



# Monterey County

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

## Board Order

### Resolution of Intent No. 13-202; Ordinance No. 5218

Upon motion of Supervisor Potter, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

Held a public hearing:

- a. Adopted Ordinance 5218 amending Title 19 (non-coastal subdivision ordinance) and Title 21 (non-coastal zoning) of the Monterey County Code in order to change the process for consideration of applications for subdivisions and lot line adjustments, including dissolution of the County of Monterey's Minor and Standard Subdivision Committees and designation of the Monterey County Planning Commission as the appropriate authority to consider applications for standard subdivisions and those applications for lot line adjustments and minor subdivisions for which there is evidence of public controversy or public opposition to the proposed use or development; and
- b. Adopted Resolution of Intent No. 13-202 to adopt an Ordinance amending Title 19 (coastal subdivision ordinance) of the Monterey County Code and the Monterey County Coastal Implementation Plan, Parts 1, 2, 3, and 4 (Title 20 of the Monterey County Code) in order to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated coastal area of the County of Monterey, including dissolution of the County of Monterey's Minor and Standard Subdivision Committees, designation of the Monterey County Planning Commission as the appropriate authority to consider applications for lot line adjustments and minor subdivisions, and updating the lot line adjustment and filing standards in coastal Title 19 to conform to changes in state law, with direction to staff to transmit the proposed ordinance to the California Coastal Commission for certification.

[REF100014 (Inland) and REF120004 (Coastal), Elimination of Minor and Standard Subdivision Committees, County-wide]

PASSED AND ADOPTED on this 25th day of June 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas and Potter

NOES: None

ABSENT: Supervisor Parker

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 June 25, 2013.

Dated: June 26, 2013  
File Number: 13-0659

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

By Denise Hancock  
Deputy

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

Resolution No. 19-202

Resolution of the Monterey County Board of Supervisors to:

- a. Find that the ordinance is not a project under the California Environmental Quality Act (CEQA) per CEQA Sections 15060 (c)(3) and 15378 (b)(5) because the ordinance is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment;
b. Adopt a Resolution of Intent to adopt the ordinance (Exhibit 1 to Attachment C) amending Title 19 (coastal subdivision ordinance) and the Monterey County Code and the Coastal Implementation Plan, Parts 1, 2, 3, and 4 (Title 20 of the Monterey County Code) in order to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated coastal area of the County of Monterey, including dissolution of the County of Monterey's Minor and Standard Subdivision Committees and designation of the Monterey County Planning Commission as the appropriate authority to consider applications for lot line adjustments and minor subdivisions, and updating the lot line adjustment and filing standards in coastal Title 19 to conform to changes in state law;
c. Certify that the amendment is intended to be carried out in a manner fully in conformity with the Coastal Act; and
d. Direct staff to transmit the proposed ordinance to the California Coastal Commission for certification.....

[REF120004, Elimination of Minor and Standard Subdivision Committees, Coastal Amendments, County-wide]

WHEREAS, in January of 2009, the Board of Supervisors requested a review of the Minor Subdivision application process with a detailed analysis of the public notice process for hearings (Board Referral No. 2009-03). The purpose of the review was to identify if the Minor Subdivision Committee was the proper forum to consider controversial Minor Subdivision projects and if due process occurred; and

WHEREAS, on July 13, 2010, the Board of Supervisors conducted a public hearing and accepted a report by the County Resource Management Agency (RMA)-Planning Department on the Lot Line Adjustment and Subdivision application process. The report also included four options for Board consideration relative to processing application for Lot Line Adjustment and Minor Subdivision applications. The Options were presented as follows:

**Option 1:** Operate as status quo. No change to the both the Inland and Coastal Minor or Standard Subdivision Process.

**Option 2:** Eliminate the Minor Subdivision (MS) and Standard Subdivision (SS) Committee.

**Option 3:** Eliminate only the Standard Subdivision (SS) Committee.

**Option 4:** Eliminate Administrative Approvals of Non-Coastal Zone Lot Line Adjustments and Minor Subdivisions.

The Board of Supervisors passed and adopted a motion on a 5-0 vote to direct staff to proceed with the preparation of amendments to texts with Options 2 and 4 described above; and

