

MONTEREY COUNTY PLANNING COMMISSION

Meeting: June 30, 2010 at 9 a.m.	Agenda Item 2
Project Description: Local Coastal Program Amendment (PLN100319/Stevens) that corrects 1) a land use designation from Resource Conservation (RC) to Medium Density Residential (MDR) and 2) the zoning designation from Resource Conservation to Medium Density Residential to reflect actions taken by the County and Coastal Commission in 1985.	
Project Location: 149 Hillcrest Road	APN: 117-092-009-000
Planning Number: PLN100319	Name: Stevens
Plan Area: North County Coastal	Flagged and Staked: N/A
Zoning Designation: Resource Conservation (CZ)	
CEQA Action: Exempt	
Department: RMA-Planning Department	

RECOMMENDATION: Staff recommends that the Planning Commission hold a public hearing, adopt a Resolution of Intention (Exhibit B) to initiate a Local Coastal Program Amendment and adopt a Resolution (Exhibit C) recommending that the Board of Supervisors corrects 1) a land use designation from Resource Conservation (RC) to Medium Density Residential (MDR) and 2) the zoning designation from Resource Conservation to Medium Density Residential to reflect actions taken by the County and Coastal Commission in 1985.

PROJECT OVERVIEW: The subject property was involved in an application for a second residential house in the mid 1980's. At that time, the County had an adopted Land Use Plan (LUP) for North County, but did not yet have a certified Coastal Implementation Plan (CIP) for this area. The Coastal Implementation Plan serves as the zoning ordinance for the area. Without a certified CIP, the Coastal Commission issued the Coastal Development Permit for the house.

The over six acre property is located at the terminus of Hillcrest Road and contained a single family dwelling in the early 1980's. To the rear of this single family dwelling, the property drops in elevation, with a creek along the southwest property line. The creek eventually works its way through several properties to the Elkhorn Slough, approximately 0.6 miles away. In the LUP, certified in 1982, the entire property appeared to be within the Resource Conservation land use designation. Zoning was not established until the CIP was certified in 1987. The entire area between this property and Salinas Road, the Monterey Bay Farms subdivision, was designated Medium Density Residential (MDR) in the LUP.

In 1985, the Coastal Commission, after recommendation from the County Planning Commission, approved a second single family dwelling on this property (Exhibit H). As part of the actions associated with the approval of the second residence, the County Planning Commission determined that the correct boundary between the Resource Conservation land use designation and the Medium Density Residential land use designation bisected this property. The Coastal Commission accepted the MDR designation for the northern portion of the property in approving the second residence. When the CIP was certified, apparently these actions were not memorialized on the zoning maps and the land use map was not updated to reflect the boundary determination between RC and MDR on this property.

The certified CIP states, in Section 20.02.060.D (Exhibit I), that where there is conflict or inconsistency between the zoning ordinance (CIP) and any land use regulation, the LUP takes precedence over the CIP. Due to that hierarchy, the determination of the land use designation boundary would take precedence over the zoning maps. Staff's research demonstrates that the determination by the Planning Commission and acceptance by the Coastal Commission determined that the MDR/RC land use plan map boundary bisects the property (Exhibit G), leaving both resulting single family dwellings on the portion of the property designated MDR. Staff is recommending that, pursuant to Section 20.94.020.C (Exhibit J), the Planning Commission 1) hold a public hearing and 2) initiate the amendment by adopting a Resolution of Intention to recommend a Local Coastal Program amendment to correct the land use and zoning maps.

If this correction is made, the property owner will seek an application to replace the first single family dwelling with a new, larger residence. However, the new residence is proposed to be located closer to the road (north) and further from the RC zoning boundary determined in 1985.

OTHER AGENCY INVOLVEMENT: If the Planning Commission initiates the correction to the land use and zoning maps, staff will forward the information to the North County Coastal Land Use Advisory Committee for a recommendation prior to consideration by the Board of Supervisors.



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cc: Planning Commission (10); County Counsel; Environmental Health Division; Public Works; Monterey County Water Resources Agency; North County Fire; California Coastal Commission; Joe Sidor, Planner, Laura Lawrence, Manager; Mike Novo; Carol Allen; Ms. Stevens, Owner; Ray Schmitt, Applicant; Project File

Attachments:	Exhibit A	Discussion
	Exhibit B	Resolution of Intention to Initiate LCP Amendment
	Exhibit C	Resolution to Board with attached Ordinance
	Exhibit D	Location Map
	Exhibit E	Land Use Map
	Exhibit F	Zoning Map
	Exhibit G	1985 Planning Commission Boundary Determination
	Exhibit H	Coastal Commission Staff Report and Permit
	Exhibit I	Monterey County Code Section 20.02.060
	Exhibit J	Monterey County Code Section 20.94.020

EXHIBIT "A" **DISCUSSION**

A. INTRODUCTION

Setting

The six acre property is located on the south side of Hillcrest Road approximately 0.6 miles east of Highway 1 and 0.5 miles south of Salinas Road in northern Monterey County. The property is located in the coastal zone. Two existing single family houses are located in the northern portion of the site adjacent to Hillcrest Road. The site is relatively flat near the road where the houses are located, but drops in elevation below the two existing single family dwellings. The property consists mostly of non-native grasslands with eucalyptus and oak trees with a creek running along the property's southwest property line approximately 100 feet from the nearest house.

The project parcel is a legal lot of record that was identified in the Monterey County Assessor's Maps of 1935 as Lot 15 of the Monterey Bay Farms subdivision, which was a subdivision of Lot 134 of the San Cayetano Rancho. The Monterey Bay Farms Subdivision was originally created with parcels generally of 4 to 9 acres (with smaller parcels near Salinas Road), with many of the original parcels further divided. The neighborhood is developed with single family residences on lots ranging in size from 10,000 square feet to several acres (some of the original parcels remain). The area is served by a sewer system, including this property.

The property is located at the terminus of Hillcrest Road and contained a single family dwelling in the early 1980's. To the rear of this single family dwelling, the property drops in elevation, with a creek to the southwest. The creek eventually works its way through several properties to the Elkhorn Slough, approximately 0.6 miles away. In the LUP, certified in 1982, the entire property was shown with a Resource Conservation (RC) land use designation. Zoning was not established for the property until the CIP was certified in 1987. The entire area between this property and Salinas Road, the Monterey Bay Farms subdivision, was designated Medium Density Residential (MDR) in the LUP and CIP. The area from this property to the slough is designated Forest and Upland Habitat, a subset of the Resource Conservation land use designation.

The subject property was involved in an application for a second residential house in the mid 1980's. At that time, the County had an adopted Land Use Plan (LUP) for North County, but did not yet have a certified Coastal Implementation Plan (CIP) for this area. The Coastal Implementation Plan serves as the zoning ordinance for the area. As such, the permit for a second house was issued by the California Coastal Commission.

B. PROJECT ANALYSIS

Land Use and Density

The six acre parcel contains two single family dwellings. The Resource Conservation designation does not allow single family dwellings. The action of the Planning Commission and Coastal Commission in 1985, determining that approximately 3.5 acres of the property are designated

MDR, allowed the construction of a second house. Second residences are permitted in the MDR district with approval of a coastal development permit, provided it meets the zoning density of the property. The North County Land Use Plan (LUP) designates the area of the project site where the houses are located as medium density residential, with an allowable density of 1 to 4 units per acre. The two residences result in a gross density of approximately 0.6 units per acre within the MDR portion of the site, with no structures in the remaining RC portion of the site. This is consistent with the land use designations for the property.

The area where the houses are sited are at higher elevations on the parcel, at a level with the rest of the neighborhood. Hillcrest Road terminates at the driveway to the two houses, with the older house right at the end of Hillcrest Road. To the rear of the two houses, the property starts to drop in elevation to the south. This break in topography somewhat reflects the action taken by the Planning Commission and Coastal Commission in 1985, identifying that houses could be built in the area of the property adjacent to the Bay Farms neighborhood, while leaving the lower portions of the property, approximately 0.5 miles from the slough, in the Resource Conservation land use designation.

