

Attachment E

**Planning Commission
Resolution No. 12-026 for
Coastal Ordinance
(REF120004)**

This page intentionally left blank.

**Before the Planning Commission in and for the
County of Monterey, State of California**

RESOLUTION NO. 12-026

Resolution by the Monterey County Planning Commission recommending that the Board of Supervisors adopt a resolution with the following actions:

- 1) Find that the proposed ordinance is not a project under CEQA per Section 15060 (c) (3) and 15378 (b) (5); and
- 2) Adopt the ordinance amending Monterey County Code Title 19 (Subdivision Ordinance Coastal Zone) and the Monterey County Coastal Implementation Plan, Part 1 (Title 20, Zoning Ordinance), Part 2 (North County Land Use Plan Area), Part 3 (Big Sur Coast Land Use Plan Area), Part 4 (Carmel Area Land Use Plan Area), and Part 5 (Del Monte Forest Land Use Plan Area) in order to eliminate the Minor and Standard Subdivision Committees and to designate the Monterey County Planning Commission as the appropriate authority to consider applications for subdivisions and lot line adjustments; and
- 3) Direct staff to transmit the proposed ordinance to the California Coastal Commission for review and certification.

[REF120004, Elimination of Minor and Standard Subdivision Committees, Coastal Amendments, County-wide]

The proposed ordinance (REF120004) amending Monterey County Code Title 19 (Subdivision Ordinance Coastal Zone) and the Monterey County Coastal Implementation Plan, Part 1 (Title 20, Zoning Ordinance), Part 2 (North County Land Use Plan Area), Part 3 (Big Sur Coast Land Use Plan Area), Part 4 (Carmel Area Land Use Plan Area), and Part 5 (Del Monte Forest Land Use Plan Area) in order to eliminate the Minor and Standard Subdivision Committees and to designate the Monterey County Planning Commission as the appropriate authority to consider applications for subdivisions and lot line adjustments came on for public hearing before the Monterey County Planning Commission on June 13, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission forwards the following recommendation to the Board of Supervisors with reference to the following facts:

I. RECITALS:

1. 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.

2. 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 4 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 and directed staff to proceed with the preparation of amendments to Texts with Options 2 and 4 described above.

3. On January 11, 2012, the Monterey County Planning Commission adopted a resolution recommending that the Board of Supervisors adopt an ordinance amending Title 19 (Non-Coastal Subdivision Ordinance) and Title 21 (Non-Coastal Zoning Ordinance) to eliminate administrative approvals of non-coastal zone lot line adjustments and minor subdivisions, eliminate 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 subdivisions. This action followed the direction of the Board of Supervisor in regards to the non-coastal amendments. At this hearing, staff explained the coastal text amendments would follow at a later date.
4. Monterey County has a certified and adopted Local Coastal Program pursuant to the California Coastal Act of 1976 that contains land use and development regulations for the coastal areas of the County. The ordinance amends the Monterey County Coastal Implementation Plan, a part of the County's certified Local Coastal Program to eliminate 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 subdivisions. Additionally, because these coastal amendments amend the paragraph that provides the standard for lot line adjustments, the ordinance includes amending the lot line adjustment standard to conform to changes in state law (Government Code Section 66412(d)). 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.

5. 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

Ordinance Amendment of Title 19, MCC Subdivision Ordinance Coastal Zone; Monterey County Coastal Implementation Plan - REF120004

County Coastal Implementation Plan, Part 1 (Title 20, Zoning Ordinance), Part 2 (North County Land Use Plan Area), Part 3 (Big Sur Coast Land Use Plan Area), Part 4 (Carmel Area Land Use Plan Area), and Part 5 (Del Monte Forest 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.

6. The ordinance is not a project under CEQA per Section 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 to Coastal Title 19 to state law.