WHEREAS, RMA-Planning Department staff prepared the draft ordinances pursuant to the direction that the Board gave on July 13, 2010. On January 11, 2012 the Monterey County Planning Commission conducted a public hearing on the draft non-coastal ordinance and recommended approval to the Board of Supervisors with a vote of 9-0 (PC Resolution No. 12-002); and on June 13, 2012, the Monterey County Planning Commission conducted a public hearing on the draft coastal ordinance and recommended approval to the Board of Supervisors on a vote of 6-0 (PC Resolution No. 12-026); and

WHEREAS, on July 24, 2012 the Board of Supervisors had a public hearing to consider the non-coastal ordinance and on July 31, 2012, the Board conducted a public hearing to consider the coastal ordinance. On both dates, the Board continued the hearing to August 28, 2012 because of public concerns on both the inland and coastal draft ordinances, particularly in respect to the elimination of the Director of Planning's authority to consider non-controversial lot line adjustments and minor subdivisions in the County's inland areas. The Board directed staff to meet with the individuals that voiced concerns in an effort to resolve any public concerns; and

WHEREAS, on August 3, 2012, RMA-Planning Department staff held a meeting primarily with representatives of the agricultural community and a representative of the Prunedale Neighbors Group to discuss the concerns over the proposed draft ordinances; and

WHEREAS, in August 2012, comments were also received by a representative of The Open Monterey Project with support for the proposed draft ordinances; and

WHEREAS, at the August 28, 2012 hearing, RMA-Planning Department staff presented the Board with the comments from the August 3, 2012 meeting as well as comments received from The Open Monterey Project. The comments were primarily concerning the proposed non-coastal ordinance, with the exception to the following comments concerning the proposed coastal ordinance: Suggestion was made that in the coastal zone, “non-controversial” lot line adjustments and minor subdivisions should be subject to the consideration of the Zoning Administrator and those “controversial” lot line adjustment and minor subdivisions be subject to the consideration of the Planning Commission; and

WHEREAS, at the Board of Supervisors August 28, 2012 hearing, the Board remanded the matter to the Planning Commission for a second workshop.

WHEREAS, on September 12, 2012, the Planning Commission held a publicly noticed workshop to consider options regarding the appropriate hearing body to replace the Minor and Standard Subdivision Committees to hear applications for lot line adjustments and subdivisions. RMA-Planning Department staff presented three processing options, developed based on the public comments that had been received by representatives of the agricultural community, The Refinement Group, representatives of The Open Monterey Project, and the Prunedale Neighbors Group. The presented options were as follows:

1. Option 1- Planning Commission Option (original direction). This option would do the following:
  - Eliminate the Minor and Standard Subdivision Committees for both the coastal and inland zones, requiring that those applications once considered by these Committees, now be considered by the Planning Commission.
  - In the inland zone, eliminate administrative approvals of “non-controversial” inland lot line adjustments and “non-controversial” minor subdivisions and move these items to the Planning Commission for consideration.
  - In the inland zone, eliminates the “non-controversial” determination;
2. Option 2- Zoning Administrator/Director of Planning Option. This option would do the following:
  - Eliminate the Minor and Standard Subdivision Committees for both the coastal and inland zones.
  - Leave the Director of Planning as appropriate authority for non-controversial inland lot line adjustments and minor subdivisions (no change to current process).
  - Make the Zoning Administrator the appropriate authority to consider “controversial” inland lot line adjustments and minor subdivisions.
  - Make the Zoning Administrator the appropriate authority to consider all coastal lot line adjustments and minor subdivision applications.
3. Option 3- Compromise Option. This option would do the following:
  - Eliminate the Minor and Standard Subdivision Committees for both the coastal and inland zones.

- Leave the Director of Planning as appropriate authority for non-controversial inland lot line adjustments and minor subdivisions (no change to current process) and would move controversial inland lot line adjustments and minor subdivisions to the Planning Commission.
- Coastal Zone lot line adjustments and minor subdivisions, controversial or not, would be considered by the Planning Commission.

