

MONTEREY COUNTY PLANNING COMMISSION

Meeting: September 12, 2012 Time: 9:00 A.M.	Agenda Item No.: 5
Project Description: Workshop to consider and provide direction on proposed ordinances (a non-coastal and a coastal ordinance) for the unincorporated areas of the County of Monterey that would change the process for consideration of applications for subdivisions and lot line adjustments, including the elimination of the Monterey County Minor and Standard Subdivision Committees. The purpose of the workshop is to seek public input and receive direction from the Planning Commission regarding establishing procedures for consideration of applications for lot line adjustments and subdivisions if the Minor and Standard Subdivision Committees are eliminated.	
Project Location: County-Wide	APN: County-Wide
Planning File Number: REF100014 (Non-Coastal) and REF120004 (Coastal)	Applicant: County of Monterey
Planning Area: County-Wide	Flagged and staked: N/A
Zoning Designation: : N/A	
CEQA Action: Exempt per Section 15060 (c)(3) and 15378 (b)(5)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a workshop and provide direction on proposed ordinances (a non-coastal and a coastal ordinance) for the unincorporated areas of the County of Monterey that would change the process for consideration of applications for subdivisions and lot line adjustments, including the elimination of the Monterey County Minor and Standard Subdivision Committees. The purpose of the workshop is to seek public input and receive direction from the Planning Commission regarding establishing procedures for consideration of applications for lot line adjustments and subdivisions if the Minor and Standard Subdivision Committees are eliminated.

PROJECT OVERVIEW:

On July 13, 2010, the Board of Supervisors (Board) directed staff to proceed with the preparation of a non-coastal and a coastal ordinance that would change the process for consideration of applications for lot line adjustments and subdivisions. The major changes in the process were to eliminate the Monterey County Minor and Standard Subdivision Committees for both the non-coastal and coastal zone and in the non-coastal zone, eliminate administrative approvals of non-controversial lot line adjustments and non-controversial minor subdivisions and move these items to be considered by the Planning Commission.

With these changes, the Board intended to simplify and streamline the process of applications for lot line adjustments and subdivisions. By eliminating the Minor and Standard Subdivision Committees and moving the hearing authority to the Planning Commission, this would allow for a proper forum. Since the Minor and Standard Subdivision Committees are technical committees, the Board believed these Committees were not the proper forum, especially for controversial applications.

In the non-coastal zone, eliminating administrative approvals of non-controversial lot line adjustments and non-controversial minor subdivisions applications and moving the hearing authority to the Planning Commission, would make the overall non-coastal and coastal processes the same since currently they have subtle differences.

Prior to drafting the ordinances, a Planning Commission workshop was held on July 29, 2011, to discuss and consider the proposed ordinances and have public input. Respective ordinances were then drafted and circulated and both were considered by the Planning Commission earlier this year with a recommendation to the Board to grant adoption. The Draft Ordinances have been considered by The County Streamlining Task Force and the Monterey County Agricultural Advisory Committee.

The Draft Ordinances were then before the Board at duly appointed hearings for final consideration [dates: July 24, 2012 (Non-Coastal Ordinance, REF100014) and July 31, 2012 (Coastal Ordinance, REF120004)]. At these hearings, the Board took public testimony and continued the items and directed staff to meet with citizens who voiced concerns with the Draft Ordinances in respect to proposed hearing body consideration for certain applications. For your reference, the Draft Ordinances are hereby attached as **Exhibit B** (non-coastal ordinance) and **Exhibit C** (coastal ordinance). On August 3, 2012, staff met with representatives from the agricultural industry and other citizens who voiced concerns on the Draft Ordinances. After that meeting, staff received additional concerns from the coastal community of Big Sur.

At a duly appointed Board of Supervisors Hearing on August 28, 2012, the Board considered the report by the RMA-Planning Department on the public comments, including the comments made at the August 3, 2012 meeting described above regarding the circulated Draft Ordinances. The public comments reflected no issues over the proposed elimination of the Minor and Standard Subdivision Committees. The resonating issue was the corresponding hearing body for lot line adjustments and minor subdivisions with the elimination of the Minor and Standard Subdivision Committees for both the non-coastal and coastal zones. Staff received conflicting opinions over processing of these applications. The public comments are as follows:

- Continue the ordinance adoption process as originally directed by the Board of Supervisors in 2010 and as outlined in the previously circulated Draft Ordinances [**Exhibit B** (non-coastal) and **Exhibit C** (coastal)];
- In the non-coastal zone, do not change the process for non-controversial lot line adjustment applications, which currently are subject to the consideration by the Director of Planning. For transparency purposes, provide a Director of Planning “upcoming Administrative Approval calendar” on the Planning Department’s website to inform the public of scheduled items to be considered by the Director of Planning.
- In the non-coastal zone, do not change the process for non-controversial minor subdivision applications, which currently are subject to the consideration by the Director of Planning. For transparency purposes, provide a Director of Planning “upcoming Administrative Approval calendar” on the Planning Department’s website to inform the public of scheduled items to be considered by the Director of Planning.
- Strong disagreement was expressed on the Board of Supervisor’s original intent to “mirror” the non-coastal and coastal processes, since currently these have subtle differences in the processing of lot line adjustments, minor and standard subdivisions. For example, non-controversial lot line adjustments in the non-coastal zone are currently considered by the Director of Planning as opposed to non-controversial lot line adjustments in the coastal zone requiring approval by the Minor Subdivision Committee. The concern was that in

“mirroring” the non-coastal and coastal processes would result in unnecessarily elevating the process, scrutiny and protection in the non-coastal areas to the same level applied in the coastal zone. The argument was made that in the coastal zone, heightened requirements are based in the Coastal Act which purpose is the protection of coastal resources. The same protection should not be applied in the non-coastal areas since this would unnecessarily burden property owners outside the coastal zone.

- In the non-coastal zone, controversial lot line adjustments and controversial minor subdivisions should be subject to the consideration of the Zoning Administrator, rather than the Planning Commission.
- In the coastal zone, non-controversial lot line adjustments and non-controversial minor subdivisions requiring a parcel map, should be subject to the consideration of the Zoning Administrator, rather than the Planning Commission.

At the August 28, 2012 Board of Supervisors Hearing, the Board motioned to re-direct the proposed ordinances before the Planning Commission for a workshop given the public comments received. At this workshop, staff will present the following information:

- The current process for lot line adjustments and subdivisions, which includes the non-coastal zone and the coastal zone processes. See **Exhibit A** for chart.
- The process as originally directed by the Board in their 2010 referral and the corresponding and previously circulated Draft Ordinances contained in **Exhibit B** (non-coastal) and **Exhibit C** (coastal). See **Exhibit A** for chart.
- Charts showing the additional options for processing lot line adjustment and subdivision applications pursuant to public comments explained above.

