

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting: November 18, 2009</b> Time: 1:30 PM	<b>Agenda Item No.: 7</b>
<b>Project Description:</b> Consider ordinances amending Titles 20 (coastal) and 21 (non-coastal) to establish a one-time 24-month extension for valid permits in effect as of January 1, 2009 (countywide).	
<b>Project Location:</b> Unincorporated Monterey County	<b>APN:</b> Countywide
<b>Planning File Number:</b> PD090361	<b>Applicant:</b> County of Monterey RMA Planning Department
<b>Planning Areas:</b> Coastal: Big Sur, , Carmel, Del Monte Forest, North County (coastal), Non-Coastal: Cachagua Carmel Valley, Central Salinas Valley, Greater Monterey Peninsula, Greater Salinas, North County (Inland), South County, Toro	<b>Flagged and staked:</b> N/A
<b>Zoning Designation:</b> : Multiple	
<b>CEQA Action:</b> Not subject to CEQA per Section 15060(c)(2)	
<b>Department:</b> RMA - Planning Department	

### **RECOMMENDATION:**

Staff recommends that the Planning Commission adopt Resolutions to:

- 1) Find this is an activity that is not subject to CEQA because it will not result in a change in the environment per Section 15060(c)(2).
- 2) Recommend that the Board of Supervisors adopt an ordinance amending Title 20 (**Exhibit B, Attachment 1**) granting an automatic, one-time, extension of two (2) years for existing permits that have been approved and have not expired prior to January 1, 2009 (Permit Extension Ordinance/Coastal).
- 3) Recommend that the Board of Supervisors adopt an ordinance amending Title 21 (**Exhibit C, Attachment 1**) granting an automatic, one-time, extension of two (2) years for existing permits that have been approved and have not expired prior to January 1, 2009 (Permit Extension Ordinance/Non-Coastal).

### **PROJECT OVERVIEW:**

Sections of the Inland and Coastal Zoning Ordinances allow initial approval of discretionary permits for a limited period of time, as established by the permit. If no date is stated, the permit expires after two years unless the use commences, or unless permits are pulled and actual construction has begun. The County's past practice has been to condition projects where the initial expiration period is the two year limit stated in the ordinances. In late 2008, staff started receiving requests for exceptions on extensions for existing permits due to economic conditions where they cannot afford to move forward and cannot afford to pay for an extension application. As a result, staff started including conditions on new projects that allow for a longer period of time before the permit expires. Changing the process for extending an approved project would need to be done by ordinance due to how the current Codes are written.

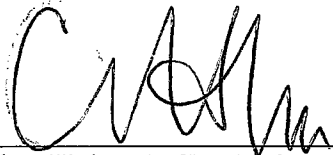
On May 12, 2009, the Board of Supervisors gave direction for staff to:

- 1) Continue allowing an extended expiration time period for projects approved during 2009 or 2010. Staff is to report in November 2010 to determine if, based on the economic situation at that time, the Board wishes to extend this program.
- 2) Develop an Ordinance to grant an automatic extension of two (2) years for existing projects that are/were active before a specific date (such as January 1, 2009). This would be similar to extensions that have been granted by the State for subdivision maps, but would not apply to maps because they are regulated under State law.
- 3) Hold valid permit applications that have or will expire after January 1, 2009 until final action on this matter has been decided by the Board of Supervisors. Staff would not collect any new extension permit fees until this matter is decided and fees collected after January 1, 2009 for an extension may be refunded pending Board action.

Staff finds that this activity is not subject to CEQA per Section 15060(c)(2) of the CEQA Guidelines. These ordinances would extend the timeline for projects that were competed with appropriate CEQA review. As such, adopting these ordinances would not result in a direct or reasonably foreseeable indirect physical change in the environment.

See **Exhibit A**.

**OTHER AGENCY INVOLVEMENT:** The Public Works and Parks Departments, Water Resources Agency, Environmental Health Division, and County Counsel have been contacted regarding this ordinance and concur in the recommendation. This was not referred to any Land Use Advisory Committee because it is a procedural matter.



