

Attachment A

ORDINANCE NO. 499

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ADOPTING A STREETS AND HIGHWAYS PLAN AS A PART OF THE MASTER PLAN OF SAID COUNTY SPECIFYING THE PURPOSES AND THE EFFECTS OF THE ADOPTION OF SAID PLAN; ESTABLISHING THE OFFICIAL PLAN LINES OF CERTAIN OF THE STREETS AND HIGHWAYS WHICH ARE A PART OF SAID PLAN; PROVIDING THAT NO BUILDING, STRUCTURE OR OTHER SPECIFIED IMPROVEMENT SHALL BE ERECTED OR PLACED WITHIN SUCH OFFICIAL PLAN LINES, WITH PROVISION FOR ADJUSTMENT IN THE APPLICATION OF THIS PROVISION; INSTRUCTING THE COUNTY SURVEYOR OF SAID COUNTY TO CAUSE A FULL, TRUE AND CORRECT COPY OF ALL MAPS ESTABLISHING SUCH OFFICIAL PLAN LINES TO BE RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AND FURTHER INSTRUCTING SAID COUNTY SURVEYOR TO POST CERTAIN NOTICES ALONG EVERY STREET OR HIGHWAY FOR WHICH OFFICIAL PLAN LINES ARE OR SHALL HEREAFTER BE ESTABLISHED.

The Board of Supervisors of the County of Monterey, State of California, do ordain as follows:

Section 1.

There is hereby adopted a Streets and Highways Plan as a part of the Master Plan of the County of Monterey, State of California.

Section 2. Said Streets and Highways Plan is set forth on a series of section maps, each of which is entitled " Unit of the Streets and Highways Plan, being a part of the Master Plan of the County of Monterey, State of California." Said section maps, together with all notations, information and data contained thereon, are hereby made a part of this ordinance and constitute Section 3 and certain other sections hereof, each of which other sections is designated by the numeral 3 followed by a letter or letters of the alphabet.

Such section maps as are made a part of this ordinance at the time of the adoption thereof are the sections then completed of a comprehensive Streets and Highways Plan as a part of the Master Plan for the said County of Monterey, which Plan is now in process of preparation by the County Planning Commission of said County. The said Board of Supervisors hereby finds that the public interest, necessity and convenience require that as rapidly as sections of said Streets and Highways Plan shall be completed, the same should be put into full operation and effect; and said Board of Supervisors hereby declares it to be its intention to

amend this ordinance from time to time by including therein subsequent sections of said Streets and Highways Plan as rapidly as the same shall have been prepared and shall have been approved by said Board of Supervisors.

Section 3. (Consists of maps.)

Section 4. The aforesaid Streets and Highways Plan is adopted to protect and promote the public health, safety, peace, morals, comfort, convenience and general welfare and for the accomplishment thereof is adopted for the purposes more particularly set forth as follows:

(1) To provide a definite Plan of development for the said County of Monterey and to guide, control and regulate the future growth of said County in accordance with said Plan.

(2) To provide a guide for the intelligent outlay of the expenditures of said County and the State of California for street and highway purposes.

(3) To obviate the menace to the public safety resulting from inadequate provision of traffic thoroughfares in connection with and as a result of the development of the County.

(4) To prevent deterioration of property values and impairment of conditions making for desirable residential, commercial or industrial development, as the case may be, which would result from a lack of plans designed to assure the orderly harmonious and beneficial development of the County and all sections thereof.

Section 5. The street and highway layout of any subdivision of land of which a map is filed with said County Planning Commission shall be based upon the aforesaid Street and Highway Plan adopted by this ordinance.

Section 6. The adoption of the aforesaid Street and Highway Plan shall in all particulars have the full force and effect provided by law.

Section 7. For the full accomplishment of the purpose of this ordinance, the official plan lines of streets and highways which are a part of the aforesaid Streets and Highways Plan are hereby established as particularly set forth on maps each of which is entitled "Official Plan Lines of _____" (here is inserted the official name of the street or highway) " which is a part of the Streets and Highways Plan of the Master Plan of the County of Monterey, State of California." Said maps and all notations, information and data appearing thereon are hereby made a part of this ordinance and constitute Section 8 and certain other sections thereof, each of which other sections is designated by the numeral "8" followed by a letter or letters of the alphabet.

Section 8. (Consists of maps)

Section 9. No building, structure or other improvement shall hereafter be erected or placed within the official plan lines of streets and highways as adopted by this ordinance, except that this provision shall not apply to garden and agricultural crop planting and such ordinary front yard fence and such more or less non-permanent sprinkling and irrigation structures as, in the opinion of the County Planning Commission will not defeat the purposes of this ordinance.

Section 10. The Board of Supervisors of the County of Monterey, upon the recommendation of the County Planning Commission of said County, may grant adjustments or variances in the strict application of the provisions of Section 9 of this ordinance in cases in which the strict application of such provisions would result in the impairment of substantial property rights.