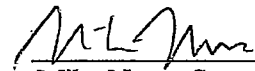
DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby recommends that the Board of Supervisors:

- 1) Finds that the proposed ordinance is not a project under CEQA per Section 15060 (c) (3) and 15378 (b) (5); and
- 2) Adopts the ordinance (Attachment 1) amending Monterey County Code Title 19 (Subdivision Ordinance Coastal Zone) and the Monterey County Coastal Implementation Plan, Part 1 (Title 20, Zoning Ordinance), Part 2 (North County Land Use Plan Area), Part 3 (Big Sur Coast Land Use Plan Area), Part 4 (Carmel Area Land Use Plan Area), and Part 5 (Del Monte Forest Land Use Plan Area) in order to eliminate the Minor and Standard Subdivision Committees and to designate the Monterey County Planning Commission as the appropriate authority to consider applications for subdivisions and lot line adjustments; and
- 3) Directs staff to transmit the proposed ordinance to the California Coastal Commission for review and certification.

PASSED AND ADOPTED this 13th day of June, 2012 upon motion of Commissioner Vandevere, seconded by Commissioner Diehl, by the following vote:

AYES: Vandevere, Getzelman, Roberts, Diehl, Padilla, Hert
NOES: None
ABSENT: Brown, Rochester, Salazar, Mendez
ABSTAIN: None


Mike Novo, Secretary

Attachment 1

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING TITLE 19 (SUBDIVISION ORDINANCE FOR COASTAL ZONE) AND TITLE 20 (MONTEREY COUNTY COASTAL IMPLEMENTATION PLAN) OF THE MONTEREY COUNTY CODE TO ELIMINATE THE MINOR AND STANDARD SUBDIVISION COMMITTEES AND ADD TO THE DUTIES OF THE MONTEREY COUNTY PLANNING COMMISSION.

County Counsel Summary

This ordinance amends coastal title 19 (Subdivision Ordinance for the Coastal Zone) and Title 20 (Monterey County Coastal Implementation Plan) of the Monterey County Code to eliminate the Monterey County Minor and Standard Subdivision Committees and to designate the Monterey County Planning Commission as the appropriate authority to consider applications for subdivisions and lot line adjustments in the coastal unincorporated areas of the County. The ordinance also updates the lot line adjustment standard in title 19 to conform to changes in state law. Because this ordinance amends the County's certified Local Coastal Program, the amendments must be submitted to the California Coastal Commission for certification.

The Board of Supervisors of the County of Monterey ordains as follows:

[Chapter 19.01-General Provisions-(Table of Contents)]**

SECTION 1. The Table of Contents of "Chapter I" (Chapter 19.01), of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

Chapter I. - GENERAL PROVISIONS

19.01.005 Citation and authority.

19.01.010 Purpose.

19.01.015 Consistency.

19.01.020 Exceptions.

19.01.025 Technical Review.

19.01.030 .

19.01.035 Planning Commission.

**Titles inserted for context only and will not be included in the final ordinance.

- 19.01.040 Board of Supervisors.
- 19.01.045 Fees and forms.
- 19.01.050 Appeals.
- 19.01.055 Public hearings.
- 19.01.060 Applicability.
- 19.01.065 State pre-emption.
- 19.01.066 Compliance with local, state, and Federal laws.
- 19.01.070 Planning Commission and Board of Supervisors to consider Housing Needs of Region.
- 19.01.075 Limitation on improvement requirements under a parcel map.
- 19.01.080 Designated remainder parcel improvement requirements.

[Chapter 19.06--(Table of Contents)]**

SECTION 2. The Table of Contents of "Chapter VI" (Chapter 19.06) of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

Chapter VI. – PRELIMINARY MAPS

- 19.06.005 Preliminary maps.
- 19.06.010 Preliminary map submittal: Form and Contents.
- 19.06.015 Preliminary map: Additional data and reports.
- 19.06.020 Technical Review.
- 19.06.025 Action by the Planning Commission.
- 19.06.030 Action by the Board of Supervisors.

[19.01.025-Technical Review]**

SECTION 3. Section 19.01.025 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

19.01.025 – TECHNICAL REVIEW.

A. County staff, including designated representatives from the Department of Public Works, Environmental Health Bureau, Resource Management Agency (RMA) – Planning Department, RMA - Building Inspection Department, Parks Department, and Economic Development Department (Housing division), with legal advice from County Counsel and technical input from the Monterey County Fire Warden or representative of a local fire district as applicable and the Monterey County Water Resources Agency, shall conduct a Technical Review (TR) of all applications for tentative

**Titles inserted for context only and will not be included in the final ordinance.

maps, vesting tentative maps, and lot line adjustments. The designated representative from the RMA - Planning Department shall facilitate the review.

