

THE MONTEREY COUNTY GENERAL PLAN DEBATE: THE PEOPLE VERSUS THE PEOPLE

To understand the competing sides in the Monterey County General Plan debate, it is necessary to understand, in the simplest terms, what a general plan is. It is a city's or a county's basic "planning" document, required by the State and approved (by the city or county legislators) following specific steps and rules required by the State.

It governs and creates the framework for almost all other rules a city or county adopts, especially related to how they grow. General Plans were voluntary, but since the 1970s they have been mandatory. In 1990, the California Supreme Court said the general plan is the "constitution for all future development", and all other policies must follow it. The General Plan is the boss set of rules, and all other rules must be consistent with it.

Although we think of the US Constitution as virtually unchangeable, the California General Plan is not meant to be carved in stone; it should remain current. In 1990, the California Supreme Court said that cities and counties "must periodically review and revise their general plans as circumstances warrant".

So that's the big picture. The General Plan is the top rule book, and other rules must be consistent with it. Other rules should adapt to it, yet it should adapt to life as times and circumstances warrant.

No simple challenge.

THE DIFFERENCES: WHAT ARE SOME CORE DISTINCTIONS BETWEEN THE COUNTY-PREPARED GENERAL PLAN AND THE CITIZEN-PREPARED INITIATIVE?

We will make a couple of assumptions about history and accept those assumptions throughout this discussion. In 1982 the County adopted a whole new General Plan to replace the General Plan they wrote and adopted in 1968. In 2000, the County approved their staff writing another new general plan, one which would replace everything in the 1982 plan. That new Plan was approved by the Board of Supervisors on January 3, 2007, and we'll call it "the County Plan".

Some citizens were dissatisfied with that County Plan, so they wrote their own and put it on the upcoming June ballot; we'll call that "the Initiative".

To make this simple we'll number the differences. They are not in any priority order but they do go from some larger differences (things which apply to everything) to some smaller ones (which apply to only one policy subject or one physical area of the County). We have tried very hard not to judge or take sides regarding the differing approaches. Planmark Associates has no interest in any issue or any outcome here. Our only goal is to help the voters understand the differences.

- 1) The first difference ties back to our basic understanding about the general plan: that it is "the Constitution" sitting atop the other rules, and that it should change as times demonstrate a need for change. The County Plan seems to be saying, "Here are our rules, and we've adopted them; if we are wrong, a future Board can and should change the Plan."
The Initiative says that no Board can change it – any part of it - for 25 years; however, it says, the citizens can change any portion of it through a County-wide election.
This is a crucial difference. A general plan normally carries with it an assumption that parts in one chapter might need to be amended without having to write a complete overhaul of every chapter. This is in order to respond to unforeseen changes and shifting market forces and new technologies and a host of other issues that you don't know right now. Examples from 25 years ago would be the absence of the Internet, ignorance about locations of additional potentially active seismic faults, bioagriculture and the wine corridor had not really begun, and Fort Ord's closure was unknown.
- 2) The second big difference was in the method of creation. The County Plan was prepared by a combination of citizens and specialists: land use planners, urban designers, traffic specialists, economists, and citizens, numerous interest groups, dozens if not hundreds of community meetings, nearly a decade's worth of workshops and hearings before the Planning Commission in addition to years of meetings before the Board of Supervisors.
The Initiative, on the other hand, appears to have been created by a group of very concerned citizens, alone, with no filtration or community process between their drafting and putting it on the ballot.
- 3) That leads to the third difference: how the two plans got on the ballot. California, although a representative democracy (where the laws are basically enacted by the people who you voted into office), allows the voters to put potential laws – "initiatives" - on the ballot ourselves, leaving we the voters to decide them ourselves, and we can do that more easily in California than in any other state in the country. How do you do it? You submit a petition to the County Clerk, signed by a number of voters equal to at least 10% of the number who voted at the last gubernatorial election. Usually that is done by hiring "signature gathering" firms (who are paid an amount per signature, ranging from \$1.00 to \$10.00 per signature). We can also get rid of laws that way; getting rid of a law passed by the

Board of Supervisors is called a “referendum.” That’s how Items A (the initiative) and B (the repeal of the County Plan) got on. In the other, Item C (voter approval of the County Plan), the Board put the item directly on the ballot, asking the voters to decide whether they the Board did the right thing when they passed the General Plan on January 3, 2007. They all are legitimate ways to put measures on the ballot.