Application for any adjustment or variance permissible under the provisions of this section shall be made to the said Board of Supervisors and shall include application for a permit to erect or place the building, structure or other improvement. Said Board of Supervisors shall thereupon refer said application to the County Planning Commission.

Upon receipt of any such application the County Planning Commission shall hold at least one (1) public hearing thereon, notice of which shall be given by one (1) publication in a newspaper of general circulation in said County within the ten (10) days next preceding the date of said hearing. At said hearing the applicant shall present a statement and adequate evidence, in such form as the County Planning Commission may require, showing:

(1) That there are special circumstances or conditions attaching to the property upon which the proposed building, structure or other improvement is sought to be erected or placed.

(2) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.

The County Planning Commission shall thereupon make its decision upon the said application and shall report such decision to the Board of Supervisors within thirty (30) days after receipt of the application from said Board of Supervisors. In recommending the granting of an adjustment or variance under the provisions of this section the County Planning Commission shall designate such conditions in connection therewith as will, in its opinion, result in the adjustment or variance causing the minimum possible interference with the purposes of this ordinance and with the ultimate accomplishment of the objectives of the aforesaid Street and Highway Plan. In reporting its decision to the Board of Supervisors the County Planning Commission shall report its findings with respect thereto and all facts in connection therewith and shall specifically and fully set forth any adjustment or variance which is recommended and the conditions designated in connection therewith.

Upon receipt of such report the Board of Supervisors shall by resolution make its decision upon the aforesaid application. If such decision shall approve the granting of an adjustment or variance, the permit applied for shall be issued, subject to the conditions designated by the County Planning Commission and subject to all other provisions of law. In all cases in which adjustments or variances are granted under the provisions of this section the Board of Supervisors shall require such evidence and guarantees as, upon recommendation of the County Planning Commission, it may deem necessary that the conditions designated in connection with such adjustment or variance are being and will be complied with.

Section 11. All departments, official and public employees of the County of Monterey, State of California, vested with the duty or authority to issue permits or licenses where required by law, shall conform to the provisions of this ordinance and shall issue no such permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this ordinance and any such permit or license, if issued in conflict with the provisions of this ordinance, shall be null and void.

It shall be the duty of the Sheriff of the County of Monterey, State of California, and of all officers of said County herein and/or otherwise charged by law with the enforcement of this ordinance to enforce this ordinance and all the provisions of the same.

Any person, firm or corporation, whether as principal agent, employee or otherwise, violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Three Hundred (300) Dollars or by imprisonment in the County Jail of said County for a term not exceeding three (3) months or by both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this ordinance shall be and the same is hereby declared to be unlawful and a public nuisance and the District Attorney of the said County of Monterey shall, upon order of the Board of Supervisors, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law and shall take such other steps and shall apply to such court as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using any property contrary to the provisions of this ordinance.

The remedies provided for herein shall be cumulative and not exclusive.

Section 12. The County Surveyor of said County is hereby instructed to cause to be recorded in the office of the County Recorder of the County of Monterey, State of California, a full, true and correct copy, duly attested, of the map designating official plan lines which is contained in Section 8 of this ordinance and of each such map hereafter added to said section by the amendment of this ordinance.

Section 13. The said County Surveyor is hereby further instructed to post permanent notices at intervals of not more than one thousand feet along each side of each street and highway for which official plan lines have been established by the adoption of the map contained in Section 8 of this ordinance and of each street and highway for which official plan lines shall hereafter be established by the addition of maps to said section by the amendment of this ordinance. Said Notices shall be painted on wood or metal and shall each contain the following words (with the blanks appropriately filled);

"The width of this street (or other appropriate designation) is established as _____ feet" (or

"This Highway is classified as a (_____ highway)" "according to the Master Plan of the County of Monterey. Keep all buildings and other structures hereafter erected outside the lines of such established width, as shown on O.P.L. Map No. _____ recorded in the office of the County Recorder, Court House, Salinas, California, a copy of which is on file in the office of the County Surveyor, Salinas, California.

Section 14. If any section, sub-section, 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 of the County of Monterey, State of California, hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

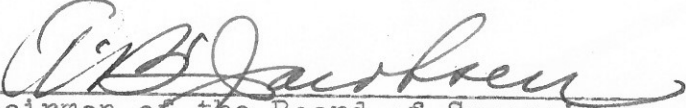
Section 15. This ordinance shall be and is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage.

Regularly passed and adopted by the Board of Supervisors of the County of Monterey, State of California, on this 17th day of March, 1941, by the following vote, to-wit:

Ayes: Supervisors McHarry, Redding, Dudley and Jacobsen.

Noes: None.

Absent: Supervisor Hutchings.


Chairman of the Board of Supervisors
Monterey County, California.

Attest:


Clerk of said Board