



## Legislation Details (With Board Report)

**File #:** ORD 14-010      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 4/1/2014      **In control:** Board of Supervisors

**On agenda:** 4/8/2014      **Final action:** 4/8/2014

**Title:** Public hearing to:  
 a. Acknowledge receipt of the California Coastal Commission’s resolution of certification of an ordinance relating to applications for minor subdivisions and lot line adjustments in the coastal zone, including modifications suggested by the Coastal Commission;  
 b. Accept and agree to the ordinance modifications suggested by the California Coastal Commission;  
 c. Adopt an ordinance to amend 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, 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 the inclusion of the modifications suggested by the California Coastal Commission;  
 d. Certify that the County intends to apply the ordinance to future coastal development permits; and  
 e. Direct staff to transmit the adopted ordinance to the California Coastal Commission for confirmation by the Coastal Commission and incorporation into the County’s Local Coastal Program.  
 (REF120004/Ordinance for the Elimination of Minor and Standard Subdivision Committees, County-wide, Coastal Zone/Exempt from CEQA.)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment A - Draft Ordinance, 2. Attachment B - CCC Resolution of Certification Letter, 3. Attachment C - BOS Resolution of Intent No. 13-202, 4. Attachment D - PC Resolution No. 12-026, 5. Completed Board Order and Ordinance

Date	Ver.	Action By	Action	Result
4/8/2014	1	Board of Supervisors	adopted	Pass

Public hearing to:  
 a. Acknowledge receipt of the California Coastal Commission’s resolution of certification of an ordinance relating to applications for minor subdivisions and lot line adjustments in the coastal zone, including modifications suggested by the Coastal Commission;  
 b. Accept and agree to the ordinance modifications suggested by the California Coastal Commission;  
 c. Adopt an ordinance to amend 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, 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 the inclusion of the modifications suggested by the California Coastal Commission;  
 d. Certify that the County intends to apply the ordinance to future coastal development permits; and

e. Direct staff to transmit the adopted ordinance to the California Coastal Commission for confirmation by the Coastal Commission and incorporation into the County's Local Coastal Program.  
(REF120004/Ordinance for the Elimination of Minor and Standard Subdivision Committees, County-wide, Coastal Zone/Exempt from CEQA.)

PROJECT INFORMATION:

**Planning File Number:** REF120004

**Project Name:** Ordinance for the Elimination of the Minor and Standard Subdivision Committees- Coastal zone

**Project Location:** Unincorporated Coastal Zone

**CEQA Action:** Exempt per CEQA Guidelines Sections 15060 (c)(3) and 15378 (b)(5)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Acknowledge receipt of the California Coastal Commission's resolution of certification of an ordinance relating to applications for minor subdivisions and lot line adjustments in the coastal zone, including modifications suggested by the Coastal Commission;
- b. Accept and agree to the ordinance modifications suggested by the California Coastal Commission;
- c. Adopt an ordinance (Attachment A) to amend 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, 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 the inclusion of the modifications suggested by the California Coastal Commission;
- d. Certify that the County intends to apply the ordinance to future coastal development permits; and
- e. Direct staff to transmit the adopted ordinance to the California Coastal Commission for confirmation by the Coastal Commission and incorporation into the County's Local Coastal Program.

SUMMARY:

This ordinance returns to the Board of Supervisors following the California Coastal Commission's certification of the ordinance with a suggested modification. The ordinance dissolves the Standard and Minor Subdivision Committees, and it also incidentally updated the lot line adjustment definition and standards to conform to changes in state law which limit lot line adjustments to four or fewer adjoining parcels. The Coastal Commission suggested adding an additional sentence to the lot line adjustment definition to make explicit that lot line adjustments of five or more lots will be processed as subdivisions. (See Attachment B at page 4, suggesting revision to section 19.02.150 of Title 19.) This modification is consistent with state law and County's practice, and staff recommends adoption of the ordinance with the suggested modification.

