

Attachment D
Planning Commission
Resolution No. 11-045

Daniel J. Keig Trust
And
Rebecca Dazai Costa Trust
PLN110318

**RESOLUTION TO RECOMMEND
AMENDMENT OF LOCAL COASTAL PROGRAM
(ZONING RECLASSIFICATION)**

RESOLUTION NO. 11-045

Resolution of the Monterey County Planning Commission recommending that the Board of Supervisors issue a resolution of intent to adopt an ordinance amending Section 20.08.060 of Title 20 (zoning) of the Monterey County Code to rezone an approximately 598.41 acre parcel (APNs 241-221-012-000 and 243-201-012-000) from the "WSC/40 (CZ)" and "WSC/80 (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Coastal Zone] and "WSC/40 SpTr (CZ)" and "WSC/80 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classifications to the "WSC/199.47 (CZ)" [Watershed and Scenic Conservation, 199.47 acres per unit, Coastal Zone] zoning classification (per Condition #4 in Minor Subdivision Committee Resolution No. 96007 and Condition #5 in Minor Subdivision Committee Resolution 03009); and 2) rezone an approximately 11.46 acre parcel (APN 243-201-013-000) from the "WSC/40 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classifications to the "WSC/11.46 (CZ)" [Watershed and Scenic Conservation, 11.46 acres per unit, Coastal Zone] zoning classification (per Condition #4 in Minor Subdivision Committee Resolution No. 96007). The parcels are located at and near 200 Crest Road and 30 Mentone Drive, Carmel Highlands, Carmel Area Land Use Plan, Coastal Zone

The amendment to Section 20-22 and 20-16 of the Monterey County Sectional District Maps to rezone two parcels came on for public hearing before the Monterey County Planning Commission on December 14, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission recommends that the Monterey County Board of Supervisors issue a resolution of intent to approve the following amendment with reference to the following facts:

RECITALS

1. On February 8, 1996, the Monterey County Minor Subdivision Committee approved a Coastal Development Permit (Resolution No. 96007) for a lot line adjustment between two parcels: adjusting Parcel 1 from 450.1 acres to 598.68 acres and adjusting Parcel 2 from 160.27 acres to 11.69 acres. The lot line adjustment was recorded and the final lot

sizes on the Record of Survey (recorded in Volume 20 of Surveys at page 28) were slightly different, but in substantial conformance with the approval, at 598.91 acres and 11.46 acres.

2. On June 26, 2003, the Monterey County Minor Subdivision Committee approved a Coastal Development Permit (Resolution No. 03009) for a lot line adjustment between two parcels: adjusting Parcel 1 from 598.91 acres to 598.26 acres and adjusting an adjacent parcel from 1 acre to 1.65 acres. The lot line adjustment was recorded and the final lot size of Parcel 1 on the Record of Survey (recorded in Volume 27 of Surveys at page 109) was slightly different, but in substantial conformance with the approval, at 598.41 acres.
3. The proposed zoning ordinance would reclassify Parcel 1 from the "WSC/40 (CZ)" and "WSC/80 (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Coastal Zone] and "WSC/40 SpTr (CZ)" and "WSC/80 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classifications to the "WSC/199.47 (CZ)" [Watershed and Scenic Conservation, 199.47 acres per unit, Coastal Zone] zoning classification and reclassify Parcel 2 from the "WSC/40 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classification to the "WSC/11.46 (CZ)" [Watershed and Scenic Conservation, 11.46 acres per unit, Coastal Zone] zoning classification.
4. Parcel 1 is located at 200 Crest Road (APNs: 241-221-012-000 and 243-201-012-000) and Parcel 2 is located at 30 Mentone Drive, (APN: 243-201-013-000), Carmel Highlands, in the unincorporated area of Monterey County.
5. The rezoning of these parcels was required to limit the maximum density of development on Parcel 1 to three dwelling units and Parcel 2 to one dwelling unit pursuant to the slope density analysis contained in the *Wildcat Mountain Ranch Management Plan*, approved by Monterey County and the California Coastal Commission in 1991. More importantly, the limitations on density were necessary to facilitate the easements required to preserve watershed, sensitive habitat, and slopes greater than 30%, consistent with policies 2.2.3.9 and 2.3.3.6 in the Carmel Area Land Use Plan and Section 20.146.120.A.6 in the Coastal Implementation Plan (Part 4).
6. The proposed rezoning is exempt per CEQA Guidelines Section 15308 which exempts actions by regulatory agencies for the protection of the environment where the regulatory process involves procedures for protection of the environment.
7. Section 20.08.060 of the Monterey County Coastal Implementation Plan-Part 1 (CIP) references sectional district maps that show the Zoning Plan. Section 20-22 and 20-16 of the Sectional District Maps of the Monterey County Zoning Plan provides a graphic representation of the zoning designations in this portion of the planning area.
8. Pursuant to Public Resources Code sections 30000 et seq., the County may amend the adopted Local Coastal Program provided the County follows certain procedures, including that the County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the