Conclusion

Staff is requesting that the Planning Commission consider the options presented by staff as how to process lot line adjustments and subdivision applications, solicit public comment on the topic and direct staff to prepare a non-coastal and coastal ordinance with specific option(s) for future consideration.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

RMA - Public Works Department
Environmental Health Bureau
Water Resources Agency
Representative of the Fire Protection District
Parks Department

/S/ PROJECT PLANNER NAME



Nadia Amador, Associate Planner

Long Range Planning Team

(831) 755-5114, amadorn@co.monterey.ca.us

August 30, 2012

ORDINANCES TO ELIMINATE THE MONTEREY COUNTY MINOR AND STANDARD SUBDIVISION COMMITTEES (REF100014 [NON-COASTAL] AND REF120004 [COASTAL])

cc: Front Counter Copy; Monterey County Planning Commission; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; Dawn Mathes, Agricultural Commissioner; Virginia Jameson, Supervisor Parker's Office; Chris Lopez, Supervisor Salinas' Office; Henry Gowin, Supervisor Calcagno's Office; Kathleen Lee, Supervisor Potter's Office; California Coastal Commission; David C. Sweigert, Fenton & Keller; Michael Harrington, Brian Finegan Law Office; Jim Bougart, Grower-Shipper Association of the Central Coast; Michael Cling, Law Offices of Michael D. Cling; Dale Huss, Ocean Mist Farms; Norm Groot, Monterey County Farm Bureau; Nancy Isakson, Salinas Valley Water Coalition; Ed Mitchell, Prunedale Neighbors Group; Dale Ellis, Anthony Lombardo and Associates; Joel Panzer, Maureen Wruck Planning Consultants, LLC; Michael Caplin; Pamela Silkwood, Horan Lloyd; Butch Kronlund, Coast Property Owners Association; Big Sur Multi-Agency Advisory Council c/o Kathleen Lee; Friends, Artists and Neighbors of Elkhorn Slough (FANS); Prunedale Preservation Alliance c/o Jan Mitchell; Highway 68 Coalition c/o Mike Weaver; Carmel Residents Association; Carmel Valley Association; Save Our Carmel Neighborhoods Coalition; League of Women Voters of the Monterey Peninsula; Sierra Club, Ventana Chapter; Marjorie Kay; Beverly Bean; Janet Brennan; Julie Engell; California Native Plant Society, Monterey Bay Chapter; Gary Patton, Wittwer & Parkin, LLP; All County Land Use Advisory Committees; Jacqueline R. Onciano, Planning Services Manager; Nadia Amador, Project Planner; The Open Monterey Project c/o Molly Erickson; LandWatch; Planning Files REF100014 (Non-Coastal) and REF120004 (Coastal)

Attachments: Exhibit A Charts with Current and Proposed Draft Ordinance Process (non-coastal and coastal) for Lot Line Adjustments and Subdivisions
Exhibit B Previously circulated Draft Ordinance (Redline) for the Non-Coastal Areas (REF100014)
Exhibit C Previously circulated Draft Ordinance (Redline) for the Coastal Areas (REF120004)

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

Exhibit A

Coastal Current Process and Proposed Process as Outlined in Exhibit C (Draft Ordinance)

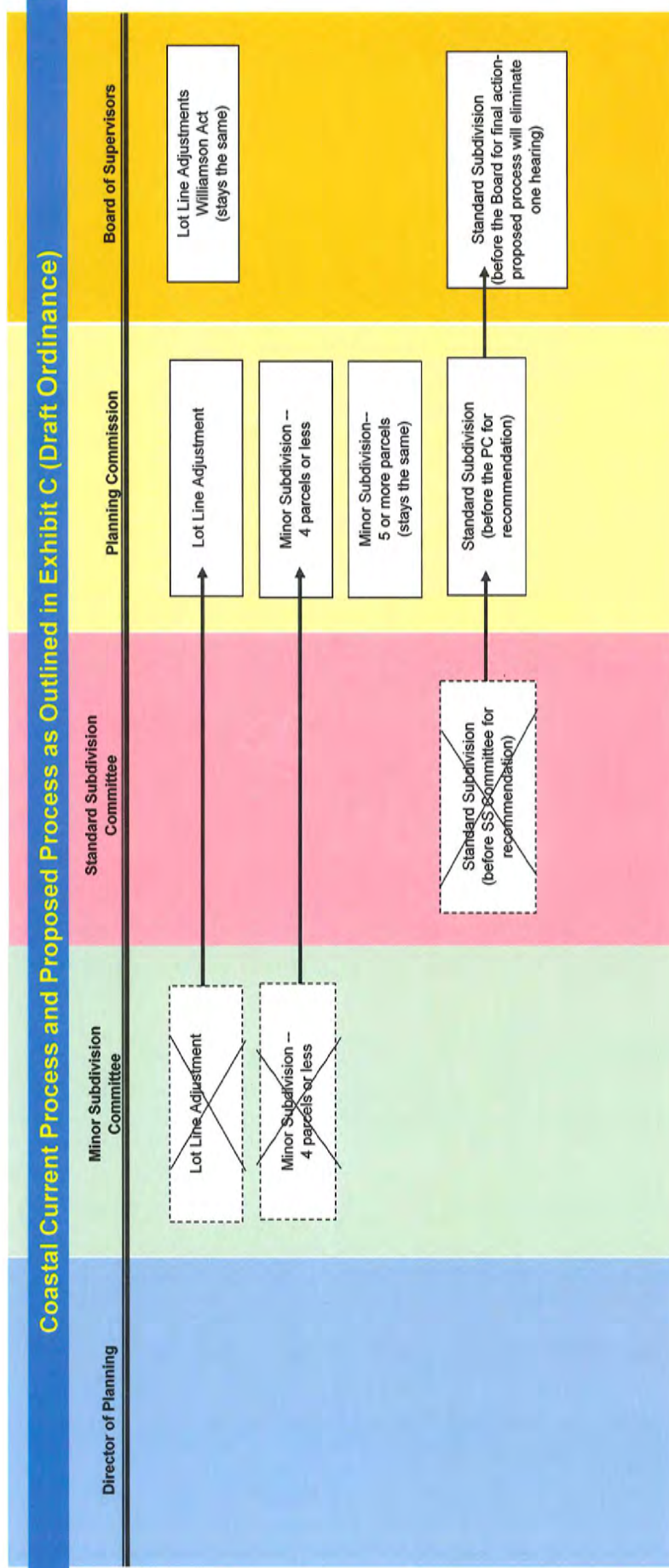


Exhibit A

Non-Coastal Current Process and Proposed Process as Outlined in Exhibit B (Draft Ordinance)

