

ATTACHMENT A- DISCUSSION

Background:

On February 28, 2012, the Monterey County Board of Supervisors adopted a Resolution of Intention (Resolution No. 12-050- Attachment E) to initiate amendments to text provisions of Titles 19 (both coastal and inland subdivision ordinances), Title 20 (coastal zoning) and Title 21 (non-coastal zoning) to put in place procedures by means of an ordinance that would establish a deadline for acting on inactive applications. The Board recognized that indefinite retention of 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uncertain; diversion of resources away from processing active applications; technical reports and information becoming outdated prior to the application being heard; inefficiencies in processing the application; and excess costs not covered by the application fee.

As of July 1, 2013, the Monterey County Resource Management Agency-Planning Department has 2,925 land use discretionary project applications which had no activity for at least 6 months, but which applicants had not withdrawn. Although these applications have had no activity for 6 months, the actual inactivity timeframe varies from application to application, some being inactive for over 15 years.

This ordinance (Attachment B, Exhibit 1) 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.

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. Because the ordinance amends the Local Coastal Program, the ordinance would need to be submitted to the California Coastal Commission for certification if the Board of Supervisors adopts a resolution of intent to adopt the ordinance. The ordinance would return to the Board for final action following the Coastal Commission's action.

Environmental Review:

The proposed draft ordinances are not a project under the California Environmental Quality Act per CEQA Guidelines Sections 15060 (c)(3) and 15378 (b)(5) because the ordinances are an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment.

Conclusion:

It is recommended that the Board of Supervisors:

- a. Find that the ordinance is not a project under the California Environmental Quality Act per CEQA Guideline 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, 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 submit the proposed ordinance to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review.