- 4) Another difference between the initiative and the County Plan is that the County Plan is just that: a new General Plan to update everything – traffic, agriculture, economic development, public safety. The Initiative only inserts new language in the “land use” and “housing” chapters, and says that we’ll use the 1982 General Plan for all the other chapters. Why care about this? With time each chapter gets stale. Your General Plan was written in 1982 so it was getting pretty old, pretty out of date. (For example the 1982 plan was written before the floods, quakes and wildfires of 1989-1999.) In addition a California General Plan must be “consistent” between chapters (this is called “horizontal consistency”), and between the elements and the rules below them, like land use and the zoning ordinance (this is called “vertical consistency”). To illustrate this, the new seismic chapter wouldn’t be allowed to say an area was dangerous with potential liquefaction while the land use element assigned that area for high-density residential development. So there’s the difference: the County scrapped the entire 1982 General Plan and rewrote a whole new one, presumably to insure consistency, and to insure they made use of the most current theories and ideas throughout. The Initiative authors drafted some new paragraphs for part of the land use and housing chapters and left the rest as it was in 1982. There’s no requirement that an entire general plan be rewritten at the same time. Each approach has pros and cons. It’s just another difference.
- 5) Another complicated aspect of the “consistency” issue is that general plans and the legal ordinances under them must be consistent; this is called “vertically consistency. Therefore, for example, after a new general plan is adopted, the zoning ordinance and zoning map must be redrafted and adopted by the Board as soon as possible to insure they are consistent. Uses which are not consistent are called “nonconforming uses” and the presumption of land-use law is that they will, either by attrition or amortization, be eliminated. An example of this in the Monterey County case would be the elimination of commercial, office and industrial designations in the rural areas under the Initiative. If the Initiative passes, most existing commercial, office or industrial uses will become nonconforming because new uses will be prohibited. Usually the value of a property which has become a nonconforming use will drop substantially although it is not a “taking” in the traditional sense.
- 6) Development is a dynamic fluid field. It’s always been that way and it always adapts to the new rules of the day. So that’s the next difference between the Initiative and the County Plan: how development is approved. Presently development is approved by the Planning Commission and/or Board. Under the new County Plan, that will not change. Under the Initiative, that same system will still apply if a development being proposed meets the rules in the “Community”

Plan Areas. Anywhere else (or for a proposed development that doesn't fit the rules within those Community areas), the new development must be decided by the voters: by gathering the signatures and putting an "initiative" on the ballot for the voters to decide.

Clearly development applicants will have to be wealthier to gather the signatures and organize a county-wide election; but as has been seen throughout the State, sending the development to the voters doesn't stop the development. It just puts more initiatives on the ballot. An interesting example of this happened in Stockton in 2004. Voters narrowly approved Measure Q to create a 20-year growth boundary. However, the voters also approved Measure X, an initiative sponsored by developer John Verner to permit his 1,000-acre 4,000-unit housing project as an exception to the growth-control initiative.