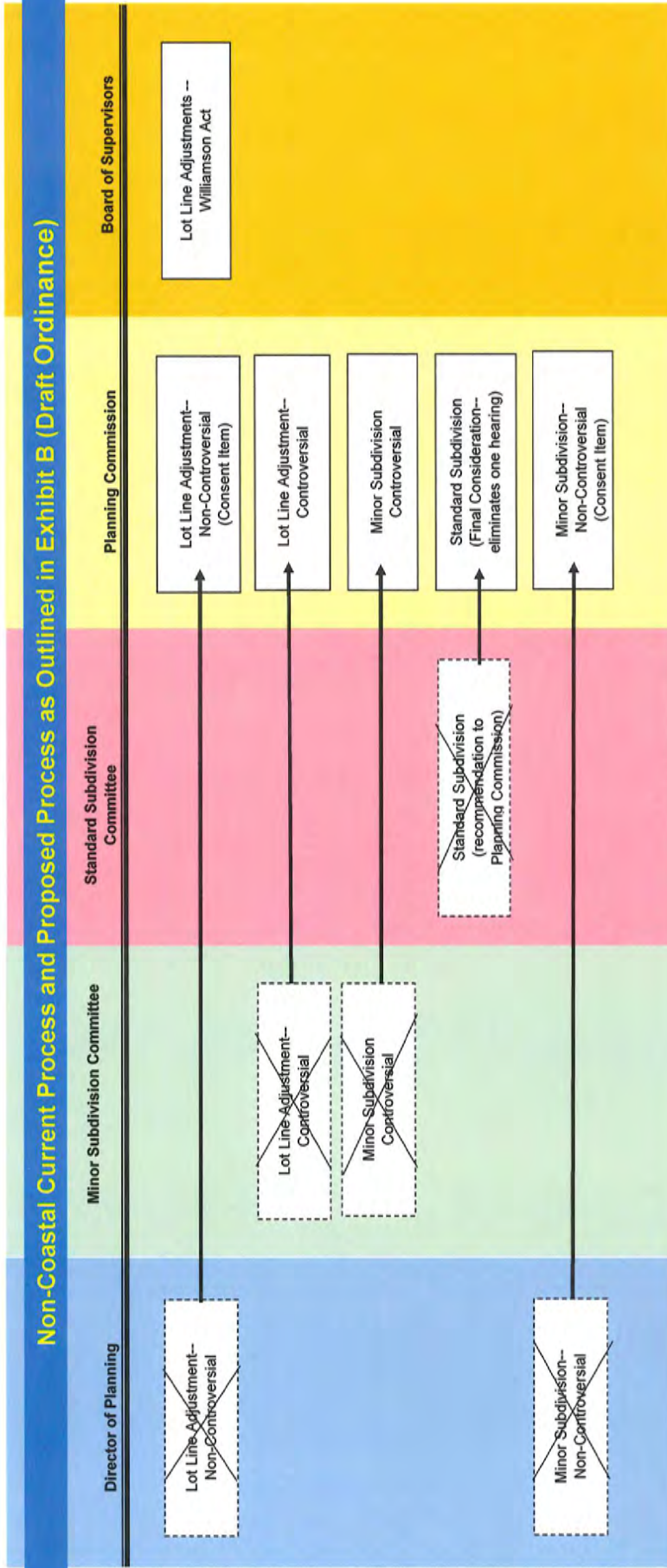


Exhibit B

**Draft Ordinance as
Previously Circulated
for
Non-Coastal Zone**

Exhibit B
Draft Ordinance
Non-Coastal

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING TITLE 19 AND TITLE 21 OF THE MONTEREY COUNTY CODE RELATING TO THE APPROPRIATE AUTHORITY TO CONSIDER APPLICATIONS FOR SUBDIVISIONS AND LOT LINE ADJUSTMENTS

County Counsel Summary

This ordinance amends Title 19 (non – coastal subdivision ordinance) and Title 21 (non-coastal zoning ordinance) of the Monterey County Code to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated inland area of the County of Monterey. Changes to the process include dissolution of the County of Monterey’s Minor and Standard Subdivision Committees, elimination of the Director of Planning’s authority to decide upon minor subdivisions and lot line adjustments, and designation of the Monterey County Planning Commission as the appropriate authority to consider applications for subdivisions and lot line adjustments in the inland unincorporated area of the County.

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

SECTION 1. The Table of Contents of Chapter 19.01 of Title 19 (inland) of the Monterey County Code is amended to read as follows:

Chapter 19.01 -- GENERAL PROVISIONS

Sections:

- 19.01.005 Citation and authority.
- 19.01.010 Purpose.
- 19.01.015 Consistency.
- 19.01.020 Exceptions.
- 19.01.025 ~~Minor Subdivision Committee~~ Technical Review.
- 19.01.030 ~~Standard Subdivision Committee~~ [Reserved]
- 19.01.035 Planning Commission.

- 19.01.040 Board of Supervisors.
- 19.01.045 Fees and forms.
- 19.01.050 [Repealed.]
- 19.01.055 Public notice.
- 19.01.060 Applicability.
- 19.01.065 State pre-emption.
- 19.01.066 Compliance with local, State, and Federal laws.
- 19.01.070 Appropriate decision making bodies to consider housing needs of region.
- 19.01.075 Limitation on improvement requirements under a parcel map.
- 19.01.080 Designated remainder parcel improvement requirements.
- 19.01.090 Conditions for mobilehome parks.

SECTION 2. Section 19.01.025 of Title 19 (inland) of the Monterey County Code is amended to read as follows:

~~19.01.025 Minor Subdivision Committee.~~

~~A. There is created a Minor Subdivision Committee to consist of one member of the Planning Commission and one alternate, the Director of Public Works, the Director of Environmental Health, the Director of Planning and Building Inspection, the General Manager of the Monterey County Water Resources Agency, and the County Fire Warden, or their designated representatives. The Planning Commission shall designate which voting member and alternate shall sit on the Minor Subdivision Committee for a period of one year on a rotational basis. The Director of Planning and Building Inspection or the designated representative shall be the secretary of the committee.~~

~~The Minor Subdivision Committee shall be charged with the following duties and responsibilities:~~

- ~~1. To serve in a technical capacity to the Board of Supervisors and the Planning Commission and make recommendations on the design, improvements, and standards of this Title pertaining to subdivisions.~~
- ~~2. To serve as the advisory agency authorized to approve, conditionally approve or disapprove minor subdivisions and divisions of property requiring a parcel map under Section 66426 of the Government Code of the State of California for which a public hearing pursuant to Section 19.04.025 F, is required.~~
- ~~3. To serve as the decision-making body on revised minor subdivisions and requests for reconsideration of conditions for which a public hearing, pursuant to Section 19.04.025, is required prior to the recordation of the parcel map.~~

19.01.025 – Technical Review.

A. County staff, including designated representatives from Planning, Building Services, Public Works, Environmental Health, Parks, and Housing, with legal advice from County Counsel and technical input from the Monterey County Fire Warden or representative of a local fire district as applicable and the Monterey County Water Resources Agency, shall conduct a Technical Review (TR) of all applications for tentative maps, vesting tentative maps, and lot line adjustments. The designated representative from Planning shall facilitate the review.

B. The purpose of the Technical Review shall be the following:

1. To serve in a technical capacity and make recommendations on the design, improvements, and application of state law and County plans, ordinances, and regulations to subdivision applications and lot line adjustment applications; and

2. To develop recommendations to the appropriate decision making body.

SECTION 3. Section 19.01.030 of Title 19 (inland) of the Monterey County Code is repealed and the section number is reserved for future use.

SECTION 4. Section 19.01.035 of Title 19 (inland) of the Monterey County Code is amended to read as follows:

19.01.035 -- Planning Commission.

A. Pursuant to section 66415 of the California Government Code, the Planning Commission is hereby designated the appropriate decision making body for ~~standard subdivisions as defined in this Title and Section 66415 of the Government Code of the State of California~~ lot line adjustments and tentative maps, tentative parcel maps, and vesting tentative maps for standard or minor subdivisions, unless otherwise provided by this Title or Title 21.

B. The Planning Commission shall be the appropriate decision making body for the reconsideration of tentative maps for ~~standard~~-subdivisions and requests for reconsiderations of conditions of ~~standard~~-subdivisions prior to recordation of the final map.

C. The Planning Commission shall be charged with the duty of making recommendations to the Board of Supervisors to reduce, alter, or add to the provisions of this Title.

SECTION 5. The Table of Contents of Chapter 19.02 of Title 19 (inland) of the Monterey County Code is amended to read as follows:

Chapter 19.02 - DEFINITION OF TERMS.

Sections:

- 19.02.005 - Advisory agency.
- 19.02.010 - Advisory committee.
- 19.02.015 - Allocation.
- 19.02.016 - Appropriate decision making body.
- 19.02.020 - Building envelope.
- 19.02.025 - Building setback line.
- 19.02.030 - Building site.
- 19.02.035 - Certificate of compliance.
- 19.02.040 - California Environmental Quality Act (CEQA).
- 19.02.045 - Citizen's Subdivision Evaluation Committee.
- 19.02.050 - Common interest development.
- 19.02.055 - Community apartment project.
- 19.02.060 - Condominium plan.
- 19.02.065 - Coastal land use plan.
- 19.02.070 - Coastal zone.
- 19.02.075 - Condominium project.
- 19.02.080 - County.
- 19.02.085 - Combined development permit.
- 19.02.086 - Development.
- 19.02.090 - Density.
- 19.02.095 - Density (Gross).
- 19.02.100 - Density (Slope).
- 19.02.105 - Design.
- 19.02.107 - Director.
- 19.02.110 - Easement.
- 19.02.115 - Environmental impact report (EIR).
- 19.02.120 - Findings.
- 19.02.125 - Reserved.
- 19.02.127 - General Manager.
- 19.02.130 - General Plan.
- 19.02.135 - Grading.
- 19.02.137 - Health officer.
- 19.02.140 - Improvement.
- 19.02.143 - Long term water supply (safe yield).

