Works
Department; Jacqueline Onciano, Project Planner; Planning Files PLN 070525 and
REF120079; Carmel Valley Association; The Open Monterey Project; LandWatch
Monterey County.

Attachments: Attachment A Underline/~~strikeout~~ of Policies
Attachment B Summary
Attachment C Draft Resolution
Attachment D Draft Addendum No. 1
Attachment E CD of FEIR and related legislative documents (incorporated by reference)
Attachment F Lawsuit
Attachment G Settlement Agreement
Attachment H Carmel Valley LUAC Minutes
Attachment I Planning Commission Resolution