- 7) So, based on the experience throughout the State with this "ballot-box zoning" (that's its nickname), what will change is the scale of the development coming to the voters. Gathering the signatures and running the campaigns is easier for the larger developers; the small family builders will be impeded by the new requirements.
- 8) A big difference between the two approaches concerns the number of lots or parcels which exist or are created. Under the County Plan, someone could apply to create a new lot anywhere in the County, including in the Rural and Agricultural areas; their review would be conducted subject to very specific new rules added to the County Plan, and subject to the existing County subdivision rules. Under the Initiative, no new lots or parcels can be created in the Rural or Agricultural areas under any circumstances. So, for instance, if a farmer wished to carve a piece of land from his farm to insure that each of his two children could receive a part of the farm upon his passing, he would not be able to do that (unless he gathered the signatures and put the matter on an upcoming election, asking the whole County to decide about his lot split).
- 9) Both plans target development to specifically designated areas. The County Plan allows development in seven areas: Boronda, Castroville, Fort Ord, Pajaro, Rancho San Juan, San Lucas, and Chualar. It also allows some development in the following Rural Centers: Toro Park Estates, Corral De Tierra/San Benancia, Prunedale, River Road, Pleyto, Pine Canyon, Lockwood, and San Ardo/Bradley. The Initiative permits development in the following community areas: Boronda, Castroville, Fort Ord, Pajaro, and (after certain conditions are fulfilled) Chualar. It excludes Rancho San Juan and San Lucas, and excludes rural centers entirely.
- 10) Another crucial difference is in the preparation of the "area plans", how they were originally created, and who gets credit for them.. Each of the Community Areas has an area plan which is more detailed than the General Plan because it applies to only one specific community area. These area plans were the outgrowth of an intense community process in each area. For instance, in the County Plan the Central Salinas Valley Area Plan has language saying that the area plan constitutes a blueprint for the future of Central Salinas Valley and "represents the desires of the Central Salinas Valley Community as expressed by the Central Salinas Valley Area Plan and the Citizens Advisory Committee"(emphasis mine). In the Initiative, even though the rules of the plans have been changed, the

Initiative authors have left in the language that this is the work of those advisory groups. This happens in each area plan section. This is perhaps happening because sections have been changed without a rigorous examination for “consistency”. Whatever the reasons, it creates an erroneous perception.

- 11) Both the Initiative and the County Plan say development should take place primarily in the “Community Areas”. In this sense, both are growth-control methodologies directing development to preferred areas. The County proposes seven areas and the Initiative proposes five.
- 12) Many questions have been asked about how the two documents approach water supply. Both the Initiative and the County Plan aggressively require a developer to demonstrate that the proposed development can provide a guaranteed supply of adequate water. The County Plan goes on, in its “Public Services Element”, to propose more than 20 policies directed to water supply, quality and other key factors. The Initiative takes a simpler and more direct approach; it says “New development within the urban development boundary of any Community Area shall not proceed without establishing that there is a permanently sustainable water supply available to serve the new development.”
- 13) The two documents also approach “infrastructure” differently; here infrastructure means the various utility and transportation systems which are necessary to operate a high-quality residential, commercial or agricultural development. The County Plan uses a rather traditional approach: the County allows development only if an adequate level of services and facilities can be assured, and the County also allows for “phased” development of this infrastructure. The Initiative states that the necessary infrastructure must be completed “prior to or concurrent with” new development.” The intent of the language in the Initiative is good; some developers will promise to build the infrastructure in “phase 2” of their project but never build “phase 2”. That is why counties and cities require bonds and cash deposits equal to the cost of the infrastructure at the time the building permit is issued (the method usually used in California). But there are large problems in requiring the infrastructure to be built before or concurrent with the development. A road is a good example. A well-organized county always wants the developer to build or rebuild the road just AFTER the development is finished, not before, because during the entire construction period the developer is chopping up the road with his or her heavy backhoes, cement trucks, etc. If the County requires that the road be built first, the road will be partially destroyed before the building is finished, and the builder will have fulfilled his/her infrastructure responsibility.
- 14) The Initiative and the new County Plan approach traffic congestion differently. The County Plan, based on new analysis (particularly new traffic “counts”) done as part of the Plan preparation, and as part of the EIR preparation, recognized that much of the County is now at “Level of Service (or LOS) D” or worse, and it imposes many pages of policies and strategies to get the County roads back to Level Of Service D. (Level of Service, or LOS, is a methodology for analyzing the congestion of the road intersections, by measuring how much of their capacity is used up. So LOS C means the intersections are 70-80% filled to capacity; LOS D means they are 80-90% filled to capacity; LOS E means they are 90-100%

