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APPENDICES
6.0 Appendices

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CONSTRUCTION FIRE PREVENTION PLAN
PARAISO SPRINGS RESORT
CONSTRUCTION FIRE PREVENTION PLAN

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SEPTEMBER 2019
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### TABLE

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**LIST OF ACRONYMS AND ABBREVIATIONS**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMSL</td>
<td>Above Mean Sea Level</td>
</tr>
<tr>
<td>CAL FIRE</td>
<td>California Department of Forestry and Fire Protection</td>
</tr>
<tr>
<td>CFC</td>
<td>California Fire Code (2016)</td>
</tr>
<tr>
<td>CFD</td>
<td>Community Facilities District</td>
</tr>
<tr>
<td>CFPP</td>
<td>Construction Fire Prevention Plan</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>FAHJ</td>
<td>Fire Authority Having Jurisdiction</td>
</tr>
<tr>
<td>IC</td>
<td>Incident Command or Incident Commander</td>
</tr>
<tr>
<td>MSRFPD</td>
<td>Mission Soledad Rural Fire Protection District</td>
</tr>
<tr>
<td>NFPA</td>
<td>National Fire Protection Association</td>
</tr>
<tr>
<td>O&amp;M</td>
<td>Operations and Maintenance</td>
</tr>
<tr>
<td>OSHA</td>
<td>Occupational Safety and Health Administration</td>
</tr>
<tr>
<td>Proposed Project</td>
<td>Paraiso Springs Resort Specific Plan</td>
</tr>
<tr>
<td>RFW</td>
<td>Red Flag Warning</td>
</tr>
<tr>
<td>SSO</td>
<td>Site Safety Officer/Fire Safety Coordinator</td>
</tr>
<tr>
<td>TBD</td>
<td>To be determined</td>
</tr>
<tr>
<td>USGS</td>
<td>U.S. Geological Survey</td>
</tr>
</tbody>
</table>
DEFINITIONS

1. **Activity Risk**: Activity risks include those actions that present a risk of igniting a wildfire.

2. **Fire Patrol**: A Paraiso Springs Resort selected individual will be assigned as “Fire Patrol” specifically to monitor work activities when an Activity Risk exists for fire compliance. The Fire Patrol personnel shall regularly patrol the area on foot and monitor the area for any signs of fire or unsafe practices. They shall have no other duties and shall not be sitting in a vehicle or using a cell phone or computer except for emergency-related calls or for checking for Red Flag Warning or other fire hazard or weather conditions.

3. **Fire Season**: Fire season is no longer officially designated by the wildland fire agencies. California is considered to be in fire season on a yearlong basis. CALFIRE adjusts their staffing patterns as fire conditions moderate or escalate and this can be used as an indicator of potential fire activity.

4. **Fire Tools**: Essential firefighting tools to be staged near work activities are a 46-inch round point shovel, Pulaski, McLeod, 5-gallon “Indian” Backpack hand pump or water fire extinguisher, and a minimum 10 pound 4A:80BC Dry Chemical Fire extinguisher.

5. **Incident Commander (IC)**: The Site Safety Officer will be the single point of contact for all utility resources (people and equipment) on an emergency incident. This person will interface with the Incident Command, as necessary.

6. **Incident Command System (ICS)**: The Incident Command System is "a systematic tool used for the command, control, and coordination of emergency response"


8. **Red Flag Warning (RFW)**: A Red Flag Warning is issued for a stated period of time by the National Weather Service using pre-determined criteria to identify particularly critical wildfire danger in a particular geographic area. All construction and maintenance activities shall temporarily cease during RFWs.

9. **Site Safety Officer/Fire Coordinator (SSO)**: The Site Safety Officer/Fire Coordinator and their designees serves as the fire safety coordinator and is the liaison to the emergency service agencies and all contractors or inspectors on the jobsite for emergency incidents and construction-related activities. The SSO has the authority to stop any project work that appears to pose a particular fire risk or hazard.
1 SUMMARY

This Construction Fire Prevention Plan (CFPP) provides basic direction for fire safety awareness on the Paraiso Springs Resort Project site during construction. This CFPP provides standard protocols and approaches for reducing the potential of ignitions for typical construction site activities. When employed, the concepts discussed herein will help minimize and avoid ignitions as well as extinguish any ignitions while they are small and controllable.
2 INTRODUCTION

The Paraiso Springs Resort Project (Project) is located approximately 130 miles south of San Francisco in unincorporated southern Monterey County in the western foothills of the Central Salinas Valley, approximately seven miles west of the City of Greenfield at the western terminus of Paraiso Springs Road. The project site is located at 34358 Paraiso Springs Road and is comprised of Assessor’s Parcel Numbers 418-381-021-000, 418-361-004-000, and 418-381-022-000.

The following Construction Fire Prevention Plan (CFPP) has been prepared for the construction phase of the Paraiso Springs Resort project site. The Project area is about 235 acres nestled in the mouths of the Paraiso Springs Valley and Indian Valley, extending westward into the foothills between the crest of the Sierra de Salinas Foothills and the Salinas Valley. The site is bordered to the east by grazing and farmland, and to the north, south and west by the Santa Lucia Mountains. The proposed Project involves the demolition of the existing structures within the Project site and construction of a new hotel, day-use area (Hamlet), a spa and fitness center, 60 timeshare condominiums, and 17 timeshare villas centered on the European theme of wellness treatment and education.
Paraiso Springs Resorts Community Fire Evacuation Map

FIGURE 1

Paraiso Springs Resort Project Site

SOURCE: BASEMAP-ESRI
Date: 5/2/2019  -  Last saved by: lterry  -  Path: Z:\Projects\J1176001\MAPDOC\MAPS\Evac Plan\Fig 2 Fire Evac.mxd
3 EMERGENCY NOTIFICATION AND EVACUATION PROCEDURES

Any fire event at or near the site will trigger the emergency notification procedures identified in this section.

3.1 First Call = 9-1-1

Reporting fires and other emergencies: Anyone witnessing an emergency or fire should first call 9-1-1 so that emergency responders and appropriate apparatus can be dispatched as early as possible.

After calling 9-1-1, personnel in Table 1, as the primary site contacts, should be notified during a fire emergency.

Table 1

<table>
<thead>
<tr>
<th>Name*</th>
<th>Position</th>
<th>Contact Number*</th>
</tr>
</thead>
<tbody>
<tr>
<td>TBD</td>
<td>Site Safety Officer</td>
<td>TBD</td>
</tr>
<tr>
<td>TBD</td>
<td>Site Manager</td>
<td>TBD</td>
</tr>
<tr>
<td>TBD</td>
<td>Project Manager</td>
<td>TBD</td>
</tr>
<tr>
<td>TBD</td>
<td>Project Engineer</td>
<td>TBD</td>
</tr>
<tr>
<td>TBD</td>
<td>Construction Supervisor</td>
<td>TBD</td>
</tr>
</tbody>
</table>

Note:
* Upon designation of each of the positions listed, the Names and contact numbers and emails shall be provided to site personnel and updated in this plan at least annually.

Technical Staff Contact: Project contact information will be provided to local fire agencies/stations to assist responding firefighters during an emergency. A copy of this CFPP will be submitted to the responding fire agencies.

Emergency related contacts near the site include:

- Fire/Emergency Medical (Soledad Fire Protection District)
- Monterey County Sheriff (Salinas Office) – 831.755.5111
- California Highway Patrol (Monterey Office) – 831.770.8000
- Hospital – Salinas Valley Memorial Healthcare System – 831.757.3627

To facilitate the arrival of fire services during construction, an emergency response meeting point will be established at the main entrance of the property with the Mission Soledad Rural
Fire Protection District prior to Project construction. The Site Safety Officer/Fire Coordinator (SSO) or designee will meet the emergency response team at the meeting point during a significant emergency situation to lead them into the site.

### 3.2 Evacuation Procedures

The SSO is primarily responsible for evacuations. They will gather information from available information sources including emergency alerts, local radio and television, and law enforcement and fire personnel, as possible to determine the nature of the emergency, and declare the emergency status.

During significant emergency situations at or near the Project site, the site manager and/or SSO, in consultation with law or fire authorities, may issue an evacuation notice. When an evacuation has been called, all site employees will gather at a designated assembly area and the SSO will account for all personnel in time as safety allows. Employees will then be safely convoyed in vehicles from the Project site to safe zones, which are generally areas offsite away from the threat. If it is suspected any employees remain onsite, the SSO and foreman-level supervisors will perform a sweep of the Project site as safety allows to locate any remaining persons and reconvene at the assembly area for safe conveyance away from the threat. Should a structure or wildland fire (or other emergency) occur that threatens the primary assembly area; other locations may be designated as secondary assembly areas by the SSO, as dictated by the situation. The SSO may modify these procedures during significant emergency situations as safety requires. The SSO should be prepared to be available to the Incident Commander (IC) throughout the Incident to facilitate information exchange.

### 3.2.1 Evacuation Routes

Depending on the type and severity of the emergency, along with weather and/or localized site conditions, roadways designated on Figure 1 will be used for evacuating the area. The primary site access and evacuation route to the east is Paraiso Springs Road which interconnects with Clark Road, providing travel to the east to Arroyo Seco Road and then 101.
4 ROLES AND RESPONSIBILITIES

All employees should know how to prevent and respond to fires and are responsible for adhering to policies regarding fire emergencies. In particular, the following sections detail general responsibilities, by position.

4.1 Project Owner/Management

A Final Environmental Impact Report, including a site-specific Fire Protection Plan (FPP) to determine overall fire risk was prepared and approved for the Project. The Project is required to implement necessary measures to reduce the risk and comply with federal, state, and local fire safety/protection policies. Additionally, Owners/Management will conduct necessary training and make equipment available to provide a safe working environment for employees and contractors.

4.2 Site Safety Officer/Fire Coordinator or Designees

The SSO will manage and implement the Project’s FPP and this CFPP and shall maintain all records pertaining to the plan. Among the other responsibilities of the SSO are:

- Understanding the CFPP and its mandates for training, fire prevention, fire suppression, and evacuation.
- Understanding the fire risk associated with the site and with activities that will occur onsite.
- Developing and administering the fire prevention and safety training program.
- Ensuring that fire control equipment and systems are properly maintained and in good working condition.
- Monitoring combustibles on the site and managing where they are stored.
- Conducting fire safety surveys and making recommendations.
- Posting fire rules on the project bulletin board at the contractor’s field office and areas visible to employees.
- Stopping project work activities that pose a fire hazard or are not in compliance with this CFPP.
- Reporting all fires ignited on the site, whether structural, vegetation, electrical, or other to the Mission Soledad Rural Fire Protection District (MSRFPD).
Paraiso Springs Resort
Construction Fire Prevention Plan

- Ensuring that employees receive appropriate fire safety training.
- Notifying the SSO when changes in operation increase the risk of fire.
- Enforcing fire prevention and protection policies.
- Accounting for employees/contractors in the case of an evacuation
- Performing site sweeps to round up staff.
- Facilitating fire agency access to the site.
- Cooperating with the fire agencies/Incident Command during and following fires.
- Identifying unsafe work practices that may lead to fire ignitions.

4.3 Employees/Contractors

All employees and contractors shall:

- Complete all required training discussed below before working onsite without supervision.
- Conduct operations safely to limit the risk of fire.
- Report potential fire hazards to their supervisors.
- Follow fire emergency procedures.
- Understand the emergency evacuation protocols.
5  FIRE SAFETY PLAN GOALS

The primary goals of this CFPP are to address the identified ignition sources and risks so that the personnel involved with constructing and final decommissioning of the Project have clearly defined protocols and procedures for reducing fire risk and maintaining a fire safe worksite. Among the goals developed for the Paraiso Springs Resort Project site are:

- Prevent/minimize fires during construction, operation, and decommissioning.
- Provide a safe worksite for all employees, contractors, visitors and emergency personnel.
- Prevent or minimize dollar loss to the property.
- Prevent or minimize potential for a fire starting onsite to spread offsite.
- Provide water, appropriate fire extinguishers, and access for firefighters.
- Provide water trucks equipped with fire extinguishers, hoses, shovels, and Pulaski’s when work involves the use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and/or explosives.
- Provide the ability to report a fire or other emergency to 9-1-1 without delay and to contact personnel.
- Report all fire ignitions, regardless of size, to the MSRFPD.
6 SITE AND PROJECT DESCRIPTION

6.1 Location

The Project is located approximately 130 miles south of San Francisco and 7 miles west of the City of Greenfield. The Project Area is approximately 235 acres of land.

6.2 Vegetation

Vegetative fuels on site are primarily non-native grassland, chaparral, and coastal sage scrub, although smaller pockets of oak riparian forest, wetland, and ornamental vegetation types are present. Onsite vegetation is important relative to wildfire as some vegetation, such as grassland habitats, are highly flammable while other vegetation, such as chaparral and oak riparian forest, may be less flammable, but would burn under certain, more intense fire conditions.

The proposed Project footprint would be converted to roads, structures, and maintained landscape vegetation. Native vegetative fuels allowed to remain within the outer thinning fuel modification zones and riparian areas would be modified as a result of development. The vegetation outside the proposed Project’s perimeter fuel modification zones are the primary wildfire concern for Paraiso Springs Resort. These areas would be preserved as open space and would continue to be dominated by mixed chaparral and non-native grassland fuel beds. The Project’s fire protection features, including the fuel modification zones, were designed to be fire-hardened for the type of wildfire these areas could produce and provide a system of fire protection.

6.3 Project Description

The Project proposes a 235-acre master-planned resort and hotel, day-use area, spa and fitness center, 60 timeshare condominiums, and 17 timeshare villas.
7 CONSTRUCTION RISKS AND FIRE PREVENTION MEASURES

7.1 Construction-Phase Risks and Measures

- **Earth-moving equipment** – create sparks, heat sources, fuel or hydraulic leaks, etc.
- **Chainsaws** – may result in vegetation ignition from overheating, spark, fuel leak, etc.
- **Vehicles** – heated exhausts/catalytic converters in contact with vegetation may result in ignition
- **Welders** – open heat source may result in metallic spark coming into contact with vegetation
- **Woodchippers** – include flammable fuels and hydraulic fluid that may leak and spray onto vegetation with a hose failure
- **Compost piles** – large piles that are allowed to dry and are left onsite for extended periods may result in combustion and potential for embers landing in adjacent vegetation
- **Grinders** – sparks from grinding metal components may land on a receptive fuel bed
- **Torches** – heat source, open flame, and resulting heated metal shards may come in contact with vegetation

**Fire Prevention Measures for all Construction Activities including Construction Phase Fuel Modification:** SSO shall ensure implementation of the following measures prior to removal of vegetation or combustible building material as well as during, construction activities.

- Minimize combustible and flammable materials storage onsite.
- Store any combustible or flammable materials that need to be onsite away from ignition sources.
- Initial clearance of native vegetation, or clearance of vegetation within 100 feet of native vegetation, shall require that a staffed water vehicle (water truck or Fire Engine) be located within 200 feet of all operating mechanized equipment. This requirement shall also apply to grading activities within 100 feet of native or flammable vegetation
- Clear parking and construction areas of all dry vegetation—grass and brush—by a distance of at least 10 feet.
- Park vehicles and equipment a minimum of 10 feet from any vegetation.
- Keep vehicle and equipment idling to a minimum of not more than five minutes when not in use.
Paraiso Springs Resort
Construction Fire Prevention Plan

- Gas-powered equipment shall not be used in proximity to flammable materials.
- Keep evacuation routes free of obstructions.
- Label all containers of potentially hazardous materials with their contents and stored in the same location as flammable or combustible liquids.
- Perform “hot work” according to fire safe practices in a controlled environment and with fire suppression equipment at the job site. A fire watch person (Fire Patrol), with extinguishing capability (e.g., fire extinguishers), should be in place for all ‘Hot Work” activities during construction. Ensure hot work adheres to the guidelines provided in this plan.
- Dispose of combustible waste promptly and according to applicable laws and regulations.
- Report and repair all fuel leaks without delay.
- Do not overload circuits or rely on extension cords where other options would be safer.
- Turn off and unplug electrical equipment when not in use.
- Direct contractors onsite to restrict use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, and torches during RFW. When the above tools and equipment are used, water trucks (4,000-gallon capacity) equipped with hoses, shovels, Pulaski’s, and McLeod’s shall easily be accessible to personnel.
- Equip all construction-related vehicles with a 10-pound 4A:80 BC Dry Chemical Fire Extinguisher, a 5-gallon backpack pump or water fire extinguisher, a 46-inch round point shovel, and a first-aid kit.
- No Smoking will be allowed on site except in designated safe smoking areas which include cleared area with no combustible vegetation or materials and approved butt receptacles (noncombustible containment of cigarette butts). Smoking inside closed vehicles at the site may be allowed in designated areas away from vegetation, at the discretion of the SSO.

7.1.1 Consultants and Contractor Onsite Risks

Consultants and contractors should know how to prevent and respond to fires and are responsible for adhering to the Project’s policies regarding fire emergencies. These general fire prevention measures should help in the efforts to prevent a fire from occurring while on-site.
Fire Prevention Measures for Consultants/Contractors: SSO shall ensure consultants/contractors implement the following measures during construction activities:

- Vehicles equipped with fire prevention equipment:
  - 10-pound, 4A:80BC dry chemical fire extinguisher
  - 46-inch round point shovel
  - 5-gallons of water or a 5-gallon water backpack
  - First-aid kit
- No driving (cars, trucks, ATVs or similar) over unmaintained or dry vegetation.
- Park vehicles and equipment a minimum of 10 feet from any vegetation.
- Site activities limited during Red Flag Warning Weather periods; stay alert to fire and weather conditions and evacuate employees, if safe to do so.
- Consultants/Contractors will conduct operations safely to limit the risk of fire.
- Hot Work shall adhere to the guidelines provided below in Section 7.5.

### 7.2 Risk-Reduction Measures

The following measures will be employed, as appropriate, during each phase of the project (construction, operation and maintenance, and decommissioning) to reduce the risk of ignitions. These measures will be enforced by the SSO and supported by ongoing worker safety training.

- Fire rules shall be posted on the project bulletin board at the contractor’s field office and areas visible to employees. This shall include all consultants, contractors and subcontractors if more than one.
- Fires ignited on site shall be immediately reported to MSRFPD.
- The engineering, procurement, and construction contracts for the project shall clearly state the fire safety requirements that are the responsibility of any person who enters the site, as described in this CFPP.
- All internal combustion engines used at the Project site shall be equipped with spark arrestors that are in good working order.
- Once initial two-track roads have been cut, light trucks and cars shall be used only on roads where the roadway is cleared of vegetation. Mufflers on all cars and light trucks shall be maintained in good working order.
During construction, the Project will be equipped with at least one water truck with 4,000-gallon capacity. Each truck will be equipped with 50 feet of 0.25-inch fast response hose w/fog nozzles. Any hose size greater than 1 ½” shall use National Hose (NH) couplings.

A cache of shovels, McLeod’s, and Pulaski’s shall be available at staging sites. The amount of equipment will be determined by consultation between SSO and MSRFPD. Additionally, onsite pickup trucks will be equipped with first-aid kits, fire extinguishers and shovels. Contractor vehicles will be required to include the same basic equipment.

Equipment parking areas and small stationary engine sites shall be cleared of all extraneous flammable materials.

The onsite contractor shall make an effort to restrict use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, and torches, during RFW conditions. When the above tools and equipment are used, water trucks equipped with hoses, shovels, McLeod’s and Pulaski’s shall be easily accessible to personnel.

A fire watch (person responsible for monitoring for ignitions) will be provided during hot works and shall monitor for a minimum of 30 minutes following completion of the hot work activities.

Smoking shall not be allowed in wildland areas and within 50 feet of combustible materials storage and shall be limited to paved areas or areas cleared of all vegetation. Cigarette butts must be properly disposed in a fire safe receptacle.

Each project construction site (if construction occurs simultaneously at various locations) shall be equipped with fire extinguishers and firefighting equipment sufficient to extinguish small fires.

The onsite contractor or Project staff shall coordinate with the MSRFPD to create a training component for emergency first responders to prepare for specialized emergency incidents that may occur at the Project site.

Construction workers at the site shall receive basic training on the proper use of fire extinguishers and procedures to be followed in the event of a fire. Training records shall be maintained and be available for review by the MSRFPD.

To limit the risk of fires, all site staff, employees, and contractors shall take the following precautions:

Fire safety shall be a component of daily tailgate meetings. Foremen will remind employees of fire safety, prevention, and emergency protocols on a daily basis.
• No Smoking will be allowed on site except in designated safe smoking areas which include cleared area with no combustible vegetation or materials and approved butt receptacles (noncombustible containment of cigarette butts). Smoking inside closed vehicles at the site may be allowed in designated areas away from vegetation, at the discretion of the SSO.

• Combustible materials will be stored in areas away from native vegetation. Whenever combustibles are being stored in the open air, the SSO shall be informed of the situation.

• Disposal of combustible waste in accordance with all applicable laws and regulations.

• Use and store flammable materials in areas away from ignition sources.

• Proper storage of chemicals, such that incompatible (i.e., chemically reactive) substances would be separated appropriately, shall be required.

• Performance of hot work (i.e., welding or working with an open flame or other ignition sources) in controlled areas under the supervision of a fire watch shall be required.

• Equipment shall be kept in good working order by inspecting electrical wiring and appliances regularly and maintaining motors and tools free of excessive dust and grease.

• Immediate reporting of fuel or petroleum leaks shall be required. The SSO shall ensure that all leaks are repaired immediately upon notification.

• Immediate repair and cleanup of flammable liquid leaks shall be required.

• Extension cords shall not be relied on if wiring improvements are needed and overloading of circuits with multiple pieces of equipment shall be prohibited.

• Electrical equipment shall be turned off and unplugged when not in use.

7.3.1 Fire Prevention/Protection System Maintenance

The SSO (or qualified designee) will ensure that fire suppression and related equipment is maintained according to manufacturers’ specifications. National Fire Protection Association (NFPA) guidelines shall be implemented for specific equipment.

The following equipment is subject to ongoing maintenance, inspection, and testing procedures:

• Portable fire extinguishers;
• Fire alarm and suppression systems;
• Water trucks and associated equipment; and
• Emergency backup generators/systems and the equipment they support.
7.4 Hot Work Measures

These requirements are primarily from California Fire Code (CFC) Chapter 26, Welding and other Hot Work, and NFPA 51B, Fire Prevention During Welding, Cutting and other Hot Work. Hot work is defined in the CFC as operations involving cutting, welding, thermit welding, brazing, soldering, grinding, thermal spraying, thawing pipe, or other similar operations. Hot work areas are defined as the areas exposed to sparks, hot slag, radiant heat, or convective heat because of the hot work.

The SSO will require hot work to be done per requirements in NFPA 51B and the CFC Chapter 26.

Hot work shall only be done in fire safe areas designated by the SSO and shall comply with the following:

- All personnel involved in Hot Work shall be trained in safe operation of the equipment by the SSO. This will include providing training at “tailgate safety meetings”. They shall also be made aware of the risks involved and emergency procedures, such as how to transmit an alarm and who is responsible to call 9-1-1.
- Signage required in areas where workers may enter indicating “Caution; Hot Work in progress; Stay Clear” would be posted on site.
- Hot work would not be done on any containers which contain or have contained flammable liquids, gases, or solids until containers have been thoroughly cleaned, purged, or inerted.
- A dry chemical fire extinguisher with a minimum rating of 4A:80BC, a 5-gallon backpack pump or water fire extinguisher, and a 46-inch round point shovel, shall be readily accessible within 25 feet of hot work area.
- The SSO shall inspect the hot work area before start and shall then make daily inspections.
- Welding and cutting would comply with 2016 CFC) Chapter 35- welding and Hot Work.
- Electric arc hot work would comply with CFC Chapter 35.
- Piping manifolds and Hose Systems for Fuel Gases and Oxygen would comply with CFC Section 3509.
- Cylinder use and storage shall comply with 2016 CFC Chapter 53, “Compressed Gases."
- Equipment would be approved by MSRFPD, including torches, manifolds, regulators, or pressure reducing valves, and any acetylene generators.
- Personal Protective Clothing would be selected to minimize the potential for ignition, burning, trapping hot sparks, and electric shock.
Paraiso Springs Resort  
Construction Fire Prevention Plan  

• A fire watch will be in place for a minimum of 30 minutes, or longer as considered necessary by the SSO, following any hot work.

• Any ignitions would be immediately extinguished (as possible) by site personnel and the fire department would be notified of the incident.