Rezoning

Existing residential lots in the subdivision to the north range in size from approximately 10,000 square feet to five acres and include the MDR zoning designation. In 1985, the Coastal Commission, after recommendation from the County Planning Commission, approved a second single family dwelling on this property (Exhibit H). As part of the actions associated with the approval of the second residence, the County Planning Commission determined that the boundary between the Resource Conservation land use designation and the Medium Density Residential land use designation bisected this property, determining that the northerly approximately 300 feet of this property was located within the MDR designation (Exhibit G). The Coastal Commission accepted the MDR designation for a portion of this property in approving the second residence. When the CIP was certified, apparently these actions were not memorialized on the zoning maps and the land use map was not updated to reflect the boundary determination between RC and MDR on this property.

The certified CIP states, in Section 20.02.060.D (Exhibit I), that where there is conflict or inconsistency between the zoning ordinance (CIP) and any land use regulation, the LUP takes precedence over the CIP. Due to that hierarchy, the determination of the land use designation boundary would take precedence over the zoning maps. Staff's research demonstrates that the determination by the Planning Commission and acceptance by the Coastal Commission determined that the MDR/RC boundary was located to bisect the property (Exhibit G), leaving both resulting single family dwellings on the portion of the property designated MDR. Staff is recommending that, pursuant to Section 20.94.020.C (Exhibit J), the Planning Commission 1) hold a public hearing, 2) initiate the amendment by adopting a Resolution of Intention to recommend a Local Coastal Program amendment to correct the land use and zoning maps, and 3) adopt a resolution recommending the amendments to the Board of Supervisors.

Staff's research determined that the 1985 action was not carried forward to the CIP, but the actions making the boundary determination and the Coastal Commission's acceptance of that

action to approve the house, were clear actions that should have been reflected upon certification of the CIP. As discussed above, the existing density is consistent with existing on-site uses and surrounding residential areas. This property is served by the sewer system that serves the other MDR designated properties.

Therefore, staff recommends that the proposed rezoning meets the criteria required for reclassification from the "RC" designation and zoning. Due to uncertainty as to the boundary determined for the earlier 1985 action, staff is recommending that the zoning boundary between the RC and MDR district be mapped at 300 feet south of the north property line and that a B-6 overlay designation be applied to the property due to overdraft of the aquifer. Without the B-6 limitation, an application to intensify the site beyond the existing two single family residences could be submitted.

Development Standards

The proposed project is consistent with applicable development standards for the MDR zoning district.

- Site Coverage. The maximum building site coverage allowed in the MDR district is 35%. With the proposed project and existing residence, building site coverage would be less than 3% for the MDR portion of the property.
- Setbacks. Applicable set backs for the project require a minimum 20 feet (front), 5 feet (side), and 10 feet (rear). The existing setbacks are 45 and 60 feet (front), 8 and 60 feet (side), and 85 and 225 feet (rear).

The B-6 zoning district requires a 30 foot front setback unless the zoning map adopted shows a different setback. To encourage placement of the house closer to the front setback and away from the RC land use designation portion of the property, staff is recommending that the zoning map include a statement that the setbacks be the same as the MDR district for this B-6 designation.

LUAC

The proposed correction to the LCP will be sent to the North County Coastal Land Use Advisory Committee (LUAC) if the Planning Commission initiates the reclassification.

CEQA

As a correction to reflect earlier actions by the County and Coastal Commission, staff has determined that the reclassification is exempt pursuant to CEQA Guidelines Sections 15265, 15301 and 15302. In the consideration of the environmental review for this action, staff also considered the reasonably foreseeable project to replace the older single family dwelling with a larger residence.

EXHIBIT B
RESOLUTION TO INITIATE AMENDMENT OF
LOCAL COASTAL PROGRAM
PLN100319/Stevens

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

Resolution No. _____
Resolution of Intention by the Monterey
County Planning Commission, pursuant to
Monterey County Code Section
20.94.020.C, to consider amending the
North County Land Use Plan Map to apply a
Medium Density Residential land use
designation, and amend Section 20.08.060
of Title 20 (zoning) of the Monterey County
Code to apply the Medium Density
Residential, with a B-6 overlay district, to a
portion of a six acre parcel located on the
south side of Hillcrest Road, approximately
0.6 miles east of Highway 1 and 0.5 miles
south of Salinas Road (APN117-092-009-
000), North County Coastal Zone

An amendment to the North County Land Use Plan Land Use Map and to Sheet 1 (Section 20-1) of the Monterey County Zoning Maps (Coastal Implementation Plan) to designate a portion of a six acre parcel located on the south side of Hillcrest Road, approximately 0.6 miles east of Highway 1 and 0.5 miles south of Salinas Road (APN117-092-009-000), North County Coastal Zone came on for a public hearing before the Planning Commission on June 30, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission hereby initiates a Local Coastal Program Amendment with reference to the following facts:

RECITALS

1. 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.
2. 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.

3. 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.
4. On April 28, 1982, the Board of Supervisors adopted the North County Land Use Plan ("Land Use Plan") as part of the Local Coastal Program in the Coastal Zone pursuant to the California Coastal Act. This separate mandate replaces policy guidance for most policy topics found in the General Plan and is applied in the Coastal Zone. The primary policy topics of noise and housing (to include other minor Monterey County specific policies) are not addressed under the LCP - Coastal Act mandate although they are still applicable in the Coastal Zone under the jurisdiction of the General Plan - Planning Zoning and Development law mandate.
5. On June 4, 1982 the California Coastal Commission (Coastal Commission) acknowledged certification of the North County Land Use Plan as part of Monterey County's Local Coastal Program.
6. 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.
7. Section 30514 of the Public Resources Code provides for amendments to adopted LCP's.
8. On September 24, 1985 the Monterey County Board of Supervisors adopted procedures for amending the LCP-CIP.
9. Figure 1 (Land Use Plan) of the "Land Use Plan" in the North County Land Use Plan provides a graphic representation of the general distribution, location, extent and intensity of land uses and transportation routes in this planning area.
10. A six acre parcel ("Property), located at 149 Hillcrest Road, was shown with a Land Use Designation of Resource Conservation on Figure 1, Land Use Plan map, of the certified North County Land Use Plan.
11. On August 14 and August 28, 1985, the Planning Commission considered an application to allow a second residence on the Property. As part of the action on the application, the Planning Commission determined that a portion of the property was located within the Medium Density Residential land use designation, not the Resource Conservation land use designation, of the North County Land Use Plan. At that time, the zoning was Unclassified.
12. The boundary determination was made relative to the certified North County Land Use Plan.
13. On October 22, 1985, the California Coastal Commission approved the second single family dwelling for the property (CCC permit number 3-85-215), accepting the County's determination of the location of the boundary between the Medium Density Residential

and Resource Conservation land use designations found in the certified North County Land Use Plan.

14. The change was not incorporated into the certified Land Use Plan or the CIP upon its certification in 1988, leaving the Property with two houses in an area where the Planning had determined that the proper land use designation for that portion of the property was Medium Density Residential.
15. Section 20.02.060.D of the Monterey County Code (certified Coastal Implementation Plan-Zoning) states that the certified Land Use Plan takes precedence over the provisions of the CIP where conflict or inconsistencies arise.
16. Section 20.94.020 of the Monterey County Code (CIP) allows LCP Amendments to be initiated by the Planning Commission.
17. On June 30, 2010, the Monterey County Planning Commission considered, at a public hearing, the initiation of a Local Coastal Program amendment to change the Land Use Designation of a portion of the Property from Resource Conservation to Medium Density Residential and to initiate a zone district change from Resource Conservation, Coastal Zone [RC (CZ)] to Medium Density Residential, Building Site 6, Coastal Zone [MDR/B-6(CZ)] for a six acre parcel located on the south side of Hillcrest Road (APN 117-092-009-000).
18. Section 20.08.060 of the Coastal Implementation Plan-Part 1 (CIP) references sectional district maps that show the Zoning Plan. Sheet 1 of the Monterey County Zoning Map provides a graphic representation of the zoning designations in this portion of the planning area.
19. 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 Coastal Implementation Plan (CIP) portion of the Local Coastal Program (LCP). The proposed change to amend the Land Use Plan to designate a portion of the Property as Medium Density Residential and to remove an RC zoning designation and apply a MDR/B-6 zoning designation over that same portion is consistent with the adopted Land Use Plan (LUP).
20. 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 staff recommended that the proposed zoning change is consistent with the allowable land use density for the property as established in the Land Use Plan, that no changes will

occur to General Plan policies or land use designations and that all changes are otherwise consistent with the Monterey County General Plan.

