



County of Monterey

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

Legislation Details (With Board Report)

File #:	21-866	Name:	Amendment to Chapter 10.72 Desal Treatment Facility
Type:	General Agenda Item	Status:	Passed
File created:	10/5/2021	In control:	Board of Supervisors
On agenda:	10/12/2021	Final action:	10/12/2021
Title:	Consider providing further direction regarding amendments to Chapter 10.72 of the Monterey County Code regarding "Desalinization Treatment Facility" to include preparation of an Initial Study pursuant to the California Environmental Quality Act ("CEQA").		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. A. Staff Rpt 9-21, 3. B. Attachment - Draft ord 10-72 final, 4. C. 10-72 Underline Strikeout, 5. Revised Completed Board Order Item No. 10

Date	Ver.	Action By	Action	Result
10/12/2021	1	Board of Supervisors	approved	

Consider providing further direction regarding amendments to Chapter 10.72 of the Monterey County Code regarding "Desalinization Treatment Facility" to include preparation of an Initial Study pursuant to the California Environmental Quality Act ("CEQA").

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Consider providing further direction regarding amendments to Chapter 10.72 of the Monterey County Code regarding "Desalinization Treatment Facility" to include preparation of an Initial Study pursuant to the California Environmental Quality Act ("CEQA").

SUMMARY/DISCUSSION:

We previously reported to the Board of Supervisors regarding Referral No. 2021.13 on September 21, 2021, at which time the Board directed staff to return on October 12, 2021, with proposed amendments to Monterey County Code Chapter 10.72 to remove the prohibition on private ownership or operation of desalinization facilities. A copy of our prior Board report is enclosed as Attachment A.

A draft ordinance making the proposed amendments to County Code section 10.72.030 (B) is enclosed as Attachment B, and an underline/strikeout version is enclosed as Attachment C. Staff is not recommending that the ordinance be introduced at this time, however, as an Initial Study should be prepared to determine what level of environmental review is necessary, if any, to adopt the proposed amendments.

Once the Initial Study is prepared, the timing of introducing and adopting the amendments will depend on the level of environmental review. If exempt, the process can begin shortly after the completion of the Initial Study; a Negative Declaration requires public circulation for up to 30 days; a full Environmental Impact Report will take substantially longer. Once adopted, the ordinance making the amendments would take effect 31 days after adoption. Staff is recommending that the Initial Study be prepared and a further report to the Board made following its completion, including consideration of the "common sense" exemption under CEQA.

Alternatively, the Board can close the referral without any action at this time.

OTHER AGENCY INVOLVEMENT:

The Environmental Health Bureau has been consulted on this matter.

FINANCING:

There is no financial impact arising from providing direction to staff.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Mark a check to the related Board of Supervisors Strategic Initiatives

☒ Economic Development

☐ Administration

☒ Health & Human Services

☒ Infrastructure

☐ Public Safety

Prepared by:

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Approved by:

Leslie J. Girard, County Counsel, x5365

Attachments:

Board Report

- A. September 21, 2021, staff report
- B. Draft ordinance amending Chapter 10.72
- C. Underline/strikeout