B. The purpose of the Technical Review shall be the following:

1. To serve in a technical capacity and make recommendations on the design, improvements, and application of state law and County plans, ordinances, and regulations to subdivision applications and lot line adjustment applications; and
2. To develop recommendations to the appropriate decision-making body.

[19.01.030-Standard Subdivision Committee]**

SECTION 4. Section 19.01.030 title 19 (coastal subdivision ordinance) of the Monterey County Code is repealed.

[19.01.035-Planning Commission]**

SECTION 5. Section 19.01.035 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

19.01.035 PLANNING COMMISSION.

- A. Pursuant to section 66415 of the Government Code of the State of California, the Planning Commission is hereby designated the appropriate decision-making body for lot line adjustments and tentative maps, and vesting tentative maps for standard or minor subdivisions, unless otherwise provided by this title or Title 20 of the Monterey County Code.
- B. The Planning Commission shall be the appropriate decision-making body for the reconsideration of tentative maps for subdivisions and requests for reconsiderations of conditions of subdivisions prior to recordation of the final map.
- C. The Planning Commission shall be charged with the duty of making recommendations to the Board of Supervisors to reduce, alter, or add to the provisions of this title.

[19.01.040- Board of Supervisors]**

SECTION 6. Section 19.01.040 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

19.01.040- BOARD OF SUPERVISORS.

- A. The Board of Supervisors is hereby designated the legislative body with respect to

**Titles inserted for context only and will not be included in the final ordinance.

standard subdivisions, combined development permits where appropriate and proposed minor or standard subdivisions that are currently under the provisions of the Williamson Act Contracts. The Board of Supervisors shall also have the authority to hear and decide appeals made based upon the decisions of the Planning Commission as provided in this title.

[19.01.050- Appeals]**

SECTION 7. Subsection A of Section 19.01.050 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

- A. An appeal to the Board of Supervisors may be filed by the subdivider, any public agency or any person aggrieved by a decision of the Planning Commission. Such appeals shall be in writing and shall be filed with the Clerk of the Board of Supervisors within then (10) days after the decision has been made by the Planning Commission. At the time of the filing of the appeal, the appellant, other than the applicant or public agency, shall pay the required filing fee, as established from time to time by the Board of Supervisors, to the Clerk of the Board of Supervisors. An appeal shall set forth specifically the points at issue, the reasons for the appeal, and wherein the appellant believes there was an error or abuse of discretion by the Planning Commission.

[Chapter 19.01.050-Appeals]**

SECTION 8. Subsection C. of Section 19.01.050 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

- C. Upon conclusion of the hearing, the Board of Supervisors shall render their decision within ten (10) days based upon the evidence produced before it. They may sustain, modify, reject or overrule any recommendations, findings or conditions imposed by the Planning Commission. The decision shall comply with the provisions of Section 19.01.015.

[Chapter 19.01.050-Appeals]**

SECTION 9. Subsection D of Section 19.01.050 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

- D. If the Board of Supervisors fails to act upon an appeal within the time limit specified in this title, the tentative map or tentative parcel map, insofar as it complies with applicable requirements of this title, shall be deemed to be approved or conditionally approved as

**Titles inserted for context only and will not be included in the final ordinance.

last approved or conditionally approved by the Planning Commission.

[Chapter 19.01.050-Appeals]**

SECTION 10. Subsection 4 of Subsection F of Section 19.01.050 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

4. The specific reasons the appellant disagrees with the findings of the Planning Commission, if he/she disagrees.

[Chapter 19.01.070- Housing Needs of Region]**

SECTION 11. The heading of Section 19.01.070 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

19.01.070 PLANNING COMMISSION AND BOARD OF SUPERVISORS TO CONSIDER HOUSING NEEDS OF REGION.

[Chapter 19.01.075-Limitation on Improvement]**

SECTION 12. Subsection B of Section 19.01.075 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

- B. Fulfillment of the construction requirements shall not be required until the time as a permit or other grant of approval for development of the parcel is issued by the County or, until the time as the construction of such improvements is required pursuant to an agreement between the subdivider and the County except that in the absence of such an agreement the County may require fulfillment of such construction requirements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding by the Planning Commission or Board of Supervisors that fulfillment of the construction requirements is necessary for either of the following reasons:

