

Attachment B
Draft Board Resolution
With

Attachment B-1: Draft Ordinance (REDLINE version)
Attachment B-2: Draft Ordinance (CLEAN version)

Elimination of Minor and Standard
Subdivision Committees
Coastal Ordinance Amendments
REF120004

ATTACHMENT B

Before the Board of Supervisors in and for the County of Monterey, State of California

Resolution No.

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.)
)
(REF120004, Elimination of Minor and)
Standard Subdivision Committees, Coastal)
Ordinance Amendments, Coastal zone))

The proposed ordinance (REF120004) came on for public hearing before the Monterey County Board of Supervisors on July 31, 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 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 5-0 vote to direct staff to proceed with the preparation of amendments to texts with Options 2 and 4 described above.

WHEREAS, Monterey County has a certified and adopted Local Coastal Program pursuant to the California Coastal Act of 1976 (Public Resources Code sections 30000 et seq.) that contains land use and development regulations for the coastal areas of the County. The ordinance amends Title 19 (coastal subdivision ordinance) and the Monterey County Coastal Implementation Plan, Part 1 (coastal zoning ordinance), Part 2 (Regulations for North County Land Use Plan Area), Part 3 (Regulations for Big Sur Coast Land Use Plan Area) and the Part 4 (Regulations for Carmel Area Land Use Plan Area), a part of the County's certified Local Coastal Program, to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated coastal zone of the County. Changes include dissolving the Minor and Standard Subdivision Committees and designating the Monterey County Planning Commission as the appropriate authority to consider applications for lot line adjustments and minor subdivisions. Additionally, the ordinance affects sections of coastal Title 19 that contain lot line adjustment standards and filing standards that have since been changed by and preempted by state law, and therefore, the ordinance updates the lot line adjustment standard and filing period standards to conform to changes in state law. The proposed ordinance, which shows the proposed textual amendments via strikethrough and underline, is attached to this resolution as Attachment B-1 and incorporated herein by reference. The proposed ordinance in clean form is attached to this resolution as Attachment B-2 and incorporated herein by reference.

WHEREAS, the Board finds that the ordinance is consistent with the certified Land Use Plans and the Coastal Act. The ordinance is intended to be carried out in a manner fully in conformity with the California Coastal Act.

WHEREAS, the ordinance is not a project under 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's update to standards to conform to state law also does not result in direct or indirect physical changes to the environment because the County has already been applying the standards required by state law, and the ordinance merely conforms coastal title 19 to state law.

WHEREAS, pursuant to the Coastal Act, the County may amend the certified Local Coastal Program, provided the County follows certain procedures, including that the County Planning Commission hold a notice public hearing and make a recommendation to the Board of Supervisors, that the Board of Supervisors hold a noticed public hearing, adopt a resolution of intent, and submit the proposed amendment to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review, that the Board of Supervisors adopt the ordinance after Coastal Commission action, and that the Coastal Commission confirm the action of the County. Accordingly, the ordinance will not go into effect until after subsequent formal adoption by the Board of Supervisors at a duly noticed public hearing following action by the Coastal Commission, and it will not become operative until the CCC's certification is final and effective.

WHEREAS, on June 13, 2012, the Monterey County Planning Commission conducted a public hearing on the draft ordinance. The hearing was duly noticed in the Salinas Californian and the Monterey County Herald at least 10 days prior to the hearing. The Planning Commission recommended adoption of the ordinance on a vote of 6-0. Technical corrections but no substantial modifications have been made to the ordinance since it was considered by the Planning Commission.

WHEREAS, on July 31, 2012, the Board of Supervisors of the County of Monterey conducted a public hearing on the ordinance attached hereto as Attachments B-1 and B-2. Notice of the public hearing was published in the Monterey County Herald on July 19, 2012 and published in the Salinas California on July 20, 2012.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby adopt this Resolution of Intent to:

- a. Find the proposed ordinance statutorily exempt, per CEQA Guidelines sections 15060 (c) (3) and 15378 (b) (5);
- b. Adopt an ordinance, attached hereto as Attachment B-1 (redline) and Attachment B-2 (clean), 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, including dissolving the County of Monterey's Minor and Standard Subdivision Committees, designating the Monterey County Planning Commission as the appropriate authority to consider applications for minor subdivisions and lot line adjustments in the coastal zone, and updating the lot line adjustment and filing standards in coastal 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 Coastal Act; and
- d. Direct staff to transmit the proposed ordinance to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review.

PASSED AND ADOPTED on this 31st day of July, 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