

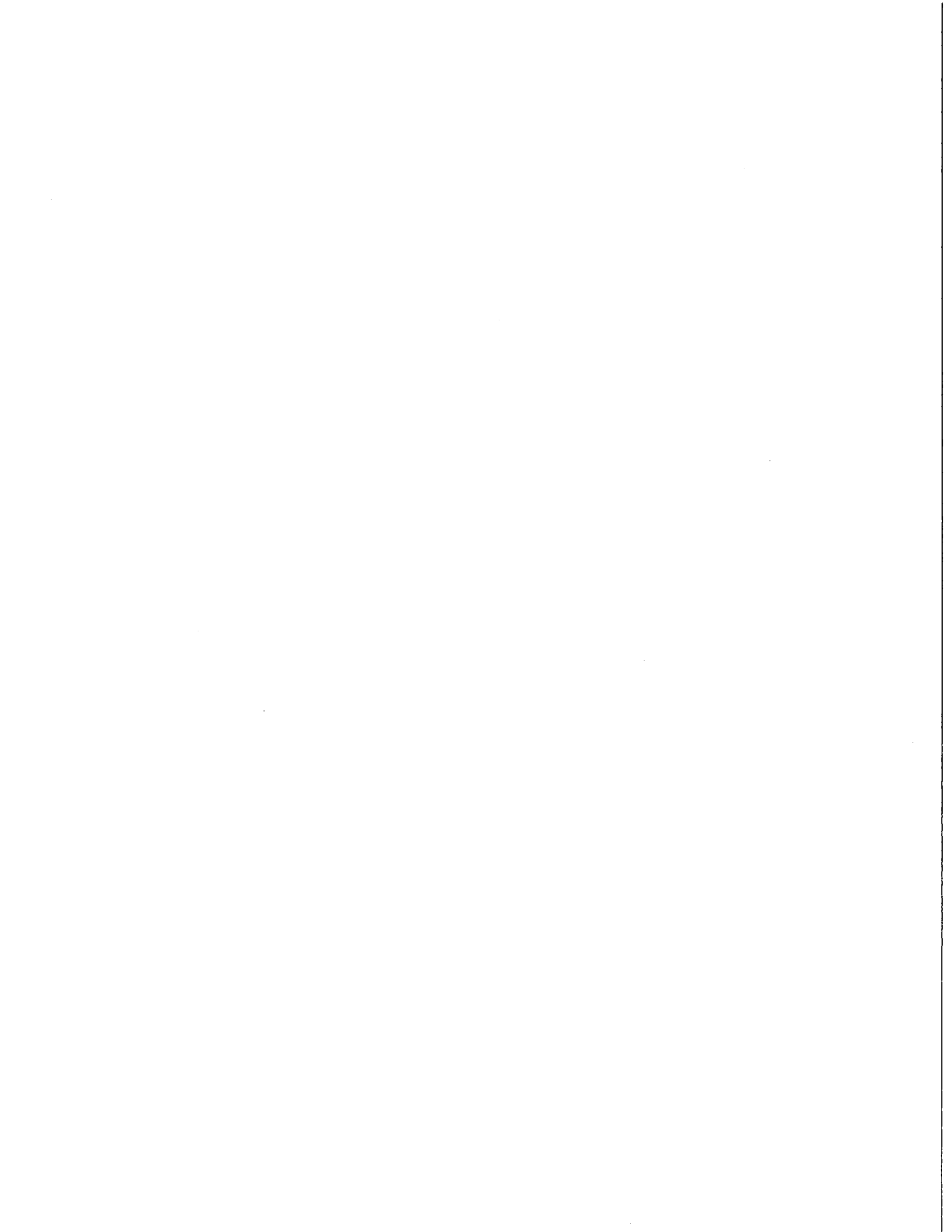
Attachment C

Board of Supervisors Resolution of Intent No. 13-202

June 25, 2013

REF120004

Ordinance for the Elimination of the Minor and Standard
Subdivision Committees
(Coastal Ordinance)





Monterey County

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Order

Resolution of Intent No. 13-202; Ordinance No. 5218

Upon motion of Supervisor Potter, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

Held a public hearing:

- a. Adopted Ordinance 5218 amending Title 19 (non-coastal subdivision ordinance) and Title 21 (non-coastal zoning) of the Monterey County Code in order to change the process for consideration of applications for subdivisions and lot line adjustments, including dissolution of the County of Monterey's Minor and Standard Subdivision Committees and designation of the Monterey County Planning Commission as the appropriate authority to consider applications for standard subdivisions and those applications for lot line adjustments and minor subdivisions for which there is evidence of public controversy or public opposition to the proposed use or development; and
- b. Adopted Resolution of Intent No. 13-202 to adopt an Ordinance amending Title 19 (coastal subdivision ordinance) of the Monterey County Code and the Monterey County Coastal Implementation Plan, Parts 1, 2, 3, and 4 (Title 20 of the Monterey County Code) in order to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated coastal area of the County of Monterey, including dissolution of the County of Monterey's Minor and Standard Subdivision Committees, designation of the Monterey County Planning Commission as the appropriate authority to consider applications for lot line adjustments and minor subdivisions, and updating the lot line adjustment and filing standards in coastal Title 19 to conform to changes in state law, with direction to staff to transmit the proposed ordinance to the California Coastal Commission for certification.

[REF100014 (Inland) and REF120004 (Coastal), Elimination of Minor and Standard Subdivision Committees, County-wide]

PASSED AND ADOPTED on this 25th day of June 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas and Potter