21. The proposed zone change establishes zoning classifications consistent with the Planning Commission's 1985 determination of the existing land use designations in the certified Land Use Plan.
22. All policies of the General Plan and the Land Use Plan have been reviewed by the Planning Department staff to ensure that the proposed amendments maintain the compatibility and internal consistency of the General Plan and the Land Use Plan. The Planning Commission finds that:
 - a. The existing residences would result in a gross density of approximately 0.6 acres/unit for the MDR portion of the property, which is consistent with the LUP designation. The proposed zoning designation of MDR/B-6 is also consistent with the LUP allowable density, as well as the existing use of the property. The rezoning would be compatible with surrounding residential designations and densities and would be a lower density than the residential lots immediately to the north. The rezoning would bring the zoning into conformance with the Planning Commission's 1985 determination of the location of the boundary line for the certified North County Land Use Plan's land use designations.
 - b. The existing development on the site meets development standards relative to height, setbacks, and site coverage for the Medium Density Residential zoning district.
 - c. The proposed zoning would prohibit further subdivision of the property.
 - d. Existing development is consistent with the policies of the North County Land Use Plan.
23. The action to make the zoning consistent with the earlier determination of the appropriate land use designation is a clerical correction and has been determined to be exempt under the California Environmental Quality Act, CEQA Guidelines Sections 15265. In analyzing the whole of the action, other CEQA Guidelines exemptions would also apply to this action. The property owner has plans to replace the older single family dwelling on the property with a larger residence. That residence is currently proposed to be located closer to Hillcrest Road. The rear of the proposed new house would also be farther from the RC zoned portion of the property compared to the existing residence's location. The footprint of the new house will be within the development footprint of the old residence. The recommended zoning classification also includes a B-6 overlay district, which would preclude subdivision of the property. No environmentally sensitive areas or potentially significant impacts have been identified from memorializing the land use designation boundary determined in 1985 or from the anticipated project to replace the existing house. Therefore, CEQA Guidelines Sections 15301 and 15302 also apply. Correcting the zoning designation to coincide with the certified North County Land Use Plan land use designation, as determined by the Planning Commission in 1985 and with the B-6 overlay zoning district, will not allow additional development beyond the two residential units currently found on the Property.

24. On June 30, 2010, the Monterey County Planning Commission held a duly noticed public hearing to consider initiating amendments to the County's zoning ordinance and the North County Land Use Plan. At least 10 days before the first public hearing date, notices of the hearing before the Planning Commission were published in the Monterey County Herald and were also posted on and near the property and mailed to property owners within 300 feet of the subject property.
25. 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).

DECISION

The Planning Commission of the County of Monterey, State of California, hereby initiates an amendment to the North County Land Use Plan, Figure 1, to change the land use designation from Resource Conservation to Medium Density Residential and to adopt an ordinance to amend Section 20.08.060 of Title 20 (zoning) of the Monterey County Code (Zoning Reclassification) from Resource Conservation, Coastal Zone [RC (CZ)] to Medium Density Residential, Building Site 6, Coastal Zone [MDR/B-6(CZ)] on a portion of a six acre parcel located on the south side of Hillcrest Road, approximately 0.6 miles east of Highway 1 and 0.5 miles south of Salinas Road (APN 117-092-009-000), North County Coastal Zone in the North County Land Use Plan and Coastal Implementation Plan (LCP) as shown on Attachment "A".

PASSED AND ADOPTED this 30th day of June, 2010 upon motion of Commissioner _____, seconded by Commissioner _____, and passed by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

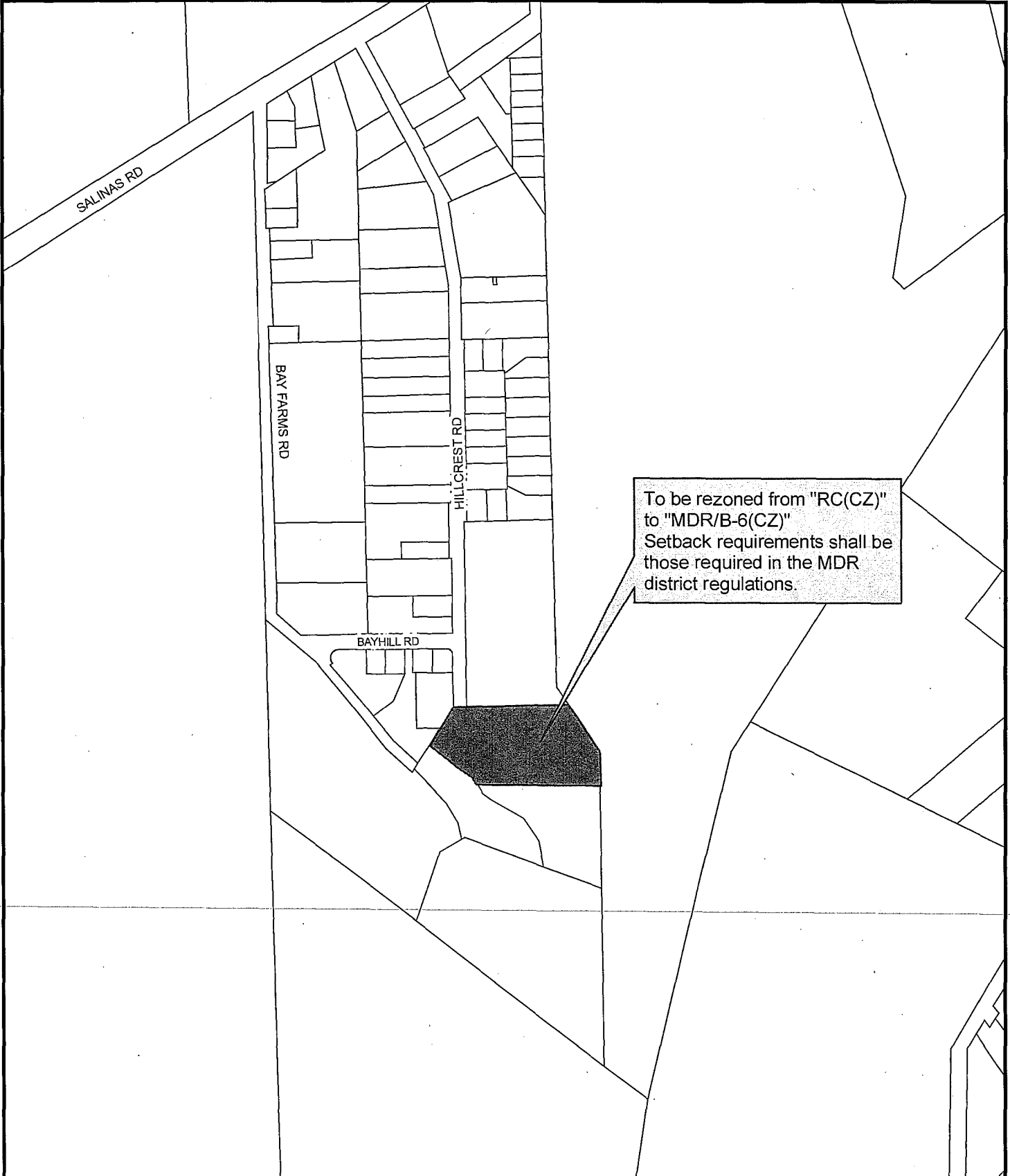
 Mike Novo, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____

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.

