

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

Resolution No.

- Resolution of the Monterey County Board of Supervisors to adopt a resolution to:
- a. Find that the ordinance is not a project under the California Environmental Quality Act (CEQA);
 - b. Adopt resolution of intent to adopt an ordinance (Attachment B, Exhibit 1) amending Title 19 (coastal subdivision ordinance) and Title 20 (Monterey County Coastal Implementation Plan, Part 1) of the Monterey County Code to establish notification and hearing procedures to address inactive discretionary land use permit applications in the coastal unincorporated area of Monterey County;
 - 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 together with materials sufficient for a thorough and complete review.
- [REF120032, Inactive Application Ordinance Coastal zone]

The proposed ordinance (REF120032) amending Title 19 (coastal subdivision ordinance) and title 20 (Monterey County Coastal Implementation Plan, Part 1) of the Monterey County Code to establish notification and hearing procedures to address inactive discretionary land use permit applications in the coastal unincorporated area of Monterey County came on for public hearing before the Monterey County Board of Supervisors on June 24, 2014. 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. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with

general laws to protect and promote the public health, safety, and welfare of its citizens.

2. As of July 1, 2013, the Monterey County Resource Management Agency-Planning Department had 2,925 applications for discretionary entitlements for land use projects which had no activity for at least six consecutive months but which applicants had not withdrawn.
3. Indefinite retention of such inactive applications creates several problems, including: creation of a backlog of applications whose status is uncertain; diversion of resources away from processing active applications; technical reports and information becoming outdated prior to the application being heard; inefficiencies in processing the application; and excess costs not covered by the application fee.
4. On February 28, 2012, the Monterey County Board of Supervisors adopted a Resolution of Intention (Resolution No. 12-050) to initiate amendments to text provisions of Title 19 (both coastal and inland subdivision ordinances), Title 20 (coastal zoning), and Title 21 (inland zoning) to put in place procedures for acting on inactive applications.
5. This ordinance is intended to establish consistent and fair procedures to enable the County to make a final disposition of inactive applications while providing notification and opportunity to applicants to take the necessary steps to keep their applications active if they so choose.
6. The establishment of notification and hearing procedures for inactive applications serves the public health, safety, and welfare by addressing the problems associated with indefinite retention of inactive applications while providing notice and opportunity to applicants to be heard.
7. Adoption of this coastal ordinance would make both the County inland and coastal zoning and subdivision regulations consistent, as similar amendments to County's non-coastal zoning and subdivisions ordinances were adopted by the Board of Supervisors on April 1, 2014 and have gone into effect.
8. This ordinance is not a project under the California Environmental Quality Act (CEQA) per CEQA Guidelines 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.
9. 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, which is Title 20 of the Monterey County Code. This ordinance amends the Monterey County Coastal Implementation Plan and will require certification by the California Coastal Commission.

The proposed ordinance is attached to this resolution as Exhibit 1 and incorporated herein by reference.

10. The Board finds that the ordinance is consistent with the County's certified Local Coastal Program and the Coastal Act and is intended to be carried out in a manner fully in conformity with the California Coastal Act. The establishment of procedures to address inactive applications reduces the potential for use of out of date information in the processing of land use permit applications, thereby helping to assure the orderly utilization and protection of coastal resources.
11. 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 Coastal Commission confirms 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.
12. A public hearing on the proposed ordinance at the Monterey County Planning Commission was duly noticed for May 14, 2014 in the Monterey County Weekly at least ten days prior to the hearing. On May 14, 2014, the Planning Commission conducted a public hearing on the draft ordinance and recommended adoption of the ordinance on a vote of 9-0 (1 absent).
13. A public hearing on the proposed ordinance at the Monterey County Board of Supervisors was duly noticed for July 8, 2014. Notice was provided by publication in the Monterey County Weekly at least ten days prior to the hearing and by giving notice to interested parties.

DECISION

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

- 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 an ordinance, attached hereto as Exhibit 1 and incorporated herein by reference, amending Title 19 (coastal subdivision ordinance) and

Title 20 (Monterey County Coastal Implementation Plan, Part 1) of the Monterey County Code to establish notification and hearing procedures to address inactive discretionary land use permit applications in the coastal unincorporated area of Monterey County;

- 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 together with materials sufficient for a thorough and complete review.

PASSED AND ADOPTED on this ____ day of _____, 2014, by the following vote:

AYES:

NOES:

ABSENT:

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____ for the meeting on _____.

Dated:

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

By _____
Deputy