The SSO shall have the responsibility to ensure safe Hot Work operations and shall have the authority to modify hot work activities associated with construction and maintenance activities, and to exceed the requirements in NFPA 51B and 2016 CFC, to the degree necessary to prevent fire ignition. Workers performing hot work must be trained on the hot work information and criteria in this CFPP.
8 RED FLAG WARNING AND HIGH-TO-EXTREME FIRE DANGER PROTOCOL

Red Flag Warnings are issued by the National Weather Service and indicate that conditions are such (low humidity, high winds) that wildfire ignitions and spread may be facilitated. To ensure compliance with Red Flag Warnings restrictions, the SSO will monitor National Weather Service website at the site (http://www.srh.noaa.gov/ridge2/fire/briefing.php) and implement the following protocol during Red Flag Warnings:

- Construction related activities will be limited and precautions may be taken onsite during periods of a Red Flag Warning, when conditions such as low humidity and high winds are present.
- Red flags will be prominently displayed at the entrance gate and main office, indicating to employees and contractors that restrictions are in place.
- Any hot work (work that could result in ignition sources or increase fire risk), grading, or any other work that could result in heat, flame, sparks, or may cause an ignition to vegetation will be prohibited.
- Project areas may be evacuated where personnel may be exposed to higher risks.
- If vehicles are required to be used during Red Flag Warning conditions, vehicles shall remain only on designated access roads on the site.

High-to-extreme Fire Danger days are determined by U.S. Forest Service through their National Fire Danger Rating System. Warnings are issued to CALFIRE and local and regional fire managers to help them estimate fire danger for a given area. In the event of high-to-extreme fire danger days, the SSO will assess the dangers and ensure implementation of any applicable red flag warning protocol or other risk reduction and fire prevention measures listed within the CFPP, as appropriate.
9 FIRE SAFETY BRIEFINGS, INSPECTIONS, AND TRAINING

9.1 Briefings and Inspections

The SSO will conduct routine, unannounced inspections a minimum of once, weekly. The SSO will develop an inspection check list to document these inspections. The SSO also will ensure the following measures are taken:

- Prior to Project construction, Project personnel will receive training on the contents of this CFPP, along with additional fire safety and fire prevention information provided by an informed SSO (or designee). As possible, firefighters from MSRFPD may attend these meetings and provide input, which has a dual benefit of informing site personnel and providing Project familiarity for the firefighters.
- Site supervisors/foremen will be responsible for sharing CFPP content with consultants and construction personnel throughout the duration of the Project. A review of the content of this CFPP would take place at a formal safety briefing at a minimum of once per month.
- Daily safety tailgate sessions will be held and include an assessment of the day’s fire-related risks or hazards and the mitigation for each.

Compliance, including monitoring compliance, with this CFPP is mandatory. All levels of project management have the authority to shut down any operation that presents an inappropriate amount of fire risk or hazard until it can be properly addressed.

Violations of any of the requirements of this CFPP will be addressed by the SSO or other supervisory personnel, immediately. All Project-related vegetation fires, regardless of size, shall be promptly reported to the SSO and MSRFPD to determine if appropriate fire prevention measures are being taken.

9.2 Training Requirements

9.2.1 Basic Fire Safety Training

The SSO and or site supervisors/foremen will present basic fire prevention training to employees upon employment, and shall maintain documentation of the training, which includes the following:

- The Project-specific FPP
- Review of the Occupational Safety and Health Administration (OSHA) Fire Protection and Prevention (29 CFR 1926.24)
• Proper response and notification in the event of a fire;
• Instruction on the use of portable fire extinguishers, and hand tools, such as shovels, and recognition of potential fire hazards.

The SSO will train persons entering the site on the fire hazards associated with the specific materials and processes to which they are exposed and will maintain documentation of the training. Employees and contractors would receive this training at the following times:

• Upon first entering the facility
• When changes in work processes necessitate additional training

Upon returning to the site after having been gone longer than 90 days

9.2.2 Site Supervisor Fire Safety Training

Prior to Project construction, site supervisors will receive a minimum of 1 hour training on wildland fire prevention and safety. This training would be provided by the SSO or qualified designee. This training will then be shared with all construction personnel by the site supervisor or the SSO.

Each site supervisor will be trained on the following:

• Fire reporting
• Extinguishing small fires in order to prevent them from growing into more serious threats.
• Fire prevention
• Identifying work activities that may result in a fire hazard

9.2.3 Communication

The ability to communicate with personnel working on the Project site is mandatory, and the SSO will ensure the following communication protocol are enforced.

• Construction crews will be required to have a cell phone or satellite phone, and/or radios that are operational within the area of work to report an emergency.
• Contact information for lead construction personnel will be provided to respective agencies.
• Communication pathways and equipment will be tested and confirmed operational each day prior to initiating construction activities.
• Fires and medical emergencies will be immediately reported to MSRFPD via 9-1-1.

• Each on-site worker will carry at all times a laminated, CFPP card listing 24-hour contact information, including telephone numbers for reporting an emergency, and immediate steps to take if an incident occurs. Information on the CFPP card will be updated as needed and redistributed to all workers before the initiation of any construction activities. The Project’s compliance monitor will provide the CFPP cards to the site’s SSO prior to construction kick-off so that all site staff can be provided training and receive their cards.
10 PROJECT PERSONNEL FIRE FIGHTING LIMITATIONS

Responding to fires at the Project site, whether structural, wildland, or other, is the responsibility of MSRFPD. Because their response to the site may require several minutes or more, Project employees and contractors should provide only initial firefighting efforts, and only if they have had appropriate training. No employee or contractor shall fight a fire beyond the incipient stage and the arrival of professional fire suppression personnel. Involvement in firefighting is voluntary and should only be attempted by trained, qualified individuals.
11 COMPLIANCE WITH APPLICABLE PLANS AND POLICIES

The CFPP complies with the applicable components of the following state and local fire prevention and safety plans and policies: 2016 California Fire Code, as adopted by Monterey County and Mission Soledad Fire Protection District.
12 REVIEW AND APPROVAL

The signatory reviewing officials are acknowledging that Paraiso Springs Resort, LLC has established a CFPP, which, when properly implemented, maintained, and enforced will result in fire hazard and risk reduction for the Project’s construction phase. Reviewing agencies do not accept any responsibility for the applicant’s interpretation or implementation of this CFPP prior to, during, or following the construction of the Project or for any resulting actions associated with these activities.

Reviewed by:

Paraiso Springs Resort, LLC
Site Safety Officer

Date

Mission Soledad Rural Fire Protection District

Date

Approved by:

Paraiso Springs Resort, LLC
Project Manager

Date
PARAISO SPRINGS RESORT
OPERATIONAL FIRE PREVENTION PLAN

Prepared for:

County of Monterey
Resource Management Agency
1441 Schilling Pl, Second Floor
Salinas, California 93901
Contact: Michael Novo

On behalf of Applicant:

Paraiso Springs Resort, LLC
34358 Paraiso Springs Road
Soledad, California 93960
Contact: John Thompson

Prepared by:

605 Third Street
Encinitas, California 92024

SEPTEMBER 2019
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**ATTACHMENTS**

A Fire Risk Survey
B General Fire Prevention Checklist
C Paraiso Springs Resort Exits Checklist
D Flammable and Combustible Materials Checklist
### List of acronyms and abbreviations

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
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<tr>
<td>FM</td>
<td>Factory Mutual</td>
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<tr>
<td>MSRFPD</td>
<td>Mission Soledad Rural Fire Protection District</td>
</tr>
<tr>
<td>NFPA</td>
<td>National Fire Protection Association</td>
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<tr>
<td>O&amp;M</td>
<td>Operations and Maintenance</td>
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<tr>
<td>OFPP</td>
<td>Operational Fire Prevention Plan</td>
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<td>OSHA</td>
<td>Occupational Safety and Health Administration</td>
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<td>Proposed Project</td>
<td>Paraiso Springs Resort Specific Plan</td>
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<td>RFW</td>
<td>Red Flag Warning</td>
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<td>SSO</td>
<td>Site Safety Officer/Fire Safety Coordinator</td>
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<td>TBD</td>
<td>To be determined</td>
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<tr>
<td>UL</td>
<td>Underwriters Laboratory</td>
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Definitions

Fire Watch: A Paraiso Springs Resort selected individual will be assigned as “Fire Patrol” specifically to monitor work activities when an activity area includes hot work or work that could result in ignitions. The Fire Patrol personnel shall regularly patrol the area on foot and monitor the area for any signs of fire or unsafe practices. They shall have no other duties and shall not be sitting in a vehicle or using a cell phone or computer except for emergency-related calls or for checking for Red Flag Warning or other fire hazard or weather conditions.

Fire Extinguisher: Essential firefighting tools to be staged near work activities including water fire extinguisher, and a minimum 10 pound 4A:80BC Dry Chemical Fire extinguisher.

Hot Work: Hot work is any activity or process that involves open flames or that generates sparks or heat and includes: Welding and allied processes; heat treating; grinding; thawing pipes; powder-driven fasteners; hot riveting; torch-applied roofing; and any similar applications producing or using sparks, flame or heat.

Plan: The Operational Fire Prevention Plan (OFPP).

Red Flag Warning (RFW): A Red Flag Warning is issued for a stated period of time by the National Weather Service using pre-determined criteria to identify particularly critical wildfire danger in a particular geographic area. All construction and maintenance activities shall temporarily cease during RFWs.

Site Safety Officer/Fire Coordinator (SSO): The Site Safety Officer/Fire Coordinator and their designees serves as the fire safety coordinator and is the liaison to the emergency service agencies and all contractors or inspectors on the jobsite for emergency incidents and construction-related activities. The SSO has the authority to stop any project work that appears to pose a particular fire risk or hazard.
1. SUMMARY

This Operational Fire Prevention Plan (OFPP) provides basic direction for fire safety awareness on the Paraiso Springs Resort Project site during ongoing facility operations. This OFPP provides standard protocols and approaches for reducing the potential of ignitions for typical operational and maintenance site activities. When employed, the concepts discussed herein will help minimize and avoid ignitions as well as extinguish any ignitions while they are small and controllable.
2 INTRODUCTION

The Paraiso Springs Resort (Project) site rests upon Paraiso Hot Springs, located approximately 130 miles south of San Francisco in unincorporated southern Monterey County in the western foothills of the Central Salinas Valley, approximately seven miles west of the City of Greenfield at the western terminus of Paraiso Springs Road. The Project site is located at 34358 Paraiso Springs Road and is comprised of Assessor’s Parcel Numbers 418-381-021-000, 418-361-004-000, and 418-381-022-000.

The Project area is about 235 acres nestled in the mouths of the Paraiso Springs Valley and Indian Valley, extending westward into the foothills between the crest of the Sierra de Salinas Foothills and the Salinas Valley. The site is bordered to the east by grazing and farmland, and to the north, south and west by the Santa Lucia Mountains. The Project’s structures include a hotel, day-use area (Hamlet), a spa and fitness center, 60 timeshare condominiums, and 17 timeshare villas centered on the European theme of wellness treatment and education associated with the existing mineral hot springs. The following Operational Fire Prevention Plan (OFPP) has been prepared for the Project site once construction has been completed.
3 PURPOSE

The purpose of this OFPP is to eliminate the causes of fire, prevent loss of life and property by fire, and to comply with the Occupational Safety and Health Administration’s (OSHA) standard on fire prevention, 29 CFR 1910.39. It provides employees with information and guidelines that will assist them in recognizing, reporting, and controlling fire hazards. The Project’s Fire Protection Plan provides additional fire prevention and safety requirements including for landscape and fuel modification maintenance.

Paraiso Springs Resort is committed to minimizing the threat of fire to employees, visitors, and property. The Project complies with all applicable laws, regulations, codes, and good practices pertaining to fire prevention. This OFPP serves to reduce the risk of fires at the Project site in the following ways:

a. identifies materials that are potential fire hazards and their proper handling and storage procedures;

b. distinguishes potential ignition sources and the proper control procedures of those materials;

c. describes fire protection equipment and/or systems used to control fire hazards;

d. identifies persons responsible for maintaining the equipment and systems installed to prevent or control ignition of fires;

e. identifies persons responsible for the control and accumulation of flammable or combustible material;

f. describes good housekeeping procedures necessary to ensure the control of accumulated flammable and combustible waste material and residues to avoid a fire emergency; and

g. provides training to employees with regard to fire hazards to which they may be exposed.
4 ASSIGNMENT OF RESPONSIBILITY

Fire safety is everyone's responsibility. All employees should know how to prevent and respond to fires and are responsible for adhering to company policy regarding fire emergencies.

4.1 Management

Management determines the Paraiso Springs Resort fire prevention and protection policies. Management will provide adequate controls to provide a safe workplace and will provide adequate resources and training to its employees to encourage fire prevention and the safest possible response in the event of a fire emergency.

4.2 Plan Administrator (Site Safety Officer/Fire Safety Coordinator)

A Site Safety Officer/ Fire Safety Coordinator (SSO) shall administer the OFPP for Paraiso Springs Resort and shall maintain all records pertaining to the plan. The Plan Administrator shall also:

- Develop and administer the Paraiso Springs Resort fire prevention training program.
- Ensure that fire control equipment and systems are properly maintained.
- Control fuel source hazards.
- Conduct fire risk surveys (see Appendix A) and make recommendations.
- Oversee employee implementation of measurements listed in the OFPP.
- Communicate with Mission Soledad Rural Fire Protection District:
  a. Meet with MSRFPD representatives annually on-site during inspections to discuss ongoing fire prevention measures
  b. Contact the MSRFPD Fire Chief or his/her designee whenever there is a fire on site, even if the fire is extinguished by site staff
  c. Contact the MSRFPD during annual employee training and invite representatives to provide fire prevention, response, and protocol training

SSO contact information:

<table>
<thead>
<tr>
<th>Name*</th>
<th>Position</th>
<th>Contact Number</th>
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</thead>
<tbody>
<tr>
<td>TBD</td>
<td>Site Safety Officer</td>
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</tbody>
</table>
4.3 Supervisors

Supervisors are responsible for ensuring that employees receive appropriate fire safety training, and for notifying the SSO when changes in operation increase the risk of fire. Supervisors are also responsible for enforcing the Paraiso Springs Resort fire prevention and protection policies.

4.4 Employees

All employees shall:

- Complete all required training outlined in Section 6 of the OFPP before working without supervision.
- Conduct operations safely to limit the risk of fire.
- Report potential fire hazards to their supervisors.
- Follow fire emergency procedures.
- Incorporate basic ongoing monitoring utilizing checklists like those provided in Attachments A through D.
5 PLAN IMPLEMENTATION

5.1 Good Housekeeping Procedures for Minimizing the Potential for Ignitions during Operation and Maintenance

To limit the risk of fires, employees shall take the following precautions:

- Minimize the storage of combustible materials.
- Make sure that doors, hallways, stairs, and other exit routes are kept free of obstructions.
- Dispose of combustible waste in covered, airtight, metal containers.
- Use and store flammable materials in well-ventilated areas away from ignition sources.
- Use only nonflammable cleaning products.
- Keep incompatible (i.e., chemically reactive) substances away from each other.
- Perform “hot work” (i.e., welding or working with an open flame or other ignition sources) in controlled and well-ventilated areas.
- Keep equipment in good working order (i.e., inspect electrical wiring and appliances regularly and keep motors and machine tools free of dust and grease.
- Ensure that heating units are safeguarded.
- Report all gas leaks immediately. Responsible Person shall ensure that all gas leaks are repaired immediately upon notification.
- Repair and clean up flammable liquid leaks immediately.
- Keep work areas free of dust, lint, sawdust, scraps, and similar material.
- Do not rely on extension cords if wiring improvements are needed and take care not to overload circuits with multiple pieces of equipment.
- Ensure that required hot work approvals are obtained.
- Turn off electrical equipment when not in use.

5.2 Equipment and System Maintenance

The SSO will ensure that equipment is maintained according to manufacturers’ specifications. Paraiso Springs Resort will also comply with requirements of the National Fire Protection Association (NFPA) codes for specific equipment. Only properly trained individuals shall perform maintenance work.
The following equipment is subject to the maintenance, inspection, and testing procedures:

- equipment installed to detect fuel leaks, control heating, and control pressurized systems;
- portable fire extinguishers, automatic sprinkler systems, and fixed extinguishing systems;
- detection systems for smoke, heat, or flame;
- fire alarm systems; and
- emergency backup systems and the equipment they support.

### 5.2.1 Fuel Modification Zone/Landscape Maintenance

All site landscaping and designated fuel modification zones will be maintained on an ongoing basis by the site’s landscape contractor or staff. Maintenance shall include, at a minimum:

- Removal of all dead and dying plant material, litter, and accumulated debris
- Thinning of plant material to avoid excessive growth
- Raising tree canopies to provide separation between the lowest branch and ground fuels such that a minimum of 6 feet separation is achieved
- Remove large shrubs and other plants that cannot be maintained to allow 6 feet of separation between ground fuels and the lowest tree branches
- Landscaping and the first fuel modification zone adjacent the built area will be irrigated and maintained in a hydrated condition
- Thinning zones; the outer fuel modification zone will be thinned to result in 50% ground cover by native plants and will include creating spacing between shrubs and shrub groupings to result in an interruption of fire spread
- Work will be performed as needed, on an ongoing basis.
- Work will be annually inspected in June by MSRFPD or an agreed upon 3rd party inspector who will provide a compliance letter confirming the site meets the fire adapted landscape guidelines.
5.2.2 Red Flag Warning and High-to-Extreme Fire Danger Protocol

Red Flag Warnings are issued by the National Weather Service and indicate that conditions are such (low humidity, high winds) that wildfire ignitions and spread may be facilitated. To ensure compliance with Red Flag Warnings restrictions, the SSO will monitor the National Weather Service website at the site (http://www.srh.noaa.gov/ridge2/fire/briefing.php) and implement the following protocol during Red Flag Warnings:

- Maintenance-related activities will be limited, and precautions may be taken onsite during periods of a Red Flag Warning, when conditions such as low humidity and high winds are present.
- Red flags will be prominently displayed at the entrance gate and main office, indicating to employees and guests that restrictions are in place.
- Any hot work (work that could result in ignition sources or increase fire risk), grading, or any other work that could result in heat, flame, sparks, or may cause an ignition to vegetation will be prohibited.
- If vehicles are required to be used during Red Flag Warning conditions, vehicles shall remain only on designated access roads on the site.

High-to-extreme Fire Danger days are determined by U.S. Forest Service through their National Fire Danger Rating System. Warnings are issued to CALFIRE and local and regional fire managers to help them estimate fire danger for a given area. In the event of high-to-extreme fire danger days, the SSO will assess the dangers and ensure implementation of any applicable red flag warning protocol or other risk reduction and fire prevention measures listed within the OFPP, as appropriate.
6 TYPES OF HAZARDS

The following sections address the major workplace fire hazards at Paraiso Springs Resort’s facilities and the procedures for controlling the hazards.

6.1 Electrical Hazards

Electrical system failures and the misuse of electrical equipment are leading causes of workplace fires. Fires can result from loose ground connections, wiring with frayed insulation, or overloaded fuses, circuits, motors, or outlets.

To prevent electrical fires, employees shall:

- Make sure that worn wires are replaced.
- Use only appropriately rated fuses.
- Never use extension cords as substitutes for wiring improvements.
- Use only approved extension cords [i.e., those with the Underwriters Laboratory (UL) or Factory Mutual (FM) label].
- Check wiring in hazardous locations where the risk of fire is especially high.
- Check electrical equipment to ensure that it is either properly grounded or double insulated.
- Ensure adequate spacing while performing maintenance.

6.2 Portable Heaters

All portable heaters shall be approved by the SSO. Portable electric heaters shall have tip-over protection that automatically shuts off the unit when it is tipped over. There shall be adequate clearance between the heater and combustible furnishings or other materials at all times.

6.3 Office Fire Hazards

Fire risks are not limited to Paraiso Springs Resort’s resort facilities. Fires in offices have become more likely because of the increased use of electrical equipment, such as computers and fax machines. To prevent office fires, employees shall:

- Avoid overloading circuits with office equipment.
- Turn off nonessential electrical equipment at the end of each workday.
- Keep storage areas clear of rubbish.
• Ensure that extension cords are not placed under carpets.
• Ensure that trash and paper set aside for recycling is not allowed to accumulate.

6.4 Cutting, Welding, and Open Flame Work

The SSO will ensure the following:

• All necessary hot work approvals have been obtained prior to work beginning.
• Cutting and welding are done by authorized personnel in designated cutting and welding areas whenever possible.
• Adequate ventilation is provided.
• Torches, regulators, pressure-reducing valves, and manifolds are UL listed or FM approved.
• Oxygen-fuel gas systems are equipped with listed and/or approved backflow valves and pressure-relief devices.
• Cutters, welders, and helpers are wearing eye protection and protective clothing as appropriate.
• Cutting or welding is prohibited in sprinklered areas while sprinkler protection is out of service.
• Cutting or welding is prohibited in areas where explosive atmospheres of gases, vapors, or dusts could develop from residues or accumulations in confined spaces.
• Cutting or welding is prohibited on metal walls, ceilings, or roofs built of combustible sandwich-type panel construction or having combustible covering.
• Confined spaces such as tanks are tested to ensure that the atmosphere is not over ten percent of the lower flammable limit before cutting or welding on the tank.
• Small tanks, piping, or containers that cannot be entered are cleaned, purged, and tested before cutting or welding on them begins.
• Fire watch (designated employee(s) who are assigned to monitor sites where hot work is occurring) has been established.

6.5 Flammable and Combustible Materials

The SSO shall regularly evaluate the presence of combustible materials at Paraiso Springs Resort.

Certain types of substances can ignite at relatively low temperatures or pose a risk of catastrophic explosion if ignited. Such substances require special care and handling.
1. **Class A combustibles**

These include common combustible materials (wood, paper, cloth, rubber, and plastics) that can act as fuel and are found in non-specialized areas such as offices.

To handle Class A combustibles safely

- Dispose of waste daily.
- Keep trash in metal-lined receptacles with tight-fitting covers (metal wastebaskets that are emptied every day do not need to be covered).
- Keep work areas clean and free of fuel paths that could allow a fire to spread.
- Keep combustibles away from accidental ignition sources, such as hot plates, soldering irons, or other heat- or spark-producing devices.
- Store paper stock in metal cabinets.
- Store rags in metal bins with self-closing lids.
- Do not order excessive amounts of combustibles.
- Make frequent inspections to anticipate fires before they start.

Water, multi-purpose dry chemical (ABC), and halon 1211 are approved fire extinguishing agents for Class A combustibles.

2. **Class B combustibles**

These include flammable and combustible liquids (oils, greases, tars, oil-based paints, and lacquers), flammable gases, and flammable aerosols.

To handle Class B combustibles safely:

- Use only approved pumps, taking suction from the top, to dispense liquids from tanks, drums, barrels, or similar containers (or use approved self-closing valves or faucets).
- Do not dispense Class B flammable liquids into containers unless the nozzle and container are electrically interconnected by contact or by a bonding wire. Either the tank or container must be grounded.
- Store, handle, and use Class B combustibles only in approved locations where vapors are prevented from reaching ignition sources such as heating or electric equipment, open flames, or mechanical or electric sparks.
- Do not use a flammable liquid as a cleaning agent inside a building (the only exception is in a closed machine approved for cleaning with flammable liquids).
- Do not use, handle, or store Class B combustibles near exits, stairs, or any other areas normally used as exits.

- Do not weld, cut, grind, or use unsafe electrical appliances or equipment near Class B combustibles.

- Know the location of and how to use the nearest portable fire extinguisher rated for Class B fire.

Employees will be trained on proper extinguisher selection for various fire types. For example, water should not be used to extinguish Class B fires caused by flammable liquids. Water can cause the burning liquid to spread, making the fire worse. To extinguish a fire caused by flammable liquids, exclude the air around the burning liquid. The following fire-extinguishing agents are approved for Class B combustibles: carbon dioxide and multi-purpose dry chemical (ABC).

**6.6 Smoking**

Smoking is prohibited in all Paraiso Springs Resort buildings. Certain outdoor areas may also be designated as no smoking areas and designated smoking areas will be designed with a fire retardant surface and fireproof smoking receptacles for discarded waste. These areas will be setback from unmaintained vegetation. The areas in which smoking is prohibited outdoors are identified by NO SMOKING signs.
7 TRAINING

THE SSO shall present basic fire prevention training to all employees upon employment prior to working without supervision, and shall maintain documentation of the training, which includes:

- review of 29 CFR 1910.38, including how it can be accessed;
- this Fire Prevention Plan, including how it can be accessed;
- use of fire safety checklists (Attachments A through D)
- good housekeeping practices;
- proper response and notification in the event of a fire;
- instruction on the use of portable fire extinguishers
- recognition of potential fire hazards and fire types and
- proper extinguishment methods based on the fire type.