At the conclusion of the workshop, the Planning Commission recommended that the Board of Supervisors adopt *Option 1*, consistent with the Planning Commission's earlier July 31, 2012 recommendation; and

WHEREAS, on April 16, 2013, the Board of Supervisors held a public hearing to receive a report on the Planning Commission's workshop and consider the three processing options. The Board directed staff to prepare inland and coastal ordinances pursuant to Option 3 (compromise option), which in the coastal zone would mean the elimination of the Minor and Standard Subdivision Committees (Subdivision Committees) and transfer of responsibility from the Subdivision Committees to the Planning Commission to hear all applications for lot line adjustments and minor subdivisions; and

WHEREAS, Option 3 leaves the Director of Planning intact as the appropriate authority over "non-controversial" inland lot line adjustment and minor subdivision applications and transfers those "controversial" inland applications to the Planning Commission for consideration; and

WHEREAS, the ordinance also updates the lot line adjustment and filing standards in the coastal Title 19 to conform to changes in state law; and

WHEREAS, Monterey County has a certified Local Coastal Program pursuant to the California Coastal Act of 1976 (Public Resources Code sections 30000 et seq.) that contains land use development regulations for the coastal areas of the County. The Local Coastal Program includes the Monterey County Coastal Implementation Plan. This ordinance amends the Monterey Coastal Implementation Plan Parts 1, 2, 3, and 4, and will require certification by the California Coastal Commission. The proposed ordinance, which shows the proposed textual amendments via strikethrough and underline, is attached to this resolution as Exhibit -2 and incorporated herein by reference. The proposed ordinance in clean form is attached to this resolution as Exhibit -1 and incorporated herein by reference; and

WHEREAS, the Board finds that the ordinance is consistent with the certified Land Use Plans and the Coastal Act because it is consistent with the Coastal Act intent of providing the widest opportunity for public participation in decisions affecting coastal planning, conservation, and development. (Public Resources Code section 30006.) The ordinance is intended to be carried out in a manner fully in conformity with the California Coastal Act.

WHEREAS, pursuant to the Coastal Act, the County may amend the certified Local Coastal Program, provided the County follows certain procedures. The procedures include: that the County's Planning Commission hold a notice public hearing and make a recommendation to the Board of Supervisors; that the Board of Supervisors hold a noticed public hearing, adopt a resolution of intent, and submit the proposed amendment to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review; that the

Board of Supervisors adopt the ordinance after the Coastal Commission takes action; and that the California Coastal Commission confirm the action of the County. Accordingly, the ordinance will not go into effect until after subsequent formal adoption by the Board of Supervisors at a duly noticed public hearing, and it will not become operative until the California Coastal Commission's certification is final and effective.

WHEREAS, this ordinance is not a project under the California Environmental Quality Act (CEQA) per Sections 15060 (c)(3) and 15378 (b)(5) because the ordinance is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment.

WHEREAS, on June 13, 2012, the Monterey County Planning Commission conducted a public hearing on the draft ordinance. The hearing was duly noticed in the Salinas Californian and the Monterey County Herald at least 10 days prior to the hearing. The Planning Commission recommended adoption of the proposed ordinance on a vote of 6-0.

WHEREAS, on September 12, 2012, the Planning Commission held a publicly noticed workshop at the direction of the Board of Supervisors, to consider options regarding the appropriate hearing body to replace the Minor and Standard Subdivision Committees to hear applications for lot line adjustments and subdivisions. The workshop was noticed in the Monterey County Weekly at least ten days prior to the workshop. At the conclusion of the workshop, the Planning Commission recommended that the Board of Supervisors adopt *Option 1*, consistent with the Planning Commission's earlier July 31, 2012 recommendation;

WHEREAS, on June 25, 2013, the Board of Supervisors of the County of Monterey conducted a public hearing on the proposed ordinance. Notice of the public hearing was published in the Monterey County Weekly at least ten days prior to the hearing in a 1/8 page display ad on June 13, 2013. Notice was also given to interested parties.

### DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a. Find that the ordinance is not a project under the California Environmental Quality Act (CEQA) per Sections 15060 (c)(3) and 15378 (b)(5) because the ordinance is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment;
- b. Adopt a Resolution of Intent to adopt an ordinance, attached hereto as **Exhibit 1**, amending Title 19 (coastal subdivision ordinance) of the Monterey County Code and the Monterey County Coastal Implementation Plan, Parts 1, 2, 3, and 4 (Title 20 of the Monterey County Code) in order to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated coastal area of the County of Monterey. Changes to the process include the dissolution of the County of Monterey's Minor and Standard Subdivision Committees and designation of the Monterey County Planning Commission as the appropriate authority to consider applications for lot line adjustments and minor subdivisions, and updating the lot line adjustment and filing standards in coastal Title 19 to conform to changes in state law;
- c. Certify that the amendment is intended to be carried out in a manner fully in conformity with the Coastal Act; and

- d. Direct staff to transmit the proposed ordinance to the California Coastal Commission for certification.

