



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #:	ORD 15-001	Name:	Adopt Ordinance for Inactive Applications for Land Use
Type:	Ordinance	Status:	Passed
File created:	3/27/2015	In control:	Board of Supervisors
On agenda:	4/7/2015	Final action:	4/7/2015

Title: Public hearing to:
a. Acknowledge receipt of the California Coastal Commission's resolution of certification of an ordinance relating to inactive discretionary land use applications; and
b. Adopt an ordinance to amend Title 19 (coastal subdivision ordinance) and the Monterey County Coastal Implementation Plan, Part 1 (Title 20- coastal zoning) of the Monterey County Code to establish notification and hearing procedures to address inactive discretionary land use permit applications in the coastal unincorporated area of Monterey County.
(Inactive Discretionary Application Ordinance - REF120032, Unincorporated Coastal County-wide/Exempt from CEQA)

PROJECT INFORMATION:

Planning File Number: REF120032

Project Name: Inactive Discretionary Application Ordinance (coastal)

Plan Area: County-wide, coastal areas

CEQA Action: Exempt

Sponsors: Planning / RMA

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Final Ordinance, 3. Attachment B - CCC Resolution, 4. Attachment C - BOS Order and Resolution of Intent No. 14-213, July 8, 2014, 5. Attachment D - Planning Commission Resolution No. 14-023, May 14, 2014, 6. Attachment E - Inactive Application Flowchart, 7. Completed Board Order & Ordinance

Date	Ver.	Action By	Action	Result
4/7/2015	1	Board of Supervisors	adopted	Pass

Public hearing to:

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PROJECT INFORMATION:

Planning File Number: REF120032

Project Name: Inactive Discretionary Application Ordinance (coastal)

Plan Area: County-wide, coastal areas

CEQA Action: Exempt

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 inactive discretionary land use applications; and
- b. Adopt an ordinance to amend Title 19 (coastal subdivision ordinance) and the Monterey County Coastal Implementation Plan, Part 1 (Title 20- coastal zoning) of the Monterey County Code to establish notification and hearing procedures to address inactive discretionary land use permit applications in the coastal unincorporated area of Monterey County.

SUMMARY:

This ordinance returns to the Board of Supervisors following the California Coastal Commission's (CCC) certification of the ordinance (Attachment B); The Coastal Commission approved it without any changes. Because the CCC has already certified the ordinance, all that remains for the ordinance to take effect is for the Board to adopt the ordinance. On July 8, 2014, the Board of Supervisors adopted a resolution of intent to approve the ordinance and forwarded the proposed amendment to the CCC for certification (Attachment C- Board Order and Resolution of Intent). The ordinance would establish consistent and fair procedures to enable the County to make a final disposition of inactive discretionary applications for land use entitlements while providing notification and opportunity to applicants to take the necessary steps to keep their applications active if they so choose. A flow chart of the process is shown (Attachment E). The proposed ordinance would amend the County's coastal subdivision ordinance and coastal zoning. Similar non-coastal amendments were adopted by the Board of Supervisors on April 1, 2014. Adoption of this coastal ordinance would make both the coastal and non-coastal regulations consistent.

The Monterey County Planning Commission previously recommended adoption of the subject ordinance on May 14, 2014 (Attachment D).

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:

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

FINANCING:

Funding for staff time associated with this project is included in the FY14-15 Adopted Budget for RMA-Planning.

Prepared by: Nadia Amador, Associate Planner ext. 5114

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192
Carl P. Holm, AICP, Acting Director Resource Management Agency

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

cc: Front Counter Copy; California Coastal Commission; All LUACs; Fire Protection District Representative; RMA- Public Works; Parks Department; Environmental Health Bureau; Water Resources Agency; Jacqueline R. Onciano, RMA Services Manager; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); John H. Farrow; John Farrow; Margaret Robbins; Lombardo & Associates; Bob Perkins; Janet Brennan; Project File REF120032.

The following attachments on file with the Clerk of the Board:

Attachment A - Final Ordinance

Attachment B - California Coastal Commission resolution of certification letter dated January 20, 2015 with attached adopted staff report

Attachment C - Board of Supervisors Board Order and Resolution of Intent No.14-213, July 8, 2014

Attachment D - Planning Commission Resolution No. 14-023, May 14, 2014

Attachment E - Inactive Application Flowchart