19.02.145 - Lot.
19.02.150 - Lot line adjustment.
19.02.155 - Map Act.
19.02.160 - Map (final).
19.02.165 - Map (parcel).
19.02.170 - Map (preliminary).
19.02.175 - Map (preliminary project review).
19.02.180 - Map (tentative).
19.02.185 - Map (vesting tentative).
19.02.190 - Merger.
19.02.195 - Open space.
19.02.200 - Owner.
19.02.205 - Parcel.
19.02.207 - Person.
19.02.210 - Planned development.
19.02.215 - Planning area.
19.02.220 - Remainder parcel.
19.02.225 - Residential allocation zone.
19.02.230 - Specific plan.
19.02.235 - Stock cooperative.
19.02.240 - Street.
19.02.245 - Structure.
19.02.250 - Subdivider.
19.02.255 - Subdivision.
19.02.256 - Technical Review.
19.02.260 - Zoning Ordinance.

SECTION 6. Section 19.02.256 is added to Title 19 (inland) of the Monterey County Code to read as follows:

19.02.256 Technical Review.

Technical Review (TR) means the staff level technical review of applications described in section 19.01.025 of this Title.

SECTION 7. Subsection C of Section 19.03.025 of Title 19 (inland) of the Monterey County Code is amended to read as follows:

Ordinance Amending Titles 19 and 21 (non-coastal)

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~~C. Staff shall conduct a Technical Review to~~ The Standard Subdivision Committee shall meet to review and consider the proposed development and make and to review or recommend recommendations of proposed findings, recommend conditions of approval, or recommended disapproval to the Planning Commission. Notice of the meeting of the Standard Subdivision Committee shall be provided pursuant to Section 19.01.055.

SECTION 8. Subsection D of Section 19.03.025 of Title 19 (inland) of the Monterey County Code is amended to read as follows:

~~D. After consideration by the Standard Subdivision Committee,~~ The Director of Planning shall set the matter for public hearing before the Planning Commission to review and consider the report of the Standard Subdivision Committee on the proposed development. The matter shall not be set for hearing until the Technical Review has been conducted. The Planning Commission may approve or deny, in whole or in part, the proposed development with appropriate findings, evidence and conditions.

SECTION 9. Subsection C of Section 19.04.025 of Title 19 (inland) of the Monterey County Code is amended to read as follows:

~~C. The Director of Planning~~ Planning Commission is the appropriate decision making body to consider minor subdivisions, unless the matter is referred to public hearing under Section 19.04.025 F. In such cases the Minor Subdivision Committee is the appropriate decision making body to hear and consider minor subdivisions or lot line adjustments.

SECTION 10. Subsection F of Section 19.04.025 of Title 19 (inland) of the Monterey County Code is amended to read as follows:

~~F. A minor subdivision shall be referred to the Minor Subdivision Committee~~ Planning Commission for consideration at a public hearing, if there is evidence of public controversy or public opposition to the proposed use or development. Such evidence includes, but is not limited to:

- ~~1. A staff recommendation for denial;~~
- ~~2. The applicant or applicant's representative requests, in writing, a public hearing;~~
- ~~3. Written request, based on a substantive issue, for a public hearing by one or more owners or residents in the area.~~

~~If a~~ The public hearing is required it shall be noticed and conducted pursuant to the public hearing provisions of Section 19.01.055.

Ordinance Amending Titles 19 and 21 (non-coastal)

SECTION 11. Subsection A of Section 19.04.030 of Title 19 (inland) of the Monterey County Code is amended to read as follows:

A. Upon completion of the environmental documents, the Director of Planning shall set the matter for consideration by the appropriate decision making body which may approve, disapprove, or conditionally approve the tentative parcel map in conformance with standards set forth in the Subdivision Map Act and this Title. A tentative parcel map may not be denied without a public hearing before the ~~Minor Subdivision Committee~~ Planning Commission. Such action shall take place within the applicable time limits of this Title.

SECTION 12. Subsection A of Section 19.05.055 of Title 19 (inland) of the Monterey County Code is amended to read as follows:

A. Upon completion of the required environmental documents, the Director of Planning shall refer the application to the ~~Standard Subdivision Committee~~ for Technical Review for their review and comment. Such action shall take place within the applicable time limits.

SECTION 13. Subsection F of Section 19.07.025 of Title 19 (inland) of the Monterey County Code is amended to read as follows:

F. ~~Action by the Subdivision Committee or Minor Subdivision Committee~~ Technical Review:

Staff shall conduct Technical Review to consider the proposed development and to review or recommend proposed findings, recommend conditions of approval, or recommend disapproval to the Planning Commission. The Subdivision Committee or Minor Subdivision Committee shall hold a duly noticed public hearing to review and consider the proposed development and make recommendations of proposed findings, conditions of approval or recommend disapproval to the Planning Commission. The Subdivision Committee or Minor Subdivision Committee shall only review the proposed project from a technical standpoint and will not evaluate the project to confirm scoring a development. The Technical Review by staff shall review the proposed project only from a technical standpoint and will not evaluate the project to confirm scoring a development.

SECTION 14. Subsection G of Section 19.07.025 of Title 19 (inland) of the Monterey County Code is amended to read as follows:

G. Action by the Planning Commission:

1. ~~After consideration by the Subdivision Committee or the Minor Subdivision Committee, t~~The Director of Planning shall set the matter for public hearing before the Planning Commission to review and consider the report and recommendation of the Subdivision Committee or Minor Subdivision Committee regarding the proposed development. The matter shall not be set for hearing until the Technical Review has been conducted.

2. The Planning Commission shall review the preliminary project review map ~~and report of the Subdivision Committee or Minor Subdivision Committee~~ and make recommendations relating to technical matters, subdivision design and consistency of the map with the land use element and provisions of the applicable General Plan, Local Coastal Program, Area Plan, Land Use Plan or Master Plan documents.

3. The Planning Commission shall make a finding, based on substantial evidence, upon the recommendation of the Health Officer, pursuant to Section 19.03.015L, 19.05.040L, or 19.07.020K that the source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations prior to approval of the standard subdivision tentative map, or vesting tentative map, or tentative parcel map.

4. The Appropriate Authority shall make a finding, based on substantial evidence, upon the recommendation of the Health Officer, pursuant to Section 19.03.015 that the source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations prior to approval of the tentative parcel map.

SECTION 15. Subsection E of Section 19.09.005 of Title 19 (inland) of the Monterey County Code is amended to read as follows:

E. ~~The Director of Planning~~ Planning Commission is the appropriate decision making body to consider lot line adjustments, ~~unless the matter is referred to public hearing under Section 19.09.005G. In such case the Minor Subdivision Committee is the appropriate decision making body to hear and consider lot line adjustments.~~

SECTION 16. Subsection H of Section 19.09.005 of Title 19 (inland) of the Monterey County Code is amended to read as follows:

H. A lot line adjustment shall be referred to the ~~Minor Subdivision Committee~~ Planning Commission for consideration at a public hearing, ~~if there is evidence of public controversy or public opinion to the proposed use of development. Such evidence includes, but is not limited to:~~

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- ~~1. A staff recommendation for denial;~~
 - ~~2. The applicant or applicant's representative requests, in writing, a public hearing;~~
 - ~~3. Written request, based on a substantive issue, for a public hearing by one or more owners or residents in the area.~~
- If ~~a~~ The public hearing is required it shall be noticed and conducted pursuant to the public hearing provisions of Section 19.01.055.

SECTION 17. Section 19.16.010 of Title 19 (inland) of the Monterey County Code is amended to read as follows:

19.16.010- Applicability

The provisions of this Chapter apply to discretionary decisions made pursuant to the provisions of this Title by the Director of Planning, ~~the Minor Subdivision Committee,~~ and the Planning Commission.

SECTION 18. Section 19.16.020 of Title 19 (inland) of the Monterey County Code is amended to read as follows:

19.16.020- Designation of appeal authorities.

A. The Board of Supervisors is the Appeal Authority to consider appeals from the discretionary decisions of the Director of Planning made pursuant to this Title.