- filled to capacity, and LOS F means an intersection is filled past its capacity.) The County analysis showed the staff and Board that the County roads were, on average, already at LOS D or worse, and the staff designed a strategy to hold at – or get back to – LOS D by 2026. The Initiative, because it is using the 1982 General Plan and because it did no new analysis of its own to calculate the road congestion, sets no specific LOS goal or requirement because the 1982 County General Plan did not have one. The 1982 Plan did mention that ten major roads were already at LOS E or F, that three of the major State highways were already at E or F. In 1982! But their policies are vague and reflective of that era of traffic planning. When deconstructed, the approach required by the Initiative and the approach required by the County Plan are very different: one (the Initiative) sounds like it is trying to return to a condition long gone, and the other (the County Plan) is trying to “hold the fort” where they are now.
- 15) There is a big difference between the two plan’s approach to rural areas. The Initiative completely deleted all mention of Rural Centers (which had appeared in both the 1982 Plan and in the prior Housing Element). Under the Initiative no development is permitted in rural areas except single-family homes on already approved lots. The County Plan develops standards for Rural Centers and Rural Center Transitional Zones, and spells out various standards including a permission for bed-and-breakfast lodgings.
 - 16) Similarly, there are big differences in the treatment of “agricultural” land. The Initiative contains one category (“Agricultural Lands”) and does not permit any development or subdivision (except for a home on an existing lot) unless the proposed development goes to the voters. The County Plan creates three separate types of agricultural land: Farmlands(typically 40-acre minimum); Permanent Grazing(typically 40 to 160 acres); and Rural Grazing (typically 10 to 40 acre minimum sites).
 - 17) The 1982 General Plan targeted Butterfly Village (a controversial subdivision project) as a preferred location for development. In the 2007 County Plan, Rancho San Juan is one of the seven Community Plan Areas targeted for development, and therefore Butterfly Village, which is in Rancho San Juan, would be permitted. In the Initiative, Rancho San Juan is eliminated as a Community Plan Area. Therefore, Butterfly Village cannot be constructed under the Initiative because it is not within one of the five enumerated Community Plan Areas which allow development. Thus if Measure D, the Butterfly Village referendum, succeeds and the Initiative succeeds, no other revised development project could be proposed there because development would not be permitted in that area.
 - 18) Ft. Ord: there is a big difference in the approach taken to this area. Through a community-based process, the Fort Ord Reuse Plan has already been drafted , and the basic rules have been laid out. The next step was to have been the preparation of a “Specific Plan” to be approved by the Board after required public hearings. The Initiative says that any changes to the Fort Ord Plan must wait for and go to the next election (or special election) of the County.
 - 19) Under State law, the “housing” chapters (officially called Housing Elements), are the only chapters with timetables: under the law, they must be redone every five years. Other chapters/elements only have the general instruction that they should

be kept current. Once a County completes its Housing Element, the County planners send the “new” Housing Element to the State Department of Housing and Community Development (HCD), which will then decide whether to accept the Housing Element as complete. Right now the County has a Housing Element which has been certified as satisfactory by the State. Because the majority of the County’s General Plan was adopted in 1982, the Housing Element has been revised a few times since 1982 in order to keep it current with State law. (This is important because incomplete Housing Elements (in fact, general plans incomplete or inadequate in any aspect) permit judges to penalize counties until the Element has been certified; one tool judges may use is that they will prohibit the issuance of ANY building permits or discretionary approvals by the county or city until the court has certified the general plan as adequate; the courts did this to Indian Wells in 1989.)

In the new County Plan, an entirely new Housing Element has been drafted and presumably it will be submitted to the State for certification (to replace the existing certified Housing Element). In the Initiative, the text amends various sections of the 1982 Housing Element, and presumably the Initiative authors’ intent is to have the County government submit their version to the State for acceptance (although the Initiative does not require them to do that). This approach makes it unclear whether the Initiative could receive approval from the State, and also unclear whether passage of the Initiative leaves the County without an adequate Housing Element (or adequate general plan) until the State decides whether it will accept the approach requested by the Initiative preparers.