CIP portion of the Local Coastal Program (LCP). The proposed change to amend the CIP, reclassify the subject parcels, and apply the "WSC/199.47 (CZ)" and "WSC/11.46 (CZ)" zoning classifications over the parcels is consistent with the adopted Land Use Plan (LUP).

9. On December 14, 2011, the Monterey County Planning Commission held a duly noticed public hearing to consider and make recommendations to the Board of Supervisors regarding the proposed zoning ordinance. At least 10 days before the first public hearing date, notices of the hearing before the Planning Commission were published in the *Monterey County Herald* and were also posted on and near the property and mailed to the property owners within 300 feet of the subject property.
10. The proposed Zoning Ordinance is attached to this Resolution as **Attachment "A"** and is incorporated herein by reference. The ordinance would amend Section 20-22 and 20-16 of the Sectional District Maps of Section 20.08.060 of Title 20 of the Monterey County Code to apply the "WSC/199.47 (CZ)" [Watershed and Scenic Conservation, 199.47 acres per unit, Coastal Zone] zoning classification to Parcel 1 and to apply the "WSC/11.46 (CZ)" [Watershed and Scenic Conservation, 11.46 acres per unit, Coastal Zone] zoning classification to Parcel 2.

DECISION

NOW, THEREFORE, the Planning Commission of the County of Monterey, State of California, hereby recommends that the Board of Supervisors issue a resolution of intent to adopt an ordinance amending Section 20.08.060 of Title 20 (zoning) of the Monterey County Code reclassify an approximately 598.41 acre parcel from the "WSC/40 (CZ)" and "WSC/80 (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Coastal Zone] and "WSC/40 SpTr (CZ)" and "WSC/80 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classifications to the "WSC/199.47 (CZ)" [Watershed and Scenic Conservation, 199.47 acres per unit, Coastal Zone] zoning classification and to reclassify an approximately 11.46 acre parcel from the "WSC/40 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classification to the "WSC/11.46 (CZ)" [Watershed and Scenic Conservation, 11.46 acres per unit, Coastal Zone] zoning classification as shown on **Exhibit 1 to Attachment "A"**.

PASSED AND ADOPTED this 14th day of December, 2011 upon motion of Commissioner Diehl, seconded by Commissioner Vandevere, and passed by the following vote:

AYES: Brown, Vandevere, Roberts, Rochester, Salazar, Getzelman, Mendez, Diehl,
Padilla, Hert
NOES: None
ABSENT: None
ABSTAIN: None



Mike Novo, Secretary

ATTACHMENT "A"
DRAFT ORDINANCE TO AMEND COUNTY CODE

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING SECTION 20.08.060 OF TITLE 20 (MONTEREY COUNTY COASTAL IMPLEMENTATION PLAN) OF THE MONTEREY COUNTY CODE TO AMEND THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE COUNTY OF MONTEREY.

