

Attachment C  
Board of Supervisors  
Resolution No. 12-015

Daniel J. Keig Trust  
And  
Rebecca Dazai Costa Trust  
PLN110318

Before the Board of Supervisors in and for the County of Monterey, State of California

Resolution No. 12-015 Resolution of intent by the Monterey County Board of Supervisors to adopt an ordinance to amend Section 20-22 of the Sectional District Maps of 20.08.060 of Title 20 (Monterey County Coastal Implementation Plan) of the Monterey County Code to: 1) 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; 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 on parcels located respectively at 200 Crest Road and 30 Mentone Drive, Carmel Highlands, Carmel Area Land Use Plan, Coastal Zone.....

The amendment to Section 20-22 of the Monterey County Sectional District Map to rezone two parcels came on for public hearing before the Monterey County Board of Supervisors on January 24, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

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 two prior lot line adjustments (Resolution Nos. 96007 and 03009) required the applicant to request this rezoning. 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 viewshed, 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 rezoning of these parcels was required to limit the density on the parcels. More importantly, the limitations on density were necessary to facilitate the easements required to preserve viewshed, sensitive habitat, and slopes greater than 30%, consistent with Carmel Area Land Use Plan policies 2.2.3.9 and 2.3.3.6 and Coastal Implementation Plan (Part 4) Section 20.146.120.A.6. Therefore, 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) consists of Sectional District Maps that show the Zoning Plan. Section 20-22 of the Sectional District Maps of the Monterey County Zoning Plan provides a graphic representation of the zoning 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. The Planning Commission adopted Resolution No. 11-045 unanimously recommending that the Board of Supervisors adopt an ordinance to amend Section 20.08.060 of Title 20 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 rezone 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.

10. On January 24, 2012, the Monterey County Board of Supervisors 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 Board of Supervisors 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.
11. 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 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.
12. Pursuant to the Coastal Act and Monterey County Coastal Implementation Plan-Part 6, the County must submit the proposed amendment to Title 20 (Monterey County Coastal Implementation Plan) to the California Coastal Commission for certification together with materials sufficient for review. After the Coastal Commission certifies the amendment, the amendment will return to the Board of Supervisors at a noticed public hearing to consider adoption of the ordinance and to acknowledgment receipt of the Coastal Commission certification of the amendment.

### DECISION

NOW, THEREFORE, BASED ON ALL OF THE ABOVE FACTS AND CIRCUMSTANCES, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a. Adopt a resolution of intent to adopt an ordinance, attached hereto as Attachment "A" and incorporated herein by reference, to amend Section 20-22 of the Sectional District Map of 20.08.060 of Title 20 (Monterey County Coastal Implementation Plan) of the Monterey County Code to: 1) 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; 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 as shown on Exhibit 1 to Attachment "A";

- b. Certify that the amendment is intended to be carried out in a manner fully in conformity with the Coastal Act; and
- c. Direct staff to transmit the proposed amendment to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review.

**PASSED AND ADOPTED** this 24th day of January, 2012 upon motion of Supervisor Salinas, seconded by Supervisor Armenta, by the following vote, to wit:

AYES: Supervisors Armenta, Salinas, Parker, and Potter

NOES: None

ABSENT: Supervisor Calcagno

ABSTAIN: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on January 24, 2012.

Dated: January 24, 2012

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Denise Hancock  
Deputy

**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 PROPERTIES IN THE COUNTY OF MONTEREY.

**County Counsel Summary**

*This ordinance amends Section 20-22 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 rezone 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 parcels are located respectively at 200 Crest Road and 30 Mentone Drive, Carmel Highlands, Carmel Area Land Use Plan area, Coastal Zone.*

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

**SECTION 1. ZONING DISTRICT MAP.** Section 20-22 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 Road, Carmel, (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 and to change the zoning of an approximately 11.46 acre parcel located at 30 Mentone Drive, Carmel, (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 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 31<sup>st</sup> day following its adoption or the day certification by the California Coastal Commission becomes final and effective, whichever occurs later.