Supervisors shall train employees about the fire hazards associated with the specific materials and processes to which they are exposed and will maintain documentation of the training. Employees will receive this training:

- at their initial assignment;
- annually; and
- when changes in work processes necessitate additional training.
8 PLAN REVIEW AND APPROVAL

The SSO shall review this Fire Prevention Plan at least annually for necessary changes.

The signatory reviewing officials are acknowledging that Paraiso Springs Resort, LLC (applicant) has established an OFPP, which when properly implemented, maintained, and enforced will result in fire hazard and risk reduction for the Project’s construction phase.

Reviewed by:

______________________________________________________________
Paraiso Springs Resort, LLC                                      Date
Site Safety Officer

______________________________________________________________
Mission Soledad Rural Fire District                             Date

Approved by:

______________________________________________________________
Paraiso Springs Resort, LLC                                      Date
General Manager
Fire Risk Survey
Paraiso Springs Resort

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<tr>
<th>Type of Fire Hazard</th>
<th>Location</th>
<th>Emergency Actions</th>
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Completed by: ___________________________

Date: ___________________________
ATTACHMENT B

General Fire Prevention Checklist
Paraiso Springs Resort
General Fire Prevention Checklist

Use this checklist to ensure fire prevention measures conform with the general fire prevention requirements found in OSHA standards.

☐ Yes ☐ No  Is the local fire department acquainted with your facility, its location, and specific hazards?

☐ Yes ☐ No  If you have a fire alarm system, is it tested at least annually?

☐ Yes ☐ No  If you have interior stand pipes and valves, are they inspected regularly?

☐ Yes ☐ No  If you have outside private fire hydrants, are they on a routine preventive maintenance schedule and flushed at least once a year?

☐ Yes ☐ No  Are fire doors and shutters in good operating condition?

☐ Yes ☐ No  Are fire doors and shutters unobstructed and protected against obstructions, including their counterweights?

☐ Yes ☐ No  Are automatic sprinkler system water control valves, air pressure, and water pressure checked weekly or periodically?

☐ Yes ☐ No  Has responsibility for the maintenance of automatic sprinkler systems been assigned to an employee or contractor?

☐ Yes ☐ No  Are sprinkler heads protected by metal guards?

☐ Yes ☐ No  Is proper clearance maintained below sprinkler heads?

☐ Yes ☐ No  Are portable fire extinguishers provided in adequate number and type?*

☐ Yes ☐ No  Are fire extinguishers mounted in readily accessible locations?*

☐ Yes ☐ No  Are fire extinguishers recharged regularly with the recharge date noted on an inspection tag?*

☐ Yes ☐ No  Are employees periodically instructed in the use of extinguishers and fire protection procedures?*

Completed by:_________________________    Date:_________________________
ATTACHMENT C

Paraiso Springs Resort
Exits Checklist
Use this checklist to evaluate *Company Name*’s compliance with OSHA’s standard on emergency exit routes.

- **Yes** □ **No** □ Is each exit marked with an exit sign and illuminated by a reliable light source?
- **Yes** □ **No** □ Are the directions to exits, when not immediately apparent, marked with visible signs?
- **Yes** □ **No** □ Are doors, passageways, or stairways that are neither exits nor access to exits, and which could be mistaken for exits, marked “NOT AN EXIT” or other appropriate marking?
- **Yes** □ **No** □ Are exit signs provided with the word “EXIT” in letters at least five inches high and with lettering at least one inch wide?
- **Yes** □ **No** □ Are exit doors side-hinged?
- **Yes** □ **No** □ Are all exits kept free of obstructions?
- **Yes** □ **No** □ Are there at least two exit routes provided from elevated platforms, pits, or rooms where the absence of a second exit would increase the risk of injury from hot, poisonous, corrosive, suffocating, flammable, or explosive substances?
- **Yes** □ **No** □ Is the number of exits from each floor of a building and from the building itself appropriate for the building occupancy? (NOTE: Do not count revolving, sliding, or overhead doors when evaluating whether there are sufficient exits.)
- **Yes** □ **No** □ Are exit stairways that are required to be separated from other parts of a building enclosed by at least one-hour fire-resistant walls (or at least two-hour fire-resistant walls in buildings over four stories high)?
- **Yes** □ **No** □ Are the slopes of ramps used as part of emergency building exits limited to one foot vertical and 12 feet horizontal?
- **Yes** □ **No** □ Are glass doors or storm doors fully tempered, and do they meet the safety requirements for human impact?
- **Yes** □ **No** □ Can exit doors be opened from the direction of exit travel without the use of a key or any special knowledge or effort?
- **Yes** □ **No** □ Are doors on cold storage rooms provided with an inside release mechanism?
ATTACHMENT D
Flammable and Combustible Materials Checklist
Paraiso Springs Resort
Flammable and Combustible Materials Checklist

Use this checklist to evaluate Company Name’s compliance with OSHA’s standards on flammable and combustible materials:

☐ Yes ☐ No  Are combustible scrap, debris, and waste materials such as oily rags stored in covered metal receptacles and removed from the worksite promptly?

☐ Yes ☐ No  Are approved containers and tanks used for the storage and handling of flammable and combustible liquids?

☐ Yes ☐ No  Are all connections on drums and combustible liquid piping vapor and liquid tight?

☐ Yes ☐ No  Are all flammable liquids kept in closed containers when not in use?

☐ Yes ☐ No  Are metal drums of flammable liquids electrically grounded during dispensing?

☐ Yes ☐ No  Do storage rooms for flammable and combustible liquids have appropriate ventilation systems?

☐ Yes ☐ No  Are NO SMOKING signs posted on liquefied petroleum gas tanks?

☐ Yes ☐ No  Are all solvent wastes and flammable liquids kept in fire-resistant covered containers until they are removed from the worksite?

☐ Yes ☐ No  Is vacuuming used whenever possible rather than blowing or sweeping combustible dust?

☐ Yes ☐ No  Are fuel gas cylinders and oxygen cylinders separated by distances or fire-resistant barriers while in storage?

☐ Yes ☐ No  Are fire extinguishers appropriate for the materials in the areas where they are mounted?*

☐ Yes ☐ No  Are appropriate fire extinguishers mounted within 75 feet of outside areas containing flammable liquids and within 10 feet of any inside storage area for such materials?*

☐ Yes ☐ No  Are extinguishers free from obstruction or blockage?*

☐ Yes ☐ No  Are all extinguishers serviced, maintained, and tagged at least once a year?*
Paraiso Springs Resort
Flammable and Combustible Materials Checklist, continued

☐ Yes ☐ No  Are all extinguishers fully charged and in their designated places?*

☐ Yes ☐ No  Where sprinkler systems are permanently installed, are the nozzle heads directed or arranged so that water will not be sprayed into operating electrical switchboards and equipment?

☐ Yes ☐ No  Are NO SMOKING signs posted in areas where flammable or combustible materials are used or stored?

☐ Yes ☐ No  Are safety cans utilized for dispensing flammable or combustible liquids at the point of use?

☐ Yes ☐ No  Are all spills of flammable or combustible liquids cleaned up promptly?

☐ Yes ☐ No  Are storage tanks adequately vented to prevent the development of an excessive vacuum or pressure that could result from filling, emptying, or temperature changes?

*(NOTE: Use of fire extinguishers is based on company policy regarding employee fire fighting in your Emergency Action Plan and local fire code.)*

Completed by: __________________________ Date: ________________
APPENDIX 6.3

COUNTY WILDFIRE ORDINANCES
AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ENACTED PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 4117 AND 4290 AND REGULATIONS PROMULGATED THEREUNDER, ESTABLISHING WILDFIRE PROTECTION STANDARDS IN CONJUNCTION WITH BUILDING, CONSTRUCTION, AND DEVELOPMENT IN STATE RESPONSIBILITY AREAS

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

SECTION 1.

Chapter 18.56, entitled Wildfire Protection Standards in State Responsibility Areas, is hereby added to Title 18 of the Monterey County Code to read as follows:

Chapter 18.56

WILDFIRE PROTECTION STANDARDS IN STATE RESPONSIBILITY AREAS

Sections:

18.56.010 Purpose.
18.56.020 Applicability.
18.56.030 Definitions.
18.56.040 Review and Inspection Authority.
18.56.050 Exceptions to Regulations.
18.56.060 Regulations.
18.56.070 Signing and Building Numbering.
18.56.080 Emergency Water Standards.
18.56.090 Fuel Modification Standards.
18.56.100 Enforcement.
18.56.110 Severability.

18.56.010 PURPOSE.

A. This chapter implements Section 4290 of the Public Resources Code requiring the establishment of wildfire protection standards in conjunction with building, construction, and development in state responsibility areas as defined herein, located within the boundaries of Monterey County and under the direct fire protection authority of the California Department of Forestry. These standards, as defined herein, shall provide that future design and construction of structures, subdivisions and developments in State Responsibility Areas shall provide for basic emergency access and perimeter wildfire protection measures.
B. Section 4117 of the Public Resources Code and the regulations promulgated by the California Department of Forestry and Fire Protection provide that local agencies such as the County of Monterey may adopt ordinances, rules or regulations to provide fire prevention restrictions or regulations that are necessary to meet local conditions of weather, vegetation, or other fire hazards. Such ordinances, rules, or regulations may then be applicable to state responsibility areas in lieu of State regulations provided such ordinances, rules, or regulations are equal to or more stringent than the State's minimum standards and are certified by the State of California as equaling or exceeding State regulations.

C. This chapter is intended to meet the requirements of the aforesaid statutes and regulations as well as provide wild-fire protection standards that take into account local fire hazard conditions.

18.56.020 APPLICABILITY.

A. Location. The regulations contained in this chapter apply to state responsibility areas as defined herein and as more particularly described in Exhibit "A" entitled "SRA Designated Map for Monterey County" attached hereto and made a part hereof.

B. Scope.

1. The regulations contained in this chapter shall apply as appropriate to all building, construction, and development activities requiring ministerial or discretionary permits approved after the effective date within state responsibility areas. Affected activities include but are not limited to the following:

   a. Permitting or approval of new parcels, excluding lot line adjustments as specified in Government Code Section 66412(d);
   b. Application for a building permit for new construction, not relating to an existing structure;
   c. Application for a use permit;
e. Road construction, including construction of a road that does not currently exist, or extension of an existing road, provided the following roads are exempted:

1. Roads required as a condition of tentative parcel maps prior to the effective date of this chapter.
2. Roads for agricultural or mining use solely on one ownership.
3. Roads used solely for the management and harvesting of wood products.

2. Regulations contained in this chapter do not apply to the following building, construction or development activities requiring ministerial or discretionary permits:

a. Existing structures, roads, streets and private lanes or facilities.

18.56.030 DEFINITIONS.

A. Accessory building: Any building used as an accessory to residential, commercial, recreation, industrial, or educational purposes as defined in the California Building Code, 1989 Amendments, Chapter 11, Group M, Division 1, Occupancy that requires a building permit.

B. Agriculture: Land used for agricultural purposes as defined in the Monterey County General Plan, the Monterey County Coastal Implementation Plan, and the Monterey County Zoning Ordinance.

C. Building: Any structure used or intended for supporting or sheltering any use or occupancy that is defined in the California Building Code, 1989 Amendments, Chapter 11, except Group M, Division 1, Occupancy. For the purposes of this chapter, building includes mobile homes and manufactured homes, churches, and day care facilities. The word "building" includes "structure."

D. CDF: California Department of Forestry and Fire Protection.

E. Dead-end road: A road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped roads.

F. Defensible space: The area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter as used in this regulation is the area
encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures.

G. Development: The placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision of real property pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; increase in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than harvesting of commercial crops for agricultural purposes, and timber harvesting operations in accordance with the Zberg-Nejedly Forest Practice Act of 1973.

H. Development Permit: A discretionary or ministerial permit authorizing the holder to undertake development.

I. Director: Director of the Department of Forestry and Fire Protection or his/her designee.

J. Driveway: A vehicular access that serves no more than two buildings, with no more than three dwelling units on a single parcel, and any number of accessory buildings.

K. Dwelling unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for not more than one family.

L. Exception: One or more alternative standard(s) or measure(s) applied to a development application in place of the standards established in this chapter, approved by the Reviewing Authority pursuant to Section 18.56.050 of this chapter. An application for an exception may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions as deemed appropriate by the Reviewing Authority.

M. Fire valve: See definition for hydrant.

N. Fuel modification area: An area where the volume of flammable vegetation has been reduced, providing reduced fire
intensity and duration.

O. Greenbelts: A facility or land use, designed for a use other than fire protection, which will slow or resist the spread of a wildfire. Greenbelts include parking lots, irrigated or landscaped areas, golf courses, parks, playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field.

P. Hammerhead/T: A roadway that provides a "T" shaped, three-point turnaround space for emergency equipment, being no narrower than the road that serves it.

Q. Hydrant: A valved connection on a water supply/storage system, having at least one 2 1/2 inch outlet, with male American National Fire Hose Screw Threads (NH) used to supply fire apparatus and hoses with water.

R. Inspection Authority: The Director of the Department of Forestry and Fire Protection, his or her designee, including local fire districts sharing jurisdiction in a state responsibility area, responsible for inspecting projects with County development permits.

S. Local Jurisdiction: The County of Monterey.

T. Occupancy: The purpose for which a building, or part thereof, is used or intended to be used.

U. One-way road: A minimum of one traffic lane width designed for traffic flow in one direction only.

V. Reviewing Authority: The Director of the Board of Forestry and Fire Protection, his or her designee, including local fire districts, sharing jurisdiction in State Responsibility Areas.

W. Roads, streets, private lanes: Vehicular access to more than one parcel; access to any industrial or commercial occupancy; or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

X. Roadway: Any surface designed, improved, or ordinarily used for vehicle travel.

Y. Roadway structures: Bridges, culverts, and other appurtenant structures which supplement the roadway bed or shoulders.

Z. Same Practical Effect: Means the effect achieved by the application of an exception or alternative with the capability of applying wildland fire suppression strategies and tactics, to include accepted measures and standards, that provide for fire
fighter safety including:

1) access for emergency wildland fire equipment,

2) safe civilian evacuation,

3) signing that avoids delays in emergency equipment response,

4) available and accessible water to effectively attack wildfire or defend a structure from wildfire, and

5) fuel modification sufficient for civilian and fire fighter safety.

AA. Shoulder: Roadbed or surface adjacent to the traffic lane.

BB. State Responsibility Area (SRA): As defined in Public Resources Code Section 4126-4127; and the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Article 1, Sections 1220-1220.5.

CC. Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed or parts joined together in some definite manner.

DD. Subdivision: As defined in Section 66242 of the Government Code.

EE. Traffic Lane: The portion of a roadway that provides a single line of vehicle travel.

FF. Turnaround: A roadway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.

GG. Turnouts: A widening in a roadway to allow a vehicle to pass another vehicle.

HH. Vertical clearance: The minimum specified height of a bridge or overhead projection above the roadway.

II. Wildfire: As defined in Public Resources Code Sections 4103 and 4104.
18.56.040 REVIEW AND INSPECTION AUTHORITY

1. Within ten (10) days of receipt of an application for a development permit, the Planning and Building Inspection Department shall forward the Reviewing Authority a review request with a project description of all preliminary or completed applications for building permits, tentative parcel maps, tentative maps, and use permits for construction or development.

2. The Reviewing Authority shall review and make fire protection recommendations for project applications in compliance with these regulations. The Reviewing Authority shall forward a standard report of those recommendations to the Planning and Building Inspection Department within seven (7) to thirty (30) days after initially receiving the original review request. The Reviewing Authority shall notify the Monterey County Planning and Building Inspection Department if the review period will extend beyond ten (10) days.

3. If after review of an application, the Reviewing Authority determines that the application needs corrections, amendments or redesign, either because of non-compliance with regulations contained in this chapter, or because an exception to regulations contained in this chapter is required, the applicant shall make the required corrections, amendments or redesign in consultation with the Reviewing Authority. The Reviewing Authority shall ensure that any and all corrections, or alternative requirements are satisfactorily completed before an application is resubmitted. In order for a resubmittal of an application to be deemed complete by the Monterey County Planning and Building Inspection Department, the resubmitted application must contain a standard letter from the Reviewing Authority stating that the project as submitted can meet regulations of this chapter subsequent to any included and implemented SRA Fire Conditions.

B. Conditions of Approval. The Planning and Building Inspection Department shall incorporate any recommendations by the Reviewing Authority, and all applicable regulations of this chapter, as conditions of approval for any reviewed development permit, and to be identified in related reports and permits as SRA Fire Conditions.

C. Required Findings. Based on incorporated SRA Fire Conditions, all discretionary permits must include a finding that the project as conditioned, will ensure standardized basic emergency access and fire protection pursuant to Section 4290 of the Public Resources Code.
D. Approved Project Inspection.

1. Upon approval of the development application, the Monterey County Planning and Building Inspection Department shall forward a copy of any Monterey County adopted or approved SRA Fire Conditions to the Reviewing Authority to ensure project compliance during inspections.

2. The Inspection Authority shall inspect projects for compliance with regulations pursuant to this chapter, including compliance with SRA Fire Conditions.

3. Inspections shall be conducted, and defects remedied, prior to:
   a. issuance of a certificate of occupancy;
   b. recordation of a parcel map or final map;
   c. filing of a notice of completion; or
   d. final inspection of any project or building permit.

4. Upon completion of inspection, the Inspection Authority shall forward a standard form to the Planning and Building Inspection Department signifying either an approved inspection, or a disapproved inspection, with an explanation of the requirements, if any, that have not been met.

5. A project shall not be deemed to have satisfied all conditions of approval by the Planning and Building Inspection Department or Public Works Department until receipt of the standard fire inspection notice from the Inspection Authority.

18.56.050 EXCEPTIONS TO REGULATIONS.

A. Exceptions: Criteria and Consideration.

1. All regulations and standards established in this chapter shall constitute standard criteria for the minimum allowable fire protection level for SRAs required for development and the grant of development permits.

2. An exception will be considered only in no other reasonable site or building design can be accomplished applying the standards established in this chapter. Any approved alternative standards or measures must have the "same practical effect" as the standards in this chapter. The Reviewing Authority has sole discretion regarding applicability of an exception and approval of final design and adequacy and application of alternative measures and standards.
3. Where the strict application of these regulations will render the development project infeasible, the Reviewing Authority shall consider alternative standards or measures proposed by the applicant, provided the alternative standards or measures have the same practical effect as these regulations overall toward providing defensible space. This process shall be defined as applying for an exception, and consideration of the application shall occur in the following priority order:

   a. Those standards that are presented as "alternative standards or measures" by the Reviewing Authority and are related to the categories listed below, and may include other unlisted categories. Any adopted alternative measures must have the "same practical effect" as the State minimum standards as determined by the Reviewing Authority.

   b. Those standards that are alternative standards presented to, and reviewed as "new standards or measures." They may be presented by the Reviewing Authority, applicant, or applicant's agent. Any accepted new standards or measures must have the "same practical effect" as the State minimum standards as determined by the Reviewing Authority.

B. Categorical Alternative Standards or Measures. Alternative standards or measures may be included in, but are not limited to, the following categories:

1. Automatic sprinkler systems.
2. Non-combustible construction.
3. Extraordinary fuel modification measures.
4. Creation of evacuation areas.
5. Alternative access routes.
6. Alternative roadway modifications.

C. Specific Alternative Standards or Measures. At the discretion of the Reviewing Authority, specific alternative measures or standards may be imposed on development, following the minimum requirements. The Reviewing Authority may require one measure or standards, or a combination of measures or standards, to have the "same practical effect" as the regulations established in this chapter.

D. Requests for Exceptions.

1. A request for an exception shall be made in writing. If a request for an exception is made during the pre-application or informational stage of the development permit application process, the request shall be presented to the Reviewing Authority with information sufficient to support the request. The written request shall include substantial evidence that:
a. grounds exist for an exception as provided in Section 18.56.030.L of this chapter; and

b. the proposed alternative standards or measures will have the same practical effect as provided in Section 18.56.030.Z of this chapter.

2. If a request for an exception is made when the development application is submitted to the county as complete for processing, the written request shall be made to the Reviewing Authority. The written request shall include substantial evidence that:

a. grounds exist for an exception as provided in Section 18.56.030.L of this chapter; and

b. the proposed alternative standards or measures will have the same practical effect as provided in Section 18.56.030.Z of this chapter.

3. If after review of an application, the Reviewing Authority determines that substantial evidence exists for the granting of an exception pursuant to this chapter, the Reviewing Authority shall approve the application and grant the exception; otherwise the application shall be denied. In either case, the Reviewing Authority shall make written findings supporting the decision.

E. Appeal Procedure - Exceptions.

1. Where an exception containing proposed alternative standards or measures is not granted by the Reviewing Authority, the applicant may appeal such denial to the Monterey County Department of Planning and Building Inspection. The appeal shall be filed with and heard by the Chief Building Inspector within ten (10) days of the decision of the Reviewing Authority.

2. The appeal shall contain plans, application for exception, identification of standards or measures to be replaced, and a clear, complete, but brief statement of the reasons why, in the opinion of the applicant, the decision of the Reviewing Authority is inappropriate or unjustified because

a. there was a lack of fair and impartial determination by the Reviewing Authority;

b. the findings of the Reviewing Authority are not supported by the evidence; or

c. the decision of the Reviewing Authority is contrary to the provisions of this chapter.
3. A copy of the appeal shall be forwarded to the Reviewing Authority for a recommendation. The recommendation shall contain documentation outlining the effects of the requested exception on wildland fire protection.

4. If the appeal is not granted, the applicant may request a public hearing on the appeal before the Board of Supervisors. The request shall include plans, application for the exception, identification of standards or measures to be replaced, and substantial evidence that the alternative standards or measures will have the same practical effect. Any new evidence in support of the appeal may be presented at the hearing. The hearing before the Board of Supervisors shall be de novo.

5. Notice of the public hearing on the appeal before the Board of Supervisors shall be given pursuant to provisions in the zoning ordinance regarding appeals from the grant or denial of use permits.

F. Appeal Approval - Findings. In order to grant an appeal, the Board of Supervisors shall make findings that the decision meets the intent of providing defensible space consistent with this chapter. A statement of reasons shall accompany the decision. The findings and decision shall be forwarded to the California Department of Forestry-Ranger Unit having jurisdiction over the area in which applicant's property is located.

18.56.060 EMERGENCY ACCESS

1. Intent. Road and street networks, whether public or private, unless exempted under this chapter, shall provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during wildfire emergencies.

2. Road Access. Conditions for Requirement. Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access.

3. Road Width. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes providing two-way traffic flow, unless other standards are provided in this article, or additional requirements are mandated by local jurisdictions or local subdivision requirements.

4. Roadway Surface. The surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus.
5. Roadway Grades. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent.

   a. Driveways. For residential driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius of curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added.

   b. Roadways. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface.

   c. Vertical Curves. The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall not be less than 100 feet.

   d. Vertical Curves - Exceptions. For driveways less than 150 feet in length, or at the location where the driveway encroaches upon the roadway, the length of vertical curves may be reduced.

7. Roadway Turnarounds. Turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

8. Roadway Turnouts. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25 foot taper on each end.


   a. All new and reconstructed bridges shall be at least the width of the existing road bed and berms but in no case less than 12 feet wide. Bridge width on all roads exceeding tertiary standards shall not be less than the width of the two lanes with berms. All bridges shall be designed for HS 15-44 loading (standard specification for highway bridges) and have guard rails.

   b. Appropriate signing, including but not limited to, weight or vertical clearance limitations, and one-way road or
single lane road conditions, shall be provided at both entrances to any bridges.

c. One lane bridges may be allowed if there is unobstructed visibility across the entire bridge, and turnouts are provided at both bridge ends.

10. One-Way Roads. All one-way roads shall be constructed to provide a minimum of one 12-foot traffic lane. The local jurisdiction may approve one-way roads. All one-way roads shall connect to a two-lane roadway at both ends, and shall provide access to an area currently zoned for no more than 10 dwelling units. In no case shall it exceed 2640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.