Carl P. Holm, AICP, Assistant Director of Planning  
(831) 755-5103, holmcp@co.monterey.ca.us  
October 29, 2009

cc: Front Counter Copy; Planning Commission; Fire Protection Districts; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Project Planner; Carol Allen, Senior Secretary; Permit Streamlining Taskforce; Planning File PD090361

**Attachments:**

Exhibit A	Discussion
Exhibit B	PC Resolution (Title 20)
Exhibit C	PC Resolution (Title 21)
Exhibit D	Regulations (Map Act, Zoning)

## **EXHIBIT A DISCUSSION**

### **Background**

With difficulties in the credit market relating to obtaining loans for construction, applicants are having a difficult time financing projects. As the zoning ordinances allow flexibility in determining the initial approval period for discretionary permits (such as Use Permits, Coastal Development Permits, Administrative Permits, Variances, etc.), staff requested direction from the Board to condition projects that allow more than the two year minimum. This direction was granted to provide applicants additional time to meet conditions of approval required prior to issuance of grading or building permits and to obtain financing to begin construction or commence the use.

Staff has initiated applying conditions that grant projects approved in 2009 a three or four-year initial approval period. We have contemplated stepping this down to three years in 2010 and then reassess the economic situation in 2010 with the option of continuing or returning to our standard two year timeframe. The goal is to reduce the cost and time for processing extension requests. This action would only apply to discretionary planning permits, except as described below.

### **Subdivisions without other discretionary permits**

This extension of time periods that staff is proposing here would not relate to subdivisions, where the initial approval period is limited by ordinance and state law (Map Act). Government Code Section 66452.6 sets the term of a tentative map as two years with the potential to receive up to three one-year extensions for a total of up to five years from the date of approval. However, this requires actions for each extension request after the initial two years. In limited circumstances (e.g. improvements costing over \$178,000, adjusted for inflation each year after January 1, 2005), this time frame can be extended for up to 10 years.

From time to time, the State of California has enacted legislation that would allow tentative subdivision maps to be automatically extended if they are still valid. The State has enacted automatic extensions that pertain to tentative parcel and tentative final maps that had not expired prior to the date of enacting the extension:

- Government Code Section 66452.11 – added 24 months on September 13, 1993
- Government Code Section 66452.13 – added 12 months May 15, 1996
- Government Code Section 66452.21 – added 12 months (January 1, 2009)

What this means is that any map that had not expired as of these dates gets time added to their total time allotted under the Map Act. For example, a tentative map was approved on July 1, 2006. This map would initially have two years until July 1, 2008 and then three possible one-year extensions through July 1, 2011. Section 66452.21 (**Exhibit D**) allows the applicant one additional 12 month extension where the map could be extended through July 1, 2012. However, each extension after 2008 requires a new request each year for a maximum of 12 months.

### **Subdivisions with other discretionary permits**

Any other permits approved along with a subdivision (e.g. Use Permit) still have an expiration date of two years from the date of approval, unless otherwise conditioned. As these related permits have already been approved, we have no authority under existing regulations to increase the initial approval period without processing an extension or until an ordinance extending these

related permits is approved. The State, in enacting sections 66452.21, did not address expiration of associated permits issued by local agencies.

### **Lot Line Adjustments (LLA)**

A LLA is excluded from the Map Act pursuant to Government Code Section 66412. As such, the Map Act is not preemptive; and therefore, the County can define the duration of the permit because the Map Act does not specify any expiration period for LLAs. Monterey County Code Section 19.09.030 sets an expiration time of two years. Once granted, there are very few conditions to meet in order to complete the LLA and they do not involve development. Therefore, staff finds that two years is adequate and an extension is not required. This is supported by the fact that the Planning Department does not generally receive extension requests for a LLA by itself.

### **Emergency Permits**

Emergency Permits are issued for situations that require immediate action. In addition, the ordinance requires that an expiration date be included on the permit. Because of these two requirements, no change to the expiration term is recommended by staff.

### **Discretionary Permits**

For any discretionary permit that has already been approved by the county, the zoning ordinance requires that the permit either be extended or amended; without that action the permit will expire. A standard condition is applied to each project to identify the time limit before the permit expires, and this is generally two years.

Typically applicants must apply for extensions at least 30 days prior to the expiration of their discretionary permit. In the Coastal zone this can be done by the Director but non-coastal areas require review by the original hearing body. A fee is required for the County staff time to process the request.

The proposed ordinances would amend the Code Sections where this timeline is established. This automatic extension would supersede the conditions applied to approved projects. It would not apply to projects that expired prior to the cutoff date established in the ordinance. The draft ordinances establish January 1, 2009 as the recommended cutoff date. The Commission could recommend a different date.

