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MONTEREY COUNTY BOARD OF SUPERVISORS
Before the Board of Supervisors in and for the
County of Monterey, State of California

Resolution No.

**REF200029 – Accessory Dwelling Units
(ADU) and Junior Accessory Dwelling
Units (JADU) Regulations Update**

Resolution of the Monterey County Board of
Supervisors to:

- a. Certify that the ordinance amending
Title 20 of the Monterey County
Code is intended to be carried out in a
manner fully in conformity with the
Coastal Act; and
- b. Authorize submission of the
ordinance to the CCC for certification

This resolution is made with reference to the following facts:

I. RECITALS

1. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

2. The County's coastal and non-coastal zoning ordinances (Title 20 and Title 21 of the County Code respectively) contain regulations pertaining to accessory dwelling units.

3. Title 20 is Part 1 of the County of Monterey's Coastal Implementation Plan that has been certified by the California Coastal Commission.

4. Amendments to Government Code section 65852.2 and other statutes in 2016, 2017, and 2019 relating to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) necessitate an update of County zoning regulations to ensure that County's regulations include and incorporate all recent state law requirements.

5. The County has prepared an ordinance to amend Title 20 of the Monterey County Code to update County regulations for ADUs and enact County regulations for JADUs to align with all state law requirements for ADUs and JADUs.

6. Per Government Code sections 65854 and 65855, on August 26, 2020, the Monterey County Planning Commission conducted a noticed public hearing on the ordinance and recommended its adoption;

7. Pursuant to Government Code section 65856, on September 15, 2020, the Monterey County Board of Supervisors conducted a duly noticed public hearing on the proposed ordinance to amend Title 20 of the Monterey County Code relating to ADUs and JADUs and adopted the ordinance, subject to Coastal Commission certification. The adopted ordinance is incorporated herein by reference.

8. The ordinance is intended to be carried out in a manner fully in conformity with the California Coastal Act (Public Resources Code section 30000 et seq.).

9. The ordinance is consistent with the Coastal Act and the County's Local Coastal Program and state housing law, in that the ordinance requires a Coastal Administrative Permit for an ADU unless a waiver is granted for minor ADUs meeting a specific set of criteria; the waiver process established by the ordinance provides for notification to the Executive Director of the Coastal Commission of a pending waiver, and a waiver would be granted only if the ADU has no adverse effects on coastal resources, among other criteria.

10. If certified by the California Coastal Commission, the ordinance would amend the County of Monterey's Coastal Implementation Plan and take effect immediately upon certification.

11. The ordinance is statutorily exempt from the California Environmental Quality Act which provides that CEQA does not apply to adoption of an ordinance by a county to implement the provisions of Government Code section 65852.2. (Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h)).

II. DECISION

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

- a. Certify that the ordinance amending Title 20 of the Monterey County Code is intended to be carried out in a manner fully in conformity with the Coastal Act; and
- b. Authorize submission of the ordinance amending Title 20 to the California Coastal Commission for certification, together with this resolution and materials sufficient for a thorough and complete review.

PASSED AND ADOPTED on this 15th day of September 2020, by the following vote:

AYES:

NOES:

ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book_____ for the meeting on _____.

Dated:

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

By _____
, Deputy