- 20) Additionally, because Housing Elements must be re-done every five years (following the new “Guidelines” for preparation that the State puts out every five years), and because the Initiative requires any amendments to be approved by the voters, presumably under the Initiative every five years some entity (the County government?) will have to draft a new Housing Element and place it on the ballot as a voter initiative. Such an initiative will not be required under the County plan.
- 21) Another change involves the so-called “inclusionary requirements.” These requirements are where the government mandates that a fixed percentage of apartments or houses or condominiums in a new development must be sold or rented to persons earning a lower amount of money, calculated as a percent of the median income of the County average income.. The County Plan requires that 20% of the new units be rented or sold to eligible buyers or tenants. The Initiative has increased the “Inclusionary” requirement from 20% to 30%. That’s very high, higher than basically all other jurisdictions in the State. (Two others, Davis and San Juan Capistrano, have 30%; every other city and county is lower.) That is a percentage usually imposed by a jurisdiction stating, in effect, that it wants more subsidized units and that it will offer the developers substantial financial subsidies because the government knows that, unless they spend a great deal of public money helping the developer with the cost of the project, the 30% rule will not get you more units for the poor because the projects won’t be built. Instead the rule will act as a growth-control measure because it will make the development too expensive to build. The Initiative has raised the requirement without

- explaining how the County will pay the additional money to underwrite the projects.
- 22) That inclusionary requirement is raised by the Initiative to 40% on government land. That means that all housing on Ft. Ord, for example, will be required to provide 40% affordable units. Again, this means that no development will happen unless heavy government subsidies are committed. Without the subsidies, the increase to 40% really acts as a growth-control measure to slow residential development on Ft. Ord.
 - 23) The Initiative has an interesting provision which is not in the County Plan. They say that if anyone is able to get the voters to vote to support changing some piece of land from Rural or Agricultural to Community, then the “Inclusionary requirement” would go to 40% from 30% (As mentioned earlier, construction was already extremely difficult with a 30% inclusionary requirement, costing the government millions in subsidies; 40% simply makes it that much more difficult.)
 - 24) The Initiative, while in general maintaining the 1982 County General Plan, would override and supersede the 1982 “Growth Management Policy” which would have directed development to the Community Areas but also would have permitted subdivisions outside of those areas if certain findings could be made that those subdivisions would benefit or preserve agriculture or opens space. The Initiative directs new development to the reduced number of Community Areas, but does not permit subdivisions in other areas by any means except another initiative put before the County voters.
 - 25) The new County Plan also develops a relatively complex method for potentially permitting development outside of the Community Areas. It creates the “Residential Development Evaluation System” to evaluate and rate such proposed subdivisions. The Initiative would only permit such subdivisions via a vote of the County voters.
 - 26) Another difference regards farmworker housing. There is a great shortage of farmworker housing right now, and many Monterey County farmworkers live in some of the most deplorable housing in the US: motels, tents, overcrowded apartments, mobile homes, all creating serious health conditions because of the overcrowding. The Initiative says that farmworker housing can only be constructed on the farms themselves, and only for the farmworkers working on that farm. In addition the owner must get a Conditional Use Permit from the County Planning Commission. Thus if one of the non-profit companies who build housing for farmworkers wanted to build such housing, and if the bank wanted to require them to own the piece of land where they’re building the housing (as banks always do), the housing would be difficult to build, because no new parcels are allowed without voter approval, so all the voters in the County would have to vote to create that one farmworker-housing parcel. .
 - 27) Another difference related to this same issue is that any housing over five dwelling units in size, farmworker or otherwise, must first go, according to the Initiative, to people who live or work in the County. The County Plan does not have such a requirement. Such residency requirements usually face U.S. Constitutional challenges. I believe that the authors of the Initiative intended this provision to apply just to poorer residents who might be eligible for a subsidized

