

ATTACHMENT C

**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:

- a. Find the project Statutorily Exempt, per Section 15060 (c) (3) and 15378 (b) (5);
- b. Adopt a Resolution of Intent to adopt an ordinance amending Title 19 (coastal subdivision ordinance) and Title 20 (Monterey County Coastal Implementation Plan, Parts 1, 2, 3 and 4) of the Monterey County Code to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated coastal zone of the County. Proposed changes to the process include dissolving the County of Monterey’s Minor and Standard Subdivision Committees and designating the Monterey County Planning Commission as the appropriate authority to consider applications for minor subdivisions and lot line adjustments in the coastal zone. The ordinance also updates the lot line adjustment standard in Title 19 to conform to changes in state law.
- c. Direct staff to transmit the proposed ordinance to the California Coastal Commission for review and certification together with materials sufficient for a through and complete review.
(REF120004, Elimination of Minor and Standard Subdivision Committees, Coastal Ordinance Amendments, County-wide)

The proposed ordinance (REF120004) came on for public hearing before the Monterey County Board of Supervisors on November 6, 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

WHEREAS, in January of 2009, the Board of Supervisors requested (Board Referral No. 2009-03) a review of the Minor Subdivision application process with a detailed analysis of the public notice process for hearings. 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.

WHEREAS, On July 13, 2010, the Board of Supervisors conducted a public hearing and accepted a report by the Resource Management Agency-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 with a 4-0 vote to direct staff to proceed with the preparation of amendments to texts with Options 2 and 4 described above.

WHEREAS, on June 13, 2012, the Monterey County Planning Commission conducted a public hearing on the draft ordinance amending Title 19 (coastal subdivision ordinance) and the Monterey County Coastal Implementation Plan, Part 1 (coastal zoning ordinance), Part 2 (North County Land Use Plan Area), Part 3 (Big Sur Coast Land Use Plan Area) and the Part 4 (Carmel Area Land Use Plan Area). The hearing was duly noticed in the Salinas Californian and the Monterey County Herald at least 10 days prior to the hearing.

WHEREAS, Monterey County has a certified and adopted Local Coastal Program pursuant to the California Coastal Act (Public Resources Code Sections 30000-30900) that contains land use and development regulations for the coastal areas of the County.

WHEREAS, the proposed ordinance amends the Monterey County Coastal Implementation Plan, a part of the County's certified Local Coastal Program, to dissolve the Minor and Standard Subdivision Committees and designate the Monterey County Planning Commission as the appropriate authority to consider applications for lot line adjustments and minor subdivisions. Additionally, because these coastal amendments amend the paragraphs that provide the standard for lot line adjustments and filing standards, the ordinance includes amending the lot line adjustment standard and filing standards to conform to changes in state law (Government Code Sections 66412(d) and 66452.1.)

WHEREAS, Planning Department staff has reviewed the proposed amendments and determined they are consistent with the certified Land Use Plans. These amendments are intended to be carried out in a manner fully in conformity with the California Coastal Act.

WHEREAS, the Board finds that the 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. The ordinance also does not change the standards under which the County has been evaluating lot line adjustments because the County has already been applying the standards required by state law and the ordinance merely conforms coastal title 19 to state law. Similarly, the ordinance updates the filing standard

in accordance with State law to state that the time period commences after the environmental determination has been made, which is not a change in practice.

DECISION

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

- a. Find the ordinance statutorily exempt under CEQA per CEQA Guidelines Sections 15060 (c) (3) and 15378 (b) (5);
- b. Adopt a Resolution of Intent to adopt an ordinance amending Title 19 (coastal subdivision ordinance) and Title 20 (Monterey County Coastal Implementation Plan, Parts 1, 2, 3 and 4) of the Monterey County Code to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated coastal zone of the County. Proposed changes to the process include dissolving the County of Monterey's Minor and Standard Subdivision Committees and designating the Monterey County Planning Commission as the appropriate authority to consider applications for minor subdivisions and lot line adjustments in the coastal zone. The ordinance also updates the lot line adjustment standards and filing standards in Title 19 to conform to changes in state law;
- c. Certify that the ordinance is intended to be carried out fully in conformity with the California Coastal Act; and
- d. Direct staff to transmit the proposed ordinance to the California Coastal Commission for review and certification together with materials sufficient for a through and complete review.

PASSED AND ADOPTED on this 6th day of November, by the following vote, to-wit:

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