NOES: None

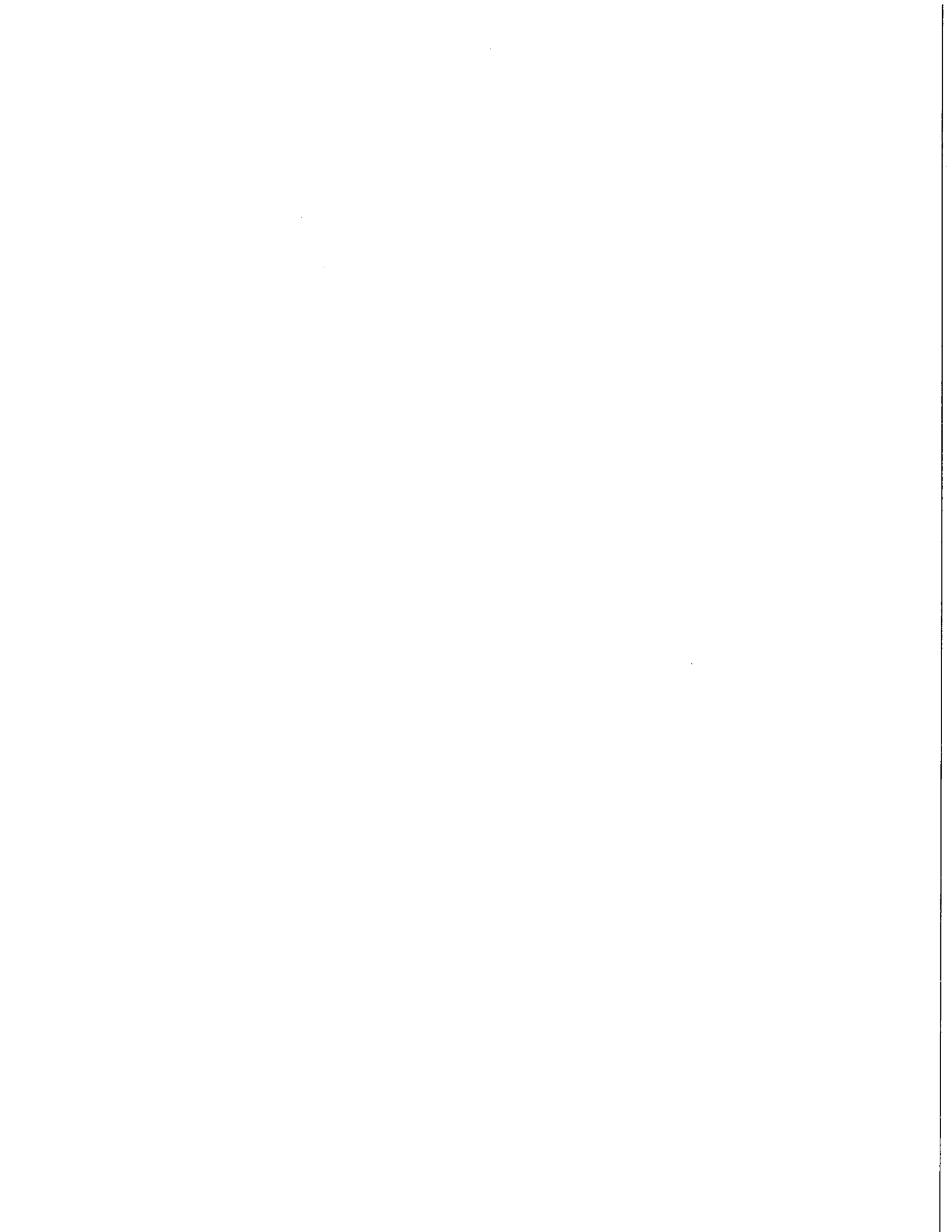
ABSENT: Supervisor Parker

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 76 for the meeting on June 25, 2013.

Dated: June 26, 2013
File Number: 13-0659

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy



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

Resolution of Intent No. 13-202

Resolution of the Monterey County Board of
Supervisors to:

- a. Find that the ordinance is not a project
under the California Environmental
Quality Act (CEQA) per CEQA
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;
 - b. Adopt a Resolution of Intent to adopt
the ordinance (**Exhibit 1 to
Attachment C**) amending Title 19
(coastal subdivision ordinance) and the
Monterey County Code and the
Coastal Implementation Plan, Parts 1,
2, 3, and 4 (Title 20 of the Monterey
County Code) in order to change the
process for consideration of
applications for subdivisions and lot
line adjustments in the unincorporated
coastal area of the County of
Monterey, including dissolution of the
County of Monterey's Minor and
Standard Subdivision Committees and
designation of the Monterey County
Planning Commission as the
appropriate authority to consider
applications for lot line adjustments
and minor subdivisions, and updating
the lot line adjustment and filing
standards in coastal Title 19 to
conform to changes in state law;
 - 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 transmit the proposed
ordinance to the California Coastal
Commission for certification.....
- [REF120004, Elimination of Minor and
Standard Subdivision Committees, Coastal
Amendments, County-wide]

WHEREAS, in January of 2009, the Board of Supervisors requested a review of the Minor Subdivision application process with a detailed analysis of the public notice process for hearings (Board Referral No. 2009-03). 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; and

WHEREAS, on July 13, 2010, the Board of Supervisors conducted a public hearing and accepted a report by the County Resource Management Agency (RMA)-Planning Department on the Lot Line Adjustment and Subdivision application process. The report also included four 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 on a 5-0 vote to direct staff to proceed with the preparation of amendments to texts with Options 2 and 4 described above; and

WHEREAS, RMA-Planning Department staff prepared the draft ordinances pursuant to the direction that the Board gave on July 13, 2010. On January 11, 2012 the Monterey County Planning Commission conducted a public hearing on the draft non-coastal ordinance and recommended approval to the Board of Supervisors with a vote of 9-0 (PC Resolution No. 12-002); and on June 13, 2012, the Monterey County Planning Commission conducted a public hearing on the draft coastal ordinance and recommended approval to the Board of Supervisors on a vote of 6-0 (PC Resolution No. 12-026); and

WHEREAS, on July 24, 2012 the Board of Supervisors had a public hearing to consider the non-coastal ordinance and on July 31, 2012, the Board conducted a public hearing to consider the coastal ordinance. On both dates, the Board continued the hearing to August 28, 2012 because of public concerns on both the inland and coastal draft ordinances, particularly in respect to the elimination of the Director of Planning's authority to consider non-controversial lot line adjustments and minor subdivisions in the County's inland areas. The Board directed staff to meet with the individuals that voiced concerns in an effort to resolve any public concerns; and

WHEREAS, on August 3, 2012, RMA-Planning Department staff held a meeting primarily with representatives of the agricultural community and a representative of the Prunedale Neighbors Group to discuss the concerns over the proposed draft ordinances; and