- “inclusionary” house or apartment. But that’s not how they wrote it. “Monterey County shall establish, maintain, and either directly administer or cause to be administered a list of persons who live in or who work in Monterey County, and who may wish to rent or purchase new housing to be constructed in the County (emphasis mine). The County shall give written notice to persons on this list who may be eligible for such housing whenever a new housing development of five units or more is proposed, and set for public hearing.”(emphasis mine).
- 28) So if the Initiative is passed, the County must also keep a list of every person who lives or works in the County and is interested in new housing, and the County must notify all those folks in writing when every one of those new housing projects are set for public hearings. Clearly management of this section will require either the addition of multiple new staff members or a sizable contract to have a firm manage the requirement for the County.
- 29) Another difference applies to the so-called “Affordable Housing Overlay.” The County Plan has a special system to encourage the creation of housing where the County is “jobs rich”.(In the world of city and regional planners, this is called the “jobs-housing goal”, where you try to reduce road congestion by sending new housing to areas that have many jobs, and by sending job-creating facilities to areas with lots of home but not many jobs.) The “Overlay” in the County Plan will approve a specific housing development if it is directed to a jobs-poor site and if the housing will dedicate 100% of the units to those who need financial help. (Thus all 100% of the units would be subsidized by the developer to assist poorer residents.) The Initiative completely eliminated that “Affordable Housing Overlay” allowance.
- 30) A State agency, the California Coastal Commission, has final jurisdiction over the land use decisions within its jurisdiction along the coast; land-use control is managed through the Coastal Commission approval of so-called Local Coastal Plans (LCPs). (Interestingly this system was created by an “initiative” passed by the California voters in 1972.) Four such Local plans have been approved along the coast, and the County Plan has essentially left that work unchanged. The Initiative references the Initiative authors’ belief that the Local Coastal Plans may have to be amended to be consistent with the goals and intent of the Initiative, and the Initiative goes on to authorize such amendments even if inconsistent with what the Coastal Commission approved. This appears to be language in which the Initiative would be instructing their government to supersede the California Coastal Commission, a State agency. This is different from the County General Plan.
- 31) One piece of this discussion is very complicated. In one of the last provisions of the Initiative, the Initiative declares that no portion of what it is doing is a “taking”. (A “taking” is an action of a government body which so damages the value of something owned by a private property owner that the government owes the owner money to compensate him or her for the lost value of what he or she owns. It comes from the “Takings Clause” of the 5th Amendment of the US Constitution.) By placing this language in the Initiative, the authors are declaring that they clearly believe that they will be challenged under the “takings” laws because the Initiative restricts or prohibits so much development; and they believe

that by stating that they are not “taking” an owner’s value by changing the development rules, then they are not. There is no similar language in the County Plan because documents drafted by the government do not discuss whether they might be subject to a “takings” challenge. Regardless of what is said in the Initiative, State and Federal courts decide whether there is a taking, not the voters or the legislators.

- 32) Another difference relates to “environmental review”. Any “project” proposed by a private party or by a government entity in California is required to undergo environmental review. (A “project” could be many things: it might be something you build like a factory or might be a program you begin like a new general plan.) This environmental review or analysis helps the decision-makers make more informed decisions. So for example, the County Board of Supervisors had to undergo environmental review of the new County Plan before they could vote on the County Plan; they had to write an “environmental impact report” or EIR. They had to hire a neutral applied-sciences firm to analyze the proposed County Plan to determine whether the Plan would have impacts, and to discuss what the County might do to reduce those impacts. That environmental analysis (that EIR) analyzing the County Plan is 570 pages long. But the California Courts have ruled that a voter initiative does not have to prepare an environmental review of its own initiative, so no EIR was prepared for the Initiative. That is another large difference between the two. (The County Plan EIR did use the Initiative for comparison of some subjects but, because the Initiative only discusses the Land Use and Housing Elements, there are significant differences.)
Is this important? It will be in litigation against the Initiative without independent environmental analysis to defend it, even though it isn’t required. (It is quite possible the EIR for the County Plan will be also sued; the difference is that, with the County, there is an EIR to be challenged.)
- 33) Usually initiatives only deal with one subject (For example, “Should handguns be regulated?”) This is called the “single subject rule” and it usually limits initiatives to one “subject”. The Initiative sometimes discusses three separate complicated topics, all in the same field, all in this one Initiative. For instance, the Initiative imposes a mandatory “Inclusionary housing” rule on all development, the Initiative designates specific land-use designations (like how many Community Plan Areas there should be), and the Initiative imposes density bonuses: all different subjects but all related to the topic of housing, and all in one initiative. Clearly this will be an issue of controversy in the courts after the election.
- 34) The Initiative also discusses completely unrelated subjects in the same document; for example, the Initiative imposes a second-unit (“granny flat”) rule in the housing section and requires the removal of “Walkins Gate” in Fort Ord in another section of the Initiative: these would appear to be two very different subjects referring to completely unrelated topics, but both are in the same Initiative.
- 35) There has been much discussion about the potential “build-out” (the maximum number of dwellings or total square feet of commercial or industrial development that can be built) under the two approaches. The EIR for the County Plan used a complicated methodology for calculating build-out, factoring in a great deal of