11. Dead-End Roads.

a. The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

1. Parcels designated in the Area or Implementation Plan for 0 to .99 acres: 800 feet.
2. Parcels designated in the Area or Implementation Plan for 1 to 4.99 acres: 1320 feet.
3. Parcels designated in the Area or Implementation Plan for 5 to 19.99 acres: 2640 feet.
4. Parcels designated in the Area or Implementation Plan zoned for 20 acres or larger: 5280 feet.

b. All lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply.

c. Where parcels are zoned 5 acres or larger, turnarounds shall be provided at a maximum of 1320 foot intervals.

d. Each dead-end shall have a turnaround constructed at its terminus.

12. Driveways. Driveways shall not be less than 12 feet wide unobstructed. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400 foot intervals.
13. Gate Entrances.

a. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide.

b. All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road.

c. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40 foot turning radius shall be used.

d. Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means of immediate access for emergency equipment.

14. Vertical Clearance. Unobstructed clearance shall not be less than 15 feet for all access roads.

18.56.070 SIGNING AND BUILDING NUMBERING.

1. Intent. To facilitate locating a fire and to avoid delays in response time, all newly constructed or approved roads, streets, and buildings shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. This section shall not restrict the size of letters or numbers appearing on street signs for other purposes.

2. Size of Letters, Numbers and Symbols for Street and Road Signs. Size of letters, numbers and symbols for street and road signs shall be a minimum 4 inch letter height, 1/2 inch stroke, and shall be a color that clearly contrasts with the background color of the sign. All numerals shall be Arabic.

3. Visibility and Legibility of Street and Road Signs. Street and road signs shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet.

4. Height of Street and Road Signs. Height of street and road signs shall be uniform county wide, and meet the visibility and legibility standards of this chapter.

5. Names and Numbers on Street and Road Signs. Newly constructed or approved public and private roads and streets shall be identified in accordance with provisions of Monterey County Ordinance No. 1241. All signs shall be mounted and oriented in a uniform manner. This section does not require any
entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering.

6. Intersecting Roads, Streets and Private Lanes. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets, and/or private lanes.

7. Signs Identifying Traffic Access Limitations. A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, shall be placed:

a. at the intersection preceding the traffic access limitation, and
b. no more than 100 feet before such traffic access limitation.

8. Timing of Sign Installation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the County of Monterey.

9. Addresses for Buildings. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address.

10. Size of Letters, Numbers and Symbols for Addresses. Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign.

11. Installation, Location and Visibility of Addresses.

a. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.

b. Address signs along one-way roads shall be visible from both directions of travel.

c. Where multiple addresses are required at a single driveway, they shall be mounted on a single post, or in any fashion approved by the Reviewing Authority that provides for the same practical effect.

d. Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be
placed at the nearest road intersection providing access to that site.

18.56.080 EMERGENCY WATER STANDARDS.

1. Intent. Emergency water for wildfire protection shall be available and accessible in quantities and locations specified in these regulations, in order to attack a wildfire or defend property from a wildfire. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available.

2. Application. The provisions of this section shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved.

3. Timing of Installation. Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction.

4. General Standards. Water systems constructed, extended or modified to serve a new development, a change in use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in table 2 of the 1985 Monterey County General Plan.

5. Alternative Standards to General Standards.

a. A minimum fire protection water supply of 3,000 gallons shall be provided regardless of parcel size. Minimum storage requirements for single family dwelling may be reduced to 2,000 gallons if an approved automatic sprinkler system is required.

b. For development of only one single family dwelling on a single parcel with no further land division possible, the minimum on-site fire protection water supply shall be based on specifications contained in the following table:

<table>
<thead>
<tr>
<th>Cumulative Square Footage of all buildings to be Protected</th>
<th>On-site Storage</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 999</td>
<td>3,000 gallons</td>
</tr>
<tr>
<td>1,000 - 1,999</td>
<td>5,000 gallons</td>
</tr>
<tr>
<td>2,000 - 2,999</td>
<td>7,500 gallons</td>
</tr>
<tr>
<td>3,000 - above</td>
<td>10,000 gallons</td>
</tr>
</tbody>
</table>
c. Other water supply alternatives may be imposed to provide for the same practical effect.

d. Mobile water systems that meet the Insurance Services Office (ISO) Rural Class 8 are acceptable as alternatives.

6. Hydrant/Fire Valve.

a. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor farther than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway.

b. The hydrant serving any building shall be not less than 50 feet nor more than 1000 feet by road from the building it is to serve.

c. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority.

7. Signing of Water Sources. Each hydrant/fire valve or access to water shall be identified as follows:

a. if located along a driveway, a reflectorized blue marker, with a minimum dimension of 3 inches, shall be located on the driveway address sign and mounted on a fire retardant post, or

b. if located along a street or road, a reflectorized blue marker, with a minimum dimension of 3 inches, shall be mounted on a fire retardant post. The sign post shall be within 3 feet of said hydrant/fire valve, with a sign no less than 3 feet nor greater than 5 feet above ground, in a horizontal position and visible from the driveway.


18.56.090 FUEL MODIFICATION STANDARDS.

1. Intent. To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic siting of fuel modification and greenbelts shall provide (1) increased safety for emergency fire equipment and evacuating civilians; and (2) a point of attack or defense from a wildfire.
2. Setback for Structure Defensible Space.

   a. All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road.
   b. For parcels less than 1 acre, local jurisdiction shall provide for the same practical effect.

3. Disposal of Flammable Vegetation and Fuels. Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

4. Greenbelts. Subdivisions and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wildland fuels and structures. The locations shall be approved by the Reviewing Authority.

18.56.100 ENFORCEMENT.

   The Director, or his or her designee, to include local fire districts, shall, via state mandated enforcement powers, be responsible for monitoring and enforcing any and all regulations contained in this chapter up to and after final County approval or inspection of a project application.

18.56.110 SEVERABILITY.

   If any section, subsection, article, sentence, clause, or phrase of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, article, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, articles, sentences, clauses, or phrases be declared invalid.
PASSED AND ADOPTED by the Monterey County Board of Supervisors this 10th day of MARCH, 1992, by the following vote:

AYES: Supervisors Shipnuck, Perkins, Karas & Strasser Kauffman

NOES: None

ABSENT: None

KARIN STRASSER KAUFFMAN, Chairman
Board of Supervisors

ATTEST:

ERNEST K. MORISHITA
Clerk of said Board

By Pamela Olivas
Deputy
ORDINANCE NO. 3659

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTER 1.20 AND SECTIONS 5.16.010, 10.48.060, 10.72.100, 12.04.060, 15.22.100, 16.30.150, 16.60.070, AND 18.50.150 OF, AND ADDING CHAPTERS 1.30 AND 1.40 AND SECTIONS 2.04.080, 5.16.020 AND 5.16.030 TO, AND REPEALING SEVERAL PROVISIONS OF, THE MONTEREY COUNTY CODE RELATING TO THE ESTABLISHMENT OF VARIOUS GENERAL PROVISIONS APPLICABLE TO THE MONTEREY COUNTY CODE, INCLUDING ENFORCEMENT, PENALTIES, JUDICIAL REVIEW, AND RULES OF CONSTRUCTION, PROCESSING AND SETTLEMENT OF CLAIMS, AND ESTABLISHMENT OF A MONTEREY COUNTY FEE RESOLUTION.

County Counsel Summary

The Monterey County Code currently provides certain regulations regarding enforcement of violations of the Code. This Ordinance will amend these provisions and establish enforcement authority and responsibilities, distinguish between misdemeanors and infractions, establish authority of designated employees to enforce provisions as infractions, and establish authority for the County to recover costs in the initiation of enforcement actions. This Ordinance also establishes uniform rules of construction for the interpretation of the Monterey County Code and establishes Board policies encouraging the use of gender-neutral, "plain English" terms in the preparation of legal documents. This Ordinance also establishes the authority of the Board of Supervisors to set fees and charges by resolution rather than by ordinance, and authorizes the Clerk to the Board to publish ordinance summaries as prepared by County Counsel.

The Monterey County Code currently provides that the District Attorney or the County Counsel may initiate civil proceedings to enforce the Monterey County Code only with the approval of the Board of Supervisors. This Ordinance will authorize the District Attorney or the County Counsel to initiate civil enforcement proceedings without prior approval of the Board of Supervisors.

This Ordinance also codifies existing practices and procedures relating to the defense, settlement, and compromise of claims against the County and the prosecution,
settlement, and compromise of claims the
County may have against others.

The Board of Supervisors of the County of Monterey, State of
California, ordains as follows:

SECTION 1. Chapter 1.20 of the Monterey County Code is amended
to read:

Chapter 1.20
ENFORCEMENT OF CODE

Sections:
1.20.010 Definitions.
1.20.020 Primary Responsibility for Enforcement.
1.20.030 Interference with Enforcing Officers.
1.20.040 Violations of the Code.
1.20.050 Offenses.
1.20.060 Same Offense Punishable by Different Section of
Code.
1.20.070 Public Nuisances; Continuing Offenses.
1.20.080 Abatement and Enjoinment of Public Nuisance.
1.20.090 Reimbursement of Costs and Civil Penalties.
1.20.100 Immunity of Enforcing Official.
1.20.110 Remedies Cumulative.

1.20.010 DEFINITIONS.
For the purpose of this Chapter, the following terms shall
have the meanings as defined in this section:

"Enforcement" shall mean the making of investigations as may
be required, demanding and signing criminal complaints or civil
declarations, appearing as a witness in any prosecution or
proceeding when so required, and generally doing all things
necessary and proper to enforce and obtain compliance with the
provisions of the Monterey County Code.

"Official" shall mean any officer, employee, or agent of the
County, or any deputy or designee of such officer, employee, or
agent.

1.20.020 RESPONSIBILITIES FOR ENFORCEMENT.

A. Primary Responsibilities.

Whenever the enforcement of any provision of this Code
or any codified Ordinance of the County is imposed upon or
delegated to a specific official, such official shall be
primarily responsible for the enforcement of such provision. In
the absence of any specific imposition or delegation or
enforcement responsibility, the Sheriff shall be primarily
responsible for enforcing the provisions of this Code and any uncodified Ordinance. Nothing in this section, or any other provision of this Chapter, shall be construed as precluding any official or citizen of the County from enforcing the provisions of this Code or uncodified ordinance in any manner required or permitted by law.

B. Enforcing Officers Generally.

The Sheriff and all peace officers employed by the Sheriff's Department are hereby empowered to enforce, and are charged with the duty of enforcing, any and all provisions of this Code or any other ordinance of the County, including the power to arrest for such violations in accordance with the laws of the State of California, together with such other powers as are conferred upon them by the County.

C. Enforcement of Permit Regulations.

Compliance with the permit requirements of this Code shall be the responsibility of the Official authorized to grant the permit to which such requirements apply except that:

(1) When the permit is granted by the Board of Supervisors, the County Administrative Officer shall be the responsible officer;

(2) When the permit is granted by a department, the head of such department shall be the responsible officer or employee;

(3) When the permit is granted by the County Planning Commission, the responsible officer or employee shall be the Director of Planning and Building Inspection.

D. Responsibility of County Administrative Officer in Case Enforcement is Neglected.

Whenever an Official primarily responsible for enforcing any provision of this Code fails, neglects, or refuses to perform such duty and such failure, neglect, or refusal is brought to the attention of the County Administrative Officer, the County Administrative Officer shall enforce such provision of law and initiate such penal and disciplinary action against the Official as may be warranted under the circumstances.

E. Administrative Processes.

Every Official may use administrative processes such as notices of violation, stop work orders, or warning letters in lieu of or prior to seeking judicial enforcement of any provision of this Code if the Official determines that the process may result in compliance with this Code at less cost to the County.

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F. Appearance as Witnesses.

Every Official is authorized to appear as a complaining witness in any criminal, civil, or administrative proceeding brought for an alleged violation of the Code or to abate any violation of this Code or enjoin any present or future violation of this Code.

1.20.030 INTERFERENCE WITH ENFORCING OFFICERS.

A. Interference or Obstruction.

It is unlawful for any person to interfere or obstruct, or to attempt to interfere or obstruct, any Official in the performance of such Official's duties as specified in this Code or as may otherwise be received pursuant to the rules, regulations, or policies of the County or the Board of Supervisors.

B. False Information.

No person shall give, either orally or in writing, information to an Official which the person knows or has reason to know is false.

1.20.040 VIOLATIONS OF THE CODE.

A. Misdemeanors; infractions.

It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless:

1. The violation is classified as an infraction by the State Vehicle Code or this Code, in which case the person shall be guilty of an infraction; or

2. The District Attorney files a complaint charging the offense as an infraction; or

3. A public officer designated in subsection (c) of this section issues a citation charging the offense as an infraction.

B. Punishment.

1. Misdemeanor.

Any person convicted of a misdemeanor under the provisions of this Code, unless provision is otherwise made in
this Code, shall be punishable by a fine of not more than One Thousand Dollars ($1,000) or by imprisonment in the Monterey County Jail for a period of not more than six months or by both such fine and imprisonment.

2. Infraction.

Any person convicted of an infraction under the provisions of this Code, unless provision is otherwise made in this Code, shall be punishable upon a first conviction of a fine of not more than Two Hundred and Fifty Dollars ($250), and for a second conviction within a period of one year by a fine of not more than Five Hundred Dollars ($500), and for a third or any subsequent conviction within a period of one year by a fine of not more than One Thousand Dollars ($1,000).

C. Public Officers Authorized to Issue Citations.

The County Administrative Officer, the General Manager of the Monterey County Water Resources Agency, the Chief Executive Officer of Natividad Medical Center, and the Director of the County Agricultural Extension Service, or any of their designated officers, deputies, or employees, shall have the authority to cite violations for infractions in the enforcement of the provisions of this Code within their regulatory responsibilities.

1.20.050 OFFENSES.

Every person convicted of a misdemeanor or infraction under the provisions of this Code shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person and shall be punished accordingly.

1.20.060 SAME OFFENSE PUNISHABLE BY DIFFERENT SECTIONS OF CODE.

In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the District Attorney may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense.

1.20.070 PUBLIC NUISANCES; CONTINUING OFFENSES.

Any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be summarily abated as such by an official and each day that such condition continues shall be regarded as a new and separate offense.

1.20.080 ABATEMENT AND ENJOINMENT OF PUBLIC NUISANCES.

Any violation of any provision of this Code is unlawful and a
public nuisance. The District Attorney or the County Counsel, or their respective designees, may commence such actions or proceedings for the abatement, removal, and enjoinder in the manner provided by law and may take such other steps and initiate such judicial proceedings as the District Attorney or County Counsel deems necessary or appropriate to abate and restrain such violation. The remedies provided in this section shall be cumulative and not exclusive.

1.20.090 REIMBURSEMENT OF COSTS AND CIVIL PENALTIES.

A. Costs of Abatement.

Any person, firm, or corporation, who creates or maintains a public nuisance in violation of this Code shall be liable for the cost of abatement which shall include, but not be limited to:

1. Cost of Investigation;
2. Court costs;
3. Attorneys’ fees; and

B. Civil Penalties.

Upon continuation of a public nuisance after notice from the County to cease the nuisance, any person, firm, or corporation shall be liable for the costs of abatement set forth in subsection A of this section plus a civil penalty of fifty percent (50%) of those costs payable to the County in addition to any other costs of enforcement imposed by the court.

1.20.100 IMMUNITY OF ENFORCING OFFICIALS.

Nothing in this Code is intended or shall be deemed or construed to impose liability upon the County of Monterey or any Official for any injury to persons or damage to property alleged to result from any act or omission by the County or any Official beyond the liability expressly imposed by the laws of the State of California or the United States. Nothing in this Code or any other County enactment is intended or shall be deemed or construed to impose a mandatory duty upon the County or any Official for the purpose of determining entitlement to equitable relief or liability for any injury to persons or damage to property alleged to result from the failure of the County or any Official to discharge a mandatory duty imposed by an County enactment.
1.20.110 REMEDIES CUMULATIVE.
Unless otherwise expressly provided, the remedies provided in this Chapter or any other provision of this Code are cumulative and not exclusive. Nothing in this Code bars any legal, equitable, administrative, or summary remedy to which any aggrieved person, the County, or any Official may otherwise be entitled. Paying a fine or serving a jail sentence shall not relieve any person from the responsibility for correcting any condition which violates any provision of this Code.

SECTION 2. Chapter 1.30 is added to the Monterey County Code to read:

Chapter 1.30

RULES OF CONSTRUCTION

Sections:
1.30.010 Designation and Citation of Code.
1.30.020 Provisions Considered as Continuations of Existing Ordinances.
1.30.030 Effective Repeal of Ordinances.
1.30.040 Severability of Parts of Code
1.30.050 Headings.
1.30.060 Construction.
1.30.070 Reference includes Amendments and Penalties.
1.30.080 Acts by Deputy.
1.30.090 Prohibited Acts.
1.30.100 Grammatical Interpretation.

1.30.010 DESIGNATION AND CITATION OF CODE.
The ordinances embraced in this and all following Chapters and Sections shall constitute and be designated “the Code of the County of Monterey,” and may be so cited. Such Code may also be cited as the “Monterey County Code.”

1.30.020 PROVISIONS CONSIDERED AS CONTINUATIONS OF EXISTING ORDINANCES.
The provisions appearing in this Code, and any amendments thereto, so far as they are the same as those of ordinances existing at the time of the effective date of this Code or any such amendment, shall be considered as continuations thereof and not as new enactments.

1.30.030 EFFECTIVE REPEAL OF ORDINANCES.
The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repeal took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit,
prosecution, or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

1.30.040 SEVERABILITY OF PARTS OF CODE.
   It is hereby declared to be the intention of the Board of Supervisors that the sections, paragraphs, sentences, clauses, and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, or section of this Code or any amendment to this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code or any amendment.

1.30.050 HEADINGS.
   The headings of chapters, articles, divisions, and sections contained in this Code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any chapter, article, division, or section of this Code.

1.30.060 CONSTRUCTION.
   The provisions of this Code and all proceedings under it are to be construed so as to give effect to the objectives of this Code and to promote justice.

1.30.070 REFERENCE INCLUDES AMENDMENTS AND PENALTIES.
   Any reference in this Code to an ordinance or provision of this Code shall mean such ordinance or provision as now or hereafter amended. Reference to any section of this Code shall be understood to refer to and include the penalty section relating thereto as specified in this Title, unless otherwise expressly provided. In case of the amendment of any section of this Code, containing provisions for which a penalty is provided in another section, the penalty so provided in such other section shall be held to relate to the section so amended, whether reenacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

1.30.080. ACTS BY DEPUTY.
   Whenever a power is granted to or duty is imposed upon an Official, the power may be exercised or the duty may be performed by a deputy or designee of such Official, or other employee or person duly authorized pursuant to law or ordinance, unless this Code expressly provides otherwise.

1.30.090. PROHIBITED ACTS.
   Whenever in this Code any act or omission is made unlawful,
it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

1.30.100. GRAMMATICAL INTERPRETATION.

A. General Rules.

(1) Any gender includes the other genders.

(2) The singular number includes the plural, and the plural includes the singular.

(3) Words used in the present tense include the past and the future tenses and vice versa.

(4) Words and phrases used in this Code and not specifically defined shall be construed according to the context and approved usage of the language. The provisions of Section 13 and 1645 of the Civil Code of the State of California are hereby adopted in the interpretation of words and phrases, unless otherwise provided in this Code.

B. Specific Rules.

(1) It is the policy of the Board of Supervisors that the legal documents of this County, including all ordinances, resolutions, and contracts, should be gender neutral.

(2) It is the policy of the Board of Supervisors that the legal documents of this County, including all ordinances, resolutions, and contracts, should be written in "plain English."

SECTION 3. Chapter 1.40 is added to the Monterey County Code to read:

Chapter 1.40
MONTEREY COUNTY FEE RESOLUTION

Sections:
1.40.010 Establishment of Fee Resolution.

1.40.010 ESTABLISHMENT OF FEE RESOLUTION.
Except as otherwise provided in this Code, all fees, penalties, refunds, reimbursements, and charges of any kind collected by the County may be adopted by resolution or may be designated in the Monterey County Fee Resolution, as amended by the Board of Supervisors from time to time. Whenever applicable throughout the Code, reference may be made to the Monterey County
Fee Resolution in lieu of any reference to specific fee amounts.

SECTION 4. Section 2.04.080 is added to the Monterey County Code to read:

2.04.080 PUBLICATION OF ORDINANCE SUMMARIES.
   County Counsel shall prepare a summary of each ordinance prior to submission of such ordinance to the Board of Supervisors. The Clerk to the Board is authorized to publish such summary in the manner provided by law in lieu of publishing the verbatim text of such ordinance.

SECTION 5. Section 5.16.010 of the Monterey County Code is amended to read:

5.16.010 FILING REQUIREMENT.
   All claims against the County shall be filed with the Clerk of the Board of Supervisors. The Clerk to the Board of Supervisors shall transmit copies of all such claims to the Risk Manager. For the purpose of this Chapter, the term "Risk Manager" shall mean a person designated by the County Administrative Officer and such person may include a contractor of the County who performs risk management or claims adjustment duties for the County.

SECTION 6. Section 5.16.020 is added to the Monterey County Code to read:

5.16.020 PROCESSING OF CLAIMS AGAINST THE COUNTY.

A. Risk Manager Review.

   The Risk Manager shall evaluate the sufficiency and form of all claims against the County and give notices relative to any deficiency of such claims to the claimant. The Risk Manager shall have all such claims investigated and shall prepare an investigative report and a recommendation relating to each such claim. The Risk Manager may deny any claim amounting to $25,000.00 or less, or may approve for payment any claim amounting to $1,000.00 or less, or compromise for any claim in the amount of $1,000.00 or less.

B. County Administrative Officer Review.

   The Risk Manager shall forward any claim not disposed of pursuant to subsection A of this section to the County Administrative Officer and shall include with such claim the investigative report and recommendation of the Risk Manager. The County Administrative Officer may, with the concurrence of the County Counsel, approve for payment any claim amounting to $15,000.00 or less, deny any claim amounting to $250,000.00 or
less, or compromise any claim in an amount of $15,000.00 or less. The County Administrative Officer shall return any claim which has been approved, compromised, or denied by the County Administrative Officer, together with the County Counsel and County Administrative Officer's decisions relative thereto, to the Risk Manager who shall be responsible for immediately notifying the claimant of such decision and expediting the payment of any claim which has been approved or compromised.

C. Board of Supervisors Review.

For all claims not disposed of pursuant to subsections A or B of this section, the County Counsel shall prepare and submit, as soon as practicable, a report to the Board of Supervisors either in open session or in closed session, at the County Counsel's election, together with a recommendation that such claim be approved, compromised, or denied. The County Counsel shall advise the Risk Manager of the Board's decision in the matter. The Risk Manager shall thereupon notify the claimant, in writing, of the decision and expedite payment of any claim which has been approved or compromised.

D. Notification of Insurance Carriers.

Notwithstanding the above provisions, the Risk Manager shall notify and send copies of all claims which are determined by the Risk Manager to be covered by insurance to the insurance carrier which provides coverage to the County, and shall be the County's liaison with such carriers for the purpose of any claim involvement.

E. Administrative Procedures and Confidentiality.

In order to protect the best interest of the County and the officers, employees, and agents of the County, with regard to the investigation, defense, or adjustment of applicable claims incurred against the County or its officers, employees, and agents, the County Administrative Officer and the County Counsel are directed to establish and maintain necessary administrative procedures and incident report forms to ensure the confidential coordination of case facts and related information. The procedures and forms will ensure reasonable use of the principle of privileged client-attorney communication for confidentiality in the defense or adjustment of all claims as provided by law.

F. Legal Defense of Claims.

The legal defense of claims filed against the County which are not covered by insurance shall be the responsibility of the County Counsel or a legal firm or firms designated by the County Counsel and concurred with by the Board of Supervisors. Authorized legal defense costs in conjunction with the defense of such claims shall be paid from County funds from an appropriate
liability reserve account as established by the Board of Supervisors.

SECTION 7. Section 5.16.030 is added to the Monterey County Code to read:

5.16.030 PROCEDURE FOR COLLECTION, COMPROMISE, AND WRITE-OFF OF CLAIMS OF THE COUNTY AGAINST OTHERS.

Claims of the County against other persons or entities shall be handled according to the procedures designated in this section.

