

# Attachment 4

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**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:

- 1) Find that adoption of a resolution rescinding Resolution of Intent No. 14-250 is not a project pursuant to Section 15060(c)(3) and 15378(b)(5) of the CEQA Guidelines; and
- 2) Adopt a resolution rescinding Resolution of Intent No. 14-250, dated August 26, 2014, that would have added regulations for development utilizing private streets, roads, and other travelled ways in the coastal zone as Section 20.64.320 of the Monterey County Code.

(REF190015/Proof of Access-Countywide)

**WHEREAS**, pursuant to Article XI, section 7 of the California Constitution, the County of Monterey (“County”) 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;

**WHEREAS**, the County is charged with, among other tasks, the responsibility of assuring that development is compatible with surrounding neighborhoods and incorporates provisions for adequate access for occupants, residents and emergency services;

**WHEREAS**, many of the streets, roads, and other travelled ways in the County are privately owned (“Private Roads”) and are governed by agreements among private parties (“Private Road Agreements”). The County is not a party to such agreements and does not enforce their terms and conditions, nor does the County have jurisdiction to adjudicate a dispute among the parties to such agreements. Applications for development that require discretionary permits or other entitlements have, in some instances, proposed to use Private Roads. Also in some instances, other parties to the applicable Private Road Agreement or adjoining landowners have disputed the legal authority of the applicant to use the Private Road in the manner proposed by the development application;

**WHEREAS**, issues have arisen during the County’s consideration of discretionary land use permit applications as to whether the issuance of certain land use related permits, licenses, entitlements and other approvals are consistent with any applicable Private Road Agreement. The County wants any issues that may arise over the use of Private Roads to be resolved by the parties to the Private Road Agreement. The County also wants to provide certainty to the applicant and public in the planning process as to the manner in which the County will address disputes among parties to a Private Road Agreement that arise in connection with land use related applications;

**WHEREAS**, on August 26, 2014, the Monterey County Board of Supervisors (“Board”) adopted inland zoning regulations to establish special regulations for the issuance of land use permits and entitlements for development utilizing private streets, roads, and other travelled ways in the inland area (Ordinance Number 5177, adding Section 21.64.320 to Title 21 of the

Monterey County Code (“MCC”). At the same hearing, the Board adopted a Resolution of Intent (Resolution No. 14-250 - Planning File No. PLN130084) to adopt coastal zoning regulations to establish special regulations for the issuance of land use permits and entitlements for development utilizing private streets, roads, and other travelled ways in the coastal area, and directed staff to submit the draft coastal regulations to the California Coastal Commission for certification;

**WHEREAS**, on November 21, 2014, County staff submitted the coastal zoning regulations to the Coastal Commission for certification. On October 21, 2016, Coastal Commission staff provided County staff with a letter suggesting that the County withdraw the application to amend the LCP and instead insert the regulations elsewhere in the County Code. On October 24, 2016, the County submitted a letter to the Coastal Commission withdrawing its application. As such, staff has drafted an inland ordinance amendment that moves the proof of access regulations from Title 21 of the MCC to Title 16 of the MCC. In moving the regulations to Title 16, the regulations would apply County-wide regardless if the subject property is located in the inland or coastal areas of the County;

**WHEREAS**, in view of the foregoing, and to protect the public health, safety, and welfare, it is necessary for the County to enact an ordinance to set forth standards to address the use of Private Roads in conjunction with certain land use related applications for both the inland and coastal areas. The standards provide guidance and a uniform, consistent, reasonable and fair manner for addressing the use of Private Roads when disputes about the use of Private Roads arise in the land use entitlement and permitting process. Such ordinance is being considered by the Board for adoption on September 17, 2019, at a duly noticed public hearing; and

**WHEREAS**, in moving the regulations to Title 16 of the MCC, the adopted regulations contained in Section 21.64.320 (inland zoning) must be repealed and previously adopted Resolution of Intent No. 14-250 (coastal zoning) must be rescinded.

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

- 1) Finds that adoption of a resolution rescinding Resolution of Intent No. 14-250 is not a project pursuant to Section 15060(c)(3) and 15378(b)(5) of the CEQA Guidelines; and
- 2) Adopts a resolution rescinding Resolution of Intent No. 14-250, dated August 26, 2014, that would have added regulations for development utilizing private streets, roads, and other travelled ways in coastal areas as Section 20.64.320 of the Monterey County Code.

PASSED AND ADOPTED this 17 day of September 2019, upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:

I, Valerie Ralph, 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:

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

By \_\_\_\_\_  
Deputy

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