**PASSED AND ADOPTED** upon motion of Supervisor Potter seconded by Supervisor Salinas and carried this 25th day of June 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno Salinas and Potter  
NOES: None  
ABSENT: None  
RECUSED: Supervisor Parker

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 June 25, 2013.

Dated: June 26, 2013  
File Number: 13-0242

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

By Denise Hancock  
Deputy

ORDINANCE NO. 5218

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING TITLE 19 AND TITLE 21 OF THE MONTEREY COUNTY CODE RELATING TO THE APPROPRIATE AUTHORITY TO CONSIDER NON-COASTAL APPLICATIONS FOR SUBDIVISIONS AND LOT LINE ADJUSTMENTS**

**County Counsel Summary**

*This ordinance amends Title 19 (non-coastal subdivision ordinance) and Title 21 (non-coastal zoning ordinance) of the Monterey County Code to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated inland area of the County of Monterey. Changes to the process include dissolution of the County of Monterey's Minor and Standard Subdivision Committees and designation of the Monterey County Planning Commission as the appropriate authority to hear applications for standard subdivisions and those applications for minor subdivisions and lot line adjustments for which there is evidence of public controversy or public opposition to the proposed use or development.*

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

SECTION 1. The Table of Contents of Chapter 19.01 of the Monterey County Code is amended to read as follows:

**Chapter 19.01 - GENERAL PROVISIONS**

Sections:

- 19.01.005 Citation and authority.
- 19.01.010 Purpose.
- 19.01.015 Consistency.
- 19.01.020 Exceptions.
- 19.01.025 Technical Review.
- 19.01.030 [reserved]
- 19.01.035 Planning Commission.
- 19.01.040 Board of Supervisors.
- 19.01.045 Fees and forms.
- 19.01.050 [Repealed.]



- 19.01.055 Public notice.
- 19.01.060 Applicability.
- 19.01.065 State pre-emption.
- 19.01.066 Compliance with local, state, and Federal laws.
- 19.01.070 Appropriate decision making bodies to consider housing needs of region.
- 19.01.075 Limitation on improvement requirements under a parcel map.
- 19.01.080 Designated remainder parcel improvement requirements.
- 19.01.090 Conditions for mobilehome parks.

SECTION 2. Section 19.01.025 of Title 19 (non-coastal) the Monterey County Code is amended to read as follows:

19.01.025 – Technical Review.

A. County staff, including designated representatives from Planning, Building Services, Public Works, Environmental Health, Parks, and Housing, with legal advice from County Counsel and technical input from the Monterey County Fire Warden or representative of a local fire district as applicable and the Monterey County Water Resources Agency, shall conduct a Technical Review (TR) of all applications for tentative maps, vesting tentative maps, and lot line adjustments. The designated representative from Planning shall facilitate the review.

B. The purpose of the Technical Review shall be the following:

1. To serve in a technical capacity and make recommendations on the design, improvements, and application of state law and County plans, ordinances, and regulations to subdivision applications and lot line adjustment applications; and
2. To develop recommendations to the appropriate decision making body.

SECTION 3. Section 19.01.030 of Title 19 (non-coastal) of the Monterey County Code is repealed and the section number is reserved for future use.

SECTION 4. Section 19.01.035 of Title 19 (non-coastal) of the Monterey County Code is amended to read as follows:

19.01.035 -- Planning Commission.

A. Pursuant to section 66415 of the Government Code of the State of California, the Planning Commission is hereby designated the appropriate decision making body for tentative maps and vesting tentative maps for standard subdivisions and for those tentative maps and vesting tentative maps for minor subdivisions that are referred to hearing under Section

19.04.025.F, unless otherwise provided by this Title or Title 21.

B. The Planning Commission shall be the appropriate decision making body for lot line adjustments that are referred to hearing under Section 19.09.005.H, unless otherwise provided by this Title or Title 21.

C. The Planning Commission shall be the appropriate decision making body for requests for reconsideration of tentative maps for standard subdivisions, reconsideration of conditions of a standard subdivision prior to recordation of the final map, and reconsideration of those minor subdivisions and lot line adjustments previously referred to the Planning Commission for hearing.

D. The Planning Commission shall be charged with the duty of making recommendations to the Board of Supervisors to reduce, alter, or add to the provisions of this Title.

SECTION 5. The heading of Section 19.02.040 in the Table of Contents of Chapter 19.02 of Title 19 (non-coastal) of the Monterey County Code is amended to read as follows:

19.02.040 - California Environmental Quality Act (CEQA).