County Counsel Summary

This ordinance amends Section 20-22 and 20-16 of the Zoning Maps of the Monterey County Coastal Implementation Plan (Title 20 of the Monterey County Code) to rezone a 598.41 acre parcel from the "WSC/40 (CZ)" and "WSC/80 (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Coastal Zone] and "WSC/40 SpTr (CZ)" and "WSC/80 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classifications to the "WSC/199.47 (CZ)" [Watershed and Scenic Conservation, 199.47 acres per unit, Coastal Zone] zoning classification and to reclassify a 11.46 acre parcel from the "WSC/40 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classification to the "WSC/11.46 (CZ)" [Watershed and Scenic Conservation, 11.46 acres per unit, Coastal Zone] zoning classification.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. ZONING DISTRICT MAP. Section 20-22 and 20-16 of the Sectional District Maps of Section 20.08.060 of the Monterey County Code is hereby amended to change the zoning of a 598.41 acre parcel located at 200 Crest Rd, Carmel, north of Kasler Point, Big Sur (APN: 243-251-014-000) from the "WSC/40 (CZ)" and "WSC/80 (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Coastal Zone] and "WSC/40 SpTr (CZ)" and "WSC/80 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classifications to the "WSC/199.47 (CZ)" [Watershed and Scenic Conservation, 199.47 acres per unit, Coastal Zone] zoning classification and to reclassify an approximately 11.46 acre parcel from the "WSC/40 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classification to the "WSC/11.46 (CZ)" [Watershed and Scenic Conservation, 11.46 acres per unit, Coastal Zone] zoning classification. as shown on the map attached hereto as Exhibit 1 and incorporated herein by reference.

SECTION 2. FINDINGS. On February 8, 1996, the Monterey County Minor Subdivision Committee approved a Coastal Development Permit (Resolution No. 96007) for a lot line adjustment between two parcels: adjusting Parcel 1 from 450.1 acres to 598.68 acres and adjusting Parcel 2 from 160.27 acres to 11.69 acres. Condition No. 4 in Resolution No. 96007 required the applicant, Daniel Keig, to request a rezoning of Parcel 1 to the "WSC/199 (CZ)" [Watershed and Scenic Conservation, 199 acres per unit, Coastal Zone] zoning classification and

a rezoning of Parcel 2 to the "WSC/11.69 (CZ)" [Watershed and Scenic Conservation, 11.69 acres per unit, Coastal Zone] zoning classification in order to limit the maximum density of development on Parcel 1 to three dwelling units and Parcel 2 to one dwelling unit pursuant to the slope density analysis contained in the *Wildcat Mountain Ranch Management Plan*, approved by Monterey County and the California Coastal Commission in 1991.

On June 26, 2003, the Monterey County Minor Subdivision Committee approved a Coastal Development Permit (Resolution No. 03009) for a lot line adjustment between two parcels: adjusting Parcel 1 from 598.91 acres to 598.26 acres and adjusting an adjoining parcel (not the same parcel in the 1996 lot line adjustment) from 1 acre to 1.65 acres. Because the rezoning was never completed after the 1996 lot line adjustment, Condition No. 5 in Minor Subdivision Committee Resolution 03009 required the applicant, Daniel J. Keig Trust, to request a rezoning of Parcel 1 to the "WSC/199.67 (CZ)" (598.91 acres ÷ 3 dwelling units = 199.67 acres per unit) [Watershed and Scenic Conservation, 199.67 acres per unit, Coastal Zone] zoning classification.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day after its adoption by the Board of Supervisors.