1. The public health and safety; or
2. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

[Chapter 19.01.080-Designated Remainder Parcel]**

SECTION 13. Section 19.01.080 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

**Titles inserted for context only and will not be included in the final ordinance.

B. For a designated remainder parcel described in subdivision (A), the fulfillment of construction requirements for improvements shall not be required until a permit of other grant of approval for development of the remainder parcel is issued by the County, or until the construction of the improvements is required pursuant to an agreement between the subdivider and the County. In the absence of that agreement, the County may require fulfillment of the construction requirements within a reasonable time following approval of the final or parcel map and prior to the issuance of a permit or other grant of approval for the development of a remainder parcel upon a finding by the Planning Commission or Board of Supervisors that fulfillment of the construction requirements is necessary for reasons of:

1. The public health and safety; or
2. The required construction is a necessary prerequisite to the orderly development of the surrounding area.
3. A designated remainder may subsequently be sold without any further requirement of parcel map or final map, but the County may require a certificate of compliance or conditional certificate of compliance.

[Chapter 19.02- Technical Review Definition]**

SECTION 14. Section 19.02.256 is added to title 19 (coastal subdivision ordinance) of the Monterey County Code to read as follows:

19.02.256 Technical Review.

A. County staff, including designated representatives from the Department of Public Works, Environmental Health Bureau, Resource Management Agency (RMA) – Planning Department, RMA - Building Inspection Department, Parks Department, and Economic Development Department (Housing division), with legal advice from County Counsel and technical input from the Monterey County Fire Warden or representative of a local fire district as applicable and the Monterey County Water Resources Agency, shall conduct a Technical Review (TR) of all applications for tentative maps, vesting tentative maps, and lot line adjustments. The designated representative from the RMA - Planning Department shall facilitate the review.

B. The purpose of the Technical Review shall be the following:

1. To serve in a technical capacity and make recommendations on the design, improvements, and application of state law and County plans, ordinances, and regulations to subdivision applications and lot line adjustment applications; and
2. To develop recommendations to the appropriate decision-making body.

**Titles inserted for context only and will not be included in the final ordinance.

[19.03.025-Public hearing process and filing.]**

SECTION 15. Subsection D of Section 19.03.025 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

D. Staff shall conduct a Technical Review to consider the proposed development and to review or recommend proposed findings, recommend conditions of approval or recommend disapproval to the Planning Commission.

[19.03.025-Public hearing process and filing.]**

SECTION 16. Subsection E of Section 19.03.025 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

E. The Director of Planning and Building Inspection shall set the matter for public hearing before the Planning Commission to review and consider the proposed development. The matter shall not be set for hearing until the Technical Review has been conducted. The Planning Commission may approve or deny, in whole or in part, the proposed development with appropriate findings, evidence and conditions.

[19.04.005-Minor Subdivisions.]**

SECTION 17. Subsection B of Section 19.04.005 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

B. The Planning Commission may waive the parcel map requirement upon making the finding that the proposed subdivision complies with all requirements as to area, improvement and design, flood and storm water drainage control, approved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of the Subdivision Map Act and this title. In the event the parcel map requirement is waived, the Planning Commission may require that an instrument of waiver of parcel map be filed for record or that a record of survey be filed for record in lieu of a parcel map.

[19.04.025-Minor Subdivisions; Public Hearing Process and Filing.]**

SECTION 18. Subsection A. of Section 19.04.025 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

**Titles inserted for context only and will not be included in the final ordinance.

- A. A proposed tentative parcel map subdivision shall not be considered filed until it is considered at its first duly noticed public hearing of the Planning Commission. The Planning Commission shall make its decision within fifty (50) calendar days after the tentative parcel map has been accepted as filed.