A. Procedures by the County Administrative Officer.

The County Administrative Officer is authorized to pursue collection of any claims of the County against others. The County Administrative Officer may, in furtherance of such claims collection, accept a promissory note to repay the claim over a period of time, file a small claims court action to secure a judgment, when the amount of the claim does not exceed the small claims court jurisdictional limit, or assign the claim, promissory note, or judgment to a collection agency. When the County Administrative Officer determines it is in the best interest of the County to do so, considering the cost of collection and the merits of the claim, the County Administrative Officer may:

1. Accept a compromise settlement and write off the balance of the claim as uncollectable, where the amount of the write off does not exceed the small claims court jurisdictional limit;

2. File an action in small claims court and write off any amount in excess of such court’s jurisdiction, where the amount of the write off does not exceed the small claims court jurisdictional limit, or

3. Write off the claim in full where the amount of the write off does not exceed the small claims court jurisdictional limit.

Any claim which cannot be collected in full or disposed of in accordance with this subsection shall be sent to the County Counsel’s Office for collection.

B. Procedure by County Counsel.

The County Counsel shall pursue collection and may, in furtherance of such collection, accept a promissory note to repay the claim over a period of time, file an action in the appropriate court to secure a judgment, or assign the claim, promissory note, or judgment to a collection agency. When the County Counsel determines it is in the best interest of the
County to do so, considering the cost of collection and the merits of the claim, the County Counsel may:

1. Authorize the County Administrative Officer to accept a compromise settlement and write off the balance of the claim as uncollectable where the amount of the write off does not exceed the municipal court jurisdictional limit; or

2. Authorize the County Administrative Officer to file an action in small claims court and write off any amount in excess of such court's jurisdiction, where the amount of the write off does not exceed the municipal court jurisdictional limit; or

3. Authorize the Controller to write off the claim in full where the amount of the write off does not exceed the municipal court jurisdictional limit.

When the County Counsel determines it is in the best interest of the County to accept a compromise settlement of the claim and write off the balances uncontrollable, or to write off the claim in full as uncollectable, the County Counsel shall submit the matter to the Board of Supervisors for approval where the amount of the write off exceeds the municipal court jurisdictional limit.

SECTION 8. The following sections, subsections, and provisions of the Monterey County Code are repealed:

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SECTION 9. Section 10.48.060 of the Monterey County Code is amended to read:

10.48.060 CIVIL LIABILITIES.
In addition to any penalties or punishment required pursuant to Chapter 1.20 of this Code, any person who violates any provision of this Chapter is liable in a civil action for all damages that may be occasioned or caused by a violation of this Chapter.

SECTION 10. Section 10.72.100 of the Monterey County Code is amended to read:

10.72.100 CIVIL PENALTIES.
In addition to such penalties, punishments, or remedies provided in Chapter 1.20 of this Code, any person who violates any of the provisions of this Chapter shall be liable to the County for civil penalties in the amount of five thousand dollars ($5,000.00) per day the violation occurs or is allowed to exist, or in such other amount as the Board of Supervisors may establish by resolution.

SECTION 11. Section 12.04.060 is added to the Monterey County Code to read:

12.04.060 PENALTY FOR VIOLATION.
Every person who violates any provision of this Title is guilty of an infraction, and upon conviction thereof, shall be
punished in the manner specified in Section 42001 of the California Vehicle Code, as amended from time to time.

SECTION 12. Section 14.22.080 of the Monterey County Code is amended to read:

14.22.080 CIVIL PENALTIES.
A. A violation of any of the provisions of this Chapter shall be grounds for revocation of denial of a houseboat permit.

B. Any person who rents a houseboat to another without a permit is in violation of this Chapter and shall be liable to the County for civil penalties in the amount of five hundred dollars ($500.00) per day the violation occurs or is allowed to exist, or in such other amount as the Board of Supervisors may establish by resolution.

SECTION 13. Section 15.22.100 of the Monterey County Code is amended to read:

15.22.100 CIVIL PENALTIES
In addition to such penalties, punishments, or remedies provided in Chapter 1.20 of this Code, any person who violates any of the provisions of this Chapter shall be liable to the County for civil penalties in the amount of five thousand dollars ($5,000.00) per day the violation occurs or is allowed to exist, or in such other amount as the Board of Supervisors may establish by resolution.

SECTION 14. Section 16.30.160 of the Monterey County Code is amended to read:

16.30.160 VIOLATIONS.
It shall be unlawful for any person to refuse to allow any officer, employee, agent, or contractor of the County to enter upon any premises for the purpose of abating the public nuisance or to interfere in any manner whatever with such officer, employee, agent, or contractor.

SECTION 15. Section 16.60.070 of the Monterey County Code is amended to read:

16.60.070 ENFORCEMENT.
The provisions of this Chapter shall be enforced pursuant to Chapter 21.84 of the Monterey County Code, relating to enforcement of the Zoning Code of the County.
SECTION 16. Section 18.50.150 of the Monterey County Code is amended to read:

18.50.150 REVIEW.
This Chapter may be reviewed by the Board of Supervisors one year after its effective date, or earlier upon staff recommendation, and annually thereafter.

SECTION 17. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED this 19th day of January 1993, by the following vote:

AYES: Supervisors Pennycook, Perkins & Strasser Kauffman
NOES: None
ABSENT: Supervisors Shipmuck and Karas

JUDY L.E. PENNYCOOK, Chair

ATTEST:

ERNEST K. MORISHITA
Clerk of the Board

By ___________________________
Deputy
ORDINANCE NO. ___5135___

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ADDING CHAPTERS 2.29, 2.30, AND 2.31 AND MODIFYING MULTIPLE SECTIONS OF THE MONTEREY COUNTY CODE TO ASSIGN PLANNING AGENCY FUNCTIONS, ESTABLISH A SEPARATE PLANNING DEPARTMENT AND BUILDING SERVICES DEPARTMENT AND SEPARATE DIRECTORS, AND UPDATE REFERENCES TO THESE DEPARTMENTS AND THEIR DIRECTORS.

County Counsel Summary

This ordinance updates the County Code to reflect changes that have occurred in the organizational structure of the County. The County department formerly known as the Department of Planning and Building Inspection has been separated into two departments, the Planning Department and the Building Services Department. The Director of Planning and Building Inspection has been replaced by a Director of Planning and a Director of Building Services. This ordinance codifies these changes and defines the duties and functions of each. Pursuant to Government Code section 65100, this ordinance also defines the County planning agency. Numerous references throughout the County Code to the Director of Planning and Building Inspection are changed to refer to the Director of Planning or the Director of Building Services as applicable.

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

SECTION 1. Chapter 2.29 is added to the Monterey County Code to read:

CHAPTER 2.29

PLANNING AGENCY

2.29.010 Assignment of Functions of Planning Agency

Pursuant to section 65100 of the Government Code as may be periodically amended, the planning agency of the County of Monterey shall consist of the Board of Supervisors, the Planning Commission, the Planning Department, the Building Services Department, and such other hearing officers and bodies as are designated in County’s zoning and subdivision ordinances as Appropriate Authorities. Each of such entities shall have all of the powers, duties, and functions established for them by state law and the plans, ordinances, rules, and regulations of the County.

SECTION 2. Chapter 2.30 is added to the Monterey County Code to read:

CHAPTER 2.30

PLANNING DEPARTMENT
Sections:

2.30.010 Planning Department created
2.30.020 Director of Planning
2.30.030 Duties of Director

2.30.010 Planning Department created

The Planning Department is a department of the Resource Management Agency. The functions of the Planning Department are as set forth in California Planning and Zoning Law (Government Code section 65000 et seq.) and other applicable law and the general plan, local coastal program, zoning ordinances, subdivision ordinances, and other applicable plans, ordinances, rules, and regulations of the County.

2.30.020 Director of Planning

The Director of Planning shall be appointed by and serve at the pleasure of the Director of the Resource Management Agency. The Director of Planning shall direct and oversee the operations of the Planning Department and shall have all of the powers, duties, and functions established for the Director by the general plan, local coastal program, zoning ordinances, subdivision ordinances, and other applicable plans, ordinances, rules and regulations of the County. The Director of Planning may also be known as the Planning Director.

2.30.030 Duties of Director

The Director of Planning shall:

A. Execute the general duties as provided for department heads in section 2.18.010 of this code;
B. Plan, organize, direct, and coordinate the programs, activities, and operation of the Planning Department;
C. Establish and maintain goals, objectives, and plans for carrying out the functions of the Planning Department;
D. Implement improvements or major changes in methods or levels of service delivery;
E. Analyze and evaluate program results as related to objectives and policy guidelines;
F. Review program funding needs, control program activities within budgetary limits and policies, and direct the preparation of the Planning Department program budgets;
G. Direct the training and professional development of the members of the Planning Department;
H. Coordinate the Planning Department's programs and services with those of other agencies and departments, both inside and outside the Resource Management Agency;
I. Advise the Board of Supervisors, County Administrative Officer, Director of the Resource Management Agency, and appointive boards and commissions on long-range land use planning;

J. Direct the evaluation of legislation affecting the operations of the Planning Department;

K. Perform such other duties as may be assigned by the Director of the Resource Management Agency or County Administrative Officer or as may be required by applicable law or the ordinances or resolutions of the Board of Supervisors.

L. Designate other individuals within the Planning Department to perform the duties of the Director.

SECTION 3. Chapter 2.31 is added to the Monterey County Code to read:

CHAPTER 2.31

BUILDING SERVICES DEPARTMENT

Sections:

2.31.010 Building Services Department created
2.31.020 Director of Building Services
2.31.030 Duties of Building Services Director

2.31.010 Building Services Department created

The Building Services Department of the County of Monterey is created. The functions of the Building Services Department are to administer and enforce the California Building Standards Code with such modifications as are set forth in the County Code, to conduct inspections, and to perform such other functions as may be set forth in applicable law and the general plan, local coastal program, zoning ordinances, subdivision ordinances, and other applicable plans, ordinances, rules, and regulations of the County.

2.31.020 Director of Building Services

The Director of Building Services shall be appointed by and serve at the pleasure of the Director of the Resource Management Agency. The Director of Building Services shall direct and oversee the operations of the Building Services Department and shall have all of the powers, duties, and functions established for the Director by the California Building Standards Code with such modifications as are set forth in the County Code and by the other applicable plans, ordinances, rules, and regulations of the County.

2.31.030 Duties of Building Services Director

The Director of Building Services shall:
A. Execute the general duties as provided for department heads in section 2.18.010 of this code;
B. Plan, organize, direct, and coordinate the programs, activities, and operations of the Building Services Department;
C. Establish and maintain goals, objectives, and plans for carrying out the functions of the Building Services Department;
D. Implement improvements or major changes in methods or levels of service delivery;
E. Analyze and evaluate program results as related to objectives and policy guidelines;
F. Review program funding needs, control program activities within budgetary limits and policies, and direct the preparation of the Building Services Department program budgets;
G. Direct the training and professional development of the members of the Building Services Department;
H. Coordinate the Building Services Department's programs and services with those of other agencies and departments, both inside and outside the Resource Management Agency;
I. Advise the Board of Supervisors, County Administrative Officer, Director of the Resource Management Agency, and appointive boards and commissions on issues related to building codes;
J. Establish and maintain a one-stop permit-processing program;
K. Direct the evaluation of legislation affecting the operations of the Building Services Department;
L. Perform such other duties as may be assigned by the Director of the Resource Management Agency or County Administrative Officer or as may be required by applicable law or the ordinances or resolutions of the Board of Supervisors.
M. Designate other individuals within the Building Services Department to perform the duties of the Director.

SECTION 4. Section 2.27.010 of Chapter 2.27 of the Monterey County Code is amended to read as follows:

2.27.010 Resource Management Agency created.

A. The Resource Management Agency of the County of Monterey is created as a comprehensive local agency to administer, coordinate, and oversee the development and implementation of policies and regulations concerning land use planning, and building inspection, code compliance, public works, housing, redevelopment, and capital projects and construction general services. The powers and duties of the constituent departments and divisions of the Resource Management Agency are as set forth in state law and the Monterey County Code. The constituent departments and divisions of the Resource Management Agency are the Planning and Building Inspection Department, Planning Department, Building Services Department, Public Works Department, Housing and Redevelopment Office, and Capital Projects Division administrative and fiscal support divisions.
B. The Agency shall provide the following services in connection with its programs and activities:

1. Regional and local planning in coordination with the state, cities, and local and special districts;

2. Economic development and redevelopment consistent with the goal of sustaining agriculture, tourism, housing needs, and in support of emerging industries in the County;

3. Stewardship of the County's natural resources to protect the health, welfare, and safety of the public;

4. Streamlined delivery of land use services that provide a predictable permitting process that balances the public interest with private property rights;

5. Delivery of infrastructure and services that provide for the public health and safety in transportation, public works, and utility services consistent with available funding;

6. Engineering and capital planning services in support of County owned and leased facilities. (Ord. 4269 § 2 (part), 2005)

SECTION 5. Section 10.80.040 of Chapter 10.80 of the Monterey County Code is amended as follows:

10.80.040 Definitions.

Whenever the following words are used in this Chapter, they shall have the meaning ascribed to them in this Section:

A. “Board” means the Monterey County Board of Supervisors.

B. “Building” means any structure and shall include addition of floor space to existing improvements.

C. “Clerk” means the Clerk of the Board of Supervisors of the County of Monterey.

D. “Development” means all construction for which a building permit is required.

E. “Director” means the Director of the Department of Planning and Building Inspection.

F. “Fire District” and “District” means any special district providing fire protection services within the unincorporated area of the County. “Fire District” also includes the County when providing fire protection services through a County Service Area.

G. “Facilities and equipment” means any long-term capital facilities and equipment used by a Fire District for fire protection or emergency medical services including station construction, station expansion, fire or emergency medical apparatus, and water facilities for providing fire protection.

H. “Fire Capital Facilities and Equipment Plan” means a plan adopted by the District at a noticed public hearing.
I. “Greenhouse, standard type”, means a building of mainly glass or similar non-combustible materials, in which the temperature and humidity can be regulated for the cultivation of plants.

J. “Greenhouse, cold-frame type”, means a Quonset-hut style, non-code structure that is covered with poly or shade cloth, is less than fifteen (15) feet in height and is used only for the cultivation of plants. A greenhouse not meeting this standard shall be treated as a standard type greenhouse.

K. “New development” means the construction of residential, commercial, and industrial projects within the definition of “building” in the Uniform Building Code as adopted and amended by the Board of Supervisors. “New development” as used in this Chapter shall include mobile homes and manufactured homes installed on-site, either with or without a permanent foundation. “New development” includes the building of every residential, commercial or industrial structure because every new structure contributes to the cumulative impact upon the burden of providing fire protection. (Ord. 3931, 1997)

SECTION 6. Section 10.80.080 If Chapter 10.80 of the Monterey County Code is amended as follows:

10.80.080 Need for fees and their use.

A. Each District which requests a fire mitigation fee shall establish that there is a need in the District for fire capital facilities based on new development and its cumulative effect, which have not been constructed or purchased and to which new development has not contributed its fair share. Furthermore, said facilities must have been called for in, or are consistent with, the District’s Capital Facilities and Equipment Plan. The need shall be established by a study.

B. The cost estimates set forth in a study by each District shall show that they are reasonable cost estimates for constructing or replacing these facilities, and the fee expected to be generated by new development will not exceed the total of these costs.

C. The fire mitigation fees collected pursuant to this Chapter shall be used to finance only the public facilities described or identified in a Fire Capital Facilities and Equipment plan prepared in any District which wishes to have the County impose a fire mitigation fee on new development within its District boundaries.

D. The fee required pursuant to this Chapter may be waived by the Director of Planning and Building Inspections Building Services upon certification by the local fire chief that the fire capital facilities and equipment needs required by the new development are met through alternative financial arrangements. (Ord. 3602, 1992)

SECTION 7. Section 16.04.030 of Chapter 16.04 of the Monterey County Code Shall be amended as follows:

16.04.030 Scope.

A. Except as provided in this Chapter, no person shall conduct surface mining operations unless a permit, Reclamation Plan, and financial assurances for reclamation have first been approved by the County. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of
the County, including but not limited to, the application of the California Environmental Quality Act ("CEQA", Public Resources Code, Division 13, Section 21000 et seq.), as may be amended from time to time, the requirement of surface mining or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this Chapter shall apply to all lands within the County, public and private.

B. This Chapter shall not apply to the following activities, subject to the above-referenced exceptions:

1. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.

2. Onsite excavation and onsite earthmoving activities which are integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

   a. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including but not limited to the CEQA, as may be amended from time to time.

   b. The County's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to CEQA.

   c. The approved construction project is consistent with the general plan or zoning of the site.

   d. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.

3. Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions:

   a. The plant site is located on lands designated for industrial or commercial uses in the County general plan.

   b. The plant site is located on lands zoned industrial or commercial, or are contained within a zoning category intended exclusively for industrial activities by the County.

   c. None of the minerals being processed are being extracted onsite.
(d) All reclamation work has been completed pursuant to the approved Reclamation Plan for any mineral extraction activities that occurred onsite after January 1, 1976.

(4) Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.

(5) Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.

(6) Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.

(7) Excavations, grading, or other earthmoving activities in an oil or gas field that are integral to, and necessary for, ongoing operations for the extraction of oil or gas that comply with all of the following conditions:

(a) The operations are being conducted in accordance with PRC Division 3 (commencing with Section 3000).

(b) The operations are consistent with any general plan or zoning applicable to the site.

(c) The earthmoving activities are within oil or gas field properties under a common owner or operator.

(d) No excavated materials are sold for commercial purposes.

8. The solar evaporation of sea water or bay water for the production of salt and related minerals.

9. Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.

10. The cleaning out of a previously engineered, constructed facility for which approved design plans exist, is an activity to restore the usefulness of that flood control facility to its original design purposes. It is not the intent of this Subsection to exempt the removal of materials from natural channels. The removal of post construction accumulated materials from a responsible, public agency approved, managed, engineered, constructed facility intended for the purpose of water retention, or detention, debris retention, or from a flood water conveyance, where the post extraction condition, capacity or grade of the facility or conveyance does not exceed the as-built approved design specification contained in the approved documents for the facility or conveyance.

11. Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity, and if the excavation is conducted adjacent to timber or
forest operation roads. This exemption is only available if slope stability and erosion are controlled in accordance with Board regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and postclosure uses in consultation with the Department of Forestry and Fire Protection. This exemption does not apply to onsite excavation or grading that occurs within one hundred (100) feet of a Class One watercourse or seventy-five (75) feet of a Class Two watercourse, as defined by the Department of Forestry and Fire Protection or to excavations for materials that are, or have been, sold for commercial purposes.

C. Prior to engaging in any activity claimed to be exempt under this Section, the operator shall notify the Director of Planning and Building Inspection Planning prior to commencing the proposed activity. The Director shall determine whether the proposed activity is exempt, or not exempt under this Section and notify the operator, in writing, within thirty (30) days of the Director’s determination. The Director’s determination shall be appealable pursuant to Section 16.04.140. (Ord. 4029, 1999)

SECTION 8. Section 16.04.040 of Chapter 16.04 of the Monterey County Code shall be amended as follows:

16.04.040 Permit and plan approval—Required.

A. Any person, except as provided in Section 16.04.030, who proposes to engage in surface mining operations as defined in this Chapter shall, prior to the commencement of such operations, obtain a permit to mine, and approval of a Reclamation Plan, in accordance with the provisions set forth in this Chapter and as further provided in Article 5, California Surface Mining and Reclamation Act of 1975, as may be amended from time to time.

B. Fees.

1. A fee, as established from time to time by the Board of Supervisors for the permitted use shall be paid to the County of Monterey, State of California, at the time of filing.

2. The County shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Chapter and State regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the County, at the time of filing of the surface mining application, Reclamation Plan application, and at such other times as are determined by the County to be appropriate in order to ensure that all reasonable costs of implementing this Chapter are borne by the mining operator.

C. All applications for a Reclamation Plan for surface mining operations shall be made on forms provided by the Salinas office of the County Planning and Building Inspection Planning Department and as called for by Section 2772 of California Surface Mining and Reclamation Act of 1975, as may be amended from time to time. (Ord. 4029, 1999; Ord. 3007 § 3, 1984; Ord. 2402 § .014(a), 1978)
SECTION 9. Section 16.04.060 of Chapter 16.04 of the Monterey County Code shall be amended as follows:

16.04.060 Notice to Director of the Department of Conservation, State Mining and Geology Board, of permit applications and annual report requirements.

A. The Director of the Department of Conservation, State Mining and Geology Board, shall be notified of the filing of all permit applications. (California Public Resources Code Section 2774(c), as may be amended from time to time).

B. Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the County Planning and Building Inspection Planning Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within thirty (30) days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report. (Ord. 4029, 1999 Ord. 2402 § .014(c), 1978)

SECTION 10. Section 16.04.070 of Chapter 16.04 of the Monterey County Code shall be amended as follows:

16.04.070 Application, review, public hearing, and findings.

A. Applications for a site approval or Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the Planning and Building Inspection Planning Department. Said application shall be filed in accord with this Chapter and procedures to be established by the Planning Director. The forms for Reclamation Plan applications shall require, at a minimum, each of the elements required by SMARA (Sections 2772-2773) and State Regulations, as may be amended from time to time, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed Reclamation Plan, to be established at the discretion of the Director of the Planning and Building Inspection Planning Department. As many copies of the application as may be required by the Director of the Planning and Building Inspection Planning Department shall be submitted to the Planning and Building Inspection Planning Department.

B. As many copies of a Reclamation Plan application as may be required shall be submitted in conjunction with all applications for surface mining operations. For surface mining operations that are exempt from a Coastal Development Permit, or Use Permit pursuant to this Chapter, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be submitted to the County at one time.

C. Applications shall include all required environmental review forms and information prescribed by the Director of the Planning and Building Inspection Planning Department.
D. Upon completion of the environmental review procedure and filing of all documents required by the Director of Planning and Building Inspection Department, consideration of the Site Approval or Reclamation Plan for the proposed or existing surface mine shall be completed pursuant to Chapters 20.70 and 21.74 of the Monterey County Code at a public hearing before the Planning Commission, and pursuant to Section 2774 of the Public Resources Code, as those provisions may be amended from time to time.

E. Within thirty (30) days of acceptance of an application for a surface mining operations and/or a Reclamation Plan as complete, the Planning and Building Inspection Planning Department shall notify the Office of Mine Reclamation, State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the one hundred (100) year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, the Planning and Building Inspection Planning Department shall also notify the State Department of Transportation that the application has been received.

F. The Planning and Building Inspection Planning Department shall process the application(s) through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the Monterey County CEQA Guidelines, as those provisions may be amended from time to time.

G. Subsequent to the appropriate environmental review, the Planning and Building Inspection Planning Department shall prepare a staff report with recommendations for consideration by the Planning Commission.

H. Not less than ten (10) calendar days prior thereto, the Secretary of the Planning Commission shall give notice of hearing thereon by one publication in a newspaper of general circulation and by posting notice thereof in conspicuous places close to the property involved. In addition, the Secretary of the Planning Commission may also give notice of such hearing by mailing, postage prepaid, a notice of the time and place of such hearing to all persons owning property adjacent to the exterior boundaries of the area actually mined or to be mined. Addresses shall be used from the last equalized assessment roll, or alternatively, from such other records of the assessor or the tax collector as contain more recent addresses in the option of the Secretary of the Planning Commission.

I. The Planning Commission shall hold at least one noticed public hearing on the application for surface mining operation and/or Reclamation Plan.

J. The Planning Commission shall then take action to approve, conditionally approve, or deny the application for surface mining operation and/or Reclamation Plan, and to approve the initial financial assurances pursuant to PRC Section 2770(d), as may be amended from time to time. Where the Planning Commission takes action to approve or conditionally approve surface mining operations and/or Reclamation Plans, the following Findings of Approval shall be made as applicable:
1. Surface Mining Operations. In addition to any findings required by this Chapter and Monterey County Code Sections 20.70.050 and 21.74.050, Approvals for surface mining operations shall include a finding that the project complies with the provisions of SMARA and State regulations, as those provisions may be amended from time to time.

2. Reclamation Plans. For Reclamation Plans, the following findings shall be required:

   a. That the Reclamation Plan complies with SMARA Sections 2772 and 2773, as may be amended from time to time, and any other applicable provisions.

   b. That the Reclamation Plan complies with applicable requirements of State regulations (CCR Sections 3500--3505, and Sections 3700--3713, as those provisions may be amended from time to time).

   c. That the Reclamation Plan and potential use of reclaimed land pursuant to the plan are consistent with this Chapter and the Monterey County General Plan and any applicable resource plan or element.

   d. That the Reclamation Plan has been reviewed pursuant to CEQA and the Monterey County CEQA Guidelines, as those provisions may be amended from time to time, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.

   e. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site mitigation will compensate for related disturbance to resource values.

   f. That the Reclamation Plan will restore the mined lands to a usable condition which is readily adaptable for appropriate land uses consistent with the General Plan and applicable resource plan.

   g. That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the County's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

K. Written notice of the decision of the Planning Commission shall be given promptly to the applicant and to those who have requested notice of the decision in writing at the hearing on the application.