SECTION 6. The Table of Contents of Chapter 19.02 of Title 19 (non-coastal) of the Monterey County Code is amended to add section 19.02.256 to read as follows:

19.02.256 – Technical Review.

SECTION 7. Section 19.02.256 of Title 19 (non-coastal) of the Monterey County Code is added to read as follows:

19.02.256 Technical Review.

Technical Review (TR) means the staff level technical review of applications described in section 19.01.025 of this Title.

SECTION 8. Subsection C of Section 19.03.025 of Title 19 (non-coastal) of the Monterey County Code is amended to read as follows:

C. Staff shall conduct a Technical Review to consider the proposed development and to review or recommend proposed findings, recommend conditions of approval, or recommend disapproval to the Planning Commission.

SECTION 9. Subsection D of Section 19.03.025 of Title 19 (non-coastal) of the Monterey

County Code is amended to read as follows:

D. The Director of Planning shall set the matter for public hearing before the Planning Commission to review and consider the proposed development. The matter shall not be set for hearing until the Technical Review has been conducted. The Planning Commission may approve or deny, in whole or in part, the proposed development with appropriate findings, evidence and conditions.

SECTION 10. Subsection C of Section 19.04.025 of Title 19 (non-coastal) of the Monterey County Code is amended to read as follows:

C. The Director of Planning is the appropriate decision making body to consider minor subdivisions unless the matter is referred to public hearing under Section 19.04.025.F. In such cases the Planning Commission is the appropriate decision making body to hear and consider minor subdivisions.

SECTION 11. Subsection F of Section 19.04.025 of Title 19 (non-coastal) of the Monterey County Code is amended to read as follows:

F. A minor subdivision shall be referred to the Planning Commission for consideration at a public hearing if there is evidence of public controversy or public opposition to the proposed use or development. Such evidence includes, but is not limited to:

1. A staff recommendation for denial;
2. The applicant or applicant's representative requests, in writing, a public hearing;
3. Written request, based on a substantive issue, for a public hearing.

If a public hearing is required, it shall be noticed and conducted pursuant to the public hearing provisions of Section 19.01.055.

SECTION 12. Subsection A of Section 19.04.030 of Title 19 (non-coastal) of the Monterey County Code is amended to read as follows:

A. Upon completion of the environmental documents, the Director of Planning shall set the matter for consideration by the appropriate decision making body which may approve, disapprove, or conditionally approve the tentative parcel map in conformance with standards set forth in the Subdivision Map Act and this Title. A tentative parcel map may not be denied without a public hearing before the Planning Commission. Such action shall take place within the applicable time limits of this Title.

SECTION 13. Subsection A of Section 19.05.055 of Title 19 (non-coastal) of the Monterey County Code is amended to read as follows:

A. Upon completion of the required environmental documents, the Director of Planning shall refer the application to Technical Review for review and comment. Such action shall take place within the applicable time limits.

SECTION 14. Subsection F of Section 19.07.025 of Title 19 (non-coastal) of the Monterey County Code is amended to read as follows:

F. Technical Review:

Staff shall conduct Technical Review to consider the proposed development and to review or recommend proposed findings, recommend conditions of approval, or recommend disapproval to the Planning Commission. The Technical Review by staff shall review the proposed project only from a technical standpoint and will not evaluate the project to confirm scoring a development.

SECTION 15. Subsection G of Section 19.07.025 of Title 19 (non-coastal) of the Monterey County Code is amended to read as follows:

G. Action by the Planning Commission:

1. The Director of Planning shall set the matter for public hearing before the Planning Commission to review and consider the proposed development. The matter shall not be set for hearing until the Technical Review has been conducted.

2. The Planning Commission shall review the preliminary project review map and make recommendations relating to technical matters, subdivision design and consistency of the map with the land use element and provisions of the applicable General Plan, Local Coastal Program, Area Plan, Land Use Plan or Master Plan documents.

3. The Planning Commission shall make a finding, based on substantial evidence, upon the recommendation of the Health Officer, pursuant to Section 19.03.015L, 19.05.040L, or 19.07.020K that the source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations prior to approval of the standard subdivision tentative map, or vesting tentative map, or tentative parcel map.

4. The Appropriate Authority shall make a finding, based on substantial evidence, upon the recommendation of the Health Officer, pursuant to Section 19.03.015 that the source capacity

and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations prior to approval of the tentative parcel map.