[19.04.025-Minor Subdivisions; Public Hearing Process and Filing]**

SECTION 19. Subsection B of Section 19.04.025 of title 19 (coastal subdivision ordinance) of the Monterey County Code is repealed, and said subsection number is reserved for future use:

[19.04.025- Minor Subdivisions.]**

SECTION 20. Subsection C of Section 19.04.025 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

- C. An application for a proposed tentative parcel map shall not be accepted for filing by the Planning Commission unless accompanied by an environmental recommendation. An environmental recommendation may include:
1. A prepared negative declaration accompanied by an environmental initial study;
 2. A circulated draft environmental impact report;
 3. Data supplementing a previously certified environmental impact report. The data for a supplemental environmental impact report shall be deemed as adequate or inadequate by the Planning Commission.

If the data is found to be inadequate the Planning Commission shall reject the data and require that a new environmental impact report shall be prepared.

[19.04.030- Action on tentative parcel map.]**

SECTION 21. Section 19.04.030 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

- A. Upon completion of the environmental documents, a Technical Review of the proposed development shall be conducted and staff shall make recommendations of proposed findings, condition of approval or recommend disapproval to the Planning Commission.
- B. The Director of Planning and Building Inspection shall set the matter for public hearing

**Titles inserted for context only and will not be included in the final ordinance.

before the Planning Commission which shall approve, disapprove, or conditionally approve the tentative parcel map in conformance with standards set forth in the Subdivision Map Act and this title.

- C. The Planning Commission may approve a subdivision where the soils investigation report discloses soils problems which if not corrected could lead to structural defects if it determines that the engineer's recommended actions are likely to prevent structural damage to each structure to be constructed. The Planning Commission shall ensure that subsequent permits are conditioned upon incorporation of the recommended corrective action in the construction of the each structure.
- D. In the event Airport Land Use Commission has determined that the proposed subdivision is inconsistent with the airport land use plan and would be harmful to the airport and adjacent area, the advisory agency may approve such subdivision on a two-thirds affirmative vote in conformance with Public Utilities Code Section 21676.
- E. The Planning Commission in approving a subdivision to be created from the conversion of a mobile home park to another use shall report impacts on displaced residents, pursuant to Government Code Section 66427.4, as amended from time to time.

[19.04.040- Extension(s) of the Tentative Parcel Map]**

SECTION 22. Section 19.04.040 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

The subdivider may, upon written application, request extension(s) of the tentative map approval. Such application shall be filed with the Director of Planning and Building Inspection, before approval is due to expire and shall state the reason(s) for requesting the extension. The Planning Commission may grant extension(s) not to cumulatively exceed two (2) years or may deny an extension in the event the subdivision is no longer consistent with the general plan, area plan, coastal land use plan or specific plan, zoning or there is new information or substantial changes in circumstances which would have affected the original approval. Prior to the expiration of an approved or conditionally approved tentative map upon an application by the subdivider to extend that map, the map approval shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved or denied, whichever occurs first.

**Titles inserted for context only and will not be included in the final ordinance.

[19.06.020- Action by the Subdivision Committee on preliminary maps]**

SECTION 23. Section 19.06.020 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

19.06.020 Technical Review.

Staff shall conduct Technical Review to consider the proposed development and to review or recommend proposed findings, recommend conditions of approval, or recommend disapproval to the Planning Commission. The Technical Review by staff shall review the proposed project only from a technical standpoint.

[19.06.025- Action by the Planning Commission]**

SECTION 24. Section 19.06.025 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

The Planning Commission shall conduct a duly noticed public hearing. The Planning Commission shall consider staff's environmental recommendation for the project and the recommendations resulting from the Technical Review regarding environmental impacts and proposed conditions which would be applied in the event the preliminary map is converted to a tentative map application. The Planning Commission shall make a report to the Board of Supervisors which will consist of the recommendations resulting from the Technical Review and additional recommendations as a result of the public hearing held by the Planning Commission.

[19.06.030- Action by the Board of Supervisors]**

SECTION 25. Section 19.06.030 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

The Board of Supervisors shall consider the report from the Planning Commission at a duly noticed public hearing. The Board of Supervisors shall consider the staff's environmental recommendation for the project and the recommendation of the Planning Commission regarding environmental impacts and proposed conditions in the event of the preliminary map is converted to a tentative map application. Receipt of the preliminary map and the report of the Planning Commission shall not be construed as approval of the project.