WHEREAS, in August 2012, comments were also received by a representative of The Open Monterey Project with support for the proposed draft ordinances; and

WHEREAS, at the August 28, 2012 hearing, RMA-Planning Department staff presented the Board with the comments from the August 3, 2012 meeting as well as comments received from The Open Monterey Project. The comments were primarily concerning the proposed non-coastal ordinance, with the exception to the following comments concerning the proposed coastal ordinance: Suggestion was made that in the coastal zone, "non-controversial" lot line adjustments and minor subdivisions should be subject to the consideration of the Zoning Administrator and those "controversial" lot line adjustment and minor subdivisions be subject to the consideration of the Planning Commission; and

WHEREAS, at the Board of Supervisors August 28, 2012 hearing, the Board remanded the matter to the Planning Commission for a second workshop.

WHEREAS, on September 12, 2012, the Planning Commission held a publicly noticed workshop to consider options regarding the appropriate hearing body to replace the Minor and Standard Subdivision Committees to hear applications for lot line adjustments and subdivisions. RMA-Planning Department staff presented three processing options, developed based on the public comments that had been received by representatives of the agricultural community, The Refinement Group, representatives of The Open Monterey Project, and the Prunedale Neighbors Group. The presented options were as follows:

1. Option 1- Planning Commission Option (original direction). This option would do the following:
 - Eliminate the Minor and Standard Subdivision Committees for both the coastal and inland zones, requiring that those applications once considered by these Committees, now be considered by the Planning Commission.
 - In the inland zone, eliminate administrative approvals of "non-controversial" inland lot line adjustments and "non-controversial" minor subdivisions and move these items to the Planning Commission for consideration.
 - In the inland zone, eliminates the "non-controversial" determination;
2. Option 2- Zoning Administrator/Director of Planning Option. This option would do the following:
 - Eliminate the Minor and Standard Subdivision Committees for both the coastal and inland zones.
 - Leave the Director of Planning as appropriate authority for non-controversial inland lot line adjustments and minor subdivisions (no change to current process).
 - Make the Zoning Administrator the appropriate authority to consider "controversial" inland lot line adjustments and minor subdivisions.
 - Make the Zoning Administrator the appropriate authority to consider all coastal lot line adjustments and minor subdivision applications.
3. Option 3- Compromise Option. This option would do the following:

- Eliminate the Minor and Standard Subdivision Committees for both the coastal and inland zones.
- Leave the Director of Planning as appropriate authority for non-controversial inland lot line adjustments and minor subdivisions (no change to current process) and would move controversial inland lot line adjustments and minor subdivisions to the Planning Commission.
- Coastal Zone lot line adjustments and minor subdivisions, controversial or not, would be considered by the Planning Commission.

At the conclusion of the workshop, the Planning Commission recommended that the Board of Supervisors adopt *Option 1*, consistent with the Planning Commission's earlier July 31, 2012 recommendation; and

WHEREAS, on April 16, 2013, the Board of Supervisors held a public hearing to receive a report on the Planning Commission's workshop and consider the three processing options. The Board directed staff to prepare inland and coastal ordinances pursuant to Option 3 (compromise option), which in the coastal zone would mean the elimination of the Minor and Standard Subdivision Committees (Subdivision Committees) and transfer of responsibility from the Subdivision Committees to the Planning Commission to hear all applications for lot line adjustments and minor subdivisions; and

WHEREAS, Option 3 leaves the Director of Planning intact as the appropriate authority over "non-controversial" inland lot line adjustment and minor subdivision applications and transfers those "controversial" inland applications to the Planning Commission for consideration; and

WHEREAS, the ordinance also updates the lot line adjustment and filing standards in the coastal Title 19 to conform to changes in state law; and

WHEREAS, Monterey County has a certified Local Coastal Program pursuant to the California Coastal Act of 1976 (Public Resources Code sections 30000 et seq.) that contains land use development regulations for the coastal areas of the County. The Local Coastal Program includes the Monterey County Coastal Implementation Plan. This ordinance amends the Monterey Coastal Implementation Plan Parts 1, 2, 3, and 4, and will require certification by the California Coastal Commission. The proposed ordinance, which shows the proposed textual amendments via strikethrough and underline, is attached to this resolution as Exhibit -2 and incorporated herein by reference. The proposed ordinance in clean form is attached to this resolution as Exhibit -1 and incorporated herein by reference; and

WHEREAS, the Board finds that the ordinance is consistent with the certified Land Use Plans and the Coastal Act because it is consistent with the Coastal Act intent of providing the widest opportunity for public participation in decisions affecting coastal planning, conservation, and development. (Public Resources Code section 30006.) The ordinance is intended to be carried out in a manner fully in conformity with the California Coastal Act.