SECTION 16. Subsection E of Section 19.09.005 of Title 19 (non-coastal) of the Monterey County Code is amended to read as follows:

E. The Director of Planning is the appropriate decision making body to consider lot line adjustments unless the matter is referred to public hearing under Section 19.09.005.H. In such cases the Planning Commission is the appropriate decision making body to hear and consider lot line adjustments.

SECTION 17. Subsection H of Section 19.09.005 of Title 19 (non-coastal) of the Monterey County Code is amended to read as follows:

H. A lot line adjustment shall be referred to the Planning Commission for consideration at a public hearing if there is evidence of public controversy or public opinion to the proposed use of development. Such evidence includes, but is not limited to:

1. A staff recommendation for denial;
2. The applicant or applicant's representative requests, in writing, a public hearing;
3. Written request, based on a substantive issue, for a public hearing.

If a public hearing is required, it shall be noticed and conducted pursuant to the public hearing provisions of Section 19.01.055.

SECTION 18. Section 19.16.010 of Title 19 (non-coastal) of the Monterey County Code is amended to read as follows:

19.16.010 -- Applicability

The provisions of this Chapter apply to discretionary decisions made pursuant to the provisions of this Title by the Director of Planning and the Planning Commission.

SECTION 19. Section 19.16.020 of Title 19 (non-coastal) of the Monterey County Code is amended to read as follows:

19.16.020 -- Designation of appeal authorities.

A. The Board of Supervisors is the Appeal Authority to consider appeals from the discretionary decisions of the Director of Planning made pursuant to this Title.

B. The Board of Supervisors is the Appeal Authority to consider appeals from the decisions of the Planning Commission.

SECTION 20. Section 21.02.040 of the Monterey County Code is amended to read as follows:

21.02.040 – Nature of Zoning Ordinance.

The Zoning Ordinance consists of the establishment of various districts, regulations and permit processes for the unincorporated territory of the County of Monterey.

The zoning districts list the uses which are allowed or may be allowed subject to discretionary permit processes. Those listed uses and other uses which are consistent with the Monterey County General Plan and applicable area plans may be allowed subject to appropriate permits. Other uses are prohibited. Further, the districts provide the regulation of structural height, bulk, and setbacks, as well as prescribing other site development amenities and requirements such as parking, landscaping, and lighting control.

This Title is not intended and shall not be construed as authorizing the County of Monterey, through the Board of Supervisors, Planning Commission, Zoning Administrator or Director of Planning, acting pursuant to this Title, to exercise its power to grant or deny a permit in a manner which will take or damage private property for public use without the payment of just compensation therefor.

SECTION 21. Subsection A of Section 21.76.030 of the Monterey County Code is amended to read as follows:

A. The Appropriate Authority to consider a Combined Development Permit shall be the Planning Commission, Zoning Administrator, or Board of Supervisors. The basis of the designation shall be that the body established under State Law, Title 19 (Subdivisions) of the Monterey County Code, or Title 21 (Zoning) of the Monterey County Code, as the decision making body for the principal land use shall be the decision making body for the Combined Development Permit. Should the Combined Development Permit include any permit normally considered by the Planning Commission, then the Planning Commission shall consider the entire Combined Development Permit, including Variances.

SECTION 22. The first sentence of Section 21.84.130 of the Monterey County Code is amended to read as follows:

No application for a discretionary land use permit under the authority of the Director of

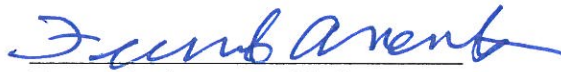
Planning, the Zoning Administrator, the Planning Commission or the Board of Supervisors shall be deemed complete if there is a violation on said property of a County ordinance which regulates grading, vegetation removal or tree removal until that property has been restored to its pre-violation state.

SECTION 23. 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 24. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day following its adoption.

PASSED AND ADOPTED on this 26 day of June, 2013, by the following vote:

AYES: Supervisors Armenta, Calcagno, Salinas and Potter  
NOES: None  
ABSENT: Supervisor Parker  
ABSTAIN: None

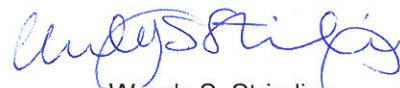
  
Fernando Armenta, Chair  
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI  
Clerk of the Board

By:   
Deputy

APPROVED AS TO FORM:

  
Wendy S. Strimling  
Senior Deputy County Counsel