[19.07.025- Preliminary Project Review Subdivision Maps in Residential Allocation Zones]**

SECTION 26. Subsection F of Section 19.07.025 of title 19 (coastal subdivision ordinance)

**Titles inserted for context only and will not be included in the final ordinance.

of the Monterey County Code is amended to read as follows:

F. Technical Review:

Staff shall conduct Technical Review to consider the proposed development and to review or recommend proposed findings, recommend conditions of approval, or recommend disapproval to the Planning Commission. The Technical Review by staff shall review the proposed project only from a technical standpoint and will not evaluate the project to confirm scoring a development.

[19.07.025- Preliminary Project Review Subdivision Maps in Residential Allocation Zones]**

SECTION 27. Subsection G of Section 19.07.025 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

G. Action by the Planning Commission:

The Director of Planning and Building Inspection shall set the matter for public hearing before the Planning Commission to review and consider the proposed development. The matter shall not be set for hearing until the Technical Review has been conducted.

The Planning Commission shall review the preliminary project review map and make recommendations relating to technical matters, subdivision design and consistency of the map with the land use element and provisions of the applicable General Plan, Area Plan or Master Plan documents.

[19.08.005-Modification of Conditions, Revised Tentative Maps and Correction of and Amendment to Recorded Final or Parcel Maps (Revisions to an Approved Tentative Map)]**

SECTION 28. Subsection B of Section 19.08.005 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

B. A proposed revision of a tentative map (standard subdivision) shall be considered at duly noticed public hearings held consecutively by the Planning Commission and the Board of Supervisors. A proposed revision of a tentative parcel map (minor subdivision) shall be considered at a duly noticed public hearing held by the Planning Commission. The Board of Supervisors and Planning Commission shall confine the public hearings to consideration of,

**Titles inserted for context only and will not be included in the final ordinance.

and action on the proposed revisions to the tentative map or tentative parcel map.

[19.08.010- Modification of Conditions, Revised Tentative Maps and Correction of and Amendment to Recorded Final or Parcel Maps Appeals (Modifications of Conditions to an Approved Tentative Map)]**

SECTION 29. Subsection B of Section 19.08.010 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

B. A proposed modification of conditions of an approved tentative map (standard subdivision) shall be considered at duly noticed public hearings held consecutively by the Planning Commission and Board of Supervisors. A proposed modification of conditions of an approved tentative parcel map (minor subdivision) shall be considered at a duly noticed public hearing held by the Planning Commission. The Board of Supervisors and Planning Commission shall confine the public hearing to consideration of, and action on the proposed modified conditions of approved tentative map or tentative parcel map.

[19.08.015- Modification of Conditions, Revised Tentative Maps and Correction of and Amendment to Recorded Final or Parcel Maps Appeals (Correction and Amendment of Recorded Final or Parcel Maps)]**

SECTION 30. Subsection 7 of Subsection A of Section 19.08.015 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

7. To make modification to a final map or parcel map where there are changes which make any or all of the conditions of the map no longer appropriate or necessary and that the modifications do not impose any additional burden on the present fee owner of the property, and if the modifications do not alter any right, title or interest in the real property reflected on the recorded map. The modification shall be considered at consecutive public hearings by the appropriate hearing body(s) that approved or recommend approval of the original tentative map of the tentative parcel map. The Board of Supervisors and Planning Commission shall confine the hearing to consideration of, and action on, the proposed modification.

[19.09.005- Lot Line Adjustments (Lot Line Adjustment Map Requirement)]**

SECTION 31. Subsection A of Section 19.09.005 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

**Titles inserted for context only and will not be included in the final ordinance.

A. A lot line adjustment map shall be filed for any adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created. The Planning Commission shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the County General Plan, any applicable specific plan, the County's certified Local Coastal Program, and zoning and building ordinances. The Planning Commission shall not impose conditions or exaction on its approval of a lot line adjustment except to conform to the County General Plan, any applicable specific plan, the County's certified Local Coastal Program and zoning and building ordinances except to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map or final map shall be required as a condition the approval of a lot line adjustment. The lot line adjustment shall be reflected in a deed or record of survey which shall be recorded.