ATTACHMENT A



REZONING: SECTION 20-1, TITLE 20

APN: 117-092-009-000

FILE # PLN100319, STEVENS

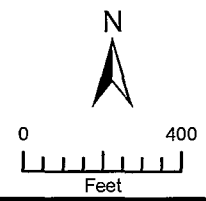


EXHIBIT C
RESOLUTION TO RECOMMEND AMENDMENT OF
LOCAL COASTAL PROGRAM
PLN100319/Stevens

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

Resolution No. _____
Resolution of the Monterey County Planning Commission recommending that the Board of Supervisors amend the North County Land Use Plan Map to apply a Medium Density Residential land use designation, and amend Section 20.08.060 of Title 20 (zoning) of the Monterey County Code to apply the Medium Density Residential, with a B-6 overlay district, to a portion of a six acre parcel located on the south side of Hillcrest Road, approximately 0.6 miles east of Highway 1 and 0.5 miles south of Salinas Road (APN117-092-009-000), North County Coastal Zone

An amendment to the North County Land Use Plan Land Use Map and to Sheet 1 (Section 20-1) of the Monterey County Zoning Maps (Coastal Implementation Plan) to designate a portion of a six acre parcel located on the south side of Hillcrest Road, approximately 0.6 miles east of Highway 1 and 0.5 miles south of Salinas Road (APN117-092-009-000), North County Coastal Zone came on for a public hearing before the Planning Commission on June 30, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission hereby recommends that the Monterey County Board of Supervisors make the following amendments with reference to the following facts:

RECITALS

1. 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.
2. 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.

3. 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.
4. On April 28, 1982, the Board of Supervisors adopted the North County Land Use Plan ("Land Use Plan") as part of the Local Coastal Program in the Coastal Zone pursuant to the California Coastal Act. This separate mandate replaces policy guidance for most policy topics found in the General Plan and is applied in the Coastal Zone. The primary policy topics of noise and housing (to include other minor Monterey County specific policies) are not addressed under the LCP - Coastal Act mandate although they are still applicable in the Coastal Zone under the jurisdiction of the General Plan - Planning Zoning and Development law mandate.
5. On June 4, 1982 the California Coastal Commission (Coastal Commission) acknowledged certification of the North County Land Use Plan as part of Monterey County's Local Coastal Program.
6. 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.
7. Section 30514 of the Public Resources Code provides for amendments to adopted LCP's.
8. On September 24, 1985 the Monterey County Board of Supervisors adopted procedures for amending the LCP-CIP.
9. Figure 1 (Land Use Plan) of the "Land Use Plan" in the North County Land Use Plan provides a graphic representation of the general distribution, location, extent and intensity of land uses and transportation routes in this planning area.
10. A six acre parcel ("Property), located at 149 Hillcrest Road, was shown with a Land Use Designation of Resource Conservation on Figure 1, Land Use Plan map, of the certified North County Land Use Plan.
11. On August 14 and August 28, 1985, the Planning Commission considered an application to allow a second residence on the Property. As part of the action on the application, the Planning Commission determined that a portion of the property was located within the Medium Density Residential land use designation, not the Resource Conservation land use designation, of the North County Land Use Plan. At that time, the zoning was Unclassified.
12. The boundary determination was made relative to the certified North County Land Use Plan.
13. On October 22, 1985, the California Coastal Commission approved the second single family dwelling for the property (CCC permit number 3-85-215), accepting the County's

determination of the location of the boundary between the Medium Density Residential and Resource Conservation land use designations found in the certified North County Land Use Plan.

14. The change was not incorporated into the certified Land Use Plan or the CIP upon its certification in 1988, leaving the Property with two houses in an area where the Planning had determined that the proper land use designation for that portion of the property was Medium Density Residential.
15. Section 20.02.060.D of the certified CIP states that the certified Land Use Plan takes precedence over the provisions of the CIP where conflict or inconsistencies arise.
16. On June 30, 2010, the Monterey County Planning Commission considered, at a public hearing, the initiation of a Local Coastal Program amendment to change the Land Use Designation of a portion of the Property from Resource Conservation to Medium Density Residential and to initiate a zone district change from Resource Conservation, Coastal Zone [RC (CZ)] to Medium Density Residential, Building Site 6, Coastal Zone [MDR/B-6(CZ)] for a six acre parcel located on the south side of Hillcrest Road (APN 117-092-009-000).
17. Section 20.08.060 of the Coastal Implementation Plan-Part 1 (CIP) references sectional district maps that show the Zoning Plan. Sheet 1 of the Monterey County Zoning Map provides a graphic representation of the zoning designations in this portion of the planning area.
18. 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 Coastal Implementation Plan (CIP) portion of the Local Coastal Program (LCP). The proposed change to amend the Land Use Plan to designate a portion of the Property as Medium Density Residential and to remove an RC zoning designation and apply a MDR/B-6 zoning designation over that same portion is consistent with the adopted Land Use Plan (LUP).
19. 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 staff recommended that the proposed zoning change is consistent with the allowable land use density for the property as established in the Land Use Plan, that no changes will occur to General Plan policies or land use designations and that all changes are otherwise consistent with the Monterey County General Plan.
20. The proposed zone change establishes zoning classifications consistent with the Planning

Commission's 1985 determination of the existing land use designations in the certified Land Use Plan.

21. All policies of the General Plan and the Land Use Plan have been reviewed by the Planning Department staff to ensure that the proposed amendments maintain the compatibility and internal consistency of the General Plan and the Land Use Plan. The Planning Commission finds that:
 - a. The existing residences would result in a gross density of approximately 0.6 acres/unit for the MDR portion of the property, which is consistent with the LUP designation. The proposed zoning designation of MDR/B-6 is also consistent with the LUP allowable density, as well as the existing use of the property. The rezoning would be compatible with surrounding residential designations and densities and would be a lower density than the residential lots immediately to the north. The rezoning would bring the zoning into conformance with the Planning Commission's 1985 determination of the location of the boundary line for the certified North County Land Use Plan's land use designations.
 - b. The existing development on the site meets development standards relative to height, setbacks, and site coverage for the Medium Density Residential zoning district.
 - c. The proposed zoning would prohibit further subdivision of the property.
 - d. Existing development is consistent with the policies of the North County Land Use Plan.

22. The action to make the zoning consistent with the earlier determination of the appropriate land use designation is a clerical correction and has been determined to be exempt under the California Environmental Quality Act, CEQA Guidelines Sections 15265. In analyzing the whole of the action, other CEQA Guidelines exemptions would also apply to this action. The property owner has plans to replace the older single family dwelling on the property with a larger residence. That residence is currently proposed to be located closer to Hillcrest Road. The rear of the proposed new house would also be farther from the RC zoned portion of the property compared to the existing residence's location. The footprint of the new house will be within the development footprint of the old residence. The recommended zoning classification also includes a B-6 overlay district, which would preclude subdivision of the property. No environmentally sensitive areas or potentially significant impacts have been identified from memorializing the land use designation boundary determined in 1985 or from the anticipated project to replace the existing house. Therefore, CEQA Guidelines Sections 15301 and 15302 also apply. Correcting the zoning designation to coincide with the certified North County Land Use Plan land use designation, as determined by the Planning Commission in 1985 and with the B-6 overlay zoning district, will not allow additional development beyond the two residential units currently found on the Property.

23. On June 30, 2010, the Monterey County Planning Commission held a duly noticed public hearing to consider and make recommendations to the Board of Supervisors regarding approving amendments to the County's zoning ordinance and the North County Land Use

Plan. At least 10 days before the first public hearing date, notices of the hearing before the Planning Commission were published in the Monterey County Herald and were also posted on and near the property and mailed to property owners within 300 feet of the subject property.

24. 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).

DECISION

The Planning Commission of the County of Monterey, State of California, hereby recommends that the Board of Supervisors adopt a resolution to amend the North County Land Use Plan, Figure 1, to change the land use designation from Resource Conservation to Medium Density Residential and adopt an ordinance to amend Section 20.08.060 of Title 20 (zoning) of the Monterey County Code (Zoning Reclassification) from Resource Conservation, Coastal Zone [RC (CZ)] to Medium Density Residential, Building Site 6, Coastal Zone [MDR/B-6(CZ)] on a portion of a six acre parcel located on the south side of Hillcrest Road, approximately 0.6 miles east of Highway 1 and 0.5 miles south of Salinas Road (APN 117-092-009-000), North County Coastal Zone in the North County Land Use Plan and Coastal Implementation Plan (LCP) as shown on Attachment "A".