~~B. The Board of Supervisors is the Appeal Authority to consider appeals from the discretionary decisions of the Minor Subdivision Committee made pursuant to this Title.~~

~~C.~~ B. The Board of Supervisors is the Appeal Authority to consider appeals from the decisions of the Planning Commission.

SECTION 19. Section 21.02.040 of the Monterey County Code is amended to read as follows:

21.02.040 – Nature of Zoning Ordinance.

The Zoning Ordinance consists of the establishment of various districts, regulations and permit processes for the unincorporated territory of the County of Monterey.

The 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 General Plan and applicable area plans 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 Ordinance Amending Titles 19 and 21 (non-coastal)

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~~ or Director of Planning, 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 therefor. (Ord. No. 5135, §§ 90. 91, 7-7-2009)

SECTION 20. Subsection A of Section 21.76.030 of the Monterey County Code is amended to read as follows:

A. The Appropriate Authority to consider a Combined Development Permit shall be the Planning Commission, Zoning Administrator, ~~Minor Subdivision Committee~~ or Board of Supervisors. The basis of the designation shall be that the body established under State Law, Title 19 (Subdivisions), of the Monterey County Code, or Title 21 (Zoning), of the Monterey County Code, as the decision making body for the principal land use shall be the decision making body for the Combined Development Permit. Should the Combined Development Permit include any permit normally considered by the Planning Commission, then the Planning Commission shall consider the entire Combined Development Permit, including variances.

SECTION 21. The first sentence of Section 21.84.130 of the Monterey County Code is amended to read as follows:

No application for a discretionary land use permit under the authority of the Director of Planning, the Zoning Administrator, ~~the Minor Subdivision Committee~~, the Planning Commission or the Board of Supervisors shall be deemed complete if there is a violation on said property of a County ordinance which regulates grading, vegetation removal or tree removal until that property has been restored to its pre-violation state.

SECTION 22. 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 23. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 2012, by the following vote:

A YES: Supervisors

NOES:

ABSENT:

ABSTAIN:

Dave Potter, Chair
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

Wendy S. Strimling
Senior Deputy County Counsel

Exhibit C

**Draft Ordinance as
Previously Circulated
for
Coastal Zone**

Exhibit C
Draft Ordinance
Coastal
ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING TITLE 19 AND TITLE 20 OF THE MONTEREY COUNTY CODE
RELATING TO APPLICATIONS FOR MINOR SUBDIVISIONS AND LOT LINE
ADJUSTMENTS**

County Counsel Summary

This ordinance amends Title 19 (coastal subdivision ordinance) and Title 20 (Monterey County Coastal Implementation Plan, Parts 1, 2, 3, and 4) of the Monterey County Code to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated coastal zone of the County of Monterey. Proposed changes to the process include dissolving the County of Monterey's Minor and Standard Subdivision Committees and designating the Monterey County Planning Commission as the appropriate authority to consider applications for minor subdivisions and lot line adjustments in the coastal zone in the coastal unincorporated area of the County. The ordinance also updates the lot line adjustment standards and filing standards in Title 19 to conform to changes in state law.

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

SECTION 1. The Table of Contents of Chapter I of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

Chapter I: GENERAL PROVISIONS

- 19.01.005 Citation and authority.
- 19.01.010 Purpose.
- 19.01.015 Consistency.
- 19.01.020 Exceptions.
- 19.01.025 ~~Minor Subdivision Committee~~ Technical Review.
- 19.01.030 ~~Subdivision Committee~~ [Reserved].
- 19.01.035 Planning Commission.
- 19.01.040 Board of Supervisors.
- 19.01.045 Fees and forms.
- 19.01.050 Appeals.

- 19.01.055 Public hearings.
- 19.01.060 Applicability.
- 19.01.065 State pre-emption.
- 19.01.066 Compliance with local, state, and Federal laws.
- 19.01.070 ~~Minor Subdivision Committee, Subdivision Committee, Planning Commission, and~~
Board of Supervisors to consider Housing Needs of Region.
- 19.01.075 Limitation on improvement requirements under a parcel map.
- 19.01.080 Designated remainder parcel improvement requirements.

SECTION 2. The Table of Contents of Chapter II of Title 19 (coastal) of the Monterey County Code is amended by adding the following definition:

19.02.256 Technical Review.

SECTION 3. The Table of Contents of Chapter VI of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

Chapter VI: PRELIMINARY MAPS

- 19.06.005 Preliminary maps.
- 19.06.010 Preliminary map submittal: Form and Contents.
- 19.06.015 Preliminary map: Additional data and reports.
- 19.06.020 ~~Action by the Subdivision Committee~~ Technical Review.
- 19.06.025 Action by the Planning Commission.
- 19.06.030 Action by the Board of Supervisors.

SECTION 4. Section 19.01.025 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

~~19.01.025 Minor Subdivision Committee.~~

~~— A. There is created a Minor Subdivision Committee to consist of one member of the Planning Commission and one alternate, the Director of Public Works, the Director of Environmental Health, the Director of Planning and Building Inspection, the General Manager of the Monterey County Water Resources Agency, and the County Fire Warden, or their designated representatives. The Planning Commission shall designate which voting member and alternate shall sit on the Minor Subdivision Committee for a period of one year on a rotational basis. The Director of Planning and Building Inspection or the designated representative shall be the secretary of the committee.~~

~~The Minor Subdivision Committee shall be charged with the following duties and responsibilities:~~

- ~~1. To serve in a technical capacity to the Board of Supervisors and the Planning Commission and make recommendations on the design, improvements of minor subdivisions, standard subdivisions and combined development permits where appropriate.~~
- ~~2. Designated as the advisory agency authorized to approve, conditionally approve or disapprove minor subdivision and division of property requiring a parcel map under Section 66426 of the Government Code of the State of California except for division of five or more parcels each of which is forty acres or is a quarter quarter section or larger and except for divisions of land or one hundred sixty acres or more regardless of the number of parcels.~~
- ~~3. To approve, disapprove or conditionally approve lot line adjustments.~~
- ~~4. To be the decision making body or advisory agency on revised minor subdivisions and request for reconsideration of conditions prior to the recordation of the parcel map where the Minor Subdivision Committee is authorized.~~
- ~~5. To make recommendations to the Board of Supervisors to reduce, alter or add to the development standards contained in this title.~~

19.01.025 – TECHNICAL REVIEW.

A. County staff, including designated representatives from Planning, Building Services, Public Works, Environmental Health, Parks, and Housing, with legal advice from County Counsel and technical input from the Monterey County Fire Warden or representative of a local fire district as applicable and the Monterey County Water Resources Agency, shall conduct a Technical Review (TR) of all applications for tentative maps, vesting tentative maps, and lot line adjustments. The designated representative from Planning shall facilitate the review.

B. The purpose of the Technical Review shall be the following:

1. To serve in a technical capacity and make recommendations on the design, improvements, and application of state law and County plans, ordinances, and regulations to subdivision applications and lot line adjustment applications; and
2. To develop recommendations to the appropriate decision making body.

SECTION 5. Section 19.01.030 of Title 19 (coastal) of the Monterey County Code is repealed, and the section number is reserved for future use.

SECTION 6. Section 19.01.035 of Title 19 (coastal) of the Monterey County Code is

amended to read as follows:

19.01.035 PLANNING COMMISSION

- A. The Planning Commission is hereby designated the advisory agency with respect to standard subdivisions as defined in this title and Section 66415 of the Government Code of the State of California.
1. The Planning Commission shall make recommendations to the Board of Supervisors with respect to standard subdivisions and combined development permits, where appropriate.
 2. The Planning Commission is designated as the advisory agency authorized to approve, conditionally approve or disapprove minor subdivisions and divisions of property requiring a parcel map under Section 66426 of the Government Code of the State of California.
 3. The Planning Commission shall have the powers and duties with respect to tentative parcel maps for minor subdivisions of five or more parcels, each of which is forty acres or larger or is a quarter quarter section or larger, and for divisions of land or one hundred sixty acres or more, regardless of the number of parcels, and the procedure relating thereto, which are specified by this title.
 4. The Planning Commission shall have the authority to review and make recommendations to the Board of Supervisors for the reconsideration of tentative maps for standard subdivisions and requests for reconsiderations of conditions prior to the recordation of the final map.
 5. The Planning Commission shall be charged with the duty of making recommendations to the Board of Supervisors to reduce, alter or add to the provisions as contained in this title.
 6. The Planning Commission is authorized to approve, disapprove or conditionally approve lot line adjustments.
 7. The Planning Commission shall be the decision-making body on proposed

revisions to approved tentative parcel maps and requests for reconsideration of conditions of approved tentative parcel maps prior to the recordation of the final map.