PASSED AND ADOPTED on this ____ day of _____, 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chair Monterey County Board of Supervisors

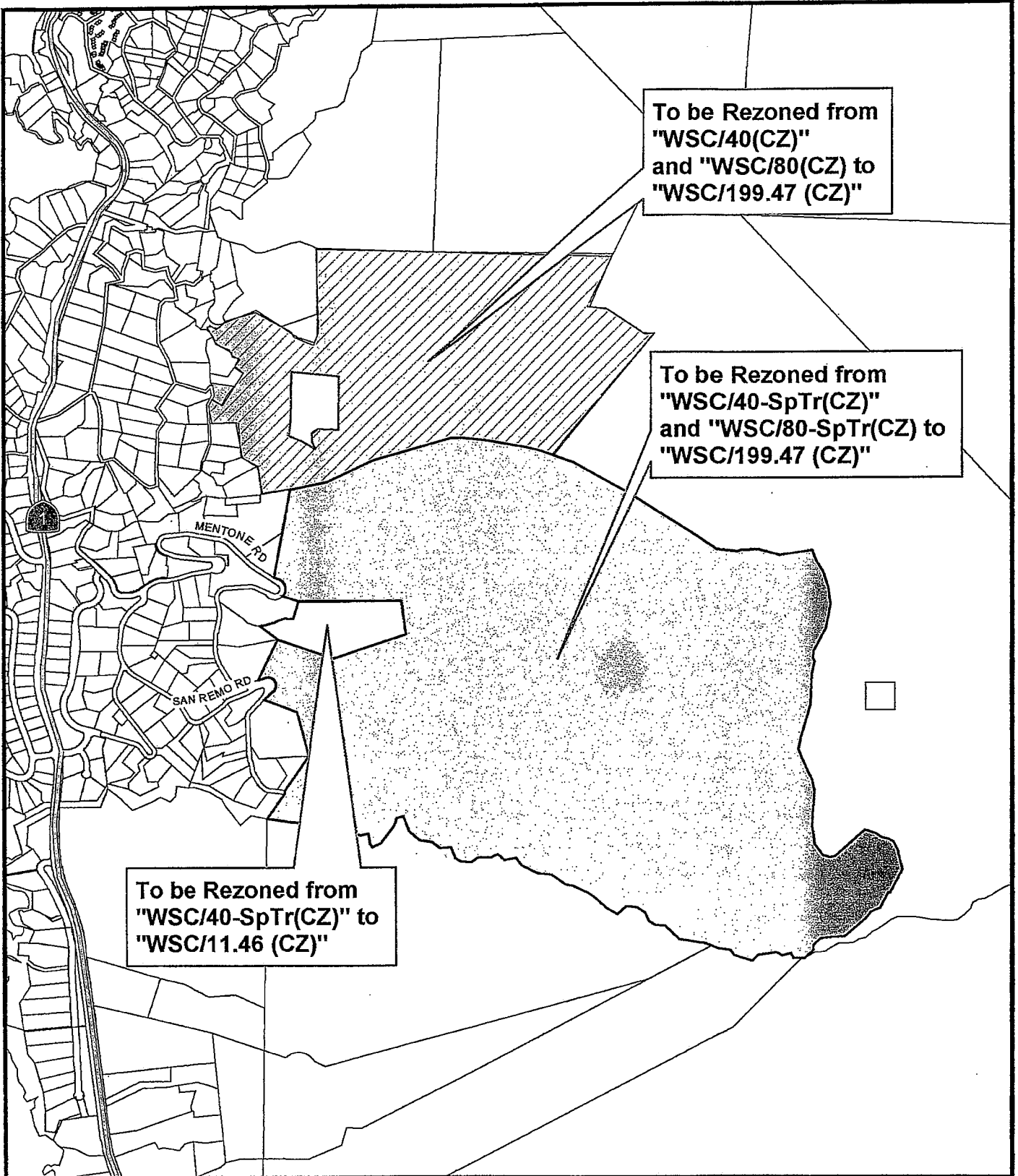
A T T E S T:
Gail T. Borkowski, Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM

WENDY STRIMLING
Deputy County Counsel

EXHIBIT **L**



PROPOSED REZONING OF SECTION 20-16 AND 20-22

APN: 241-221-012-000, 243-201-012-000, 243-201-013-000

FILE # PLN110318, KEIG