PASSED AND ADOPTED this 30th day of June, 2010 upon motion of Commissioner _____, seconded by Commissioner _____, and passed by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____

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.

ATTACHMENT A
ORDINANCE TO AMEND COUNTY CODE
PLN100319/Stevens

ORDINANCE NO.

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA AMENDING SECTION 20.08.060 OF TITLE 20 (ZONING) OF THE MONTEREY COUNTY CODE (MONTEREY COUNTY COASTAL IMPLEMENTATION PLAN) TO REZONE CERTAIN PROPERTY IN THE COUNTY OF MONTEREY.

County Counsel Summary

This ordinance amends Section 20-1 of the Sectional District Maps of Section 20.08.060 of Title 20 (Zoning-Coastal Implementation Plan) of the Monterey County Code to rezone a portion of a six acre parcel (APN: 117-092-009-000) from Resource Conservation, Coastal Zone [RC (CZ)] to Resource Conservation, Coastal Zone and Medium Density Residential, Building Site 6, Coastal Zone [RC (CZ) and MDR/B-6 (CZ)].

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

SECTION 1. ZONING DISTRICT MAP. Section 20-1, Sectional District Maps, of Section 20.08.060 of the Monterey County Code is hereby amended as shown on the map attached hereto as Exhibit 1 and incorporated herein by reference. Said amendment reclassifies a six acre parcel located on the south side of Hillcrest Road approximately 0.6 miles east of Highway 1 and 0.5 miles south of Salinas Road (APN: 117-092-009-000) from Resource Conservation, Coastal Zone [RC (CZ)] to Resource Conservation, Coastal Zone and Medium Density Residential, Building Site 6, Coastal Zone [RC (CZ) and MDR/B-6 (CZ)].

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Title is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Title. The Board of Supervisors hereby declares that it would have passed this Title 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 3. EFFECTIVE DATE. Following certification by the California Coastal Commission pursuant to Chapter 6, Article 2 of the California Coastal Act, this Ordinance shall become effective after formal adoption by the Board of Supervisors.

PASSED AND ADOPTED on this ___ day of _____ 2010 by the following vote:

AYES: Supervisors

NOES:
ABSENT:
ABSTAIN:

Simón Salinas, Chair
Monterey County Board of Supervisors

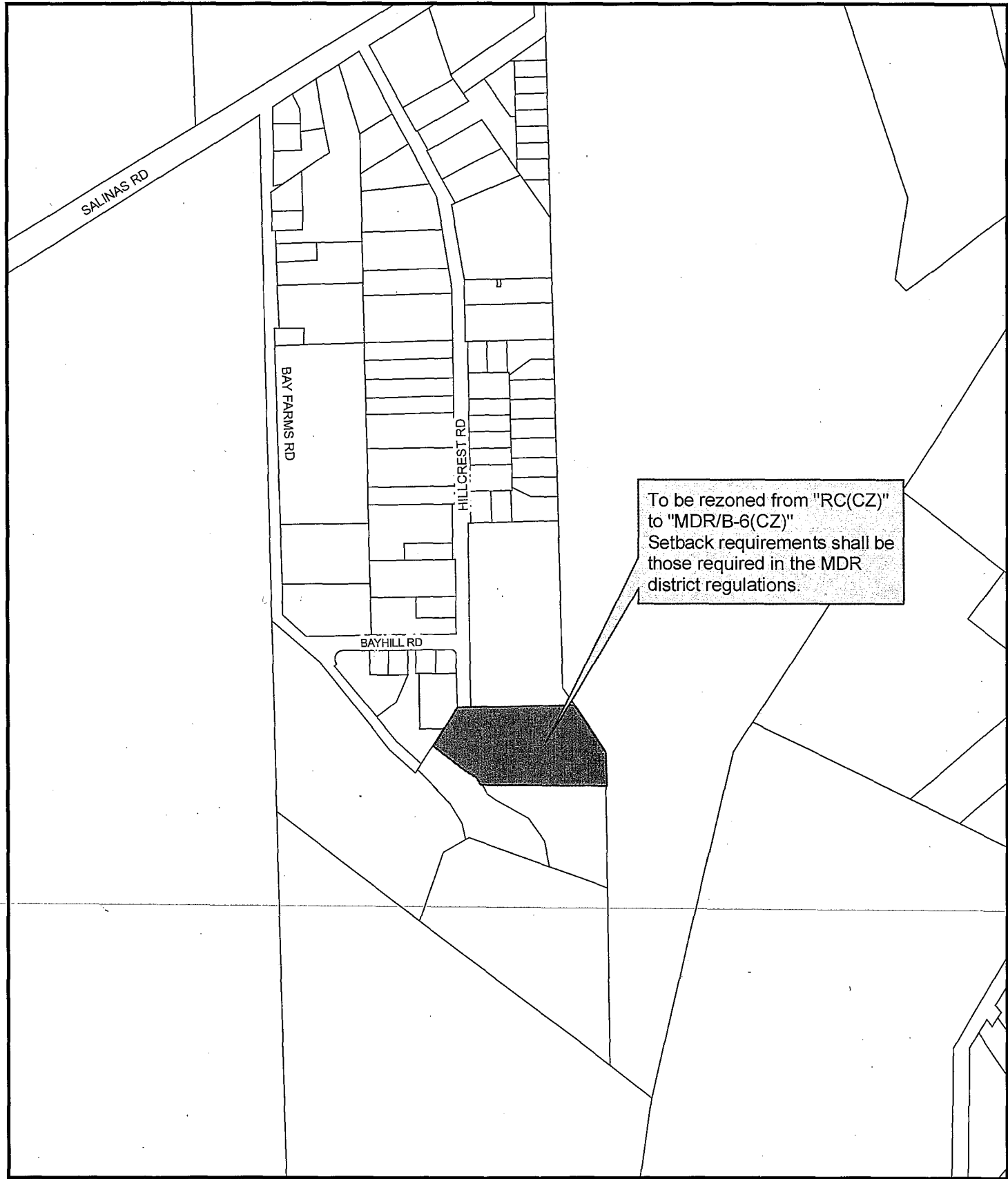
Attest:
LEW C. BAUMAN, Clerk
to the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM

LEROY W. BLANKENSHIP
Assistant County Counsel

EXHIBIT 1



To be rezoned from "RC(CZ)"
to "MDR/B-6(CZ)"
Setback requirements shall be
those required in the MDR
district regulations.

