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Prepared January 30, 2013 for February 13, 2014 Hearing

To: Commissioners and Interested Persons

From: Madeline Cavalieri, District Manager
Katie Butler, Coastal Planner

**Subject: Monterey County LCP Amendment Number LCP-3-MCO-13-0226-1 Part A
(Elimination of Minor and Standard Subdivision Committees)**

SUMMARY OF STAFF RECOMMENDATION

Monterey County is proposing to amend its LCP to eliminate the Minor and Standard Subdivision Committees and move the hearing authority for both minor and standard subdivisions to the Planning Commission and Board of Supervisors. The proposed changes affect Title 19 (coastal subdivision ordinance) and various sections of Title 20 to change the process for consideration of applications for subdivisions and lot line adjustments in the coastal zone. The amendment would also update an outdated lot line adjustment definition in Title 19 to conform to state law.

Currently, the Minor Subdivision Committee is the decision-making body for coastal development permits for minor subdivisions and lot line adjustments. The Board of Supervisors considers appeals from the decisions of the Minor Subdivision Committee. For standard subdivisions, the Standard Subdivision Committee, serving in an advisory capacity, makes recommendations to the Planning Commission, who in turn makes a recommendation to the Board of Supervisors as the final hearing authority. The proposed amendment would eliminate the Minor Subdivision Committee and transfer its hearing and decision-making authority to the Planning Commission (appeals would continue to be the responsibility of the Board of Supervisors). The amendment would also eliminate the Standard Subdivision Committee and maintain the decision-making roles of the Planning Commission and Board of Supervisors for standard subdivisions. Technical and advisory review authority that is currently provided by the Subdivision Committees would be transferred to County staff. These are organizational changes that would streamline the County's coastal development permit decision-making process for subdivisions while maintaining the same technical review and public hearing requirements. Thus, as proposed, this portion of the proposed amendment is consistent with the certified LCP and Coastal Act requirements to provide the widest opportunity for public participation in decisions affecting coastal resources.

The proposed change to the lot line adjustment definition modifies it to be consistent with the

State Subdivision Map Act, as it was amended in 2002 by Senate Bill 497. The County LCP currently defines lot line adjustments as being between two or more existing adjacent parcels. The proposed language states that a lot line adjustment is between four or fewer adjoining parcels. Although this limitation is consistent with State law, the proposed amendment raises the question of what happens in the case of a lot line adjustment proposal for more than four parcels. In practice, the County has been operating under this new definition since the State law changed in 2002 and has treated requests for lot line adjustments of more than four parcels as a subdivision (or resubdivision) that fall under the LCP’s existing subdivision regulations. However, the proposed language does not make this process clear. Therefore, staff is recommending **Suggested Modification 1**, which adds language to clarify that lot line adjustments of five or more lots are considered subdivisions, and must be reviewed as such, pursuant to the County’s subdivision regulations.

As modified, the proposed amendment is consistent with and adequate to carry out the LUP, and the County has indicated it is in agreement with the staff recommendation. Therefore, staff recommends that the Commission approve the amendment with one suggested modification. The required motions and resolutions are found on page 3 below.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on December 31, 2013. The amendment modifies only the LCP IP and the 60-day action deadline is March 1, 2014. Thus, unless the Commission votes to extend the action deadline (it may be extended by up to one year), the Commission has until March 1, 2014 to take a final action on this LCP amendment.

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EXHIBITS

Exhibit A: Proposed IP Amendment

I. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, deny the proposed LCP amendment as submitted and approve the amendment with suggested modifications. The Commission needs to make two motions, one to reject the IP amendment as submitted and a second to approve the IP amendments with suggested modifications, in order to act on this recommendation.

A. Deny the IP Amendment As Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission **reject** Implementation Plan Major Amendment Number LCP-3-MCO-13-0226-1 Part A as submitted by Monterey County.*

Resolution: *The Commission hereby denies certification of Implementation Plan Major Amendment LCP-3-MCO-13-0226-1 Part A as submitted by Monterey County and adopts the findings set forth in this staff report on the grounds that, as submitted, the Implementation Plan amendment is not consistent with and not adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which the Implementation Plan Amendment may have on the environment.*

B. Approve the IP Amendment With Suggested Modifications

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission **certify** Implementation Plan Major Amendment Number LCP-3-MCO-13-0226-1 Part A if it is modified as suggested in this staff report.*

Resolution: *Resolution to Certify with Suggested Modifications. The Commission hereby certifies Implementation Plan Major Amendment Number LCP-3-MCO-13-0226-1 Part A to Monterey County's Local Coastal Program if modified as suggested and adopts the findings set forth in this staff report on the grounds that, as modified, the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures*

that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.

II. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modification to the proposed LCP amendment, which are necessary to make the requisite Coastal Act consistency findings. If Monterey County accepts each of the suggested modifications within six months of Commission action (i.e., by August 13, 2014), by formal resolution of the Board of Supervisors, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Text in ~~cross-out~~ and underline format denotes proposed text of the LCP amendment, and text in double underline denotes text to be added.

1. Modify Section 19.02.150 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 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. Lot line adjustments involving five or more adjoining parcels shall be subject to the requirements of Chapter 19.03 (Standard Subdivisions) or Chapter 19.04 (Minor Subdivisions), whichever applies.

III. FINDINGS AND DECLARATIONS

A. DESCRIPTION OF PROPOSED LCP AMENDMENT

Monterey County is proposing to amend its LCP to eliminate the Minor and Standard Subdivision Committees and move the hearing authority for both minor and standard subdivisions to the Planning Commission and Board of Supervisors. The proposed changes affect Title 19 (coastal subdivision ordinance) and various sections of Title 20 to change the process for consideration of applications for subdivisions and lot line adjustments in the coastal zone. The amendment would also update an outdated lot line adjustment definition in Title 19 to conform to state law.