WHEREAS, pursuant to the Coastal Act, the County may amend the certified Local Coastal Program, provided the County follows certain procedures. The procedures include: that the County's 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 the Coastal Commission takes action; and that the California 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, and it will not become operative until the California Coastal Commission's certification is final and effective.

WHEREAS, this ordinance is not a project under the California Environmental Quality Act (CEQA) per 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.

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 proposed ordinance on a vote of 6-0.

WHEREAS, on September 12, 2012, the Planning Commission held a publicly noticed workshop at the direction of the Board of Supervisors, to consider options regarding the appropriate hearing body to replace the Minor and Standard Subdivision Committees to hear applications for lot line adjustments and subdivisions. The workshop was noticed in the Monterey County Weekly at least ten days prior to the workshop. At the conclusion of the workshop, the Planning Commission recommended that the Board of Supervisors adopt *Option 1*, consistent with the Planning Commission's earlier July 31, 2012 recommendation;

WHEREAS, on June 25, 2013, the Board of Supervisors of the County of Monterey conducted a public hearing on the proposed ordinance. Notice of the public hearing was published in the Monterey County Weekly at least ten days prior to the hearing in a 1/8 page display ad on June 13, 2013. Notice was also given to interested parties.

DECISION

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

- a. Find that the ordinance is not a project under the California Environmental Quality Act (CEQA) per 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;
- b. Adopt a Resolution of Intent to adopt an ordinance, attached hereto as **Exhibit 1**, amending Title 19 (coastal subdivision ordinance) of the Monterey County Code and the Monterey County Coastal Implementation Plan, Parts 1, 2, 3, and 4 (Title 20 of the Monterey County Code) in order to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated coastal area of the County of Monterey. Changes to the process include the dissolution of the County of Monterey's Minor and Standard Subdivision Committees and designation of the Monterey County Planning Commission as the appropriate authority to consider applications for lot line

- adjustments and minor subdivisions, and updating the lot line adjustment and filing standards in coastal Title 19 to conform to changes in state law;
- 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 transmit the proposed ordinance to the California Coastal Commission for certification.

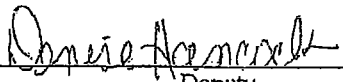
PASSED AND ADOPTED upon motion of Supervisor Potter seconded by Supervisor Salinas and carried this 25th day of June 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno Salinas and Potter
NOES: None
ABSENT: None
RECUSED: Supervisor Parker

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 76 for the meeting on June 25, 2013.

Dated: June 26, 2013
File Number: 13-0242

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By 
Deputy

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING TITLE 19 AND TITLE 20 OF THE MONTEREY COUNTY CODE
RELATING TO COASTAL APPLICATIONS FOR MINOR SUBDIVISIONS AND LOT
LINE ADJUSTMENTS

County Counsel Summary

This ordinance amends 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 of Monterey. Proposed changes to the process include dissolving the County of Monterey's Minor and Standard Subdivision Committees and designating the Monterey County Planning Commission as the appropriate authority to consider applications for minor subdivisions and lot line adjustments in the coastal zone in the coastal unincorporated area of the County. The ordinance also updates the lot line adjustment standards and filing standards in Title 19 to conform to changes in state law.

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

SECTION 1. The Table of Contents of Chapter I of Title 19 (coastal) 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 [Reserved].
- 19.01.035 Planning Commission.
- 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.

SECTION 2. The Table of Contents of Chapter II of Title 19 (coastal) of the Monterey County Code is amended to add 19.02.256 to read as follows:

19.02.256 Technical Review.

SECTION 3. The Table of Contents of Chapter VI of Title 19 (coastal) 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.