GIS data available from various County records and other sources. The Initiative used the 1982 General Plan build-out calculations as a basis for their analysis, but many assumptions based on those calculations have turned out to be inaccurate. For instance, the 1982 projections included the Coastal Zones but they are deleted from the new calculations; the 1982 General Plan analysis presumed much more farmworker housing would be built than was really built; approvals of Area Plans (like the Carmel Valley Master Plan) tightened the rules considerably, so much more development was presumed than was really allowed; the 1982 projections included many places (over 10,000 acres!) which have since been annexed into cities. For these and other reasons, the build-out methodologies are very different with very different outcomes. But no area is ever “built out” as much as it could potentially be, and many scientists are now coming to believe that the build-out analyses (“battling build-outs”) create greater controversy than scientific value or accuracy.

- 36) Regardless of methodologies it is safe to say that the Initiative permits less development than the County Plan. That is its purpose, as stated by the authors. They believe growth is happening too fast in too many places, so they imposed numerous limits on that development.

It is quite common for opponents in general plan controversies to use different scientific methodologies to analyze the effects and calculate the outcomes of a new general plan. In most instances, California judges will not interfere with a county’s or city’s method of analysis in an EIR, as long as the government has explained their methodology and it is rational. The core dilemma here is that one of the two documents, the Initiative, does not have an EIR prepared to analyze it.

- 37) In addition, the County’s 570-page EIR resulted in many letters, from other government agencies, from environmental organizations, and from individuals, discussing many points and suggesting numerous changes (to the EIR and to the General Plan). Some of these proposed changes were incorporated by the Board; for instance, the Board initiated a much more complicated and sophisticated system to regulate the loss of “Important Farmland” (a term of State law) because of a comment letter it received.
- 38) Under the Initiative approach, the County reverts back to the 1982 General Plan as amended by the changes the Initiative inserted into the land use and the housing elements. So what is left out if the citizens do not use the entirely new County Plan? Literally hundreds of items, but a few are mentioned here to show the range. (All of these are found in the new County Plan but are not in the Initiative.)
- The creation of an “Agricultural Buffer” to protect farmlands.
 - An Agricultural Element, an entire chapter with eight pages of special policies designed to enhance and protect Monterey’s position in the world agricultural economy
 - A Circulation Element with 12 pages of policies to modernize the transportation system. (This, in itself, is controversial because it proposes a strategy based on assumptions about traffic conditions that the Initiative’s authors refute.)

- A Conservation Element with policies to protect endangered species, timber and Native Californian sites
- A Safety Element with strict controls regarding brush fires, earthquakes (applying the most current geologic data learned since the Northridge and Loma Prieta quakes), floods, emergency-operations coordination, noise, water quality, long-term water supply protection (although requiring sufficient water is in the Initiative), recycling, historic preservation and utility undergrounding requirements.

CONCLUSION

This is one of the most complicated land-use controversies in the history of California. Anyone who says the issues are easy to understand does not understand them. The controversy illustrates why “planners” love their chosen field: you must deal with the overlapping considerations of scores of issues. You must force yourself to develop at least a rudimentary understanding of tens of subjects. You must respect and truly listen to your so-called opponent in order to understand your own position.

All want the same thing: a better future. To even come close to that will require patience, trust and compromise. There are many steps ahead. The first is to vote on June 5.