REZONING: SECTION 20-1, TITLE 20

APN: 117-092-009-000

FILE # PLN100319, STEVENS

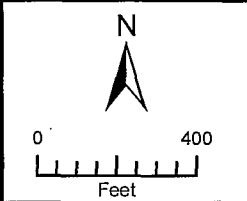


Exhibit D
Location Map

PLN100319
Stevens

Planning Commission
June 30, 2010

NORTH COUNTY

SANTA CRUZ COUNTY

Pajaro River

Warner Lake

SALINAS RD

HALL RD

PROJECT SITE

ELKHORN RD

Elkhorn Slough

JENSEN RD

APPLICANT: STEVENS

APN: 117-092-009-000

FILE # PLN100319

Water



2500' Limit



300' Limit



City Limits



0 1,000
Feet

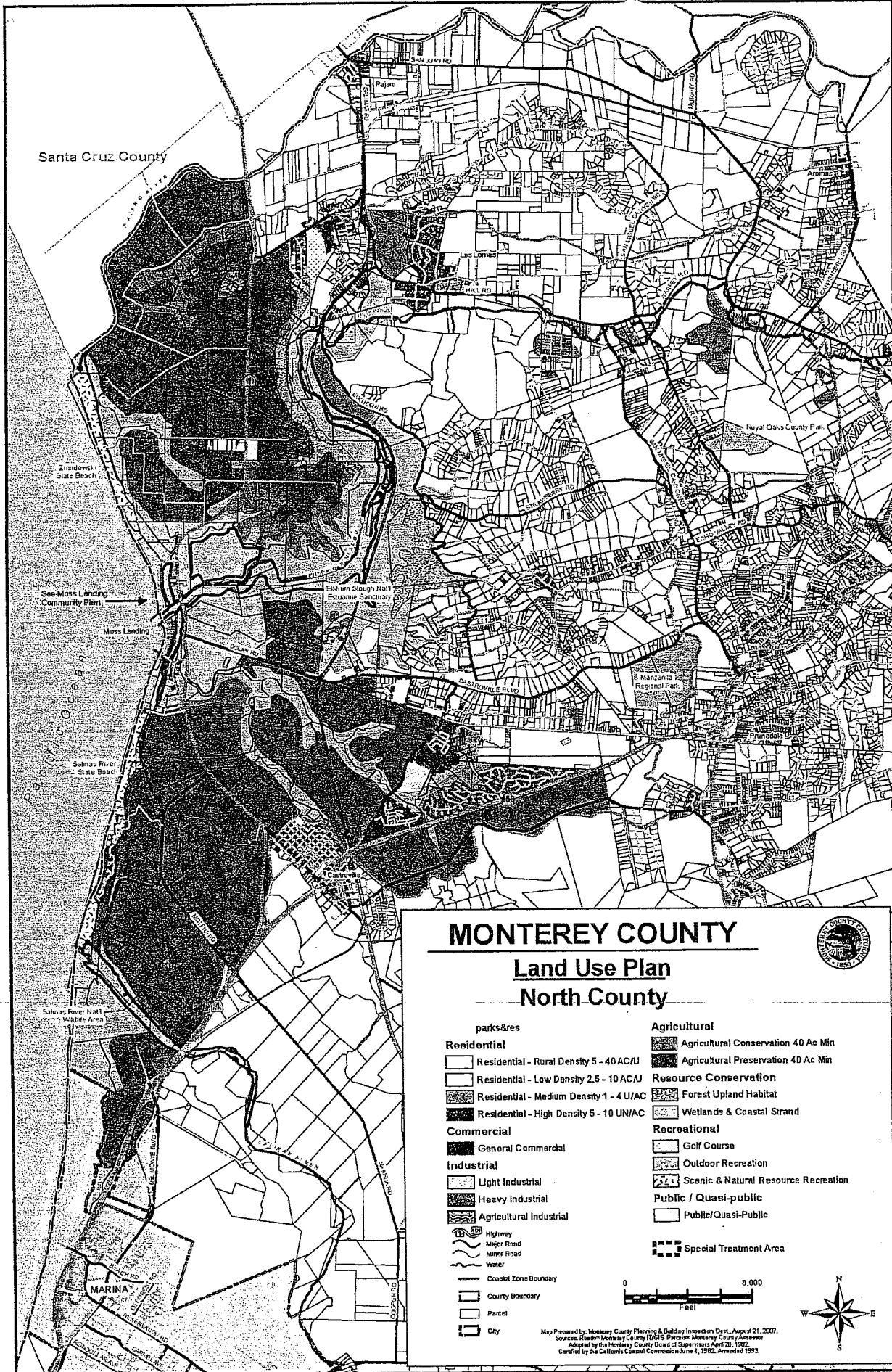


PLANNER: SIDOR

Exhibit E
Land Use Map

PLN100319
Stevens

Planning Commission
June 30, 2010



Santa Cruz County

Zimolowski State Beach

See Moss Landing Community Plan
Moss Landing

Salinas River State Beach

Salinas River North Middle Area

MONTEREY COUNTY

Land Use Plan North County

Residential

- Residential - Rural Density 5 - 40 AC/U
- Residential - Low Density 2.5 - 10 AC/U
- Residential - Medium Density 1 - 4 U/AC
- Residential - High Density 5 - 10 UN/AC

Commercial

- General Commercial

Industrial

- Light Industrial
- Heavy Industrial
- Agricultural Industrial

Infrastructure

- Highway
- Major Road
- Minor Road
- Water
- Coastal Zone Boundary
- County Boundary
- Parcel
- City

Agricultural

- Agricultural Conservation 40 Ac Min
- Agricultural Conservation 40 Ac Min

Resource Conservation

- Forest Upland Habitat
- Wetlands & Coastal Strand

Recreational

- Golf Course
- Outdoor Recreation
- Scenic & Natural Resource Recreation

Public / Quasi-public

- Public/Quasi-Public
- Special Treatment Area

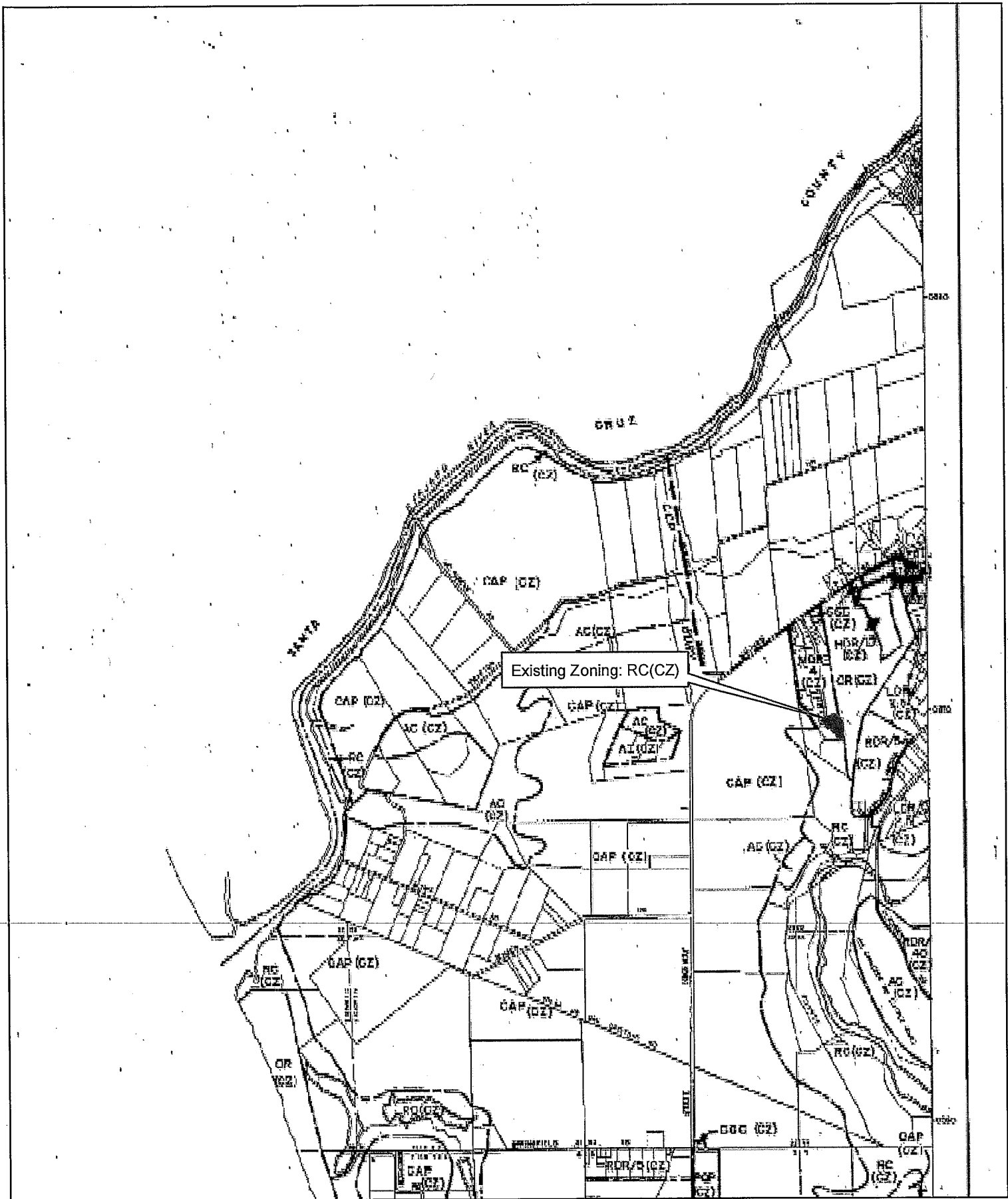
0 8,000
Foot

Map Prepared by: Monterey County Planning & Building Inspection Dept., August 21, 2007.
 Sources: Various Monterey County (MCOGIS) Parcel, Monterey County Assessor
 Adopted by the Monterey County Board of Supervisors April 20, 1997.
 Certified by the California Coastal Commission June 4, 1992. Amended 1993.