L. The Planning and Building Inspection Planning Department shall forward a copy of each approved Coastal Development Permit and/or Use Permit for surface mining operations and/or approved Reclamation Plan, and a copy of the approved financial assurances to the State Department of Conservation. By July 1st of each year, the Planning and Building Inspection
Planning Department shall submit to the State Department of Conservation for each active or idle mining operation a copy of the Site Approval or Reclamation Plan amendments, as applicable, or a statement that there have been no changes during the previous year. (Ord. 4029, 1999, Ord. 3007 § 4, 1984; Ord. 2402 § .015, 1978)

SECTION 11. Section 16.04.080 of Chapter 16.04 of the Monterey County Code shall be amended as follows:


A. Reclamation Plan and Financial Assurances. Prior to final approval of a Reclamation Plan, financial assurances (as provided in this Chapter), or any amendments to the Reclamation Plan or existing financial assurances, the Planning Commission shall certify to the State Department of Conservation that the Reclamation Plan and/or financial assurance complies with the applicable requirements of State law, and submit the plan, assurance, or amendments to the State Department of Conservation for review. The Planning Commission may conceptually approve the Reclamation Plan and financial assurance before submittal to the State Department of Conservation. If a surface mining application is being processed concurrently with the Reclamation Plan, the Planning Commission may simultaneously also conceptually approve the surface mining application. However, the Planning Commission may defer action on the surface mining application until taking final action on the Reclamation Plan and financial assurances. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the surface mining permit with the condition that the Planning and Building Inspection Planning Department shall not issue the surface mining permit for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the Reclamation Plan and financial assurances.

B. Review by State Department of Conservation. Pursuant to PRC Section 2774(d), as may be amended from time to time, the State Department of Conservation shall be given thirty (30) days to review and comment on the Reclamation Plan and forty-five (45) days to review and comment on the financial assurance. The Planning Commission shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Planning Commission’s approval. In particular, when the Planning Commission’s position is at variance with the recommendations and objections raised in the State’s comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Planning Commission shall be promptly forwarded to the operator/applicant.

C. Conditions of approval shall require financial assurances:

1. To ensure that reclamation will proceed in accordance with the approved Reclamation Plan, the County shall require as a condition of approval, security which will be released upon satisfactory performance. The applicant shall pose security in the form of a surety bond, trust
fund, irrevocable letter of credit from an accredited financial institution, lien, undertaking, other
surety guarantee, or other method acceptable to the County and the State Mining and Geology
Board, conditioned upon the faithful performance of the Reclamation Plan, and as specified in
State regulations, and which the County reasonably determines is adequate to perform
reclamation in accordance with the surface mining operation's approved Reclamation Plan.
Financial assurances shall be made payable to the County of Monterey and the State Department
of Conservation. (Public Resources Code Section 2773.1(a)(4), as may be amended from time to
time). Such surety shall be filed with the Director of the Planning and Building Inspection
Planning Department and reviewed and revised, as necessary, annually maintained in an amount
equal to the cost of completing the remaining reclamation of the site as prescribed in the
approved or amended Reclamation Plan during the succeeding one-year period, or other
reasonable term, as determined by the Director of the Planning and Building Inspection Planning
Department, or the Director's authorized designee.

2. Financial assurances will be required to ensure compliance with elements of the
Reclamation Plan, including but not limited to, revegetation and landscaping requirements,
restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope
stability and erosion and drainage control, disposal of hazardous materials, and other measures, if
necessary.

3. Cost estimates for the financial assurance shall be submitted to the Planning and
Building Inspection Planning Department for review and approval prior to the operator securing
financial assurances. The Planning Director shall forward a copy of the cost estimates, together
with any documentation received supporting the amount of the cost estimates, to the State
Department of Conservation for review. If the State Department of Conservation does not
comment within forty-five (45) days of receipt of these estimates, it shall be assumed that the
cost estimates are adequate, unless, the County has reason to determine that additional costs may
be incurred. The Director of the Planning and Building Inspection Planning Department shall
have the discretion to approve the financial assurance if it meets the requirements of this
Chapter, SMARA, and State regulations.

4. The amount of the financial assurance shall be based upon the estimated costs of
reclamation for the years or phases stipulated in the approved Reclamation Plan, including any
maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount
required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new
lands to be disturbed by surface mining activities in the upcoming year. Cost estimates should be
prepared by a California registered professional engineer and/or other similarly licensed and
qualified professionals retained by the operator and approved by the Director of the Planning and
Building Inspection Planning Department. The estimated amount of the financial assurance shall
be based on an analysis of physical activities necessary to implement the approved Reclamation
Plan, the unit costs for each of these activities, the number of units of each of these activities, and
the actual administrative costs. Financial assurances to ensure compliance with revegetation,
restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable
element of the approved Reclamation Plan shall be based upon cost estimates that include but
may not be limited to labor, equipment, materials, mobilization of equipment, administration,
and reasonable profit by a commercial operator other than the permittee. A contingency factor of
ten (10) percent shall be added to the cost of financial assurances.

5. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the County or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

6. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).

7. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

8. Revisions to financial assurances shall be submitted to the Planning Director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

D. Repealed.
(Ord. 4029, 1999; Ord. 3007 § 5, 1984; Ord. 2402 § .016, 1978)

SECTION 12. Section 16.04.085 of Chapter 16.04 of the Monterey County Code is amended to read as follows:

16.04.085 Statement of responsibility.

The person submitting the Reclamation Plan shall sign a statement accepting responsibility including an update of financial assurances, for reclaiming the mined lands in accordance with the Reclamation Plan. Said statement shall be kept by the Planning and Building Inspection Planning Department in the mining operation’s permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning and Building Inspection Planning Department for placement in the permanent record.
(Ord. 4029, 1999)

SECTION 13. Section 16.04.095 of Chapter 16.04 of the Monterey County Code shall be amended as follows:

16.04.095 Interim management plans.
A. Within ninety (90) days of a surface mining operation becoming idle, the operator shall submit to the Planning Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning and Building Inspection Planning Department, and shall be processed as an amendment to the Reclamation Plan. IMPS shall not be considered a project for the purposes of environmental review.

B. Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine’s IMP.

C. Upon receipt of a complete proposed IMP, the Planning and Building Inspection Planning Department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least forty-five (45) days prior to approval by the Planning and Building Inspection Planning Department.

D. Within sixty (60) days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Director of Planning the Planning and Building Inspection Department and the operator, the Planning and Building Inspection Planning Department shall review, deem adequate and approve or deny the IMP in accordance with this Chapter. If the IMP is inadequate, the operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the Director of the Planning and Building Inspection Planning Department, to submit a revised IMP. The Planning and Building Inspection Planning Department shall approve or deny the revised IMP within sixty (60) days of receipt. If the Planning and Building Inspection Planning Department denies the revised IMP, the operator may appeal that action to the Board of Supervisors pursuant to Monterey County Code Section Chapters 20.86 and 21.80, as those provisions may be amended from time to time.

E. The IMP may remain in effect for a period not to exceed five years, at which time the Planning and Building Inspection Planning Department may renew the IMP for another period not to exceed five years, and for increments of five years thereafter, or require the surface mining operator to commence reclamation in accordance with its approved Reclamation Plan. (Ord. 4029, 1999)

SECTION 14. Section 16.04.100 of Chapter 16.04 of the Monterey County Code shall be amended as follows:

16.04.100 Site inspections.

A. As a condition of approval for the permit or the Reclamation Plan, or both, a schedule for periodic inspections of the site shall be established with the Director of Planning and Building Inspection Planning to evaluate continuing compliance with the permit and the Reclamation Plan.
B. Except as otherwise required, the Director of the Planning and Building Inspection Department Planning or the Director’s designee shall promptly conduct inspection of all surface mining operations in the County of Monterey and perform all acts which the Director deems necessary to implement the requirements of the Surface Mining and Reclamation Act of 1975, as may be amended from time to time.

C. Each operator of a surface mining operation shall reimburse or pay to the County the full cost of the inspection services, including related administrative costs, required pursuant to the Act. The Director of Planning and Building Inspection Planning is authorized to enter into such agreements with operators or surface mining operations, as the Director deems appropriate, approved as to form by County Counsel, in order to ensure full recovery of all of the County’s costs in the implementation of the Act.

D. The Planning and Building Inspection Planning Department shall arrange for inspection of a surface mining operation within six months of receipt of the Annual Report required in Section 16.04.060, to determine whether the surface mining operation is in compliance with the approved use permit, or coastal permit, or Reclamation Plan, approved financial assurances, and State regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a State-registered geologist, State-registered civil engineer, State-licensed landscape architect, or State-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous twelve (12) months, or other qualified specialists, as selected by the Director of the Planning and Building Inspection Department Planning. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board. The Planning and Building Inspection Planning Department shall notify the State Department of Conservation within thirty (30) days of completion of the inspection that said inspection has been conducted, and shall forward a copy of said inspection notice and any supporting documentation to the mining operator and State Department of Conservation. The operator shall be solely responsible for the reasonable cost of such inspection. (Ord. 4029, 1999; Ord. 3585, 1992; Ord. 3007 § 6, 1984; Ord. 2402 § .018, 1978)

SECTION 15. Section 16.04.150 of Chapter 16.04 of the Monterey County Code shall be amended as follows:

16.04.150 Appeal—Acceptance.

A. Who May Appeal—Time of Appeal.

1. Any person aggrieved by an act, determination, or administrative interpretation of the Director of the Planning and Building Inspection Department Planning, in the exercise of the authority granted herein, shall have the right to appeal the Director’s act, determination, or administrative interpretation to the Planning Commission. Such appeal shall be in writing and shall be filed with the Secretary to the Planning Commission, within (10) days after written notice of the decision has been mailed to the applicant, in accordance with the provisions of Chapters 20.88 and 21.82 of the Monterey County Code, as those provisions may be amended.
from time to time.

2. An appeal may be made to the Board of Supervisors by the applicant, the Director of the Planning and Building Inspection Department Planning, any public agency, or person aggrieved by a decision of the Planning Commission. Such appeal shall be in writing and shall be filed with the Clerk of the Board of Supervisors and with the appropriate authority within ten (10) days after written notice of the decision has been mailed to the applicant.

3. Written notice of the decision shall be given promptly to the appellant and to those who have requested notice, in writing, of the hearing on the application; and no appeal shall be accepted until the notice of the decision has been given.

4. At the time of the filing of the appeal the appellant 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. Except the Director of Building Inspection Services shall be exempt from payment of fees.

B. Requirements for Contents of Appeal. The appellant must specifically state in the notice of appeal:

1. The identity of the appellant and his or her interest in the decision;

2. The identity of the decision appealed from the conditions appealed from;

3. A clear, complete but brief, statement of the reasons why, in the opinion of the appellant, the decision or the conditions imposed were unjustified or inappropriate because:
   a. There was lack of a fair and impartial hearing, or
   b. The findings or decision or conditions are not supported by the evidence, or
   c. The decision was contrary to law;

4. The specific reasons the appellant disagrees with the findings of the Planning Commission if he or she disagrees;

5. The notice of the appeal shall set forth specific facts of the matter in sufficient detail to notify interested persons of the nature of the proceedings, to place the interested persons upon notice as to how any proposed action may affect their interest so that they may formulate their defense or opposition without being subjected to surprise. The Board will not accept on appeal stated in generalities, legal or otherwise.

C. Form. A form for giving notice of appeal may be provided. The form need not be used if the contents of the notice of appeal is complete.
D. Acceptance of Appeal. An appeal shall not be accepted by the Board of Supervisors unless it is complete and complies with all requirements. The Secretary of the Board shall not accept a notice of appeal if it is obvious on the face of the notice that it is incomplete. (Ord. 4029, 1999; Ord. 3007 § 9, 1984; Ord. 2402 § .022, 1978)

SECTION 16. Section 16.04.180 of Chapter 16.04 of the Monterey County Code shall be amended as follows:

16.04.180 Violations and penalties.

A. Where surface mining is being performed in violation of this Chapter, the site may be posted with a “Stop Work” notice by the Director of the Planning and Building Inspection Department Planning, and the owner of record notified of the violation in writing by personal delivery thereof to the person to be notified or by certified mail, return receipt requested, postage prepaid, stating that the owner has ten (10) days in which to correct the violation. All work shall cease immediately upon notice, and shall not begin until a valid permit has been issued therefor pursuant to this Chapter, except as authorized to correct the violation.

B. If any surface mining or clearing of trees and brush over that necessary for normal surveying or ongoing continued land and vegetation maintenance purposes for which a permit is required is evident on the property as determined by field inspection prior to the grant of the permit, the Director of Building Services Inspection, County Surveyor or the Secretary of the Planning Commission may withhold approval of the permit to mine or other approval for the term determined by the Board of Supervisors necessary to allow property compaction and re-establishment of the disturbed soil, covered by sufficient appropriate vegetation to prevent erosion.

C. If the Director of the Planning and Building Inspection Department Planning, based upon an annual inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter, the applicable site approval, any required permit and/or the Reclamation Plan, the County shall follow the procedures set forth in Public Resources Code, Sections 2774.1 and 2774.2, as may be amended from time to time, concerning violations and penalties, as well as those provisions of the Monterey County Code Sections 20.70.060 and 21.74.060, as may be amended from time to time, for revocation, or modification and/or abandonment of a surface mining permit and/or Reclamation Plan which are not preempted by SMARA. (Ord. 4029, 1999; Ord. 3007 § 9, 1984)

SECTION 17. Section 16.04.190 of Chapter 16.04 of the Monterey County Code shall be amended as follows:

16.04.190 Notice of violation recordation.

A. Whenever the Director of the Planning and Building Inspection Department Planning determines that mining has not been completed in accordance with a mining permit or the plans and specification for reclamation, or whenever the Director of the Planning and Building Inspection Department Planning determines that mining has been done without the required
permit, the Director may record a Notice of Violation with the Office of the County Recorder. The owner(s) of the property, as revealed by the assessment roll, on which the violation is situated and any other person responsible for the violation shall be notified of the recordation, if their address is available.

B. If the property owner(s) or authorized agent disagree with the determination, he or she may submit evidence to the Director of the Planning and Building Inspection Department Planning indicating that there is no violation and then shall have a right to appeal an adverse decision of the Director to the Planning Commission and the Board of Supervisors, in accordance with the provisions of Sections 16.04.150 through 16.04.160, as those provisions may be amended from time to time. (Ord. 4029, 1999; Ord. 3007 § 9, 1984)

SECTION 18. Section 16.04.200 of Chapter 16.04 of the Monterey County Code shall be amended as follows:


A. The Director of the Planning and Building Inspection Department Planning shall submit a removal of the Notice of Violation to the County Recorder when:

1. It is determined by the Director of the Planning and Building Inspection Department Planning, the Planning Commission, or the Board of Supervisors, after review, that no violation of this Chapter exists; or

2. All required and corrective work, including replacement and landscaping if required, has been completed and approved by the Director of the Planning and Building Inspection Department Planning.

B. The fee for the submittal of removal of Notice of Violation shall be that set from time to time by the Board of Supervisors. (Ord. 4029, 1999; Ord. 3007 § 9, 1984)

SECTION 19. Section 16.24.020 of Chapter 16.24 of the Monterey County Code shall be amended as follows:


A. No political sign shall be erected earlier than sixty (60) days before the election to which it relates.

B. No political sign or any part thereof shall be supplied with electrical power for lighting, movement, or any other purpose unless a building permit is first obtained from the County Building Inspection Services Department.

C. No political sign shall be erected in such a manner that it will, or reasonably may be expected to obstruct, the view of, or conflict with any traffic sign, signal, or device. A political sign shall not be erected in such a manner that it will, or reasonably may be expected to obstruct,
the view of pedestrian or vehicular traffic.

D. No political sign shall be erected or maintained upon the property of another without first obtaining permission to do so from the owner or tenant of said property. In the case of vacant property, written permission must be obtained from the property owner, and such signs must have affixed to the rear of the said sign a copy of the written permission, including the name, address, telephone number, and signature of the property owner.

E. No political sign shall be erected or maintained unless a statement of responsibility has been filed with the Director of Planning certifying a person who will be responsible for the placing and removal of the political sign pursuant to this Chapter and who will reimburse the County of Monterey for any costs incurred to remove it.

F. No political sign shall be erected or maintained which exceeds the maximum size allowed for signs in the zones in which the sign is located. If building or use permits are required in the zoning area to accommodate a sign of the proposed size, these permits shall also be required of political signs. (Ord. 3013, 1984)

SECTION 20. Section 16.60.030 of Chapter 16.60 of the Monterey County Code shall be amended as follows:

16.60.030 Regulations.

Except as provided in Section 16.60.060 of this Chapter the following regulations apply:

A. No oak or madrone tree six inches or more in diameter two feet above ground level shall be removed in the North County Area Plan or Toro Area Plan areas without approval of the permit(s) required in Section 16.60.040 of this Chapter.

B. No oak, madrone or redwood tree six inches or more in diameter two feet above ground level shall be removed in the Carmel Valley Master Plan area without approval of the permit(s) required in Section 16.60.040 of this Chapter.

C. No native tree six inches or more in diameter two feet above ground level shall be removed in the Cachagua Area Plan area without approval of the permit(s) required in Section 16.60.040 of this Chapter.

“Native trees,” for the purpose of this Section, are:

1. Santa Lucia Fir;
2. Black Cottonwood;
3. Fremont Cottonwood;
4. Box Elder;
5. Willows;

6. California Laurel;

7. Sycamores;

8. Oaks;


D. No oak tree may be removed in any other area of the County of Monterey designated in the applicable area plan as Resource Conservation, Residential, Commercial or Industrial (except Industrial, Mineral Extraction) without approval of the permit(s) required in Section 16.60.040 of this Chapter.

E. No landmark oak tree shall be removed in any area except as may be approved by the Director of Planning and Building Inspection pursuant to Section 16.60.040 of this Chapter. Landmark oak trees are those trees which are twenty-four (24) inches or more in diameter when measured two feet above the ground, or trees which are visually significant, historically significant, or exemplary of their species.

F. No oak trees may be removed in any other area of the County of Monterey designated in the applicable area plan as Agricultural or Industrial, Mineral Extraction, unless such removal meets and purpose and standards required in Section 16.60.050 of this Chapter.

G. No oak trees may be removed in any area of the County of Monterey for commercial harvesting purposes without approval of a use permit by the Planning Commission. (Ord. 3420, 1989)

SECTION 21. Section 16.60.040 of Chapter 16.60 of the Monterey County Code shall be amended as follows:

16.60.040 Permits required.

A. Permit Required. No person shall do, cause, permit, aid, abet, suffer or furnish equipment or labor to remove, cut down or trim more than one-third of the green foliage of, poison or otherwise kill or destroy any tree as specified in this Section until a tree removal permit for the project has first been obtained. All provisions of this Section shall apply to any person removing trees on behalf of any other person, including all companies or persons in the business of removing trees or construction. It be unlawful for any person or company to remove or cause to be removed or undertake any work for which a permit is required under this Section, unless a valid permit has been obtained and is in effect.

B. Removal of Three or Less Protected Trees. The Director of Planning and Building Inspection Planning may approve the removal of no more than three protected trees per lot in a
one-year period. The following information shall be submitted to the Director of Planning and Building Inspection Planning prior to consideration of such removal:

1. Applicants or authorized representatives name, address and telephone number;

2. The description of the site(s) involved, including the street address, if any, and the assessors parcel number;

3. A site plan sufficient to identify and locate the trees to be removed, other trees, buildings, proposed buildings, and other improvements;

4. The purpose for the tree removal;

5. A description of the species, diameter two feet above ground level, estimated height, and general health of the trees to be removed;

6. A description of the method to be used in removing the tree(s);

7. A statement showing how trees not proposed for removal are to be protected during removal or construction;

8. Proposed visual impact mitigation measures the applicant intends to take (if appropriate). Size, location and species of replacement trees, if any, shall be indicated on the site plan;

9. Such further information as may be required by the Director of Planning and Building Inspection Planning, including but not limited to the opinion of a registered professional forester, tree surgeon, or other qualified expert to enable the determination of matter required under these regulations.

C. Removal of More Than Three Protected Trees.

1. Removal of more than three protected trees on a lot in a one-year period shall require a Forest Management Plan and approval of a Use Permit by the Monterey County Planning Commission.

2. The Forest Management plan shall be prepared by a qualified professional forester, as selected from the County’s list of Consulting Foresters. Plan preparation shall be at the applicants expense.

3. The Director of Planning and Building Inspection Planning shall prescribe the format and content requirements for the Forest Management Plan and maintain a list of qualified and acceptable foresters to prepare the Forest Management Plan.
4. All tree removal requests coming under this Subsection shall be subject to the requirements of the California Environmental Quality Act (CEQA).

D. Relocation or Replacement. As a consideration of the granting of a permit pursuant to Subsections B or C, the applicant shall be required to relocate or replace each removed protected tree on a one-to-one ratio. This requirement may be varied upon a showing that such a requirement will create a special hardship in the use of the site or such replacement would be detrimental to the long-term health and maintenance of the remaining habitat.

E. Required Findings. In order to grant the permit for tree removal, the appropriate authority shall make the following findings based on substantial evidence:

1. The tree removal is the minimum required under the circumstances of the case; and

2. The removal will not involve a risk of adverse environmental impacts such as:

   a. Soil erosion;

   b. Water Quality. The removal of the trees will not substantially lessen the ability for the natural assimilation of nutrients, chemical pollutants, heavy metals, silt and other noxious substances from ground and surface waters;

   c. Ecological Impacts. The removal will not have a substantial adverse impact upon existing biological and ecological systems, climatic conditions which affect these systems, or such removal will not create conditions which may adversely affect the dynamic equilibrium of associated systems;

   d. Noise Pollution. The removal will not significantly increase ambient noise levels to the degree that a nuisance is anticipated to occur;

   e. Air Movement. The removal will not significantly reduce the ability of the existing vegetation to reduce wind velocities to the degree that a nuisance is anticipated to occur;

   f. Wildlife Habitat. The removal will not significantly reduce available habitat for wildlife existence and reproduction or result in the immigration of wildlife from adjacent or associated ecosystems; or

3. The tree is diseased, injured, in danger of falling too close to existing or proposed structures, creates unsafe vision clearance, or is likely to promote the spread of insects or disease.

F. Conditions of Approval. In granting any permit as provided herein, the appropriate authority may attach reasonable conditions to mitigate environmental impacts and ensure compliance with the provisions of this Chapter, including but not limited to replacement of trees removed.
G. Emergencies. In the case of emergency caused by hazardous or dangerous condition of
a tree and requiring immediate action for the safety of life or property, such necessary action
may be taken to remove the tree or otherwise reduce or eliminate the hazard without complying
with the other provisions of this Section, except that the person responsible for cutting or
removal of the tree(s) shall report such action to the Director of Planning and Building
Inspection Planning within ten (10) working days thereafter.

H. Fees. The fee for permits required in Section 4(B) shall be fifty dollars ($50.00). (Ord.
3420, 1989)

SECTION 22. Section 16.60.050 of Chapter 16.60 of the Monterey County Code shall
be amended as follows:

16.60.050 Purpose and standards for agricultural areas.

Removal of oak trees in the areas outside of the North County Area Plan, Toro Area Plan,
Cachagua Area Plan and Carmel Valley Master Plan designated Farmlands, Rural Grazing or
Permanent Grazing by the applicable area plan shall be allowed only if the following purposes
and standards are satisfied.

A. Purposes. Oak tree removal is allowed without a permit for any of the following
reasons:

1. Rangeland improvement;

2. Promotion of wildlife habitat;

3. Enhancement of watershed areas;

4. Elimination of trees hazardous to life or property; or

5. Firewood for the use of the owners and other persons residing on site.

B. Standards.

1. The current Best Management Practices as promulgated by the University of California
Hardwood Range Management Plan shall be followed to maintain and promote regeneration of
oak trees.

2. A representative sample of sizes, ages and species of oaks shall be retained with
special emphasis places on retaining samplings.