[19.09.025- Lot Line Adjustments (Action on the Lot Line Adjustment)]**

SECTION 32. Subsection A of Section 19.09.025 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

A. Upon completion of the environmental documents, or finding that the proposed adjustment is exempt from CEQA, the Director of Planning and Building Inspection shall set the matter for public hearing before the Planning Commission which shall approve, disapprove, or conditionally approve the lot line adjustment in conformance with standards set forth in the Subdivision Map Act and this chapter.

[19.09.035- Lot Line Adjustments (Extensions of the Lot Line Adjustment Map Approval)]**

SECTION 33. Section 19.09.035 of title 19 (coastal subdivision ordinance) of the Monterey County Code is amended to read as follows:

The applicant may, upon written application, request extension of the lot line adjustment map approval. Such application shall be filed with the Director of Planning and Building, before approval is due to expire and shall state the reason(s) for requesting the extension. The Planning Commission may grant extension(s) not to cumulatively exceed two (2) years. They also may deny an extension in the event the lot line adjustment no longer conforms with the County General Plan, any applicable specific plan, the County's certified Local Coastal Program, and zoning or building ordinances where there is new information or substantial changes in circumstances which would have affected the original approval.

**Titles inserted for context only and will not be included in the final ordinance.

[20.02.040- Zoning Ordinance Title 20; General Provisions (Nature of Coastal Zone Ordinance)]**

SECTION 34. Section 20.02.040 of the Monterey County Code is amended to read as follows:

The Coastal Zoning Ordinance consists of the establishment of various districts, regulations and permit processes for the unincorporated territory of the County of Monterey within the Coastal Zone.

The coastal zoning districts list the uses which are allowed or may be allowed subject to discretionary permit processes. Those listed uses and other uses which are consistent with the Monterey County Local Coastal Program may be allowed subject to appropriate permits. Other uses are prohibited. Further, the districts provide the regulation of structural height, bulk, and setbacks, as well as prescribing other site development amenities and requirements such as parking, landscaping, and lighting control.

This Title is not intended and shall not be construed as authorizing the County of Monterey, through the Board of Supervisors, Planning Commission, Zoning Administrator or Director of Planning and Building Inspection, acting pursuant to this Title, to exercise its power to grant or deny a permit in a manner which will take or damage private property for public use without the payment of just compensation therefore.

[20.64.250-Zoning Ordinance Title 20; Regulations for the Reduction of Vehicle Trips for Certain Developments)]**

SECTION 35. Subsection 9 of Subsection C of Section 20.64.250 of the Monterey County Code is amended to read as follows:

9) County means an administrative body or person within the organization structure of the County of Monterey, such as the Board of Supervisors, Planning Commission, Zoning Administrator or Building Official with the power to grant a ministerial or discretionary permit to an Applicable Development.

[20.82.030- Zoning Ordinance Title 20; Combined Development Permits; Approving Authority.]**

SECTION 36. Subsection A of Section 20.82.030 of the Monterey County Code is amended to read as follows:

**Titles inserted for context only and will not be included in the final ordinance.

A. The Appropriate Authority to consider a Combined Development Permit shall be the Planning Commission, Zoning Administrator or Board of Supervisors. The basis of the designation shall be that the body established under State Law, title 19 (Subdivisions), Monterey County Code, or Title 20 (Zoning), Monterey County Code, as the decision making body for the Combined Development Permit. Should the Combined Development Permit include any permit normally considered by the Planning Commission, then the Planning Commission shall consider the entire Combined Development Permit, including Variances.

[20.90.130-Zoning Ordinance Title 20; Restoration of land required before application deemed complete.]**

SECTION 37. Section 20.90.130 of the Monterey County Code is amended to read as follows:

No application for a discretionary land use permit under the authority of the Director of Planning and Building Inspection, the Zoning Administrator, the Planning Commission or the Board of Supervisors, except for a restoration project, shall be deemed complete if there is a violation on said property of a County ordinance which regulates grading, vegetation removal or tree removal until restoration has been implemented on that property and monitoring agreements are in place. The Director of Planning and Building Inspection may require restoration of the property to its pre-violation state if in his or her opinion it is necessary to correct the violation.