Exhibit F
Zoning Map

PLN100319
Stevens

Planning Commission
June 30, 2010



NORTH MONTEREY COUNTY
 EXISTING ZONING
 SECTION 1 COASTAL



 Not to scale

Exhibit G
1985 Planning Commission
Boundary Determination

PLN100319
Stevens

Planning Commission
June 30, 2010

PROPOSED SINGLE
FAMILY DWELLING

08
MEDIUM

02

FOREST

UPLAND

DENSITY

HABITAT

07
SEPTIC TANK AND WATER SYSTEM
MORATORIUM ORD 3075 AREA

Exhibit H
Coastal Commission
Staff Report

PLN100319
Stevens

Planning Commission
June 30, 2010

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT
701 OCEAN STREET, ROOM 310
SANTA CRUZ, CA 95060
(408) 426-7390



COASTAL DEVELOPMENT PERMIT

No. 3-85-215
Page 1 of 2

On October 22, 1985, the California Coastal Commission granted to
Wayne and Elnora Stevens
this permit for the development described below, subject to the attached
Standard and Special conditions.

Construct single-family dwelling on parcel with existing dwelling, grading,
install water and septic systems.

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS
Executive Director

A handwritten signature in cursive script, appearing to read "Les Strnad".

By: LES STRNAD
Title: Chief of Permits

ACKNOWLEDGEMENT

The undersigned permittee acknowledges receipt
of this permit and agrees to abide by all terms
and conditions thereof.

_____ Date

_____ Signature of Permittee

Application No. 3-85-215

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS: None

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA
701 OCEAN STREET, ROOM 310
SANTA CRUZ, CA 95060
(408) 426-7390 8-525-4863

DL
292 10/9/85
FILED: 9/27/85
49TH DAY: 11/5/85
180TH DAY: 3/28/86
STAFF REPORT: 10/8/85
HEARING DATE: 10/22/85
STAFF: J. Sheele/cm - (SC)
DOCUMENT NO.: 0181P

ADOPTED

CONSENT CALENDAR

STAFF REPORT

PROJECT INFORMATION

APPLICANT: Wayne and Elnora Stevens

APPLICATION NUMBER: 3-85-215

PROJECT LOCATION: Hillcrest Avenue, North Monterey County

PROJECT DESCRIPTION: Construct single-family dwelling on parcel with existing dwelling, grading, install water and septic systems.

ASSESSOR'S PARCEL NUMBER(S): 117-092-01

LOT AREA: 15.6 acres

ZONING: Unclassified

PROPOSED

BUILDING COVERAGE: approx.
2,900 sq. ft.

LCP JURISDICTION: North Monterey
County

PAVEMENT COVERAGE: 3,000 sq. ft.

PLAN DESIGNATION: Medium Density
Residential, 1-4 d.u./acre

LANDSCAPE COVERAGE: ---

PROJECT DENSITY: 1 du/7.8 acres

HEIGHT ABV. FIN. GRADE: 24 feet

LOCAL APPROVALS RECEIVED: Zoning, Environmental Health Department
approvals.
CEQA - Categorically exempt.

SUBSTANTIVE FILE DOCUMENTS: North County Land Use Plan

PTT: None

STAFF RECOMMENDATION

The Staff recommends that the Commission adopt the following Resolution:

Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

RECOMMENDED CONDITIONSStandard Conditions

See Exhibit A.

Special Conditions

1. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit the following for the Executive Director's review and approval:
 - A. Final on-site drainage plans. Collected or concentrated runoff from all impervious surfaces shall be discharged on site in a manner to prevent cumulative erosion and sedimentation and to promote on site percolation through the use of dry wells, water dissipators, etc. All bare ground areas shall be revegetated with plant species native to the Monterey Bay-Elkhorn region.
 - B. Evidence of approval of the water system from the Monterey County Environmental Health Department.
 - C. Landscaping plans. Landscape plantings shall effectively screen the approved residence from the views from Watsonville Golf Course. To the greatest extent feasible, all site landscaping shall be done with native and drought resistant plant species except for any garden areas. Plant materials shall be installed prior to occupancy and permanently maintained in good condition.

FINDING & DECLARATIONSProject Description

1. The proposed development consists of the construction of a single-family dwelling on a parcel with an existing dwelling, approximately 50 cubic yards of grading, a driveway, and water

and septic systems. The subject property is located at the southern terminus of Hillcrest Avenue in North Monterey County. The site is relatively flat to gently sloping. It contains several farm buildings and portions of the 15.6-acre parcel are in agricultural use. Surrounding land uses are predominantly rural residential. The Watsonville Golf & Country Club is immediately east of the subject parcel.

Development Patterns

2. The North Monterey County Land Use Plan (LUP) has been approved by the Commission and has been adopted by the County. The LUP designates the subject property as Medium Density Residential. The following is an excerpt from the LUP:

Medium Density Residential

Medium density residential use at 1 unit or more per acre to 4 units per acre is allowed according to site-specific evaluation of resource and public facility constraints.

The construction of a second dwelling on the subject site, a 15.6 acre parcel with an existing single-family dwelling, is consistent with current zoning, the General Plan, and with the density designation set forth in the LUP. The resulting density is 1 dwelling unit per 7.8 acres.

The LUP has been found consistent with the policies contained in Chapter 3 of the Coastal Act and has been approved by the Commission. The proposed development is consistent with density designation in the approved LUP and as conditioned can be found consistent with the intent of Section 30250(a) of the Coastal Act.

Wetland Resources

3. The subject site is located within subwatershed #20 of Elkhorn Slough. Subwatershed #20 is not a watershed restoration area. ~~A primary focus of the Coastal Act and the North Monterey County LUP is the control of cumulative erosion and sedimentation which adversely affect the biological quality of coastal waters.~~ As one means of minimizing such impacts, all development in the North Monterey County area is required by the LUP to retain, on-site, all runoff from impervious surfaces to the maximum degree. Preliminary drainage plans were submitted with the permit application. It is appropriate to require final on-site drainage and landscape plans to assure project compliance with LUP and Coastal Act erosion control policies.

As conditioned, the proposed project is consistent with Section 30231 of the Coastal Act and with adopted LUP policies addressing erosion and sedimentation control.

LCP/CEQA

4. As conditioned, this project is consistent with Chapter 3 of the Coastal Act and with the policies of the approved North Monterey County LUP and will not prejudice the implementation of the Local Coastal Program for this area. The proposed project is categorically exempt and as conditioned will not create any adverse environmental impacts within the meaning of the California Environmental Quality Act.

