

**EXHIBIT A**  
**DRAFT ORDINANCE – INLAND**  
**March 16, 2010**

Ordinance No. 5155

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ADDING SECTIONS 21.70.080.D, 21.72.070.D, 21.74.070.D, AND 21.76.070.E TO THE MONTEREY COUNTY CODE TO ESTABLISH A ONE-TIME 24-MONTH EXTENSION FOR CERTAIN PERMITS APPROVED BETWEEN JANUARY 1, 2006 AND JANUARY 1, 2009 PROVIDED NO MORE THAN ONE PRIOR EXTENSION HAS BEEN GRANTED AND NO EXTENSION REQUEST HAS BEEN DENIED.**

**County Counsel Summary**

*This ordinance automatically extends by 24 months the expiration dates of discretionary Administrative Permits, Variances, Use Permits, and Combined Development Permits that were approved between January 1, 2006 and January 1, 2009 and that had not expired as of that date, provided that no more than one prior extension request had been granted and no extension request had been denied for that permit. This ordinance does not extend the expiration dates of subdivision approvals, lot line adjustments, or emergency permits. This ordinance applies to the unincorporated inland area of the County of Monterey.*

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

**SECTION 1. FINDINGS AND DECLARATIONS.**

1. Under the Monterey County Zoning Ordinance (Titles 20 and 21 of the County Code), a discretionary permit expires on the date stated on the permit or, if no date is stated, the permit expires after two years unless the use commences or unless actual construction has begun. In order to extend the permit beyond the initial time limit, the permit holder is required to apply for an extension and the County has discretion to grant or deny the request.

2. The County wishes to provide a reasonable opportunity for holders of discretionary use permits to commence the approved use before the expiration of the permit. In light of the economic and business climate beginning in 2007, permittees are having difficulty commencing use under the time granted under their discretionary permits before they expire. In 2008 and 2009, the California legislature adopted amendments to the Subdivision Map Act to provide for an automatic extension of 12 or 24 months to certain tentative subdivision maps. The purpose of this ordinance is similarly to amend the County Zoning Ordinance to provide for a one-time 24-month automatic extension to certain classes of discretionary use permits.

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3. Pursuant to Article XI of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations to protect and promote the public health, safety, and welfare of its citizens. This ordinance serves the public welfare by reducing the cost to both applicants and the County of processing applications for permit extensions and by providing a reasonable opportunity under current economic circumstances for permittees to commence the approved use under an already approved discretionary permit.

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

D. Notwithstanding subparagraphs A and B of this section, the expiration date of any Administrative Permit that was approved between January 1, 2006 and January 1, 2009 shall be automatically extended by 24 months from the date the permit would otherwise have expired provided the following criteria are met:

1. No more than one prior extension of the permit has been granted for the project; and
2. No permit extension request for the project has been previously denied.

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

D. Notwithstanding subparagraphs A and B of this section, the expiration date of any Variance that was approved between January 1, 2006 and January 1, 2009 shall be automatically extended by 24 months from the date the Variance would otherwise have expired provided the following criteria are met:

1. No more than one prior extension of the Variance has been granted for the project; and
2. No Variance extension request for the project has been previously denied.

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

D. Notwithstanding subparagraphs A and B of this section, the expiration date of any Use Permit that was approved between January 1, 2006 and January 1, 2009 shall be automatically extended by 24 months from the date the permit would otherwise have expired provided the following criteria are met:

1. No more than one prior extension of the permit has been granted for the project; and
2. No permit extension request for the project has been previously denied.

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

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E. Notwithstanding subparagraphs A and B of this section, the expiration date of any Combined Development Permit that was approved prior to between January 1, 2006 and January 1, 2009 and that does not include a subdivision approval shall be automatically extended by 24 months from the date the permit would otherwise have expired provided the following criteria are met:

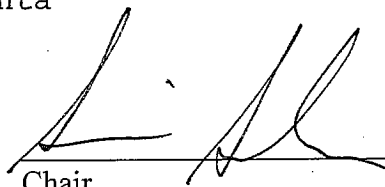
1. No more than one prior extension of the permit has been granted for the project; and
2. No permit extension request for the project has been previously denied.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

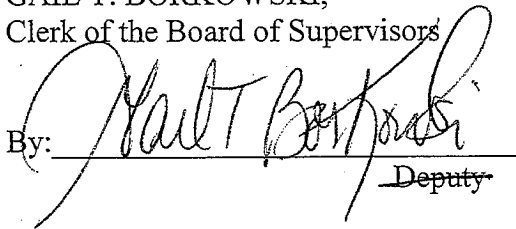
SECTION 7. EFFECTIVE DATE. This ordinance shall become effective on the 31<sup>st</sup> day following its adoption.

PASSED AND ADOPTED on this 16 day of March, 2010, upon motion of Supervisor Parker, seconded by Supervisor Potter, by the following vote, to-wit:

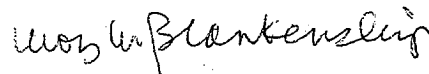
AYES: Supervisors Calcagno, Salinas, Parker, Potter  
NOES: None  
ABSTAIN: None  
ABSENT: Supervsior Armenta

  
\_\_\_\_\_  
Chair  
Monterey County Board of Supervisors

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

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

APPROVED AS TO FORM:

  
LERROY W. BLANKENSHIP  
Assistant County Counsel