### **Summary**

Current actions for discretionary permits include adjusted expiration term of four (4) years for projects approved in 2009, and three (3) years for projects approved in 2010. This ability to allow an extended term would not apply for subdivisions or lot line adjustments, where state law or local regulations would control or for emergency permits. Subdivisions are regulated under State law and allowed a longer period of time (5 years plus State approved automatic extensions). For discretionary permits already approved, and where no subdivision is involved, two ordinances have been drafted for granting a one-time automatic extension to approved project applications, one coastal (Title 20) and one non-coastal (Title 21).

**EXHIBIT B**  
**DRAFT RESOLUTION – COASTAL**

**Before the Planning Commission in and for the  
County of Monterey, State of California**

In the matter of the application of:

**COUNTY OF MONTEREY (PD090361)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Planning  
Commission recommending that the Board of  
Supervisors:

- 1) Find this is an activity that is not subject to  
CEQA because it will not result in a change in  
the environment per Section 15060(c)(2)
- 2) Adopt an ordinance amending Title 20  
(**Attachment 1**) granting an automatic, one-time,  
extension of two (2) years for existing permits  
that have been approved and have not expired  
prior to January 1, 2009  
(Countywide)

**The Permit Extension Ordinance application (PD090361) came on for public hearing before the Monterey County Planning Commission on November 18, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

**RECITIALS**

1. Pursuant to Article XI of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations to protect and promote the public health, safety, and welfare of its citizens.
2. Section 65300 et seq. of the California Government Code requires each county to adopt a comprehensive, long-term General Plan for the physical development of each county.
3. On September 30, 1982, the Board of Supervisors of the County of Monterey ("County") adopted a county-wide General Plan ("General Plan") pursuant to California Planning, Zoning and Development law.
4. Section 30500 of the Public Resources Code requires each County and City to prepare a Local Coastal Program (LCP) for that portion of the coastal zone within its jurisdiction.
5. On January 5, 1988, Monterey County adopted the Coastal Implementation Plan (CIP) of the LCP consistent with Section 30512.1 of the Public Resources Code.
6. Section 30514 of the Public Resources Code provides for amendments to adopted LCP's.

**EXHIBIT B**  
**DRAFT RESOLUTION – COASTAL**

7. On September 24, 1985 the Monterey County Board of Supervisors adopted procedures for amending the LCP-CIP.
8. Pursuant to Public Resources Code sections 30000 et seq., the County may amend the adopted Local Coastal Program provided the County follows certain procedures, including that the County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the Land Use Plan.
9. Pursuant to Government Code sections 65350 et seq., the County may amend the adopted General Plan provided the County follows certain procedures, including that the County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the General Plan. In this case, The Board finds that the proposed zoning changes of this Ordinance will occur under the jurisdiction of the Local Coastal Program – California Coastal Act mandate and that no changes will occur to General Plan policies or land use designations and that all changes are otherwise consistent with Monterey County General Plan.
10. Current economic conditions limit ability for property owners to obtain funding. Monterey County wishes to provide adequate time for owners them to pursue their approved project given these current economic conditions.
11. On November 18, 2009, the Monterey County Planning Commission held a duly noticed public hearing to consider the proposed Coastal Implementation Plan (CIP) amendment. At least 10 days before the public hearing date, notices of the hearing before the Planning Commission were published in the four primary newspapers of general circulation in Monterey County: Monterey County Herald and Salinas Californian.
12. In view of the foregoing, it is necessary for the County to enact this ordinance to \_\_\_\_.
13. This amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act (Public Resources Code Sections 30512, 30513, and 30519), which will require formal local government adoption after Coastal Commission approval.

**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby recommend that the Board of Supervisors:

- A. Find that the Permit Extension Ordinance is an activity that is not subject to CEQA because it will not result in a change in the environment per Section 15060(c)(2).
- B. Adopt an ordinance amending Title 20 (**Attachment 1**) granting an automatic, one-time, extension of two (2) years for existing permits that have been approved and have not expired prior to January 1, 2009.