SECTION 7. Section 19.01.040 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

19.01.040 BOARD OF SUPERVISORS.

- A. The Board of Supervisors is hereby designated the legislative body with respect to standard subdivisions, combined development permits where appropriate and proposed minor or standard subdivisions that are currently under the provisions of Williamson Act Contracts. The Board of Supervisors shall also have the authority to hear and decide appeals made based upon the decisions of the Planning Commission ~~or the Minor Subdivision Committee~~ as provided in this title.

SECTION 8. Subsection A of Section 19.01.050 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

- A. An appeal to the Board of Supervisors may be filed by the subdivider, any public agency or any person aggrieved by a decision of the Planning Commission ~~or Minor Subdivision Committee~~. Such appeals shall be in writing and shall be filed with the Clerk of the Board of Supervisors within then (10) days after the decision has been made by the Planning Commission ~~or the Minor Subdivision Committee~~. At the time of the filing of the appeal, the appellant, other than the applicant or public agency, shall pay the required filing fee, as established from time to time by the Board of Supervisors, to the Clerk of the Board of Supervisors. An appeal shall set forth specifically the points at issue, the reasons for the appeal, and wherein the appellant believes there was an error or abuse of discretion by the Planning Commission ~~or the Minor Subdivision Committee~~.

SECTION 9. Subsection C of Section 19.01.050 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

- C. Upon conclusion of the hearing, the Board of Supervisors shall render their decision within ten (10) days based upon the evidence produced before it. They may sustain,

modify, reject or overrule any recommendations, findings or conditions imposed by the Planning Commission ~~or the Minor Subdivision Committee~~. The decision shall comply with the provisions of Section 19.01.015.

SECTION 10. Subsection D of Section 19.01.050 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

- D. If the Board of Supervisors fails to act upon an appeal within the time limit specified in this title, the tentative map or tentative parcel map, insofar as it complies with applicable requirements of this title and any other County ordinances and the Subdivision Map Act, shall be deemed to be approved or conditionally approved as last approved or conditionally approved by the Planning Commission ~~or the Minor Subdivision Committee~~.

SECTION 11. Subsection 4 of Subsection F of Section 19.01.050 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

4. The specific reasons the appellant disagrees with the findings of the Planning Commission ~~or the Minor Subdivision Committee~~, if he/she disagrees.

SECTION 12. The heading of Section 19.01.070 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

~~19.01.070 MINOR SUBDIVISION COMMITTEE, SUBDIVISION COMMITTEE,~~
PLANNING COMMISSION AND BOARD OF SUPERVISORS TO CONSIDER HOUSING
NEEDS OF REGION.

SECTION 13. Subsection B of Section 19.01.075 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

- B. Fulfillment of the construction requirements shall not be required until the time as a permit or other grant of approval for development of the parcel is issued by the County or, until the time as the construction of such improvements is required pursuant to an agreement between the subdivider and the County except that in the absence of such an agreement, the County may require fulfillment of such construction requirements within a reasonable time following approval of the parcel

map and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding by the ~~Minor Subdivision Committee~~, Planning Commission or Board of Supervisors that fulfillment of the construction requirements is necessary for either of the following reasons:

1. The public health and safety; or
2. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

SECTION 14. Subsection B of Section 19.01.080 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

B. For a designated remainder parcel described in subdivision (A), the fulfillment of construction requirements for improvements shall not be required until a permit of other grant of approval for development of the remainder parcel is issued by the County, or until the construction of the improvements is required pursuant to an agreement between the subdivider and the County. In the absence of that agreement, the County may require fulfillment of the construction requirements within a reasonable time following approval of the final or parcel map and prior to the issuance of a permit or other grant of approval for the development of a remainder parcel upon a finding by the ~~Minor Subdivision Committee~~, Planning Commission or Board of Supervisors that fulfillment of the construction requirements is necessary for reasons of:

1. The public health and safety; or
2. The required construction is a necessary prerequisite to the orderly development of the surrounding area.
3. A designated remainder may subsequently be sold without any further requirement of the filing of a parcel map or final map, but the County may require a certificate of compliance or conditional certificate of compliance.

SECTION 15. Section 19.02.150 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

19.02.150 LOT LINE ADJUSTMENT.

A lot line adjustment between ~~two or more~~ four or fewer existing adjacent ~~adjoining~~ parcels, where the land taken from one parcel is added to an adjacent ~~adjoining~~ parcel, and where a greater number of parcels than originally existed is not thereby created. A lot line adjustment which results in the relocation of the building area or has the potential to result in the creation of additional lots shall be considered major. A lot line adjustment which does not result in the relocation of the building area shall be considered minor. A relocation which results in the creation of additional lots or parcels shall be treated as a subdivision. Lots may be consolidated through the lot line adjustment application procedure.

SECTION 16. Section 19.02.256 is added to Title 19 (coastal) of the Monterey County Code to read as follows:

19.02.256 TECHNICAL REVIEW.

Technical Review (TR) means the staff level technical review of applications described in section 19.01.025 of this title.

SECTION 17. Subsection D of Section 19.03.025 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

D. ~~The Subdivision Committee Staff shall hold a duly noticed public hearing~~ conduct a Technical Review to review and consider the proposed development and make recommendations of proposed findings and conditions of approval or recommend disapproval to the Planning Commission.

SECTION 18. Subsection E of Section 19.03.025 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

E. ~~After consideration by the Subdivision Committee~~ The Director of Planning and Building Inspection shall set the matter for public hearing before the Planning Commission to review and consider report of the Subdivision Committee of the proposed development and make recommendations of proposed findings, and conditions of approval or recommend disapproval to the Board of Supervisors. The matter shall not be set for hearing before the Planning Commission until the Technical Review has been conducted. †The Planning Commission shall act within 50 days of the date of filing; such time period, in accordance with section 66452.1 of the California Government Code, shall commence after the environmental determination has

been made.

SECTION 19. Subsection B of Section 19.04.005 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

- B. ~~The Minor Subdivision Committee or Planning Commission~~ may waive the parcel map requirement upon making the finding that the proposed subdivision complies with all requirements as to area, improvement and design, flood and storm water drainage control, approved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of the Subdivision Map Act and this title. In the event the parcel map requirement is waived, ~~the Minor Subdivision Committee or Planning Commission~~ may require that an instrument of waiver of parcel map be filed for record or that a record of survey be filed for record in-lieu of a parcel map.

SECTION 20. Subsection A of Section 19.04.025 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

- A. A proposed tentative parcel map subdivision shall not be considered filed until it is considered at its first duly noticed public hearing of the ~~Planning Commission~~Minor Subdivision Committee. ~~The Minor Subdivision Committee~~Planning Commission shall make its decision within fifty (50) calendar days after the tentative parcel map has been accepted as filed; such time period, in accordance with section 66452.1 of the California Government Code, shall commence after the environmental determination has been made.

SECTION 21. Subsection B of Section 19.04.025 of Title 19 (coastal) of the Monterey County Code is repealed, and said subsection number is reserved for future use.