3. The number of oaks on any acre shall not be reduced to less than twenty-five (25)
percent canopy existing at the time of adoption of this ordinance.
4. Removal of oak trees encroaching on existing cultivated farmland is allowed.

C. Oak trees on land being converted to irrigated farmland where a Use Permit is required for such conversion by area plan policy shall not be allowed until such use permit is approved and applicable conditions are met.

D. Removal for purposes not under the guidelines of this Section may be approved by the Director of Planning and Building Inspection Planning on an individual basis. (Ord. 3420, 1989)

SECTION 23. Section 16.72.010 of Chapter 16.72 of the Monterey County Code shall be amended as follows:

16.72.010 Environmental studies--Reimbursement.

Any person who is required to bear the cost of providing environmental studies which relate to and cover planning for possible development of properties other than the property or properties of the person responsible for such studies, may be reimbursed for that portion of his or her expenses related to such other property pursuant to this Section. The County, prior to processing any development entitlement for properties covered by any such environmental studies, may require the developer or owner of such property to pay to the County an amount equal to the developer’s or owner’s proportional share of such environmental study, as determined by the Director of Planning and Building Inspection Planning (“Director”). Except as otherwise provided for in this Section, any fees that may be required pursuant to this Section shall be determined and collected and reimbursements shall be made pursuant to the provisions of Chapter 18.56 of this Code. For the purpose of this Section, the term “environmental studies” means an “Initial Study”, a “Negative Declaration”, and an “Environmental Impact Report” as such terms are defined or used in the California Environmental Quality Act, Public Resources Code Section 21000, et seq., as amended (“CEQA”) and this Code. The term “environmental studies”, also includes such other studies as the Director may require in order to ensure compliance with the requirements of CEQA and this Code. (Ord. 3664, 1993)

SECTION 24. Section 18.04.010 of Chapter 18.04 of the Monterey County Code shall be amended as follows:

18.04.010 Definitions.

As used in Chapters 18.04 through 18.28 and 18.52 or in any of the uniform codes made a part of them, unless otherwise apparent from the context, the words set out in this Section shall have the following meanings:

A. “Building Official” means the Director of Planning and Building Inspection Building Services of the County of Monterey and the Director’s designees.

B. “Chief Building Inspector” means the individual appointed by the Director of Planning and Building Inspection Building Services as the Chief Building Inspector of the County of Monterey and the Chief Building Inspector’s designees.
C. “City” means the County of Monterey when it refers to a political entity, and means the unincorporated area of the County of Monterey when it refers to an area.
D. “City Council” means the Board of Supervisors of the County of Monterey.
E. “Deck” means any attached or detached structure for the purpose of providing walking area, yard space, or entertainment area.
F. “Enforcing officer” means the person, office or department designated by State law or the Board of Supervisors to enforce any provision of this Title. Enforcing officer includes any County officer, employee or agent to whom enforcement powers have been lawfully delegated by a designated enforcement officer.
G. “Fire chief” means the chief of the fire protection district wherein lies any proposed building site, or, in any area not under the jurisdiction of a fire protection district, it means the Chief Ranger of the State Division of Forestry, Monterey County Division, King City, California.
H. “Mayor” means the Chairman of the Board of Supervisors of the County of Monterey.
I. “Municipality” means the County of Monterey. (Ord. 3453 §§ 1, 2, 1990)

SECTION 25. Section 18.25.030 of Chapter 18.25 of the Monterey County Code shall be amended as follows:

18.25.030 Definitions.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this Section shall govern the construction, meaning and application of words and phrases used in this Chapter, and, except to the extent that a particular word or phrase is otherwise specifically defined in this Section, the definitions and provisions contained in Chapters 18.26 and 21.06 of this Code shall also govern the construction, meaning, and application of words and phrases used in this Chapter.

“Alteration” means any exterior change or exterior modification of any historic resource. Alteration includes, but is not limited to:
1. Exterior structural change or modification of a site, fence or structure;
2. Change or modification of the exterior architectural features of a site, fence, or structure, including surface texture and materials;
3. Change or modification of a site, including grading, paving, cutting or removal of trees, removal or modification of significant vegetation, or other natural features;
4. New structures or fences;
5. Demolition of structures or fences;
6. Placement or removal of exterior objects or features such as signs, plaques, light fixtures, street furniture, walls, fences, and steps;
7. Disturbance of any archaeological site; and,
8. Alteration does not include ordinary maintenance and repair of structures and maintenance of gardens.

“Cultural” means related to the origins or history of humans in Monterey County.

“Cultural resource” means buildings, structures, signs, features, sites, places, areas, or other objects of scientific, aesthetic, educational, cultural, architectural, or historic significance to the residents of the County.
“Design criteria” means the criteria that must be followed pursuant to this Chapter to improve or modify an historic resource or a structure within an historic district.

“Designated site” means that portion of a parcel on which a significant historic resource is or has been situated and has been listed on the National Register of State Historic Places, the California Register of Historic Places, the State Historic Landmark Register, or the County Register of Historic Sites.

“Historic district” means an area, which may include public rights-of-way, within the County having special historic and architectural worth and designated as such by the Board of Supervisors pursuant to the provisions of this Chapter. The area may predominantly, though not exclusively, contain historic resources.

“Historic resource” means any structure, object, fence, site, or portion of a site which has a significant historic, archaeological, architectural, engineering or cultural value, real property or improvement thereon such as a structure, archaeological excavation, or object that is unique or significant because of its location, design, setting, materials, workmanship, or aesthetic feeling and is designated as such by the Board of Supervisors pursuant to the provisions of this Chapter.

“Historic Resources Review Board” or “Review Board” means the Historic Resources Review Board of the County of Monterey.

“Integrity” means soundness or completeness.

“Local Official Register” or “Local Official Register Of Historic Resources” means the inventory of structures and areas designated by the Board of Supervisors as historic resources and historic districts.

“Minor alteration” means any of the following alterations: placement, removal, exterior structural change or modification of a fence, sign, plaque, light fixture, street furniture, steps, platforms, walks, driveway, temporary motion picture, television, and theater stage steps and scenery.

“National Register of Historic Places” means a national list, administered by the Keeper of the Register, United States Department of the Interior, of districts, sites, buildings, structures, and objects of local, State, or national importance that are significant for their historical, architectural, archaeological, or cultural values.

“Object” means an item of significant historic value that can be seen or touched, such as an artifact, monument, or work of art.

“Ordinary maintenance and repair” means any work for which a building permit is not required by law where the purpose and effect of such work is to prevent or correct any deterioration of or damage to a structure or any part thereof and to restore the structure or part thereof to its condition prior to the occurrence of such deterioration or damage.

“Preservation” means use of long-term or permanent safeguards to guarantee the viability of man-made resources.

“Regulated permits” means any permit issued for any work on an historic structure, its site, or a structure within any historic district. For the purposes of this Chapter, “regulated permit” does not mean a building permit issued for the demolition of a structure.

“Secretary” means the Director of the Department of Planning and Building Inspection Planning Department or the Director’s designee.

“Significant” means having historic, archaeological, architectural, or engineering value.

“State Office of Historic Preservation” means a division of the State Department of Parks and Recreation which serves as the staff to the State Historic Preservation Officer, or such other
official designated and appointed by the Governor to administer the historic preservation programs of the State and which administers the California Register of Historic Places.

SECTION 26. Section 18.25.100 of Chapter 18.25 of the Monterey County Code shall be amended as follows:

18.25.100 Local Official Register.

Resolutions adopting designations of historic resources and historic districts shall collectively be known as the Local Official Register of Historic Resources. The Local Official Register shall be kept on file with the Secretary, who shall transmit copies to the Clerk of the Board of Supervisors and to the Director of Planning and Building Inspection Planning, the Director of Public Works, the Director of the County Library Department, and such other entities as the Secretary or the Review Board deems appropriate.

SECTION 27. Chapter 18.32.010 of the Monterey County Code shall be amended as follows:

18.32.010 Definitions.

As used in this Chapter, unless otherwise apparent from the context, the words and phrases set out in this Section shall have the following meanings:

A. “Building inspector” means the Building Inspector Official of the County of Monterey.

B. “Family” means an individual or two or more persons related by blood or marriage or a group of not more than five persons not all of whom are related by blood or marriage and who live together in a single dwelling unit.

C. “Family fallout shelter” and “shelter” means any structure, either above or below ground, constructed on private property, for the purpose of protecting the members of one family from radioactive fallout resulting from a nuclear explosion.

D. “Person” means any individual, firm, partnership, association, corporation, organization or business trust.

E. “Shall” is mandatory, and “may” is permissive.

F. Words used in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular includes the plural and the plural the singular. (Ord. 1214 § 1(a), 1961)

SECTION 28. Section 18.32.050 of Chapter 18.32 of the Monterey County Code shall be amended as follows:

18.32.050 Permit—Application requirements.

Any person desiring to obtain a permit to construct a family fallout shelter shall file an application therefor with the Building Inspector Official. Said application shall be accompanied by the fee required in Section 18.32.080, three copies of a plot plan showing the location of the shelter, the size of lot, the size, location and occupancy of any existing buildings on the lot, and
three sets of plans and specifications clearly showing the material, size, arrangement of the foundation, framing of floors, walls and roof, design of reinforced concrete, reinforced masonry or steel framing, location and design of stairway, entrance and exit facilities, location and design of ventilating system, and such other details as shall be required by the Building Inspector to show structural adequacy. (Ord. 1214 § 4(a), 1961)

SECTION 29. Section 18.32.090 of Chapter 18.32 of the Monterey County Code shall be amended as follows:

18.32.090 Appeal from decision of Building Inspector Official.

In case the applicant is not satisfied with the decision of the Building Inspector Official, he or she may, within thirty (30) days, appeal in writing to the Board of Supervisors. A copy of such appeal shall be given by the applicant to the Building Inspector. The Board of Supervisors may thereafter modify, affirm, or overrule the decision of the Building Inspector insofar as the same relates to the interpretation of this Chapter. (Ord. 1214 § 7, 1961)

SECTION 30. Section 18.40.040 of Chapter 18.40 of the Monterey County Code shall be amended as follows:

18.40.040 Definitions.

For the purposes of this Chapter the following definitions shall apply:
A. “Administrative manual” shall mean the manual prepared pursuant to Subsection 18.40.050G7.
B. “Affordable” means: in the case of rent, a monthly amount which, together with utility allowance, does not exceed: (i) for very low income inclusionary units, one-twelfth of thirty (30) percent of the maximum income for a very low income household, adjusted by household size based on the number of bedrooms in the unit; (ii) for low income inclusionary units, one-twelfth of thirty (30) percent of sixty (60) percent of median income, adjusted for household size based on the number of bedrooms in the unit; and (iii) for moderate income inclusionary units, one-twelfth of thirty (30) percent of one hundred ten (110) percent of median income, adjusted for household size based on the number of bedrooms in the unit.

In the case of a sales price, average monthly housing payments, including mortgage loan principal and interest, any associated loan insurance fees, property taxes and assessments, an allowance for property maintenance and repairs established by the County based on the initial cost and size of the home, homeowners insurance, a reasonable allowance for utilities, land rent (if the home is on rented land) and homeowners association dues, if any, which during the first calendar year of a household’s occupancy, do not exceed: (i) for very low income inclusionary units, one-twelfth of thirty (30) percent of the maximum income for a very low income household, adjusted by household size based on the number of bedrooms in the unit; (ii) for low income inclusionary units, one-twelfth of thirty (30) percent of seventy (70) percent of median income, adjusted for household size based on the number of bedrooms in the unit; and (iii) for moderate income inclusionary units, one-twelfth of thirty-five (35) percent of one hundred ten (110) percent of median income, adjusted for household size based on the number of bedrooms in the unit.
Adjustments for household size based on the number of bedrooms in the unit and amounts utilized for utility allowances and other monthly housing cost factors, including assumed mortgage interest rates, loan insurance fees, maintenance and repair allowances, homeowners insurance, property tax and assessment costs, and homeowners association dues, shall be as provided by the County in the administrative manual.

C. “Inclusionary housing agreement” shall mean an agreement between the County and an applicant, governing how the applicant shall comply with this Chapter.

D. “Applicant” means a person or entity who applies for a residential development and, if the applicant does not own the property on which development is proposed, also means the owner or owners of the property.

E. “Appropriate Authority” means that person, official, or body designated by County regulations to hear, grant, deny, modify, condition, revoke or otherwise act on permits required by the County’s regulations.

F. “Approval” means any approval by the Appropriate Authority of a discretionary permit for residential development, including but not limited to planned unit development or planned community development approval, subdivision approval, use permit, building permit or combined development permit, and if no discretionary approval is required, also means a building permit for residential development.

G. “Building permit” means a permit issued by the Monterey County Department of Planning and Building Inspection Building Services authorizing the construction of new dwellings.

H. “Director” means the Assistant County Administrative Officer for Environmental Resource Policy (or a county officer with similar responsibilities designated by the County Administrative Officer should that office no longer exist), or his or her designee.

I. “ Dwelling” or “Unit” means any structure or portion thereof designed or used as the residence or sleeping quarters of a household, including a live/work unit.

J. “First approval” means the first approval, as the term “approval” is defined in this Chapter, to occur with respect to a residential project.

K. “For sale inclusionary unit” means an inclusionary unit which is designated in an inclusionary housing agreement to be sold to a household eligible under this Chapter.

L. “Household” means one or more individuals who occupy one dwelling unit as a single housekeeping unit, whether or not related by blood or marriage.

M. “Housing Authority” means the Housing Authority of the County of Monterey.

N. “HUD” means the United States Department of Housing and Urban Development.

O. “Inclusionary unit” means a housing unit which is required by an approval to meet affordability and occupancy limits under this Chapter.

P. “Low income inclusionary unit” means an inclusionary unit reserved for occupancy by low income households at an affordable rent or sales price.

Q. “Low income household” or “Lower income household” means a household, including a very low income household, with an annual income which does not exceed HUD’s annual determination for low income households with incomes of eighty (80) percent of the median income, adjusted for household size.

R. “Median income” means the median household income as determined periodically by HUD for the Salinas Metropolitan Statistical Area and updated on an annual basis.

S. “Moderate income inclusionary unit” means an inclusionary unit reserved for occupancy by moderate income households at an affordable rent or sales price.
T. "Moderate income household" means a household, including a low income household and a very low income household, with an annual income which does not exceed one hundred twenty (120) percent of the median income, adjusted for household size.

U. "Owner occupied development" means a residential development in which the same person or persons are sole or majority owner(s) of the property at the time of first approval of the development and at the time the development receives its building permit, and those persons make and record a legally binding agreement, acceptable to the Director and approved as to form by County Counsel, to reside in the residential development for not less than one year from the recordation of the notice of completion, and where the proposed owner-occupant has not previously been an owner-occupant under this Chapter during a period of ten (10) years prior to application for a first approval.

V. "Pending development" means a residential development for which an application for a first approval was deemed complete by the County on or before the effective date of Ordinance No. 04185 amending this Chapter, so long as the number of dwellings does not increase after the first approval.

W. "Planning Area" means one of eight geographic sub-areas of Monterey County established for the General Plan. They are the Toro, North County, Greater Monterey Peninsula, Central Salinas Valley, South County, Greater Salinas, Coast, and Cachagua Planning Areas.

X. "Rental inclusionary unit" means an inclusionary unit which is designated in an inclusionary housing agreement to be rented to a household eligible under this Chapter.

Y. "Residential development" means any project requiring any subdivision of land, use permit, discretionary permit or building permit, or combination thereof, for which an application or applications are submitted to the County and which would by construction or alteration of structures create three or more new or additional dwelling units and/or lots.

Z. "Subdivision" means a "subdivision" as that term is defined by the California Subdivision Map Act.

AA. "Very low income inclusionary unit" means an inclusionary unit reserved for occupancy by very low income households at an affordable rent or housing cost.

BB. "Very low income household" means a household with an annual income which does not exceed HUD’s annual determination for very low income households earning fifty (50) percent of median income, adjusted for household size. (Ord. 4185 § 3, 2003; Ord. 3768, 1994; Ord. 3768, 1994; Ord. 2830, 1982; Ord. 2694, 1981)

SECTION 31. Section 18.44.090 of Chapter 18.44 of the Monterey County Code shall be amended as follows:

18.44.090 Discretionary exemptions.

The Director of Building Inspection Services may, in his or her discretion, exempt facilities from the provisions of this Chapter, or impose reasonable conditions in lieu of compliance therewith, if he or she determines that any of the following conditions exist:

A. The requirements herein would cause an unnecessary and undue hardship upon the owner or purchaser of the facility or the public. Guidelines generally exemplifying such potential exemptions to this ordinance shall be promulgated by the Director of Building Inspection Services adopted by the Board of Supervisors.
B. The requirements herein would create an emergency condition affecting the health, sanitation, fire protection or safety of the facility owner or the public.

C. The granting of the exemption or imposition of reasonable conditions in lieu of compliance with the requirements herein would not increase the quantity of water consumed by the facility or otherwise adversely affect service to other existing water consumers. (Ord. 3190, 1986)

SECTION 32. Section 18.44.100 of Chapter 18.44 of the Monterey County Code shall be amended as follows:

18.44.100 Appeals.

A. Who May Appeal--Time for Appeal.
1. An appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of the Director of Building Inspection Services pursuant to this Chapter, other than those relating to aesthetics and plant selection. Appeals relating to aesthetics and plant selection shall be made to the Planning Commission pursuant to Chapter 20.100 of the Monterey County Code. Such appeal shall be in writing and shall be filed with the Clerk of the Board of Supervisors and with the Department of Building Inspection Services within ten (10) days after written notice of the decision has been mailed to the applicant.

2. Written notice of the decision shall be given promptly to the applicant and to those who have requested notice, in writing, at the hearing on the application; and no appeal shall be accepted until the notice of the decision has been given.

3. At the time of the filing of the appeal the appellant 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.

B. Requirements for Contents of Appeal. The appellant must specifically state in the notice of appeal:
1. The identity of the appellant and his or her interest in the decision;
2. The identity of the decision appealed from and the conditions appealed from;
3. A clear, complete, but brief, statement of the reasons why, in the opinion of the appellant, the decision or the conditions imposed were unjustified or inappropriate;
4. The specific reasons the appellant disagrees with the findings of the Director of Building Inspection Services;
5. The specific facts of the matter in sufficient detail to notify interested persons of the nature of the proceedings, to place the interested persons upon notice as to how any proposed action may affect their interest so that they may formulate their defense or opposition without being subjected to surprise. The Board will not accept an appeal stated in generalities, legal or otherwise.

C. Form. A form for giving notice of appeal shall be provided. The form need not be used if the contents of the notice of appeal is complete.

D. Acceptance of Appeal. An appeal shall not be accepted by the Board of Supervisors unless it is complete and complies with all requirements. The Clerk of the Board shall not accept a notice of appeal if it is obvious on the face of the notice that it is incomplete.
E. Notice. The appellant shall furnish the Director of Building Inspection Services stamped envelopes addressed to those on the departments list to receive notice of the hearing appealed from, if any, and the list of those who have requested to receive notice of appeal.

F. Action by the Board of Supervisors on Appeal.
1. Upon receipt of the notice of appeal, the Board shall within fifteen (15) days following the filing of the appeal, set a date for public hearing thereon, giving notice thereof to the appellant, to those in the departments list, if any, and to those who have requested notice of the appeal, in writing, during the consideration of the matter by the Director of Building Inspection Services. The evidence presented to the Board of Supervisors on appeal shall be limited to that evidence which was presented to the Director of Building Inspection Services, provided, however, that when relevant new evidence is available at the time of appeal, the application may be returned to the Director of Building Inspection Services for reconsideration.

2. If the basis of the appeal is the adequacy or weight of the evidence to support the findings, conditions or decision of the Director of Building Inspection Services, the Board shall affirm if there is substantial evidence to affirm despite the evidence to the contrary.

3. If a request for continuance is granted, the person who asks for the continuance shall notify the interested public in the same manner and to the same extent that notice was given to the public regarding the hearing on the appeal. The notice shall state the date to which the hearing upon the appeal is continued. If notice is not given, the appeal may not be heard on a date for which inadequate notice is given. Failure to give notice may be grounds for denial of an appeal.

4. The Board of Supervisors may reverse or affirm, wholly or in part, or modify the order, requirement, condition, findings or decision appealed from, and may make such order, requirement, condition, finding or decision as should be made, and such action shall be final. (Ord. 3190, 1986)

SECTION 33. Section 18.44.120 of Chapter 18.44 of the Monterey County Code shall be amended as follows:

18.44.120 Enforcement.

The Director of Building Inspection Services shall be the officer primarily charged with enforcement of this Chapter. All departments, officials, and public employees of the County of Monterey who are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Chapter, and shall issue no such permits or licenses for uses, buildings, or purposes where the same would be in conflict with the provisions of this Chapter, and any such permits, licenses, or uses, if issued in conflict with the provisions of this Chapter, shall be null and void.

SECTION 34. Section 18.46.050 of Chapter 18.46 of the Monterey County Code shall be amended as follows:

18.46.050 Enforcement.
A. It shall be the duty of the Director of Planning and Building Inspection Planning of the County of Monterey, State of California, and all officers and employees of said County herein charged by law with the enforcement of this Chapter to enforce all the provisions of the same.

B. Repealed.

C. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained, contrary to the provisions of this Chapter, and/or any use of any land, building, or premises, established, conducted, operated, or maintained contrary to the provisions of this Chapter, shall be, and the same is hereby declared to be a violation of this Chapter and a public nuisance.

D. Repealed.

E. Repealed.

F. Repealed.

G. Repealed.

(Ord. 3659 § 8, 1993)

SECTION 35. Section 18.48.020 of Chapter 18.48 of the Monterey County Code shall be amended as follows:

18.48.020 Applicability.

The regulations set forth in this Chapter shall apply to the unincorporated portion of Monterey County within the boundaries of the Carmel Valley Master Plan Area. The terms of this Chapter shall not apply to any project an application for which was on file with the Department of Planning and Building Inspection Planning on or prior to June 2, 1987. (Ord. 3336, 1988)

SECTION 36. Section 18.50.050 of Chapter 18.50 of the Monterey County Code shall be amended as follows:

18.50.050 Requirements for new construction.

A. All new construction, as defined herein, shall be equipped with ultra low flow toilets with a maximum tank size or flush capacity of 1.6 gallons, and shower heads with a maximum flow capacity of 2.5 gallons per minute.

B. All new construction shall include as part of the exterior landscape development, low water use or native drought-resistant plant material and low precipitation sprinkler heads, bubblers, drip irrigation system and timing devices. Before any permit may be issued for such new construction, the applicant shall submit a landscape plan for review and approval by the Director of Planning and Building Inspection Building Services in conformity with landscape guidelines adopted by the Board of Supervisors. The Department of Planning and Building Inspection Building Services shall charge appropriate fees for review of such plans. (Ord. 3438, 1989)

SECTION 37. Section 18.50.060 of Chapter 18.50 of the Monterey County Code shall be amended as follows:
18.50.060 Notice of violation recordation.

Whenever the Director of Planning and Building Inspection Building Services determines that there is an existing violation of this Chapter, that ultra low flow toilets and shower heads have not been installed consistent with this ordinance, the Director of Planning and Building Inspection Building Services may record a Notice of Violation with the Office of the County Recorder. The owner(s) of the property, as revealed by the assessment roll, on which the violation is situated and any other person responsible for the violation shall be notified of the recordation, if their address is known to the Director of Planning and Building Inspection Building Services or is otherwise reasonably available. (Ord. 3438, 1989)

SECTION 38. Section 18.50.070 of Chapter 18.50 of the Monterey County Code shall be amended as follows:

18.50.070 Discretionary exemptions.

The Director of Planning and Building Inspection Building Services may exempt facilities from the provisions of this Chapter, or impose reasonable conditions in lieu of compliance therewith, if he or she determines that any of the following conditions exist:
A. The requirements herein would cause an unnecessary and undue hardship upon the owner or purchaser of the facility or the public.
B. The requirements herein would create an emergency condition affecting the health, sanitation, fire protection or safety of the facility owner or the public.
C. The granting of the exemption or imposition of reasonable conditions in lieu of compliance with the requirements herein would not increase the quantity of water consumed by the facility or otherwise adversely affect service to other existing water consumers. (Ord. 3438, 1989)

SECTION 39. Section 18.50.080 of Chapter 18.50 of the Monterey County Code shall be amended as follows:

18.50.080 Appeals.

A. Who May Appeal--Time for Appeal.
1. An appeal, other than those relating to aesthetics and plant selection, may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of the Director of Building Inspection Services pursuant to this Chapter. Such appeal shall be in writing and shall be filed with the Clerk of the Board of Supervisors and with the Department of Building Inspection Services within ten (10) days after written notice of the decision has been mailed to the applicant.