SECTION 4. Section 19.01.025 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

19.01.025 – TECHNICAL REVIEW.

A. County staff, including designated representatives from Planning, Building Services, Public Works, Environmental Health, Parks, and Housing, 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 Planning 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.

SECTION 5. Section 19.01.030 of Title 19 (coastal) of the Monterey County Code is repealed, and the section number is reserved for future use.

SECTION 6. Section 19.01.035 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

19.01.035 PLANNING COMMISSION

A. The Planning Commission is hereby designated the advisory agency with respect to standard subdivisions as defined in this title and Section 66415 of the Government Code of the State of California.

1. The Planning Commission shall make recommendations to the Board of Supervisors with respect to standard subdivisions and combined development permits, where appropriate.
2. The Planning Commission is designated as the advisory agency authorized to approve, conditionally approve or disapprove minor subdivisions and divisions of property requiring a parcel map under Section 66426 of the Government Code of the State of California.
3. The Planning Commission shall have the powers and duties with respect to tentative parcel maps for minor subdivisions of five or more parcels, each of which is forty acres or larger or is a quarter section or larger, and for divisions of land or one hundred sixty acres or more, regardless of the number of parcels, and the procedure relating thereto, which are specified by this title.
4. The Planning Commission shall have the authority to review and make recommendations to the Board of Supervisors for the reconsideration of tentative maps for standard subdivisions and requests for reconsiderations of

conditions prior to the recordation of the final map.

5. 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 as contained in this title.
6. The Planning Commission is authorized to approve, disapprove or conditionally approve lot line adjustments.
7. The Planning Commission shall be the decision-making body on proposed revisions to approved tentative parcel maps and requests for reconsideration of conditions of approved tentative parcel maps prior to the recordation of the final map.

SECTION 7. Section 19.01.040 of Title 19 (coastal) 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 standard subdivisions, combined development permits where appropriate and proposed minor or standard subdivisions that are currently under the provisions of 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.

SECTION 8. Subsection A of Section 19.01.050 of Title 19 (coastal) 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 ten (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.

SECTION 9. Subsection C of Section 19.01.050 of Title 19 (coastal) 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.

SECTION 10. Subsection D of Section 19.01.050 of Title 19 (coastal) 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 and any other County ordinances and the Subdivision Map Act, shall be deemed to be approved or conditionally approved as last approved or conditionally approved by the Planning Commission.

SECTION 11. Subsection 4 of Subsection F of Section 19.01.050 of Title 19 (coastal) 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.

SECTION 12. The heading of Section 19.01.070 of Title 19 (coastal) 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.

SECTION 13. Subsection B of Section 19.01.075 of Title 19 (coastal) 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.

SECTION 14. Subsection B of Section 19.01.080 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

B. For a designated remainder parcel described in subdivision (A), the fulfillment of construction requirements for improvements shall not be required until a permit or 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.

A designated remainder may subsequently be sold without any further requirement of the filing of a parcel map or final map, but the County may require a certificate of compliance or conditional certificate of compliance.

SECTION 15. Section 19.02.150 of Title 19 (coastal) of the Monterey County Code is

amended to read as follows:

19.02.150 LOT LINE ADJUSTMENT.

A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created. A lot line adjustment which results in the relocation of the building area or has the potential to result in the creation of additional lots shall be considered major. A lot line adjustment which does not result in the relocation of the building area shall be considered minor. A relocation which results in the creation of additional lots or parcels shall be treated as a subdivision. Lots may be consolidated through the lot line adjustment application procedure.

SECTION 16. Section 19.02.256 is added to Title 19 (coastal) of the Monterey County Code to read as follows:

19.02.256 TECHNICAL REVIEW.

Technical Review (TR) means the staff level technical review of applications described in section 19.01.025 of this title.

SECTION 17. Subsection D of Section 19.03.025 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

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

SECTION 18. Subsection E of Section 19.03.025 of Title 19 (coastal) 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 and make recommendations of proposed findings and conditions of approval or recommend disapproval to the Board of Supervisors. The matter shall not be set for hearing before the Planning Commission until the Technical Review has been conducted. The Planning Commission shall act within 50 days of the date of filing; such time period, in accordance with section 66452.1 of the California Government Code, shall commence after the environmental

determination has been made.