- ~~B. Where a proposed tentative parcel map is required by this title to be approved by the Planning Commission, the proposed tentative map parcel map subdivision shall not be considered filed until it is considered at its first duly noticed public hearing of the Planning Commission. The Planning Commission shall make its decision within fifty (50) calendar days after the tentative parcel map has been accepted as filed.~~

SECTION 22. Subsection C of Section 19.04.025 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

- C. An application for a proposed tentative parcel map shall not be accepted for filing by the ~~Minor Subdivision Committee or Planning Commission~~ unless accompanied by an environmental recommendation. An environmental recommendation may include:
1. A prepared negative declaration accompanied by an environmental initial study;
 2. A circulated draft environmental impact report;
 3. Data supplementing a previously certified environmental impact report. ~~The data for a supplemental environmental impact report shall be deemed as adequate or inadequate by the Planning Commission or Minor Subdivision Committee.~~

If the data is found to be inadequate the Planning Commission ~~or Minor Subdivision Committee~~ shall reject the data and require that a new environmental impact report be prepared.

SECTION 23. Section 19.04.030 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

- A. ~~Upon completion of the environmental documents, the Director of Planning and Building Inspection shall set the matter for public hearing before the Planning Commission which shall approve, disapprove, or conditionally approve the tentative parcel map in conformance with standards set forth in the Subdivision Map Act and this title. Such action shall take place within the applicable time limits of this title. Staff shall conduct a Technical Review to review and consider the proposed development and make recommendations of proposed findings and conditions of approval or recommend disapproval to the Planning Commission.~~
- B. The Director of Planning and Building Inspection shall set the matter for public hearing before the Planning Commission which shall approve, disapprove, or conditionally approve the tentative parcel map in conformance with standards set forth in the Subdivision Map Act and this title. The matter shall not be set for hearing before the Planning Commission until the Technical Review has been conducted.
- ~~BC.~~ The ~~Minor Subdivision Committee or Planning Commission~~ may approve a subdivision where the soils investigation report discloses soils problems which if not corrected could lead to structural defects if it determines that the engineer's recommended actions are likely to prevent structural damage to each structure to be

constructed. The ~~Minor Subdivision Committee or Planning Commission~~ shall ensure that subsequent permits are conditioned upon incorporation of the recommended corrective action in the construction of the each structure.

~~C.D.~~ In the event Airport Land Use Commission has determined that the proposed subdivision is inconsistent with the airport land use plan and would be harmful to the airport and adjacent area, the advisory agency may approve such subdivision on a ~~4/5ths~~ two-thirds affirmative vote in conformance with Public Utilities Code Section 21676.

~~DE.~~ The ~~Minor Subdivision Committee or Planning Commission~~ in approving a subdivision to be created from the conversion of a mobile home park to another use shall ~~report on the impact of the conversion upon on displaced residents,~~ pursuant to Government Code Section 66427.4, as amended from time to time.

SECTION 24. Section 19.04.040 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

The subdivider may, upon written application, request extension(s) of the tentative map approval. Such application shall be filed with the Director of Planning and Building Inspection, before approval is due to expire and shall state the reason(s) for requesting the extension. The ~~Minor Subdivision Committee or Planning Commission~~ may grant extension(s) not to cumulatively exceed two (2) years or may deny an extension in the event the subdivision is no longer consistent with the general plan, area plan, coastal land use plan or specific plan, zoning or there is new information or substantial changes in circumstances which would have affected the original approval. Prior to the expiration of an approved or conditionally approved tentative map upon an application by the subdivider to extend that map, the map approval shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved or denied, whichever occurs first.

SECTION 25. Section 19.06.020 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

19.06.020 ~~Action by the Subdivision Committee~~ TECHNICAL REVIEW.

Staff shall conduct a Technical Review to review and consider the proposed development and make recommendations of proposed findings and conditions of approval or recommend

~~disapproval to the Planning Commission. The Technical Review by staff shall review the proposed project only from a technical standpoint. The Subdivision Committee shall consider the preliminary map at a duly noticed public hearing and thereafter make a report to the Planning Commission. The report shall contain recommendations pursuant to this title and shall address proposed conditions which would be applied in the event that the preliminary map is converted to a tentative map application. The report shall also address the preliminary map's compliance to the provisions of this Ordinance, other than applicable Ordinances, the General Plan, Coastal Land Use Plan, Master Plan and any specific plan.~~

SECTION 26. Section 19.06.025 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

19.06.025 ACTION BY THE PLANNING COMMISSION.

The Planning Commission shall ~~conduct~~ receive the report from the Subdivision Committee at a duly noticed public hearing. The Planning Commission shall consider staff's environmental recommendation based upon the initial study prepared for the project and the recommendations ~~resulting from~~ of the ~~Technical Review Subdivision Committee~~ regarding environmental impacts and proposed conditions which would be applied in the event the preliminary map is converted to a tentative map application. The Planning Commission shall make a report to the Board of Supervisors which will consist of the recommendations as ~~reported by~~ ~~resulting from~~ the ~~Technical Review Subdivision Committee~~ and additional recommendations as a result of the public hearing held by the Planning Commission.

SECTION 27. Section 19.06.030 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

19.06.030 ACTION BY THE BOARD OF SUPERVISORS.

The Board of Supervisors shall consider the report from the Planning Commission at a duly noticed public hearing. The Board of Supervisors shall consider the staff's environmental recommendation based upon the initial study prepared for the project and the recommendation of the Planning Commission regarding environmental impacts and proposed conditions in the event of the preliminary map is converted to a tentative map application. Receipt of the preliminary map and the report of either the ~~Subdivision Committee or the Planning Commission~~ shall not be construed as approval of the project.

SECTION 28. Subsection F of Section 19.07.025 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

F. ~~Action by the Subdivision Committee or Minor Subdivision Committee~~ Technical Review:

~~Staff shall conduct a Technical Review to review and consider the proposed development and make recommendations of proposed findings and conditions of approval or recommend disapproval to the Planning Commission. The Subdivision Committee or Minor Subdivision Committee shall hold a duly noticed public hearing to review and consider the proposed development and make recommendations of proposed findings, conditions of approval or recommend disapproval to the Planning Commission. The Subdivision Committee or Minor Subdivision Committee shall only review the proposed project from a technical standpoint and will not evaluate the project to confirm scoring a development. The Technical Review by staff shall review the proposed project only from a technical standpoint and will not evaluate the project to confirm scoring a development.~~

SECTION 29. Subsection G of Section 19.07.025 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

G. Action by the Planning Commission:

~~The Planning Commission after consideration by the Subdivision Committee or the Minor Subdivision Committee, t~~The Director of Planning and Building Inspection shall set the matter for public hearing before the Planning Commission to review and consider the report of Subdivision Committee of the proposed development. -The matter shall not be set for hearing until the Technical Review has been conducted.

~~The Planning Commission shall review the preliminary project review map and report of the Subdivision or Minor Subdivision Committee and make recommendations relating to technical matters, subdivision design and consistency of the map with the land use element and provisions of the applicable~~ certified Local Coastal Program, General Plan, Area Plan or Master Plan documents.

SECTION 30. Subsection B of Section 19.08.005 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

- B. A proposed revision of a tentative map (standard subdivision) shall be considered at duly noticed public hearings held consecutively by the ~~Subdivision Committee, Planning Commission and the Board of Supervisors.~~ A proposed revision of a tentative parcel map (minor subdivision) shall be considered at a duly noticed public hearing held ~~consecutively by the Minor Subdivision Committee-Planning Commission.~~ In cases where the modification of conditions involves a tentative parcel map approved by the ~~Planning Commission,~~ a duly noticed public hearing shall be held by the ~~Minor Subdivision Committee and the Planning Commission.~~ The Board of Supervisors, and ~~Planning Commission, Subdivision Committee and the Minor Subdivision Committee~~ shall confine the public hearings to consideration of, and action on the proposed revisions to the tentative map or tentative parcel map.