**PASSED AND ADOPTED** this 18<sup>th</sup> day of November, 2009 upon motion of xxxx, seconded by

**EXHIBIT B**  
**DRAFT RESOLUTION – COASTAL**

xxxx, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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MIKE NOVO, Planning Commission Secretary

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

**EXHIBIT B**  
**DRAFT RESOLUTION – COASTAL**

**ATTACHMENT B-1**  
**DRAFT ORDINANCE**

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,  
ADDING SECTIONS 20.70.070.D, 20.76.080.D, 20.78.070.D, AND 20.82.070.E TO THE  
MONTEREY COUNTY CODE TO ESTABLISH A ONE-TIME 24-MONTH  
EXTENSION FOR VALID PERMITS IN EFFECT AS OF JANUARY 1, 2009.**

**County Counsel Summary**

*This ordinance automatically extends by 24 months the expiration dates of discretionary Coastal Administrative Permits, Variances, Coastal Development Permits, and Combined Development Permits that were approved prior to January 1, 2009 and that had not expired as of that date. This ordinance does not extend the expiration dates of subdivision approvals, lot line adjustments, or emergency permits. This ordinance applies to the unincorporated inland area of the County of Monterey.*

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

**SECTION 1. FINDINGS AND DECLARATIONS:**

1. Under the Monterey County Zoning Ordinance (Titles 20 and 21 of the County Code), a discretionary permit expires on the date stated on the permit or, if no date is stated, the permit expires after two years unless the use commences or unless actual construction has begun. In order to extend the permit beyond the initial time limit, the permit holder is required to apply for an extension and the County has discretion to grant or deny the request.
2. The County wishes to provide a reasonable opportunity for holders of discretionary use permits to commence the approved use before the expiration of the permit. In light of the economic and business climate of 2009, permittees are having difficulty commencing use under the time granted under their discretionary permits before they expire. In 2008 and 2009, the California legislature adopted amendments to the Subdivision Map Act to provide for an automatic 12-month extension to certain tentative subdivision maps. The purpose of this ordinance is similarly to amend the County Zoning Ordinance to provide for a one-time 24-month automatic extension to certain classes of discretionary use permits.
3. Pursuant to Article XI of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations to protect and promote the public health, safety, and welfare of its citizens. This ordinance serves the public welfare by reducing the cost to both applicants and the County of processing applications for permit extensions and by



**EXHIBIT B**  
**DRAFT RESOLUTION – COASTAL**

providing a reasonable opportunity under current economic circumstances for permittees to commence the approved use under an already approved discretionary permit

**SECTION 2.** Subparagraph D of Section 20.70.070 Monterey County Code relating to expiration of Coastal Development Permits is added to read as follows:

D. Notwithstanding subparagraphs A and B of this section, the expiration date of any Coastal Development Permit that was approved prior to January 1, 2009 and that has not expired prior to January 1, 2009 shall be automatically extended by 24 months.

**SECTION 3.** Subparagraph D of Section 20.76.080 Monterey County Code relating to expiration of Coastal Administrative Permits is added to read as follows:

D. The expiration date of any Coastal Administrative Permit approved prior to January 1, 2009 and that has not expired prior to January 1, 2009 shall be automatically extended by 24 months.

**SECTION 4.** Subparagraph D of Section 20.78.070 Monterey County Code relating to expiration of Variances is added to read as follows:

D. Notwithstanding subparagraphs A and B of this section, the expiration date of any Variance that was approved prior to January 1, 2009 and that has not expired prior to January 1, 2009 shall be automatically extended by 24 months.

**SECTION 5.** Subparagraph E of Section 20.82.070 Monterey County Code relating to expiration of Combined Development Permits is added to read as follows:

E. Notwithstanding subparagraphs A and B of this section, the expiration date of any Coastal Development Permit that was approved prior to January 1, 2009 and that has not expired prior to January 1, 2009 and that does not include a subdivision approval shall be automatically extended by 24 months.

**SECTION 6. 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 7. EFFECTIVE DATE.**

This ordinance shall become effective immediately following Board of Supervisor acceptance of Coastal Commission certification.

**EXHIBIT B**  
**DRAFT RESOLUTION – COASTAL**

**PASSED AND ADOPTED** on this \_\_\_\_ day of \_\_\_\_\_ 2009, upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, by the following vote, to-wit:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Lou Calcagno, Chair  
Monterey County Board of Supervisors

Attest:  
GAIL T. BORKOWSKI,  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
Leroy W. Blankenship

By: \_\_\_\_\_  
Assistant County Counsel

**EXHIBIT C**  
**DRAFT RESOLUTION – NON-COASTAL**

**Before the Planning Commission in and for the  
County of Monterey, State of California**

In the matter of the application of:

**COUNTY OF MONTEREY (PD090361)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Planning  
Commission recommending that the Board of  
Supervisors:

- 1) Find this is an activity that is not subject to  
CEQA because it will not result in a change in  
the environment per Section 15060(c)(2)
- 2) Adopt an ordinance amending Title 21  
(**Attachment 1**) granting an automatic, one-time,  
extension of two (2) years for existing permits  
that have been approved and have not expired  
prior to January 1, 2009  
(Countywide)

**The Permit Extension Ordinance application (PD090361) came on for public hearing before the Monterey County Planning Commission on November 18, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby recommend that the Board of Supervisors:

- A. Find that the Permit Extension Ordinance is an activity that is not subject to CEQA because it will not result in a change in the environment per Section 15060(c)(2).
- B. Adopt an ordinance amending Title 21 (**Attachment 1**) granting an automatic, one-time, extension of two (2) years for existing permits that have been approved and have not expired prior to January 1, 2009.

