

Exhibit B  
Draft Ordinance to rescind  
Ordinance 5181

Monterey-Salinas Transit  
(Whispering Oaks)  
PLN110231

Board of Supervisors  
February 7, 2012



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,  
REPEALING ORDINANCE NO. 5181 RELATING TO REZONING OF CERTAIN  
SPECIFIED PROPERTY IN THE FORT ORD MASTER PLAN AREA**

**County Counsel Summary**

*This ordinance repeals Ordinance No. 5181. Ordinance No. 5181 was adopted by the Board of Supervisors of the County of Monterey on July 12, 2011 and would have rezoned certain property at 10601 Inter-Garrison Road (Assessor's Parcel Numbers 031-101-041-000 and 031-101-056-000) in the County unincorporated Fort Ord Master Plan area, in connection with the Monterey-Salinas Transit/Whispering Oaks Business Park subdivision project (PLN110231). A referendum petition protesting the adoption of Ordinance No. 5181 was signed by the requisite number of voters to qualify for the ballot. When a referendum petition qualifies for the ballot, the Board of Supervisors may entirely repeal the ordinance against which the petition is filed or submit the ordinance to the voters. This ordinance would repeal Ordinance No. 5181 in its entirety.*

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

**SECTION 1. FINDINGS AND DECLARATIONS:**

1. On July 12, 2011, the Board of Supervisors adopted Ordinance No. 5181 to amend Section 21-11 of the Sectional District Maps of section 21.08.060 of the Monterey County Code to change the zoning from Public Quasi-Public with Design Review and Site Plan Review Overlays (PQP-D-S) to Heavy Commercial with Design Review and Site Plan Review Overlays (HC-D-S) on 58 acres (10601 Inter-Garrison Road; portions of Assessor's Parcel Numbers 031-101-041-000 and 031-101-056-000) and to amend Section 21-11 of the Sectional District Maps of section 21.08.060 of the Monterey County Code to change the zoning from Public Quasi Public with Design Review and Site Plan Review Overlays (PQP-D-S) to Open Space with Design Review and Site Plan Review Overlays (O-D-S) on the remaining 58 acres (remaining portions of Assessor's Parcel Number's 031-101-041-000 and 031-101-056-000). Per the terms of the ordinance, the rezoning was to become effective only if and when the final map for Phase 1 of the Monterey Salinas Transit/Whispering Oaks Business Park subdivision (Redevelopment Agency of Monterey County/PLN110231) was approved and recorded.

2. A referendum petition protesting the adoption of Ordinance No. 5181 was filed with the Clerk of the Board of Supervisors on August 9, 2011. The County Registrar of Voters certified that the petition was signed by the requisite number of voters and presented her certification to the Clerk of the Board of Supervisors on August 24, 2011. On September 20, 2011, the Board of Supervisors received the Registrar's Certificate to Referendum Petition.

3. Pursuant to California Elections Code section 9144, if a petition protesting adoption of an ordinance is presented to the Board of Supervisors prior to the effective date of the ordinance, the ordinance is suspended and the Board shall reconsider the ordinance. Pursuant to sections 1410 and 9145 of the Elections Code, if the Board of Supervisors does not entirely repeal the ordinance, it shall submit the ordinance to the voters at the next regularly scheduled election not less than 88 days after the date of the order of the election, or at a special election called for that purpose that is also scheduled not less than 88 days after the date of the order.

4. On December 6, 2011, the Board of Supervisors directed staff to return on January 24, 2012 for Board consideration of repeal of Ordinance No. 5181 and rescission of other entitlements for the Monterey Salinas Transit/Whispering Oaks Business Park Project. On January 24, 2012, the Board of Supervisors directed that a public hearing be set on these matters on February 14, 2012. At least 10 days before the hearing date, notices of the hearing before the Board of Supervisors were published in the *Salinas Californian* and the *Monterey County Herald*, were posted on and near the property, and were mailed to property owners within 300 feet of the subject property.

5. The Board of Supervisors has chosen to repeal Ordinance No. 5181 in its entirety.

**SECTION 2. REPEAL.** The Board of Supervisors hereby repeals Ordinance No. 5181.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall become effective upon the 31<sup>st</sup> day following its adoption.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of February, 2012 by the following vote:

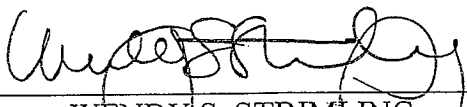
AYES: Supervisors  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Dave Potter, Chair  
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI  
Clerk of the Board of Supervisors

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

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
WENDY S. STRIMLING  
Senior Deputy County Counsel