SECTION 31. Subsection B of Section 19.08.010 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

- B. A proposed modification of conditions of an approved tentative map (standard subdivision) shall be considered at duly noticed public hearings held consecutively by the ~~Subdivision Committee, Planning Commission and Board of Supervisors.~~ A proposed modification of conditions of an approved tentative parcel map (minor subdivision) shall be considered at a duly noticed public hearing held ~~consecutively by the Minor Subdivision Committee-Planning Commission.~~ In cases where modification of conditions involves a tentative parcel map approved by the ~~Planning Commission,~~ a duly noticed public hearing shall be held by the ~~Minor Subdivision Committee and the Planning Commission.~~ The Board of Supervisors, and ~~Planning Commission, Subdivision Committee and the Minor Subdivision Committee~~ shall confine the public hearings to consideration of, and action on the proposed modified conditions of approved tentative map or tentative parcel map.

SECTION 32. Subsection 7 of Subsection A of Section 19.08.015 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

7. To make modifications to a final map or parcel map where there are changes which make any or all of the conditions of the map no longer appropriate or necessary and ~~that where~~ the modifications do not impose any additional burden on the present fee owner of the property, and if the modifications do not alter any right, title or interest in the real property reflected on the recorded map. The modification shall be considered at consecutive public hearings by the appropriate hearing body(s) that approved or

recommended approval of the original tentative map of the tentative parcel map. The Board of Supervisors; and Planning Commission; ~~Subdivision Committee and Minor Subdivision Committee~~ shall confine the hearing to consideration of, and action on, the proposed modification.

SECTION 33. Subsection A of Section 19.09.005 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

- A. A lot line adjustment map shall be filed for any adjustment between ~~two or more~~ four or fewer existing ~~adjaacent~~ adjoining parcels, where the land taken from one parcel is added to an ~~adjaacent~~ adjoining parcel, and where a greater number of parcels than originally existed is not thereby created. The ~~Minor Subdivision Committee~~ Planning Commission shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the County General Plan, any applicable specific plan, the County's certified Local Coastal Program, and Zzoning and Bbuilding ordinances. The ~~Minor Subdivision Committee~~ Planning Commission shall not impose conditions or exaction on its approval of a lot line adjustment except to conform to the County General Plan, any applicable specific plan, the County's certified Local Coastal Program and Zzoning and Bbuilding ordinances except to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in a deed or record of survey which shall be recorded.

SECTION 34. Section 19.09.025 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

19.09.025 ACTION ON THE LOT LINE ADJUSTMENT.

- A. Upon completion of the environmental documents, or finding that the proposed adjustment is exempt from CEQA, the Director of Planning and Building Inspection shall set the matter for public hearing before the ~~Minor Subdivision Committee~~ Planning Commission which shall approve, disapprove, or conditionally approve the lot line adjustment in conformance with standards set forth in the Subdivision Map Act and this chapter.
- B. A lot line adjustment application may be granted based upon the following findings:

1. That the lot line adjustment is between ~~two (or more)~~ four or fewer existing adjacent ~~adjoining~~ parcels.
2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.
3. The parcels resulting from the lot line adjustment conforms to the County General Plan, any applicable specific plan, the County's certified Local Coastal Program and Zoning and Building Ordinances.

SECTION 35. Section 19.09.035 of Title 19 (coastal) of the Monterey County Code is amended to read as follows:

The applicant may, upon written application, request extension of the lot line adjustment ~~map~~ approval. Such application shall be filed with the Director of Planning and Building, before approval is due to expire and shall state the reason(s) for requesting the extension. The ~~Minor Subdivision Committee~~ Planning Commission may grant extension(s) not to cumulatively exceed two (2) years. They also may deny an extension in the event the lot line adjustment no longer conforms with the County General Plan, any applicable specific plan, the County's certified Local Coastal Program, and Zoning or Building Ordinances where there is new information or substantial changes in circumstances which would have affected the original approval.

SECTION 36. Section 20.02.040 of the Monterey County Code is amended to read as follows:

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.

SECTION 37. Subsection 9 of Subsection C of Section 20.64.250 of the Monterey County Code is amended to read as follows:

9) County means an administrative body or person within the organization structure of the County of Monterey, such as the Board of Supervisors, Planning Commission, ~~Minor Subdivision Committee~~, Zoning Administrator or Building Official with the power to grant a ministerial or discretionary permit to an Applicable Development.

SECTION 38. Subsection A of Section 20.82.030 of the Monterey County Code is amended to read as follows:

A. The Appropriate Authority to consider a Combined Development Permit shall be the Planning Commission, Zoning Administrator, ~~Minor Subdivision Committee~~ or Board of Supervisors. The basis of the designation shall be that the body established under State Law, Title 19 (Subdivisions), Monterey County Code, or Title 20 (Zoning), Monterey County Code, as the decision making body for the principal land use shall be the decision making body for the Combined Development Permit. Should the Combined Development Permit include any permit normally considered by the Planning Commission, then the Planning Commission shall consider the entire Combined Development Permit, including Variances.

SECTION 39. The first sentence of Section 20.90.130 of the Monterey County Code is amended to read as follows:

No application for a discretionary land use permit under the authority of the Director of Planning and Building Inspection, the Zoning Administrator, ~~the Minor Subdivision Committee~~, the Planning Commission or the Board of Supervisors, except for a restoration project, shall be deemed complete if there is a violation on said property of a County ordinance which regulates grading, vegetation removal or tree removal until restoration has been implemented on that property and monitoring agreements are in place.

SECTION 40. Subsections X and HHH of Section 20.144.020 (Definitions) of Chapter 20.144 (Monterey County Coastal Implementation Plan, Part 2, Regulations for Development in the North County Land Use Plan Area) of the Monterey County Code are amended to read as follows:

X. Discretionary Permit is a permit which requires a public hearing before and decision by the Zoning Administrator, ~~Subdivision Committee~~, Planning Commission, and/or Board of Supervisors. Examples are Coastal Development Permits, use permits, variances, and scenic conservation permits.

HHH. Ministerial Permit is a grading or building permit. A project requiring a ministerial permit requires review by staff of both the Planning and Building Inspection departments, but does not require a public hearing before the Zoning Administrator, Planning Commission, ~~Subdivision Committee~~, or Board of Supervisors.

SECTION 41. Subsections Y and KKK of Section 20.145.020 (Definitions) of Chapter 20.145 (Monterey County Coastal Implementation Plan, Part 3, Regulations for Development in the Big Sur Coast Land Use Plan Area) of the Monterey County Code are amended to read as follows:

Y. Discretionary Permit is a permit which requires a public hearing before and decision by the Zoning Administrator, ~~Subdivision Committee~~, Planning Commission, and/or Board of Supervisors. Examples are Coastal Development Permits, use permits, variances, and scenic conservation permits.

KKK. Ministerial Permit is a grading or building permit. A project requiring a ministerial permit requires review by staff of both the Planning and Building Inspection departments, but does not require a public hearing before the Zoning Administrator, Planning Commission, ~~Subdivision Committee~~, or Board of Supervisors.

SECTION 42. Subsection I of Section 20.146.020 (Definitions) of Chapter 20.146 (Monterey County Coastal Implementation Plan, Part 4, Regulations for Development in the Carmel Area Land Use Plan Area) of the Monterey County Code is amended to read as follows:

I. Discretionary permit is a permit which requires a public hearing before and decision by the Zoning Administrator, ~~Subdivision Committee and/or Planning Commission and/or Board of Supervisors~~. Examples are Coastal Development Permits, use permits, variances, and scenic conservation permits.

SECTION 43. 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 44. EFFECTIVE DATE. This Ordinance shall become effective on the thirty - first day following its adoption and shall become operative upon final and effective certification by the California Coastal Commission.

PASSED AND ADOPTED on this ____ day of _____, 2012, by the following vote:

AYES: Supervisors
NOES:
ABSENT:
ABSTAIN:

Dave Potter, Chair
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Wendy S. Strimling
Senior Deputy County Counsel

By: _____
Deputy