

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, EXTENDING INTERIM ORDINANCE NO. 5080 APPLYING CERTAIN UNIFORM INTERIM RESTRICTIONS AND REGULATIONS IN THE PROCESSING AND APPROVAL OF DISCRETIONARY DEVELOPMENT ENTITLEMENTS AND PRECLUDING THE PROCESSING AND APPROVAL OF NEW APPLICATIONS FOR STANDARD SUBDIVISIONS AND MINOR SUBDIVISIONS REQUIRING A GENERAL PLAN OR ZONING AMENDMENT PENDING THE COUNTY'S CONSIDERATION OF FURTHER AMENDMENTS TO THE 2006 GENERAL PLAN FOLLOWING THE JUNE 2007 ELECTION ON THE COMPETING GENERAL PLAN BALLOT MEASURES

County Counsel Summary

This Ordinance extends Interim Ordinance No. 5080 for 10 months and 15 days until and through June 15, 2008 or until an updated General Plan is adopted and in effect, whichever occurs first. Originally adopted on July 17, 2007 pursuant to Government Code Section 65858, Interim Ordinance No. 5080 applies certain uniform interim restrictions and regulations in the processing and approval of discretionary development entitlements and precludes the processing and approval of new applications for standard subdivisions and minor subdivisions requiring a General Plan or zoning amendment, pending the County's consideration of further amendments to the 2006 General Plan following the June 2007 election on the competing General Plan ballot measures. The prohibition on the acceptance and processing of applications for standard subdivisions and minor subdivisions requiring a General Plan or zoning amendment continues in this Ordinance. Likewise, the provisions for continued processing of applications allowed under the original Ordinance remain unchanged. Based upon public health and safety grounds, this is an urgency ordinance that takes effect immediately upon adoption and requires a four-fifths vote of the Board of Supervisors for adoption.

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

SECTION 1. FINDINGS AND DECLARATIONS.

A. On July 17, 2007, the Board of Supervisors adopted Interim Ordinance No. 5080 pursuant to Government Code sections 65858. The Ordinance applies certain uniform interim restrictions and regulations in the processing and approval of discretionary development entitlements and precludes the processing and approval of new applications for standard subdivisions and minor subdivisions requiring a General Plan or zoning amendment, pending the County's consideration of further amendments to the 2006 General Plan following the June 2007 election on the competing General Plan ballot measures. Interim Ordinance No. 5080 is attached hereto as Attachment 1 and incorporated herein by reference.

B. In enacting Interim Ordinance No. 5080, the Board made several findings and declarations constituting the grounds upon which the Ordinance was based. The Board found, among other findings, that there is a current and immediate threat to the public health, safety, and welfare requiring adoption of the Ordinance and, that, without adoption of the Ordinance, the approval of discretionary development entitlements and subdivisions, except as provided, would result in a threat to public health, safety, and welfare.

C. The Board of Supervisors' findings and declarations contained in Interim Ordinance No. 5080 remain and continue to be true under the present circumstances and are incorporated herein in their entirety by this reference. In light of said findings and declarations, there continues to exist a current and immediate threat to the public health, safety, and welfare necessitating the extension of Interim Ordinance No. 5080.

D. On July 31, 2007, more than ten days before the expiration of Interim Ordinance No. 5080, the Board of Supervisors issued a written report pursuant to Government Code Section 65858(d) describing the measures the County of Monterey has taken and continue to take in order to alleviate the conditions which led to the adoption of said Ordinance. In addition, public hearing and notice requirements under Government Code section 65858 for the extension of interim ordinances have been satisfied.

E. In light of the above findings and declarations, extension of all relevant provisions of Interim Ordinance No. 5080 for an additional 10 months and 15 days or a lesser period if the update to the General Plan is completed earlier, is necessary. Notwithstanding the above, it was not, and is not, the intent of the Board of Supervisors to prevent or discourage ongoing efforts to redevelop blighted areas in existing redevelopment project areas which may require the subdivision of land, provided those subdivisions do not require General Plan or zoning amendments.

F. This Ordinance is intended to be of limited duration as set forth herein; accordingly, nothing in this Ordinance is intended to effect or be construed to effect an unconstitutional taking of any property affected during its duration.

SECTION 2. REDEVELOPMENT PROJECTS.

Section B.2 of Interim Ordinance No. 5080 is amended to read in its entirety as follows:

2. Nothing in this Ordinance precludes the processing and approval of applications for minor subdivisions, or standard subdivisions within adopted redevelopment project areas, that do not require General Plan or zoning amendment and that otherwise comply with the 1982 General Plan, applicable Area Plans, and other applicable laws, ordinances, and regulations.

SECTION 3. EXTENSION.

Based on all of the foregoing findings and declarations, the Board of Supervisors hereby extends Interim Ordinance No. 5080, as amended by Section 2 above, except for its Sections 8 and 10, until and through June 15, 2008 or until an updated General Plan is adopted and in effect, whichever occurs first.

SECTION 4. EFFECTIVE DATE.

Pursuant to the findings and declarations set forth in this Ordinance and set forth in Ordinance No. 5080 and incorporated herein by reference, the Board declares that this Ordinance is necessary for the protection of public health, safety, and welfare, and shall take effect immediately. This Ordinance shall be of no further force and effect upon its expiration pursuant to Section 3 unless extended pursuant to law.

PASSED AND ADOPTED this ____ day of August, 2007, by the following vote:

AYES:

NOES:

ABSENT:

DAVID POTTER
Chair, Monterey County Board of Supervisors

A T T E S T :
LEW C. BAUMAN
Clerk of the Board

By _____
Deputy