“Restoration” of the property shall include, but not limited to, the revegetation of native plants and trees and the reconstruction of natural features of the land which have been removed or changed in violation of County ordinances regulating grading, vegetation removal or tree removal. Alternatives to restoration of the property shall not be considered unless the applicant can show that restoration would endanger the public health or safety, or that restoration is unfeasible due to circumstances beyond the control of the applicant or property owner.

Plans for restoration shall be submitted to and approved by the Director of Planning and Building Inspection prior to the commencement of restoration and the plan shall include a time period to ensure re-establishment of the soil or vegetation.

[Monterey County Coastal Implementation Plan, Part 2, North County LUP]**

SECTION 38. Subsections X and HHH of Section 20.144.020 (Definitions) of Chapter 20.144 (Monterey County Coastal Implementation Plan, Part 2, Regulations for Development in the North County Land Use Plan Area) of the Monterey County Code are amended to read as follows:

**Titles inserted for context only and will not be included in the final ordinance.

X. Discretionary Permit is a permit which requires a public hearing before and decision by the Zoning Administrator, Planning Commission, and/or Board of Supervisors. Examples are Coastal Development Permits, use permits, variances, and scenic conservation permits.

HHH. Ministerial Permit is a grading or building permit. A project requiring a ministerial permit requires review by staff of both the Planning and Building Inspection departments, but does not require a public hearing before the Zoning Administrator, Planning Commission, or Board of Supervisors.

[Monterey County Coastal Implementation Plan, Part 3, Big Sur Coast LUP]**

SECTION 39. Subsections Y and KKK of Section 20.145.020 (Definitions) of Chapter 20.145 (Monterey County Coastal Implementation Plan, Part 3, Regulations for Development in the Big Sur Coast Land Use Plan Area) of the Monterey County Code are amended to read as follows:

Y. Discretionary Permit is a permit which requires a public hearing before and decision by the Zoning Administrator, Planning Commission, and/or Board of Supervisors. Examples are Coastal Development Permits, use permits, variances, and scenic conservation permits.

KKK. Ministerial Permit is a grading or building permit. A project requiring a ministerial permit requires review by staff of both the Planning and Building Inspection departments, but does not require a public hearing before the Zoning Administrator, Planning Commission, or Board of Supervisors.

[Monterey County Coastal Implementation Plan, Part 4, Carmel Area LUP]**

SECTION 40. Subsection I. of Section 20.146.020 (Definitions) of Chapter 20.146 (Monterey County Coastal Implementation Plan, Part 4, Regulations for Development in the Carmel Area Land Use Plan) of the Monterey County Code is amended to read as follows:

I. Discretionary Permit is a permit which requires a public hearing before and decision by the Zoning Administrator, Planning Commission, and/or Board of Supervisors. Examples are Coastal Development Permits, use permits, variances, and scenic conservation permits.

[Monterey County Coastal Implementation Plan, Part 5, Del Monte Forest LUP]**

SECTION 41. Subsection F of Section 20.147.020 (Definitions) of Chapter 20.147 (Monterey County Coastal Implementation Plan, Part 5, Regulations for Development in the Del Monte Forest Land Use Plan) of the Monterey County Code is amended to read as follows:

**Titles inserted for context only and will not be included in the final ordinance.

F. Discretionary Permit is a permit which requires a public hearing before and decision by the Zoning Administrator, Planning Commission, and/or Board of Supervisors. Examples are Coastal Development Permits, use permits, variances, and scenic conservation permits.¹

SECTION 42. SEVERABILITY. If any section, subsection, 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 hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 43. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 2012, by the following vote:

AYES: Supervisors
NOES:
ABSENT:
ABSTAIN:

Dave Potter, Chair
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI
Clerk of the Board

APPROVED AS TO FORM:

Wendy S. Strimling
Senior Deputy County Counsel

¹ On May 22, 2012, the Board of Supervisors adopted amendments to the Del Monte Forest (DMF) Land Use Plan (LUP) and Coastal Implementation Plan (CIP). Such adoption goes into effect on June 21, 2012. Once in effect, Section 41 of this Ordinance will not be necessary, as this reference was deleted in the recent amendment of the DMF LUP and CIP.

**Titles inserted for context only and will not be included in the final ordinance.

By: _____ Deputy

**Titles inserted for context only and will not be included in the final ordinance.

This page intentionally left blank.