The Monterey County Planning Commission previously recommended adoption of the ordinance to amend Title 19 (coastal subdivision ordinance) and Title 20 (the Monterey County Coastal Implementation Plan, Parts 1, 2, 3, and 4) of the Monterey County Code in order to dissolve the Minor and Standard Subdivision Committees, designate the Monterey County Planning Commission as the appropriate authority to consider applications for lot line adjustment and minor subdivision applications in the coastal zone, and update the lot line adjustment and filing standards in coastal Title 19 to conform to changes in state law. (See Attachment D.) On June 25, 2013, the Board of Supervisors adopted a resolution of intent to approve the ordinance and forwarded the proposed amendment to the California Coastal Commission (CCC) for certification. (See

Attachment C.) On the same date, the Board adopted a similar inland ordinance to eliminate the Minor and Standard Subdivision Committees, and that ordinance is already in effect. On February 13, 2014, the CCC denied the ordinance as proposed, but approved the ordinance with the suggested modification described above. (See Attachment B.) Per state regulations, for the ordinance to go into effect and become incorporated into the County's certified Local Coastal Program, the Board must acknowledge receipt of the CCC's resolution, adopt the ordinance with the suggested modification, agree to apply the ordinance to future coastal development permits, and transmit the ordinance to the Coastal Commission for confirmation of the Board's action and incorporation of the amendment into the Local Coastal Program.

ENVIRONMENTAL REVIEW:

The proposed ordinance is not a project under the California Environmental Quality Act (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 Coastal Commission found that the proposed ordinance will not result in any significant environmental effects for which feasible mitigation measures have not been employed.

OTHER AGENCY INVOLVEMENT:

County Counsel has approved the ordinances as to legal form. The California Coastal Commission approved the proposed amendments to the Local Coastal Program subject to modifications, as discussed above.

FINANCING:

Funding for staff time associated with this project is included in the FY13-14 Adopted Budget for RMA - Planning.

Prepared by: Nadia Amador, Associate Planner ext. 5114  
Approved by: Mike Novo, Director, RMA-Planning, ext. 5192  
Benny Young, Director Resource Management Agency

This report was reviewed by Jacqueline R. Onciano, Planning Services Manager.

cc: Front Counter Copy; California Coastal Commission; David C. Sweigert, Fenton & Keller; Michael Harrington, Brian Finegan Law Office; Jim Bogart, Grower-Shipper Association; Michael Cling, Law Offices of Michael D. Cling; Dale Huss, Ocean Mist Farms; Norm Groot, Monterey County Farm Bureau; Nancy Isakson, Salinas Valley Water Coalition; Ed Mitchell, Prunedale Neighbors Group; Dale Ellis, Anthony Lombardo and Associates; Joel Panzer, Maureen Wruck Planning Consultants, LLC; Michael Caplin; Pamela Silkwood, Horan Lloyd; Butch Kronlund, Coast Property Owners Association; Big Sur Multi-Agency Advisory Council c/o Kathleen Lee; Friends, Artists and Neighbors of Elkhorn Slough (FANS); Highway 68 Coalition c/o Mike Weaver; Carmel Residents Association; Carmel Valley Association; Save Our Carmel Neighborhoods Coalition; League of Women Voters of the Monterey Peninsula; Sierra Club, Ventana Chapter; Marjorie Kay; Beverly Bean; Janet Brennan; Julie Engell; California Native Plant Society, Monterey Bay Chapter; Gary Patton, Wittwer & Parkin, LLP; Jacqueline R. Onciano, Planning Services Manager; Nadia Amador, Project Planner; The Open Monterey Project c/o Molly Erickson; LandWatch c/o Amy White; John H. Farrow; Planning File REF120004 (Coastal).

Attachments:

Attachment A Final Ordinance  
Attachment B California Coastal Commission resolution of certification letter dated February 25, 2014

Attachment C      with attachments  
Attachment D      Board of Supervisors Resolution of Intent No.13-202, June 25, 2013  
Attachment D      Planning Commission Resolution No. 12-026, June 13, 2012