Currently, the Minor Subdivision Committee is the decision-making body for coastal development permits for minor subdivisions and lot line adjustments. The Board of Supervisors considers appeals from the decisions of the Minor Subdivision Committee. For standard subdivisions, the Standard Subdivision Committee, serving in an advisory capacity, makes recommendations to the Planning Commission, who in turn makes a recommendation to the Board of Supervisors as the final hearing authority. The proposed amendment would eliminate

the Minor Subdivision Committee and transfer its hearing and decision-making authority to the Planning Commission (appeals would continue to be the responsibility of the Board of Supervisors). The amendment would also eliminate the Standard Subdivision Committee and maintain the decision-making roles of the Planning Commission and Board of Supervisors for standard subdivisions. Technical and advisory review authority that is currently provided by the Subdivision Committees would be transferred to County staff.

The proposed change to the lot line adjustment definition modifies it to be consistent with the State Subdivision Map Act, as it was amended in 2002 by Senate Bill 497. The County LCP currently defines lot line adjustments as being between two or more existing adjacent parcels. The proposed language states that a lot line adjustment is between four or fewer adjoining parcels.

Please see Exhibit A for the proposed IP amendment text.

B. CONSISTENCY ANALYSIS

Standard of Review

The proposed amendment affects the IP component of the Monterey County LCP. The standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified LUP. The Monterey County LUP consists of four parts: Big Sur, Carmel, Del Monte Forest, and North County.

IP Amendment Consistency Analysis

The Monterey County LUP includes policy language related to the coastal development permit approval process, including:

***Big Sur LUP Policy 7.2.1.B. Development Permits.** All development in the coastal zone will be required to obtain a development permit from the County that will be approved based on demonstrated compliance with the plan and all its provisions. Some forms of development, similar to that exempted in the Coastal Act, may also be exempted from obtaining a coastal permit from the County. Final action on coastal permits will be taken by the Board of Supervisors for standard subdivisions; all other development will be considered by the Planning Commission subject to Board appeals.*

***Carmel LUP Policy 6.2.1.B. Development Permits.** All development in the coastal zone will be required to obtain a development permit from the County that will be approved based on demonstrated compliance with the plan and all its provisions. Some forms of development, similar to that exempted in the Coastal Act, may also be exempted from obtaining a coastal permit from the County. Final action on coastal permits will be taken by the Board of Supervisors for standard subdivisions; all other development will be considered by the Planning Commission subject to Board appeals.*

***Del Monte Forest LUP Chapter 6. CDP Process.** ...CDP applications are subject to review by: 1) the Del Monte Forest Architectural Review Board (ARB), a private body whose review authority is established by CC&Rs that are incorporated in the deeds of*

property in the Del Monte Forest, and 2) the Del Monte Forest Land Use Advisory Committee (LUAC), an advisory body to the County Zoning Administrator, Planning Commission, and Board of Supervisors. The principal charge of these committees is to review CDP applications and make recommendations to the County decision-making bodies regarding consistency with deeds (ARB) and LCP requirements (ARB and LUAC). Decisions on CDPs are made at the County level by the County Zoning Administrator, Planning Commission, and Board of Supervisors, where each lower body decision is appealable to the higher body. In addition, because all of the Del Monte Forest is seaward of the first through public road and the sea, all County CDP approval decisions are appealable to the Coastal Commission, as are any local actions (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility.

***North County LUP Policy 7.2.2 Development Permits.** Development in the coastal zone will be required to obtain permits from the County that will be approved based on demonstrated compliance with the plan and all its provisions. Some forms of development, similar to those exempted in the Coastal Act, may also be exempted from obtaining permits from the County.*

Consistency Analysis

The Land Use Plan includes requirements for coastal development permits and actions by the appropriate County bodies on those permits. The proposed elimination of the Minor and Standard Subdivision Committees are organizational changes that would streamline the County's coastal development permit decision-making process for subdivisions while maintaining the same technical review and public hearing requirements. Thus, as proposed, this portion of the proposed amendment is consistent with the certified LCP and Coastal Act requirements to provide the widest opportunity for public participation in decisions affecting coastal resources.

In addition, the existing LCP currently allows an unlimited number of adjoining lots to be altered through the lot line adjustment process. However, State law was amended in 2002 to limit lot line adjustments to four or fewer lots. Therefore, the County is proposing to amend its LCP to specify that lot line adjustments are limited to adjustments between four or fewer lots. Although this amendment is needed, given the changes in State law, the proposed language raises the question of what happens in the case of a lot line adjustment proposal for more than four parcels. In practice, the County has been operating under this new definition since the State law changed in 2002 and has treated requests for lot line adjustments of more than four parcels as a subdivision (or resubdivision) that fall under the LCP's existing subdivision regulations. Treating lot line adjustments of more than four parcels in this way is consistent with State law, and will ensure adequate review of potential coastal resource impacts, as required by the LCP. However, the proposed language does not make the process clear, and a modification is necessary for full clarity. Therefore, **Suggested Modification 1** adds language to clarify that lot line adjustments of five or more lots are considered subdivisions, and must be reviewed as such, pursuant to the County's subdivision regulations.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

Monterey County found that the proposed ordinance was not a project under CEQA because it is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment. This report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

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 COASTAL 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.

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- 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 to add 19.02.256 to read as follows:

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.
 - ~~2.3.~~ 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.
 - ~~3.4.~~ 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.
 - ~~4.5.~~ 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 ten (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.

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

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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 the displaced residents, ~~pursuant~~ 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

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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 ~~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. 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 Zoning and Building 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 Zoning and Building 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~~ 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), of the Monterey County Code, or Title 20 (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 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 _____, 20__, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Fernando Armenta, 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