**PASSED AND ADOPTED** this 18<sup>th</sup> day of November, 2009 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**EXHIBIT C**  
**DRAFT RESOLUTION – NON-COASTAL**

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MIKE NOVO, Planning Commission Secretary

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

**EXHIBIT C  
DRAFT RESOLUTION – NON-COASTAL**

**ATTACHMENT C-1  
DRAFT ORDINANCE**

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,  
ADDING SECTIONS 21.70.080.D, 21.72.070.D, 21.74.070.D, AND 21.76.070.E TO THE  
MONTEREY COUNTY CODE TO ESTABLISH A ONE-TIME 24-MONTH  
EXTENSION FOR VALID PERMITS IN EFFECT AS OF JANUARY 1, 2009.**

**County Counsel Summary**

*This ordinance automatically extends by 24 months the expiration dates of discretionary Administrative Permits, Variances, Use Permits, and Combined Development Permits that were approved prior to January 1, 2009 and that had not expired as of that date. This ordinance does not extend the expiration dates of subdivision approvals, lot line adjustments, or emergency permits. This ordinance applies to the unincorporated inland area of the County of Monterey.*

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

**SECTION 1. FINDINGS AND DECLARATIONS:**

1. Under the Monterey County Zoning Ordinance (Titles 20 and 21 of the County Code), a discretionary permit expires on the date stated on the permit or, if no date is stated, the permit expires after two years unless the use commences or unless actual construction has begun. In order to extend the permit beyond the initial time limit, the permit holder is required to apply for an extension and the County has discretion to grant or deny the request.
2. The County wishes to provide a reasonable opportunity for holders of discretionary use permits to commence the approved use before the expiration of the permit. In light of the economic and business climate of 2009, permittees are having difficulty commencing use under the time granted under their discretionary permits before they expire. In 2008 and 2009, the California legislature adopted amendments to the Subdivision Map Act to provide for an automatic 12-month extension to certain tentative subdivision maps. The purpose of this ordinance is similarly to amend the County Zoning Ordinance to provide for a one-time 24-month automatic extension to certain classes of discretionary use permits.
3. Pursuant to Article XI of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations to protect and promote the public health, safety, and welfare of its citizens. This ordinance serves the public welfare by reducing the cost to both applicants and the County of processing applications for permit extensions and by providing a reasonable opportunity under current economic circumstances for permittees to commence the approved use under an already approved discretionary permit

**EXHIBIT C**  
**DRAFT RESOLUTION – NON-COASTAL**

**SECTION 2.** Subparagraph D of section 21.70.080 of the Monterey County Code relating to expiration of Administrative Permits is added to read as follows:

D. Notwithstanding subparagraphs A and B of this section, the expiration date of any Administrative Permit that was approved prior to January 1, 2009 and that has not expired prior to January 1, 2009 shall be automatically extended by 24 months.

**SECTION 3.** Subparagraph D of Section 21.72.070 of the Monterey County Code relating to expiration of Variances is added to read as follows:

D. Notwithstanding subparagraphs A and B of this section, the expiration date of any Variance that was approved prior to January 1, 2009 and that has not expired prior to January 1, 2009 shall be automatically extended by 24 months.

**SECTION 4.** Subparagraph D of Section 21.74.070 of the Monterey County Code relating to expiration of Use Permits is added to read as follows:

D. Notwithstanding subparagraphs A and B of this section, the expiration date of any Use Permit that was approved prior to January 1, 2009 and that has not expired prior to January 1, 2009 shall be automatically extended by 24 months.

**SECTION 5.** Subparagraph E of Section 21.76.070 of the Monterey County Code relating to expiration of Combined Development Permits is added to read as follows:

E. Notwithstanding subparagraphs A and B of this section, the expiration date of any Combined Development Permit that was approved prior to January 1, 2009 and that has not expired prior to January 1, 2009 and that does not include a subdivision approval shall be automatically extended by 24 months.