SECTION 19. Subsection B of Section 19.04.005 of Title 19 (coastal) 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.

SECTION 20. Subsection A of Section 19.04.025 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

- 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; such time period, in accordance with section 66452.1 of the California Government Code, shall commence after the environmental determination has been made.

SECTION 21. Subsection B of Section 19.04.025 of Title 19 (coastal) of the Monterey County Code is repealed, and said subsection number is reserved for future use.

SECTION 22. Subsection C of Section 19.04.025 of Title 19 (coastal) 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 be prepared.

SECTION 23. Section 19.04.030 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

- A. Staff shall conduct a Technical Review to review and consider the proposed development and make recommendations of proposed findings and conditions of approval or recommend disapproval to the Planning Commission.
- B. 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 tentative parcel map in conformance with standards set forth in the Subdivision Map Act and this title. The matter shall not be set for hearing before the Planning Commission until the Technical Review has been conducted.
- 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 on the impact of the conversion upon the displaced residents, pursuant to Government Code Section 66427.4, as amended from time to time.

SECTION 24. Section 19.04.040 of Title 19 (coastal) 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.

SECTION 25. Section 19.06.020 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

19.06.020 TECHNICAL REVIEW.

Staff shall conduct a Technical Review to review and consider the proposed development and make recommendations of proposed findings and 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.

SECTION 26. Section 19.06.025 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

19.06.025 ACTION BY THE PLANNING COMMISSION

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.

SECTION 27. Section 19.06.030 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

19.06.030 ACTION BY THE BOARD OF SUPERVISORS.

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.

SECTION 28. Subsection F of Section 19.07.025 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

F. Technical Review:

Staff shall conduct a Technical Review to review and consider the proposed development and make recommendations of proposed findings and 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.

SECTION 29. Subsection G of Section 19.07.025 of Title 19 (coastal) 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 certified Local Coastal Program, General Plan, Area Plan or Master Plan documents.

SECTION 30. Subsection B of Section 19.08.005 of Title 19 (coastal) 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, and action on the proposed revisions to the tentative map or tentative parcel map.

SECTION 31. Subsection B of Section 19.08.010 of Title 19 (coastal) 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 hearings to consideration of, and action on the proposed modified conditions of approved tentative map or tentative parcel map.

SECTION 32. Subsection 7 of Subsection A of Section 19.08.015 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

7. To make modifications 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 where 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 recommended 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.

SECTION 33. Subsection A of Section 19.09.005 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

- 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 adjoining 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 to 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.

SECTION 34. Section 19.09.025 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

19.09.025 ACTION ON THE LOT LINE ADJUSTMENT.

- 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.
- B. A lot line adjustment application may be granted based upon the following findings:
1. That the lot line adjustment is between four or fewer existing adjoining parcels.
 2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.
 3. The parcels resulting from the lot line adjustment conforms to the County General Plan, any applicable specific plan, the County's certified Local Coastal Program and zoning and building ordinances.

SECTION 35. Section 19.09.035 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

The applicant may, upon written application, request extension of the lot line adjustment 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.

SECTION 36. 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.

SECTION 37. 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.

SECTION 38. Subsection A of Section 20.82.030 of the Monterey County Code is amended to read as follows:

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) of the Monterey County Code, or Title 20 (Zoning) of the Monterey County Code, as the decision making body for the principal land use shall be 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.

SECTION 39. The first sentence of 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.

SECTION 40. 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:

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.

SECTION 41. 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.

SECTION 42. 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 Area) 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.

SECTION 43. 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 44. EFFECTIVE DATE. This Ordinance shall become effective on the thirty - first day following its adoption and shall become operative upon final and effective certification by the California Coastal Commission.

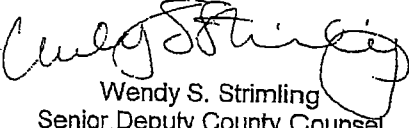
PASSED AND ADOPTED on this ____ day of _____, 20 __, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Fernando Armenta, Chair
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Wendy S. Strimling
Senior Deputy County Counsel

By: _____
Deputy

