

## **Land Use Element Executive Summary**

The Refinement Group and its Land Use Subcommittees, working within the 12 Guiding Objectives, spent over 40 hours analyzing and refining the Land Use Element, policy by policy, to produce a feasible Plan which can be implemented.

The Refinement Group reframed the Policies to be positive statements, identifying the County's purpose and responsibility to plan for anticipated growth, in agreement with Guiding Objective #12, rather than to plan for limits or new regulation.

Rather than describe what is limited, prohibited or discouraged, this refined draft describes, in positive terms, what is allowed, intended and encouraged. Descriptions are presented in positive statements to support the 12 Guiding Objectives and to provide clear and unambiguous guidelines for land use planning. This positive approach will make this general plan a more practical, feasible and useful tool for all users.

Changes to policies are proposed to retain the broad purposes of the policies, with a view of meeting the needs of a "general" plan and leaving detailed implementation steps for implementing ordinances. This approach makes these policies more succinct and understandable.

- **Introduction Section**

Overall, it was the Refinement Group's recommendation that, except for the brief introductory paragraphs, as shown in this refined element, all narrative discussion should be eliminated.

The extensive introductory discussion of the meaning and purposes of the Policies, shown in the January 2004 draft, would be interpreted by courts as having the full force and effect and equal weight with the Policies themselves. Where the introductory narrative and the Policies are not identical, the subsequent interpretation and application could be subject to litigation and court interpretation. The Policies themselves should be clear and should not require additional interpretation in the Introduction.

- **Major Land Groups Section**

“Descriptions” of land groups have been proposed in lieu of “definitions” and have been refined to make them clear, concise and unambiguous.

- **Community Areas – Goal LU-3**

Recommended changes under “Community Areas” and the related policies regarding infrastructure and financing for new growth describe a process that is feasible and that meets the requirements of Guiding Objective #8 to provide adequate infrastructure and public services.

Moreover, to promote development within Community Areas, the sequence of development in these areas, has been revised to allow development to be dictated by the marketplace.

- **Cities – Goal LU-4**

Recommended changes under “Cities” provide the framework for future coordination and agreements with cities, to open the door for cooperative agreements and to avoid the appearance that requirements are being unilaterally dictated. It is significant to note that these policies have been reviewed, revised and approved by the mayors of the Salinas Valley cities.

- **Rural Centers – Goal LU-5**

Again, the recommended changes under “Rural Centers” and the related policies regarding infrastructure and financing for new growth (in particular, Policy LU-5.7) describes a process that is feasible and that meets the requirements of Guiding Objective #8: to provide adequate infrastructure and public services.

Additionally, the descriptions of the Rural Center boundaries have been refined to reflect the Plan’s description of Rural Centers, rather than criteria which did not even reflect the boundaries the proposed Rural Centers. Moreover, the timing and ability to address infrastructure needs within Rural Centers has been revised so solutions are governed by the marketplace, not by an artificial “tiering” process.

- **Rural Lands – Goal LU-6**

Recommended changes under “Rural Lands” include revisions to allow some flexibility in land use densities and rural levels of service. The Refinement Group did not believe that a “one-size fits all” Plan is appropriate for a County as large and diverse as Monterey County and that retaining the ability to create some

variation in land use densities is appropriate and consistent with Guiding Objectives, 1, 2, 3, 4, 6, 7, 9, 11, and 12.

○ **Agricultural Lands – Goal LU- 7**

Recommended changes to the section on Agricultural Lands have been refined to support the viability of agriculture, to provide for Designated Winery Corridors, to allow the agriculture industry to respond to changing conditions and opportunities, and to meet the requirements of Guiding Objectives 1, 2, 3, 5, 7, 8, 9 and 12.

○ **General Land Use Provisions –Goal LU-9**

● **Additional Dwelling Units**

Policies regarding principal, secondary and additional dwellings have been refined to be more consistent with existing county policy, state law and with the guiding objective of this Plan. In particular, these refinements support the requirements of Guiding Objective #12 to “provide a clear statement of County land use values and policies to provide clarity in the county’s permit processing system and to simplify review of projects that are consistent with the General Plan.”

● **Lot-Line Adjustments**

Refinements have been made to the Lot-Line Adjustment policy to reflect the wide range of uses and beneficial tool this process facilitates.

● **Clustering/TDR’s**

Refinements are proposed for the Residential Cluster policies and new policies are proposed for a Transfer of Development Rights program to establish consistency between parcel size requirements and Guiding Objectives 2, 7, 9 and 12 and in particular to “Identify land that is adequate and appropriate for the residential, commercial, and industrial development needs of Monterey County.”

● **Agricultural Buffers**

Refinements are proposed to protect Agricultural operations as long as necessary as reflected in the Agricultural Element.

● **Slope Restrictions**

Refinements are proposed to maintain a balance between erosion/geotechnical protection and protection of farmland on the valley floor, consistent with Guiding Objective 7. All out prohibitions on building on slopes of excess of 30% promotes development on the valley floor contrary to Guiding Objective 7. Additionally the slope policy was refined to retain the “slope density “ formula found in the current general plan and to provide a

process for the conversion of agricultural land, consistent with the Guiding Objective 6 to promote agriculture.

- **Affordable Housing Overlay – Goal LU-10**

Recommended changes under “Affordable Housing” includes the new Affordable Housing policy adopted by the Refinement Group on September 15, 2003, and presented to the Board of Supervisors.

- **Primary Land Use Designations Section**

These designations have been revised to more accurately reflect the types and densities of land uses which should be allowed. Several of the designations have been revised to remain consistent with the current General Plan. Again, a “one-size-fits-all” Plan is unworkable for such a large and diverse County as Monterey.

**General Comments:**

Where necessary or appropriate, cross-references are used to direct readers to applicable policies in other elements. This refinement reduces redundancy, and makes the policies clear and unambiguous by eliminating the possibility that duplicate versions of a policy, appearing in different places, will be in conflict.

The Refinement Group has reviewed all of these policies in detail and has discussed and refined them for consistency, clarity and feasibility.