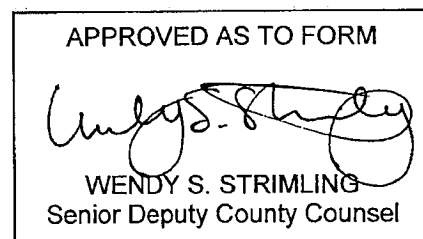
**PASSED AND ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by the following vote:

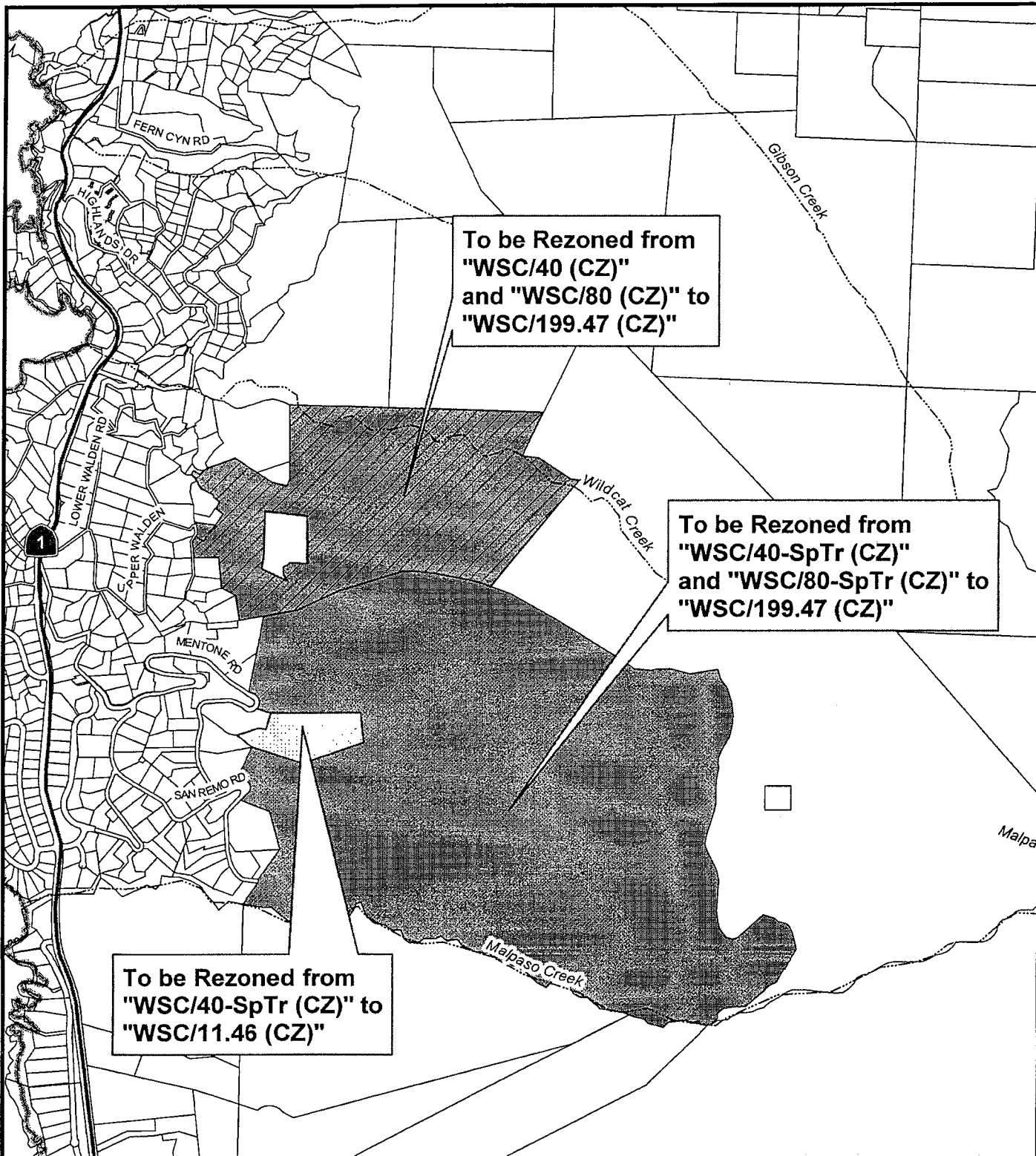
AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Chair, Monterey County Board of Supervisors

ATTEST:  
GAIL T. BORKOWSKI,  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy





REZONING OF SECTION 20-22

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

FILE # PLN110318, KEIG