**SECTION 6. 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 7. EFFECTIVE DATE.**

This ordinance shall become effective on the 31<sup>st</sup> day following its adoption.

**PASSED AND ADOPTED** on this \_\_\_\_ day of \_\_\_\_\_ 2009, upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, by the following vote, to-wit:

AYES:

**EXHIBIT C**  
**DRAFT RESOLUTION – NON-COASTAL**

NOES:  
ABSTAIN:  
ABSENT:

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Lou Calcagno, Chair  
Monterey County Board of Supervisors

Attest:  
GAIL T. BORKOWSKI,  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
Leroy W. Blankenship

By: \_\_\_\_\_  
Assistant County Counsel

**EXHIBIT D  
REGULATIONS**

**CALIFORNIA SUBDIVISION MAP ACT**

**66452.21**

- (a) The expiration date of any tentative or vesting tentative subdivision **map** or parcel **map** for which a tentative or vesting tentative **map**, as the case may be, has been approved that has not expired on the date that the **act** that added this section became effective and that will expire before January 1, 2011, shall be extended by 12 months.
- (b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, or 66463.5.
- (c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a **map** that is extended pursuant to subdivision (a) shall be extended by 12 months if this approval has not expired on the date that the **act** that added this section became effective. This extension shall be in addition to any extension provided for in Section 66452.13.
- (d) For purposes of this section, the determination of whether a tentative subdivision **map** or parcel **map** expires before January 1, 2011, shall count only those extensions of time pursuant to subdivision (e) of Section 66452.6 or subdivision (c) of Section 66463.5 approved on or before the date that the **act** that added this section became effective and any additional time in connection with the filing of a final **map** pursuant to subdivision (a) of Section 66452.6 for a **map** that was recorded on or before the date that the **act** that added this section became effective. The determination shall not include any development moratorium or litigation stay allowed or permitted by Section 66452.6 or 66463.5.



**EXHIBIT D  
REGULATIONS**

**ZONING AND SUBDIVISION ORDINANCE EXCERPTS**

**INLAND ZONING ORDINANCE**

***ADMINISTRATIVE PERMIT***

**21.70.080      EXPIRATION**

A. Any permit issued under the terms of this Chapter shall be valid until the date of expiration stated on the permit. If no date of expiration is stated or any permit which allows a use without the construction of structures or other structures, shall expire two years from the date of granting the permit unless use of the property has begun within this period.

B. If no date of expiration is stated, or any permit granted under this Chapter which allows for the construction of structures or other structures shall remain valid as long as actual construction has begun within two years from the date of the granting of the permit.

C. In case of an appeal, the term of the permit shall not begin until the date of the resolution of the appeal.

**21.70.120      EXTENSION OF ADMINISTRATIVE PERMITS.**

A. The Appropriate Authority may extend an Administrative Permit upon receipt of a written request from the permittee, provided such request is made at least thirty days prior to the expiration of the Administrative Permit. The written request shall be filed with the Appropriate Authority and set forth reasons supporting the request.

B. The extension request shall be subject to the provisions of Chapter 21.70.040 of this Title.

***VARIANCE***

**21.72.070      EXPIRATION**

A. Any Variance issued under the terms of this Chapter shall be valid until the date of expiration stated on the permit. If no date of expiration is stated, or unless otherwise specified by the decision making body, any permit which allows a use, excluding a use which contemplates the construction of structures or other structures, shall expire two years from the date of granting the permit unless use of the property has begun within this period.

B. If no date of expiration is stated, or unless otherwise specified by the Appropriate Authority, any permit granted under this Chapter which allows for the construction of buildings

## **EXHIBIT D REGULATIONS**

or other structures shall remain valid as long as actual construction has begun within two years from the date of the granting of the permit.

C. In case of an appeal, the term of the permit shall not begin until the date of the resolution of the appeal.

### **21.72.110 EXTENSION OF VARIANCES.**

A. The Appropriate Authority may extend Variances upon receipt of a written request from the permittee, provided such request is made at least thirty days prior to the expiration of the Variance. The written request shall be filed with the Appropriate Authority and set forth reasons supporting the request.

