



County of Monterey

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

Board Report

File #: 13-0143, **Version:** 1

Public hearing to:

Consider Amendments to the 2010 Monterey County General Plan Implementing a Litigation Settlement with the Salinas Valley Water Coalition et al. (**This item to be heard after item 14**)

PROJECT INFORMATION:

Planning File Number: REF120078

Project Location: Countywide (non-coastal)

Plan Area: Countywide (non-coastal)

Zoning Designation: Multiple

CEQA Action: Addendum No. 2 to EIR #07-01, SCH #2007121001

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Consider Addendum No. 2 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") to implement a settlement of litigation regarding the General Plan. 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. 2 is enclosed as **Attachment D**.

The proposed Addendum No. 2 must be considered with the FEIR (consisting of the draft environmental impact report, comments, responses to comments, and supplemental materials), and the Addendum No. 1 considered with the companion item related to a litigation settlement with the Carmel Valley Association. 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.

The Addendum No. 1 is enclosed as **Attachment F**.

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 Salinas Valley Water Coalition ("SVWC") and the Monterey County Farm Bureau. The lawsuit was subsequently amended to include the Monterey/Santa Cruz Counties Building and Construction Trades Council, Monterey Peninsula Taxpayers Association, and the Howard Jarvis Taxpayers Association. The amended lawsuit, a copy of which is enclosed as **Attachment G**, 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 SVWC et al. litigant group 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 H**.

DISCUSSION:

The proposed amendments affect policies in the Public Services section of the General Plan only. The amendments would primarily call for a five year study of groundwater conditions in Zone 2C of the Salinas Valley Groundwater Basin, essentially testing the effectiveness of the Salinas Valley Water Project. Under certain conditions, as more fully discussed in **Attachment B**, the County would be required to adopt measures to address deteriorating groundwater conditions in the Zone. Other revisions would make minor clarifying language changes for policies concerning new domestic and high-capacity wells.

This matter came before the Planning Commission on November 14 and December 12, 2012, for consideration and recommendation. On December 12, 2012, by a vote of 6-3-1, the Commission adopted a resolution recommending that the Board adopt the proposed amendments. 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. 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 General Plan which, in relevant part, are designed to address groundwater conditions in the Salinas Valley. The proposed study will help the County better understand those conditions and take any necessary or appropriate steps if conditions are determined to be deteriorating. For these reasons, those amendments are in the public interest. The proposed amendments relating to new domestic and high capacity wells merely provides clarifying language that will help in the creation of the criteria called for in the General Plan to implement those policies.

OTHER AGENCY INVOLVEMENT:

The County Counsel's Office headed negotiations regarding the settlement. The RMA-Planning Department, Environmental Health Bureau and the Water Resources Agency provided input into the settlement. The settlement was presented as in information item to the Agricultural Advisory Committee on January 24, 2013.

FINANCING:

The funding source for the proposed study will need to be determined based upon available resources when the study is commenced; it is anticipated that the study will cost approximately \$100,000 per year (total \$500,000.00). Attorney's fees for the settlement will be paid out of the General Liability internal service fund.

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February 1, 2013

cc: Front Counter Copy; Planning Commission; County Counsel; Public Works Department; Jacqueline Onciano, Project Planner; Planning Files PLN 070525 and REF120078; Salinas Valley Water Coalition; 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. 2
- Attachment E CD of FEIR and related legislative documents (incorporated by reference)
- Attachment F Addendum No. 1
- Attachment G Lawsuit
- Attachment H Settlement Agreement
- Attachment I Planning Commission Resolution