EXHIBIT-A

RECOMMENDED CONDITIONS

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXHIBIT NO. A

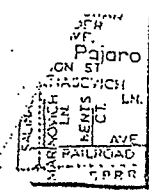
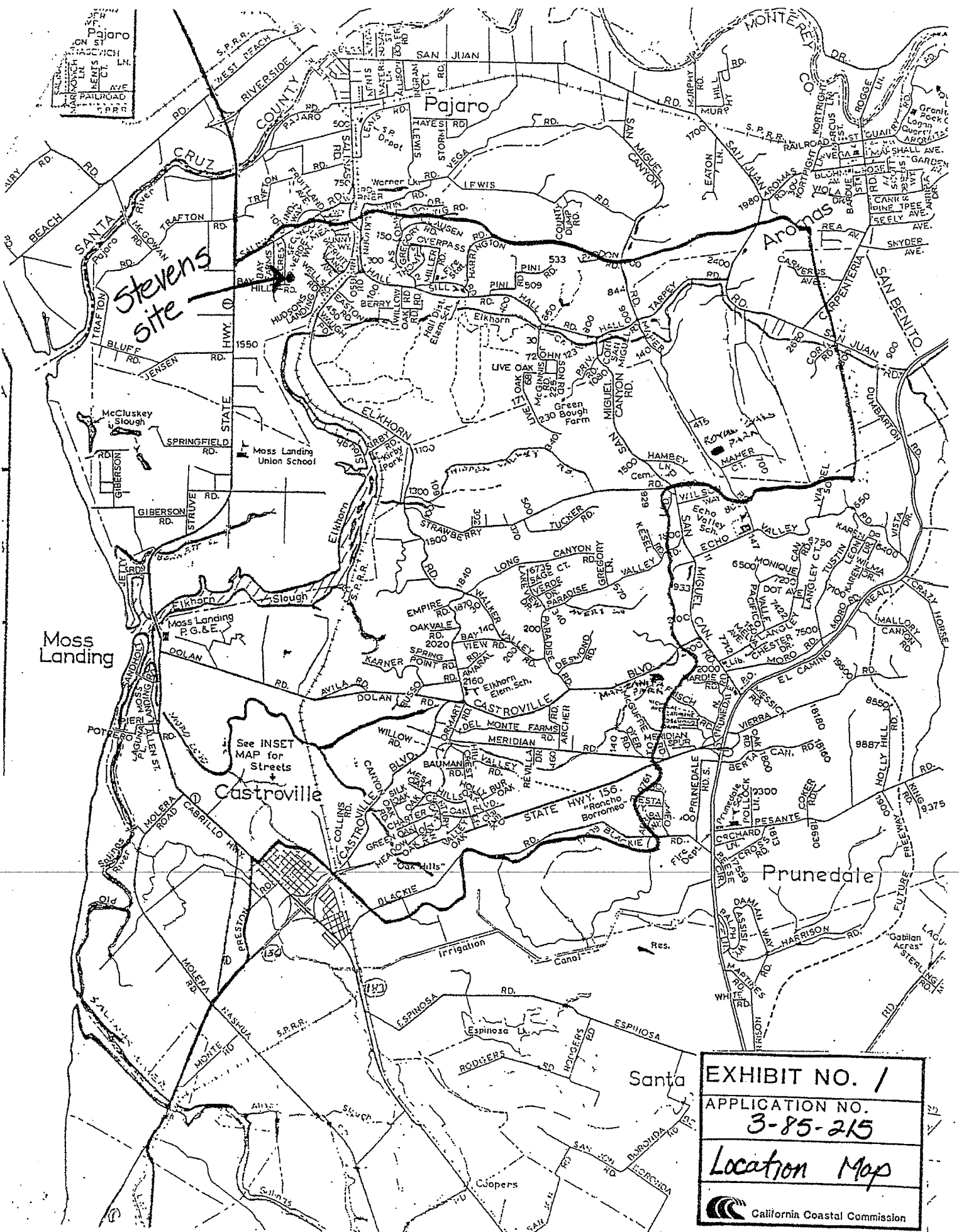
APPLICATION NO.

3-85-215

Standard Conditions



California Coastal Commission



Stevens site

Moss Landing

Castroville

Prunedale

Santa


EXHIBIT NO. 1
APPLICATION NO. 3-85-215
Location Map
 California Coastal Commission

Exhibit I
Monterey County Code
Section 20.020.060

PLN100319
Stevens

Planning Commission
June 30, 2010

- F. To provide a sufficient level of review and public hearing processes for adequate and necessary public participation in the review of development projects;
- G. To provide standards and procedures for preservation and exercise of property development rights.

20.02.040 NATURE OF COASTAL ZONING ORDINANCE.

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, Minor Subdivision Committee, Subdivision Committee 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.

20.02.050 EFFECT OF ADOPTION

- A. Upon adoption this Title shall become applicable to lands in the County of Monterey within the Coastal Zone.
- B. Upon adoption the terms, conditions and regulations of this Title shall govern and supersede the provisions of Title 20, Monterey County Code and Part 1 of the Monterey County Coastal Implementation Plan, for the unincorporated Coastal Zone areas of the County of Monterey.

20.02.060 CONSISTENCY WITH ADOPTED PLANS.

- A. No building permit, grading permit, land use discretionary permit, coastal administrative permit, coastal development permit, exemption, categorical exclusion, or other permit relative to land use may be approved if it is found to be inconsistent with the Monterey County Local Coastal Program.
- B. An exception to the finding required in Section 20.02.060.A may be considered by the Board of Supervisors on appeal, if it is found that the strict application of the area land use plan policies and development standards of this ordinance denies all reasonable use of the subject property. The exception may be granted only if the decision-making body is able to make the following findings:

- a. that the parcel is otherwise undevelopable due to specific policies of the applicable land use plan and development standards of this ordinance, other than for reasons of public health and safety;
- b. that the grant of a coastal development permit would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use designation in which the subject property is located;
- c. that the parcel is not located within the critical viewshed of Big Sur as defined in Section 20.145.020 and Section 20.145.030 and in the Big Sur Land Use Plan;
- d. that any development being approved is the least environmentally damaging alternative project. In order to make this finding, the development shall be required to minimize development of structures and impervious surfaces to the amount needed to reduce environmental impacts to the greatest extent possible and shall be required to locate the development on the least environmentally sensitive portion of the parcel;
- e. that any development being approved under these provisions shall be one of the "allowable uses" as listed under the parcel's zoning classification and that it shall be appealable to the California Coastal Commission in all cases.

C. If under the foregoing provisions, a property remains undevelopable, then the County or applicant may initiate a land use plan amendment for the subject parcel. For parcels identified in the Land Use Plans or found through implementation of the Land Use Plans to consist of important environmental or other coastal resources worthy of complete, permanent protection, the County Planning Department shall engage in an on-going effort to identify such means of protection and report periodically to the Board of Supervisors on such efforts. These may include, but not be limited to, possible land use plan amendments that would be consistent with the Coastal Act, public or private acquisitions, or other techniques, such as transfer of development credit programs.

D. In the event of a conflict or inconsistency between this Title and any County land use regulation the terms of the regulations listed highest on the following ladder shall prevail:

- 1. Coastal Act
- 2. Applicable Area Land Use Plan
- 3. Regulations For Development (Parts 2 through 6 of the Coastal Implementation Plan)
- 4. Title 20 (Part 1 of the Coastal Implementation Plan)
- 5. Any other regulation in the County

Exhibit J
Monterey County Code
Section 20.94.020

PLN100319
Stevens

Planning Commission
June 30, 2010

Chapter 20.94

AMENDMENTS TO TITLE

Sections:

- 20.94.010 Nature of Amendments.
- 20.94.020 Initiation of Amendments.
- 20.94.030 Public Hearings.
- 20.94.040 Reapplication.
- 20.94.045 Zoning Changes and Amendments not subject to California Coastal Commission Certification.
- 20.94.050 Fees.

20.94.010 NATURE OF AMENDMENTS.

- A. This Title may be amended by modification, change, deletion, addition, boundary adjustments, or similar changes to zoning district designations.
- B. This Title also may be amended by modification, change, deletion, addition, or similar changes to the text of any portion or portions of this Title

20.94.020 INITIATION OF AMENDMENTS.

Amendments to this Title may be initiated by:

- A. Application by an individual property owner to amend the zoning designation of the owners property; or,
- B. Application by an individual to amend the text provisions of this Title; or,
- C. Resolution of Intention by the Planning Commission of the County of Monterey to consider amendments to either the zoning designation for property or properties or the text provisions of this Title, or both; or,
- D. Resolution of Intention by the Board of Supervisors of the County of Monterey to consider amendments to either the zoning designation of property or properties or the text provisions of this Title, or both.

20.94.030 PUBLIC HEARINGS.

- A. The Planning Commission shall hold at least 1 public hearing on any proposed amendment pursuant to Chapter 20.84 and Appendix 13 (Local Coastal Program Amendment Procedures) of Part 6 of the Coastal Implementation Plan.