

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: August 28, 2007	AGENDA NO.:
SUBJECT: Extend Interim Ordinance No. 5080, as amended, 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 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 (4/5 vote required).	
DEPARTMENT: COUNTY COUNSEL	

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt the attached Ordinance extending Interim Ordinance No. 5080, as amended, until and through June 15, 2008, or until an updated General Plan is adopted and in effect, whichever occurs first.

SUMMARY:

The attached Ordinance extends Interim Ordinance No. 5080 for an additional 10 months and 15 days, until and through June 15, 2008, or for a shorter period if an updated General Plan is adopted and takes effect earlier. The Ordinance is amended to continue to allow moving forward subdivision projects within adopted redevelopment project areas provided they do not require General Plan or zoning amendments. If not extended, Interim Ordinance No. 5080 expires on August 31, 2007. A four-fifths (4/5) vote of the Board of Supervisors is required in order to extend Ordinance No. 5080.

DISCUSSION:

Interim Ordinance No. 5080 was enacted on July 17, 2007 and took effect immediately for 45 days to apply certain uniform restrictions and regulations in the processing of discretionary development entitlements and preclude the processing and approval of standard subdivisions 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. If not extended, the Ordinance will expire three days from now, that is, on August 31, 2007.

As required under Section 65858(d), the Board issued a written report on July 31, 2007 describing the measures taken to alleviate the condition which led to the adoption of the Ordinance. Those measures include the following:

- The County has not accepted nor processed applications for standard subdivisions and minor subdivisions that require a General Plan or zoning amendment.
- The County continues to process those applications for discretionary development entitlements allowed under Interim Ordinance No. 5080 in accordance with the uniform restrictions and regulations contained in Sections 3 and 4 of the Ordinance.
- Upon the request of the Board of Supervisors, the Planning Commission has appointed a

subcommittee to continue further work on the 2006 General Plan and the subcommittee has been meeting and working on the Plan.

- County land use planning staff is in the process of assisting the Planning Commission subcommittee in performing its work on the 2006 General Plan.

The proposed Ordinance extends Interim Ordinance No. 5080 with a minor modification: it allows the continued processing and approval of standard and minor subdivisions within adopted redevelopment project areas that do not require General Plan or zoning amendments. The amended Finding E of the Ordinance articulates the reason for the modification: 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.

Under Government Code section 65858, the Board, upon a 4/5 vote, has the discretion to extend Interim Ordinance 5080 for an additional 10 months and 45 days or for a shorter period, e.g., if completion of the General Plan update occurs earlier. The Board-approved timeline for the completion of the General Plan update and the requisite environmental review is March 2008. The proposed extension of the Ordinance to June 15, 2008 or until an adopted General Plan is in effect, whichever occurs first, is consistent with this timeline.

OTHER AGENCY INVOLVEMENT:

The Planning Department-Resource Management Agency has been involved in the preparation of Interim Ordinance No. 5080 and its extension.

FISCAL IMPACT:

Extension of Interim Ordinance No. 5080 may have some impact on the General Fund in that discretionary development permit fees that may otherwise be realized from new standard subdivision applications or minor subdivision applications with General Plan amendment component will not be collected while the Ordinance is in effect.

CHARLES J. McKEE, County Counsel

By _____
EFREN N. IGLESIA
Senior Deputy County Counsel

Attachments:

- Ordinance Extending Interim Ordinance No. 5080
- Interim Ordinance No. 5080

- cc: Charles J. McKee, County Counsel
Dr. Lew Bauman, CAO
Wayne Tanda, Director, Resources Management Agency
Alana Knaster, Deputy Director, Resources Management Agency
Ron Lundquist Director of Public Works
Mike Novo, Director of Planning
Curtis Weeks, General Manager, MCWRA
Allen Stroh, Director, Environmental Health