B. The extension request shall be subject to the provisions of Chapter 21.78.040A of this Title.

## ***USE PERMIT***

### **21.74.070 EXPIRATION**

A. Any Use Permit issued under the terms of this Chapter shall be valid until the date of expiration stated on the permit. If no date of expiration is stated, or unless otherwise specified by the decision making body, any permit which allows a use, excluding a use which contemplates the construction of buildings or other structures, shall expire two years from the date of granting the permit unless use of the property has begun within this period.

B. If no date of expiration is stated, or unless otherwise specified by the Appropriate Authority, any permit granted under this Chapter which allows for the construction of buildings or other structures shall remain valid as long as actual construction has begun within two years from the date of the granting of the permit.

C. In case of an appeal, the term of the permit shall not begin until the date of the resolution of the appeal.

### **21.74.110 EXTENSION OF USE PERMITS.**

A. The Appropriate Authority may extend a Use Permit upon receipt of a written request from the permittee, provided such request is made at least thirty days prior to the expiration of the Use Permit. The written request shall be filed with the Appropriate Authority and set forth reasons supporting the request.

B. The extension request shall be subject to the provisions of Chapter 21.78.040A of this Title.

## ***COMBINED DEVELOPMENT PERMIT***

### **21.76.070 EXPIRATION**

## **EXHIBIT D REGULATIONS**

A. Any Combined Development Permit issued under the terms of this Chapter shall be valid until the date of expiration stated on the permit. If no date of expiration is stated, or unless otherwise specified by the decision making body, any permit which allows a use, excluding a use which contemplates the construction of buildings or other structures, shall expire two years from the date of granting the permit unless use of the property has begun within this period.

B. If no date of expiration is stated, or unless otherwise specified by the decision making body, any permit granted under this Chapter which allows for the construction of buildings or other structures shall remain valid as long as actual construction has begun within two years from the date of the granting of the permit.

C. Exception may be made to Section 21.76.070(A) when the Combined Development Permit includes a subdivision approval. Such subdivision approval within the Combined Development Permit shall include specific conditions regarding expiration pursuant to the expiration and extension provisions in Title 19, Monterey County Code.

D. In case of an appeal, the term of the permit shall not begin until the date of the resolution of the appeal.

### **21.76.110 EXTENSION OF COMBINED DEVELOPMENT PERMITS.**

A. The Appropriate Authority may extend a Combined Development Permit upon receipt of a written request from the permittee, provided such request is made at least thirty days prior to the expiration of the Combined Development Permit. The written request shall be filed with the Appropriate Authority and set forth reasons supporting the request.

B. The extension request shall be subject to the provisions of Chapter 21.78.040A of this Title.

## **INLAND SUBDIVISION ORDINANCE**

### **19.09.030 TERM OF APPROVAL OF AN APPROVED LOT LINE ADJUSTMENT.**

A. An approved lot line adjustment map shall expire twenty-four (24) months after its approval, subject to the following exceptions:

1. If a development moratorium has been imposed the provisions of Government Code Section 66452.6 shall govern.
2. If litigation involving the approval of the lot line adjustment map has been filed and a stay of such time period is approved by the County following written request of the subdivider.

B. The expiration of the approved or conditionally approved lot line adjustment map shall terminate all proceedings.

## **COASTAL ZONING ORDINANCE**

### ***COASTAL DEVELOPMENT PERMITS***

## **EXHIBIT D REGULATIONS**

### **20.70.070 EXPIRATION**

A. Any Coastal Development Permit issued under the terms of this Chapter shall be valid until the date of expiration stated on the permit. If no date of expiration is stated, or unless otherwise specified by the decision making body, any permit which allows a use, excluding a use which contemplates the construction of buildings or other structures, shall expire 2 years from the date of granting the permit unless use of the property has begun within this period.

B. If no date of expiration is stated, or unless otherwise specified by the Appropriate Authority, any permit granted under this Chapter which allows for the construction of buildings or other structures shall remain valid as long as actual construction has begun within 2 years from the date of the granting of the permit.

C. In case of an appeal, the term of the permit shall not begin until the date of the resolution of the appeal.

### **20.70.110 EXTENSION OF COASTAL DEVELOPMENT PERMITS.**

A. The Director of Planning and Building Inspection may extend a Coastal Development Permit for an additional two year period upon receipt of a written request from the permittee, provided such request is made at least 30 days prior to the expiration of the Coastal Development Permit and provided that there are no changed circumstances. The written request shall be filed with the Appropriate Authority and set forth reasons supporting the request.

B. The extension request shall be subject to the notice provisions of Section 20.70.105 of this Title.

## ***COASTAL ADMINISTRATIVE PERMIT***

### **20.76.080 EXPIRATION**

A. Any permit issued under the terms of this Chapter shall be valid until the date of expiration stated on the permit. If no date of expiration is stated or unless otherwise specified by the Appropriate Authority, any permit which allows a use without the construction of structures or other structures, shall expire 2 years from the date of granting the permit unless use of the property has begun within this period.

B. If no date of expiration is stated, or unless otherwise specified by the Appropriate Authority, any permit granted under this Chapter which allows for the construction of buildings or other structures shall remain valid as long as actual construction has begun within 2 years from the date of the granting of the permit.

C. In case of an appeal, the term of the permit shall not begin until the date of the resolution of the appeal.

### **20.76.120 EXTENSION OF COASTAL ADMINISTRATIVE PERMITS.**

**EXHIBIT D**  
**REGULATIONS**

A. The Director of Planning and Building Inspection may extend a Coastal Administrative Permit for an additional two years upon receipt of a written request from the permittee, provided such request is made at least 30 days prior to the expiration of the Coastal Administrative Permit and provided there are no changed circumstances. The written request shall be filed with the Appropriate Authority and set forth reasons supporting the request.

B. The extension request shall be subject to the noticing provisions of Section 20.76.115 of this Title.

**EXHIBIT D  
REGULATIONS**

***VARIANCE***

**20.78.070 EXPIRATION**

A. Any Variance issued under the terms of this Chapter shall be valid until the date of expiration stated on the permit. If no date of expiration is stated, or unless otherwise specified by the decision making body, any permit which allows a use, excluding a use which contemplates the construction of structures shall expire 2 years from the date of granting the permit unless use of the property has begun within this period.

B. If no date of expiration is stated, or unless otherwise specified by the Appropriate Authority, any permit granted under this Chapter which allows for the construction of buildings or other structures shall remain valid as long as actual construction has begun within 2 years from the date of the granting of the permit.

C. In case of an appeal, the term of the permit shall not begin until the date of the resolution of the appeal.

**20.78.110 EXTENSION OF VARIANCES.**

A. The Director of Planning and Building Inspection may extend Variances upon receipt of a written request from the permittee, provided such request is made at least thirty days prior to the expiration of the Variance. The written request shall be filed with the Appropriate Authority and set forth reasons supporting the request.

B. The extension request shall be subject to the provisions of Chapter 20.84.040A of this Title.

***COMBINED DEVELOPMENT PERMIT***

**20.82.070 EXPIRATION**

A. Any Combined Development Permit issued under the terms of this Chapter shall be valid until the date of expiration stated on the permit. If no date of expiration is stated, or unless otherwise specified by the decision making body, any permit which allows a use, excluding a use which contemplates the construction of buildings or other structures, shall expire 2 years from the date of granting the permit unless use of the property has begun within this period.

B. If no date of expiration is stated, or unless otherwise specified by the decision making body, any permit granted under this Chapter which allows for the construction of buildings or other structures shall remain valid as long as actual construction has begun within 2 years from the date of the granting of the permit.

C. Exception may be made to Section 20.82.070(A) when the Combined Development Permit includes a subdivision approval. In such case the Combined Development Permit shall include specific conditions regarding expiration pursuant to the expiration and extension provisions in Title 19, Monterey County Code.

**EXHIBIT D  
REGULATIONS**

D. In case of an appeal, the term of the permit shall not begin until the date of the resolution of the appeal.

**20.82.110 EXTENSION OF COMBINED DEVELOPMENT PERMITS.**

A. The Director of Planning and Building Inspection may extend a Combined Development Permit upon receipt of a written request from the permittee, provided such request is made at least 30 days prior to the expiration of the Combined Development Permit. The written request shall be filed with the Appropriate Authority and set forth reasons supporting the request.

B. The extension request shall be subject to the provisions of Chapter 20.84.040A of this Title.

**COASTAL SUBDIVISION ORDINANCE**

**19.09.030 TERM OF APPROVAL OF AN APPROVED LOT LINE ADJUSTMENT.**

A. An approved lot line adjustment map shall expire twenty-four (24) months after its approval, subject to the following exceptions:

1. If a development moratorium has been imposed the provisions of Government Code Section 66452.6 shall govern.
2. If litigation involving the approval of the lot line adjustment map has been filed and a stay of such time period is approved by the County following written request of the subdivider.

B. The expiration of the approved or conditionally approved lot line adjustment map shall terminate all proceedings.