Appeals relating to aesthetics and plant selection shall be made to the Planning Commission pursuant to Chapter 20.100 of the Monterey County Code.
2. Written notice of the decision shall be given promptly to the applicant, and to those who have requested notice, in writing, at the hearing on the application; and no appeal shall be accepted until the notice of the decision has been given.
3. At the time of the filing of the appeal the appellant 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.

B. Requirements for Contents of Appeal. The appellant must specifically state in the notice of appeal:
   1. The identity of the appellant and his or her interest in the decision.
   2. The identity of the decision appealed from and the conditions appealed from.
   3. A clear, complete, but brief, statement of the reasons why, in the opinion of the appellant, the decision or the conditions imposed were unjustified or inappropriate.
   4. The specific reasons the appellant disagrees with the findings of the Director of Planning and Building Inspection Building Services.
   5. The specific facts of the matter in sufficient detail to notify interested persons of the nature of the proceedings, to place the interested persons upon notice as to how any proposed action may affect their interest so that they may formulate their defense or opposition without being subjected to surprise. The Board will not accept an appeal stated in generalities, legal or otherwise.
   C. Form. A form for giving notice of appeal shall be provided. The form need not be used if the contents of the notice of appeal is complete.
   D. Acceptance of Appeal. An appeal shall not be accepted by the Board of Supervisors unless it is complete and complies with all requirements. The Clerk of the Board shall not accept a notice of appeal if it is obvious on the face of the notice that it is incomplete.
   E. Notice. The appellant shall furnish the Director of Planning and Building Inspection Building Services stamped envelopes addressed to those on the department’s list to receive notice of the hearing appealed from, if any, and the list of those who have requested to receive notice of appeal.
   F. Action by the Board of Supervisors on Appeal.
   1. Upon receipt of the notice of appeal, the Board shall within fifteen (15) days following the filing of the appeal, set a date for public hearing thereon, giving notice thereof to the appellant, to those in the department’s list, if any, and to those who have requested notice of the appeal, in writing, during the consideration of the matter by the Director of Planning and Building Inspection Building Services. The evidence presented to the Board of Supervisors on appeal shall be limited to that evidence which was presented to the Director of Planning and Building Inspection Building Services, provided, however, that when relevant new evidence is available at the time of appeal, the application may be returned to the Director of Building Inspection Services for reconsideration.
   2. If the basis of the appeal is the adequacy or weight of the evidence to support the findings, conditions or decision of the Director of Building Inspection Services, the Board shall affirm if there is substantial evidence to affirm despite the evidence to the contrary.
   3. If a request for continuance is granted, the person who asks for the continuance shall notify the interested public in the same manner and to the same extent that notice was given to the public regarding the hearing on the appeal. The notice shall state the date to which the hearing upon the appeal is continued. If notice is not given, the appeal may not be heard on a date for which inadequate notice is given. Failure to give notice may be grounds for denial of an appeal.
   4. The Board of Supervisors may reverse or affirm, wholly or in part, or modify the order, requirement, condition, findings or decision appealed from, and may make such order,
requirement, condition, finding or decision as should be made, and such action shall be final. (Ord. 3438, 1989)

SECTION 40. Section 18.50.100 of Chapter 18.50 of the Monterey County Code shall be amended as follows:

18.50.100 Enforcement.

The Director of Planning and Building Inspection Building Services shall be the officer primarily charged with enforcement of this Chapter. All departments, officials, and public employees of the County of Monterey who are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Chapter, and shall issue no such permits or licenses for uses, buildings, or purposes where the same would be in conflict with the provisions of this Chapter, and any such permits, licenses, or uses, if issued in conflict with the provisions of this Chapter, shall be null and void. (Ord. 3438, 1989)

SECTION 41. Section 18.51.060 of Chapter 18.51 of the Monterey County Code shall be amended as follows:

18.51.060 Payment of fee.

The developer shall pay the water impact fee to the Planning and Building Inspection Building Services Department as follows:
A. Before the final subdivision map or parcel map is approved, or
B. In the case of building permits, before the building permit is issued, or
C. In the case of industrial projects, before commencement of activities authorized by any use permit and before issuance of any building permit. (Ord. 3659 § 8, 1990)

SECTION 42. Section 18.51.080 of Chapter 18.51 of the Monterey County Code shall be amended as follows:

18.51.080 Deposit and accumulation of funds.

The Planning and Building Inspection Building Services Department shall deposit the water impact fees in a separate interest-bearing account maintained by the Monterey County Flood Control and Water Conservation District (Monterey County Water Resources Agency). The funds shall remain there until sufficient revenues are available to begin preparation of the activities described in Section 18.51.070. As soon as reasonably possible, the funds, together with any interest accrued thereon, shall be expended for the intended activities. (Ord. 3659 § 8, 1990)

SECTION 43. Section 18.51.100 of Chapter 18.51 of the Monterey County Code shall be amended as follows:

18.51.100 Fee expiration date.
The water impact fee required by this Chapter shall apply only to new developments for which applications are filed before January 1, 2001. The Director of Planning and Building Inspection Building Services shall waive the fee otherwise required by this Chapter if, at the time the fee is to be paid, the Director determines, based on information provided by the County Auditor and Monterey County Water Resources Agency, that the activities to be funded by the fee have been fully paid or that sufficient funds have been set aside to pay for the activities in full.

Description of Area Subject to the Water Impact Ordinance. The area comprising the study area is that portion of North Monterey County as shown in the U.S. Geologic Survey Report, "Ground Water in North Monterey County, California, 1980, Report No. 83-4024":

1. Beginning at Juan Hill (VABM 1342) on the Monterey County/San Benito County lines, approximately one thousand (1,000) feet northwest of the intersection of San Juan Grade Road with the County lines and continuing northwest along the San Benito/Monterey County line to the intersection of the County lines of San Benito, Santa Cruz and Monterey;

2. Thence, westerly along the Santa Cruz/Monterey County line to the mean high tide line of the Pacific Ocean;

3. Thence, southerly along the mean high tide line to the intersection of the centerline with the Moss Landing Harbor channel entrance;

4. Thence, easterly along the centerline of Elkhorn Slough to the confluence of the "Five-Finger Slough";

5. Thence, southeasterly along the centerline of the drainage of the Five-Fingered Slough to the Southern Pacific railroad tracks;

6. Thence, southerly along said tracks to the intersection with California State Highway No. 156;

6a. Thence easterly along the centerline of California State Highway No. 156 to the Moro Cojo Slough;

7. Thence, southeasterly along the centerline of Moro Cojo Slough to a point approximately one thousand (1,000) feet south of Blackie Road;

8. Thence, easterly along the drainage divide south of Blackie Road to U.S. Highway 101;

9. Thence, southerly along the east side of Highway 101 to the base of Schneider Hill at a point where a ridge rises in the southeasterly direction to the top of Schneider Hill;

10. Thence, southeasterly to the top of Schneider Hill;

11. Thence, east-north-easterly along the drainage divide separating Pesante Creek to the north and Gabilan Creek to the south to the intersection of Crazy Horse Canyon and San Juan Grade Roads;

12. Thence, north along the ridgeline between Crazy Horse Canyon and San Juan Grade Roads to Juan Hill (VABM 1342) at the Monterey and San Benito County line. (Ord. 4005, 1999; Ord. 3856, 1996; Ord. 3508 § 2, 1991; Ord. 3496 § 8, 1990)

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<th>Description</th>
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(Ord. 3659 § 8, 1990)

SECTION 44. Section 18.52.090 of Chapter 18.52 of the Monterey County Code shall be amended as follows:

18.52.090 Enforcement by administrative process, powers of enforcing officer.

A. Repealed.
B. Repealed.
C. Repealed.
D. Repealed.
E. Whenever there is cause to suspect a violation of any provision of this Title; or whenever necessary to investigate either an application for granting, extension or modification of any application described in this Title, or an action to revoke or modify a discretionary permit, or whenever necessary to investigate a proposed amendment of this Title, the enforcing officers or their duly authorized representatives, may enter any site for the purpose of investigation, provided they shall do so in a reasonable manner. No owner or occupant or agent thereof shall, after reasonable notice and opportunity to comply, refuse to permit such entry. In the course of such inspection, no enclosed building or structure shall be entered without the express permission of the owner or occupant. When necessary and with the prior approval of the District Attorney or County Counsel, the Department of Planning and Building Inspection Building Services may apply to the Court for an inspection warrant.
F. Repealed.
G. Whenever any work is being done contrary to the provisions of this Title, the Building Official may order the work stopped by notice in writing served on a person, firm or corporation, engaged in doing or causing such work to be done and any such person shall forthwith stop such work until authorized by the enforcing officer to proceed with the work. (Ord. 3659 § 8, 1993; Ord. 3464, 1990; Ord. 3453 § 12, 1990)

SECTION 45. Section of 18.52.130 of Chapter 18.52 of the Monterey County Code shall be amended to read as follows:
18.52.130 Restoration of land required before application complete.

No application for a discretionary land use permit under the authority of the Director of Planning and Building Inspection Planning, the Zoning Administrator, the Subdivision Committee, the Minor Subdivision Committee, the Planning Commission or the Board of Supervisors 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 that property has been restored to its pre-violation state.

"Restoration" of the property shall include, but not be limited to, the revegetation of native plants and trees and the reconstruction of natural features of the land which have been removed or changed in violation of County ordinances regulating grading, vegetation removal or tree removal. Alternatives to restoration of the property shall not be considered unless the applicant can show that restoration would endanger the public health or safety or that restoration is infeasible due to circumstances beyond the control of the applicant or the property owner.

Plans for restoration shall be submitted and approved by the Director of Planning and Building Inspection Building Services prior to the commencement of restoration and the plan shall include a time period to ensure reestablishment of the soil or vegetation. (Ord. 3464, 1990; Ord. 3453 § 12, 1990)

SECTION 46. Section 18.54.060 of Chapter 18.54 of the Monterey County Code shall be amended as follows:

18.54.060 Payment of fee.

The developer shall pay the water impact fee to the Planning and Building Inspection Building Services Department before the final subdivision map or parcel map is approved, or, in the case of building permits, before the building permit is issued. (Ord. 3703, 1993)

SECTION 47. Section 18.54.080 of Chapter 18.54 of the Monterey County Code shall be amended as follows:

18.54.080 Deposit and accumulation of funds.

The Planning and Building Inspection Building Services Department shall pay the fees collected under this ordinance into the County general fund or the Water Resources Agency fund, to

SECTION 48. Section 18.56.040 of Chapter 18.56 of the Monterey County Code shall be amended as follows:

18.56.040 Review and inspection authority.

A. Project Review.

1. Within ten (10) days of receipt of an application for a development permit, the Planning and Building Inspection Department Planning Department and Building Services Department shall forward the Reviewing Authority a review request a project description of all
preliminary or completed applications for building permits, tent parcel maps, tentative maps, and use permits for construction or development.

2. The Reviewing Authority shall review and make fire protection recommendations for project applications in compliance with these regulations. The Reviewing Authority shall forward a standard report of those recommendations to the Planning and Building Inspection Department Planning Department and Building Services Department within seven to thirty (30) days after initially receiving the original review request. The Reviewing Authority shall notify the Monterey County Planning and Building Inspection Department Planning Department and Building Services Department if the review period will extend beyond ten (10) days.

3. If after review of an application, the Reviewing Authority determines that the application needs corrections, amendments or redesign, either because of non-compliance with regulations contained in this Chapter, or because an exception to regulations contained in this Chapter is required, the applicant shall make the required corrections, amendments or redesign in consultation with the Reviewing Authority. The Reviewing Authority shall ensure that any and all corrections, or alternate requirements are satisfactorily completed before an application is resubmitted. In order resubmittal of an application to be deemed complete by the Monterey County Planning and Building Inspection Department Planning Department and Building Services Department, the resubmitted application must contain a standard letter from the Reviewing Authority stating that the project as submitted can meet regulations of this Chapter subsequent to any included and implemented SRA Fire Conditions.

B. Conditions of Approval. The Planning and Building Inspection Department Planning Department and Building Services Department shall incorporate any recommendations by the Reviewing Authority, and all applicable regulations of this Chapter, as conditions of approval for any reviewed development permit, and to be identified in related reports and permits as SRA Fire Conditions.

C. Required Findings. Based on incorporated SRA Fire Conditions, all discretionary permits must include a finding that the project as conditioned, will ensure standardized basic emergency access and fire protection pursuant to Section 4290 of the Public Resources Code.

D. Approved Project Inspection.

1. Upon approval of the development application, the Monterey County Planning and Building Inspection Department Planning Department and Building Services Department shall forward a copy of any Monterey County adopted or approved SRA Fire Conditions to the Reviewing Authority to ensure project compliance during inspections.

2. The Inspection Authority shall inspect projects for compliance with regulations pursuant to this Chapter, including compliance with SRA Fire Conditions.

3. Inspections shall be conducted, and defects remedied, prior to:
   a. Issuance of a certificate of occupancy;
   b. Recordation of a parcel map or final map;
   c. Filing of a notice of completion; or
   d. Final inspection of any project or building permit.

4. Upon completion of inspection, the Inspection Authority shall forward a standard form to the Planning and Building Inspection Department Planning Department and Building Services Department signifying either an approved inspection, disapproved inspection, with an explanation of the requirements, if any, that have not been met.

5. A project shall not be deemed to have satisfied all conditions of approval by the Planning and Building Inspection Department Planning Department, Building Services
Department, or Public Works Department until receipt of the standard inspection notice from the Inspection Authority. (Ord. 3600, 1992)

SECTION 49. Section 18.56.050 of Chapter 18.56 of the Monterey County Code shall be amended as follows:

18.56.050 Exceptions and regulations.

A. Exceptions: Criteria and Consideration.

1. All regulations and standards established in this Chapter shall constitute standard criteria for the minimum allowable fire protection level for SRAs required for development and the of development permits.

2. If no other practical alternative project or site design exists, as determined by the Reviewing Authority, to accommodate the minimum fire safe requirements in this Chapter, the Reviewing Authority shall consider alternative standards or measures. This process shall be defined as applying for an exception, and consideration of the application shall occur in the following priority order:

a. Those standards that are presented as “alternative standards or measures” by the Reviewing Authority and are related to the categories listed below, and may include other unlisted categories. Any adopted alternative measures must have the “same practical effect” as the State minimum standards as determined by the Reviewing Authority.

b. Those standards that are alternative standards presented to, and reviewed as “new standards or measures.” They may be presented by the Reviewing Authority, applicant, or applicant’s agent. Any accepted new standards or measures must have the “same practical effect” as the State minimum standards as determined by the Reviewing Authority.

B. Categorical Alternative Standards or Measures.

Alternative standards or measures may be included in, but are not limited to, the following categories:

1. Automatic sprinkler systems.
2. Non-combustible construction.
3. Extraordinary fuel modification measures.
4. Creation of evacuation areas.
5. Alternative access routes.
6. Alternative roadway modifications.

C. Specific Alternative Standards or Measures. At the discretion of the Reviewing Authority, specific alternative measures or standards may be imposed on development, following the minimum requirements. The Reviewing Authority may require one measure or standards, or a combination of measures or standards, to have the “same practical effect” as the regular established in this Chapter.

D. Requests for Exceptions.

1. A request for an exception shall be made in writing, and presented to the Reviewing Authority with information sufficient to support the request during the pre-application or informational stage of the permit application process. The written request must include substantial evidence that there are no other site or design alternatives for the specific parcel of land.
2. If after review of an application the Reviewing Authority determines that an exception is required for such an application, applicant shall make a request for exception in writing to the Reviewing Authority. The request must include two sets of complete plans. The written request must include substantial evidence that there are no other site or design alternatives for the specific parcel of land.

E. Appeal Procedure--Exceptions.
1. Where an exception containing proposed alternative standards or measures is not granted by the Reviewing Authority, the applicant may appeal such denial to the Monterey County Department of Planning and Building Inspection Planning Department and Building Services Department. The appeal shall be filed with and heard by the Chief of Building Inspection within ten (10) days of the decision of the Reviewing Authority.

2. The appeal shall contain plans, application for exception, identification of standards or measures to be replaced, and substantial evidence that the alternative measures or standards will have the same practical effect. The appeal shall include evidence that there are no other reasonable building or site design that could alleviate the need for alternative measures or standards being applied.

3. A copy of the appeal shall be forwarded to the Reviewing Authority for a recommendation. The recommendation shall contain document outlining the effects of the requested exception on wildland fire protection.

4. If the appeal is not granted, the applicant may request a public hearing on the appeal before the Board of Supervisors. The request shall include plans, application for the exception, identification of standards or measures to be replaced, and substantial evidence that the alternative standards or measures will have the same practical effect. Any new evidence in support of the appeal may be presented at the hearing. The hearing before the Board of Supervisors shall be de novo.

5. Notice of the public hearing on the appeal before the Board of Supervisors shall be given pursuant to provisions in the zoning ordinance regarding appeals from the grant or denial of use permits.

F. Appeal Approval--Findings. In order to grant an appeal, the Board of Supervisors shall make findings that the decision meets the intent of providing defensible space consistent with this Chapter. A statement of reasons shall accompany the decision. The findings and decision shall be forwarded to the California Department of Forestry-Ranger Unit having jurisdiction over the in which applicant’s property is located. (Ord. 3600, 1992)

SECTION 50. Section 18.60.020 of Chapter 18.60 of the Monterey County Code shall be amended as follows:

18.60.020 Definitions.

A. Building Permit. “Building Permit” shall mean any building permit issued by the Director of the Planning and Building Inspection Department Building Services of the County pursuant to the provisions of the Monterey County Code. Nothing in this ordinance shall be construed as prohibiting the issuance of a building permit for any project which has been issued a foundation permit prior to February 18, 1992, if such foundation permit is valid on the effective date of this ordinance.
B. Carmel Valley Master Plan Area. “Carmel Valley Master Plan” shall mean the area as defined in the document entitled “Monterey County Carmel Valley Master Plan” and adopted by the Board of Supervisors on December 16, 1986, and depicted on Exhibit A to this Chapter.

C. Greater Carmel Valley Area. “Greater Carmel Valley Area” shall mean that area depicted as the “area of potential benefit” on Exhibit A attached to the ordinance codified in this Chapter. (Ord. 3649, 1992; Ord. 3833, 1995)

SECTION 51. Section 18.60.040 of Chapter 18.60 of the Monterey County Code shall be amended as follows:

18.60.040 Exemptions.

The following categories of development are exempt from the provisions of this ordinance:

1. Any development which has been issued a building permit prior to February 18, 1992, or which received design approval and submitted plans for a building permit prior to February 18, 1992, and which were issued a building permit prior to August 25, 1992, and such permit has not lapsed or became void for any reason.

2. Any development: (a) submitted to the County prior to the effective date of Ordinance 52, as amended, of the Monterey Peninsula Water Management District, (b) approved subject to the condition that building permits not be issued until water was made available, and (c) for which an application for a building permit is filed with the County prior to February 1, 1993.

3. Any remodeling or alterations to an existing commercial or industrial use which does not result in an increase in total leasable floor area of the building or structure or diminishes the parking required under the current provisions of the Monterey County Code, or which will not result in an increase in vehicle trips as determined by the Director of Public Works.

4. Any remodeling or alterations to an existing residential development which does not result in an increase in the number of dwelling units within the building or structure or diminishes the parking required under the current provisions of the Monterey County Code.

5. Any development for which a building permit is required: (1) in order to comply with an order issued by the Director of Planning and Building Inspection Department Building Services to repair an unsafe or substandard condition; or (2) in order to rebuild as a result of destruction by fire, earthquake, or other natural disaster, provided that such development is not prohibited by any provision of the Monterey County Code. (Ord. 3649, 1992; Ord. 3833, 1995)

SECTION 52. Section 18.60.060 of Chapter 18.60 of the Monterey County Code shall be amended as follows:

18.60.060 Deposit, accumulation, and use of fees.

A. Deposit and Accumulation of Funds. The Director of Planning and Building Inspection Building Services shall collect the traffic mitigation fees and deposit such fees in a separate, interest bearing account to be used for the purposes specified in this Section.

B. Use of Funds. The traffic mitigation fees shall be used for road and street improvements to Carmel Valley Road generally consistent with the Carmel Valley Master Plan and as may be approved or authorized by the Board of Supervisors.
Resolution No. 92-77. Resolution No. 92-77 as amended, shall be null and void, and shall be deemed repealed and no longer in effect. Payment of the applicable fee specified in this ordinance shall be deemed full compliance with any agreement or condition of approval required pursuant to Resolution No. 92-77. (Ord. 3833, 1995; Ord. 3649, 1992)

SECTION 53. Section 18.62.030 of Chapter 18.62 of the Monterey County Code shall be amended as follows:

18.62.030 Definitions.

The following definitions shall apply for the purposes of this Chapter:
A. “Appropriate authority” means that person, official, or body designated by the County Code to hear, grant, deny, modify, condition, revoke or otherwise act on land use permits and entitlements.
B. “Development agreement” means a binding agreement entered into between the County and a qualified applicant pursuant to the requirements and procedures of state law and this Chapter.
C. “Developer” means a qualified applicant who has entered into a development agreement approved and executed by the County. The term “developer” includes any successors in interest to the qualified applicant and includes the plural in the case of a developer consisting of more than one party.
D. “Director” means the Director of the Planning and Building Inspection Planning of the County of Monterey or his or her designee.
E. “Pending application” means a proposal for a development agreement that had been submitted by a qualified applicant to the County and was under active negotiation with the County prior to the effective date of Ordinance No. 4236 adding this Chapter.
F. “Property” means real property, unless otherwise specified.
G. “Qualified applicant” means a person who has a legal or equitable interest in the real property which is the subject of the development agreement and who is applying to enter into a development agreement with the County. The term “qualified applicant” shall include the plural in the case of an applicant consisting of more than one party. The term “person” as used herein includes any legal entity.
Words not defined herein shall have the same meaning as provided elsewhere in the County Code or in applicable state law.

SECTION 54. Section 18.62.100 of Chapter 18.62 of the Monterey County Code shall be amended as follows:

18.62.100 Notice.

A. Notice of public hearings to consider adoption of a development agreement shall be given pursuant to this Chapter and Government Code Section 65867, as may be periodically amended. The notice may be combined with any other notice required by law for other actions to be considered concurrently with the development agreement.
B. The contents of the public hearing notice shall contain at a minimum the following information:
1. The time and place of the public hearing;
2. The identity of the appropriate authority;
3. A general explanation of the matter to be considered at the public hearing; and
4. A general description, in text or by diagram, of the location of the real property that is the subject of the public hearing.

C. The notice shall be given as provided in Government Code Sections 65090 and 65091 and shall, at a minimum, be given in all of the following ways:

1. Notice of the public hearing shall be mailed or delivered at least ten (10) days prior to the public hearing to the owner(s) of the subject real property or the owner's duly authorized agent, and to the applicant;

2. Notice of the public hearing shall be mailed or delivered at least ten (10) days prior to the public hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected;

3. Notice of the public hearing shall be mailed or delivered at least ten (10) days prior to the public hearing to all owners of real property as shown on the latest equalized assessment roll within three hundred (300) feet of the real property that is the subject of the proposed development agreement. If the number of owners to whom notice would be mailed is greater than one thousand (1,000), the County may, in lieu of mailed or delivered notice, provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least ten (10) days prior to the hearing.

4. If the notice is mailed or delivered pursuant to Paragraph 3 above, the notice shall also be published pursuant to Government Code Section 6061 at least ten (10) days prior to the public hearing in at least one newspaper of general circulation in the County within the area of the property which is the subject of the development agreement.

5. The notice shall be mailed or delivered at least ten (10) days prior to the public hearing to any person who has filed a written request for notice with either the Clerk to the Board or the Department of Planning and Building Inspection Planning within the year preceding the hearing.

6. The Director may also, at least ten (10) days prior to the hearing, post public hearing notices in at least three different public places, accessible and visible to the public, on and near the subject property, or may provide notice by such additional means and to such additional persons as the Director, in his or her discretion, may determine to be appropriate.

D. The failure of any person or entity to receive notice of a hearing shall not affect the authority of the County to enter into a development agreement.

E. The applicant is responsible to provide a complete list of all the names, addresses, and Assessor's parcel numbers of all property owners within three hundred (300) feet of the property which is the subject of the development agreement, including the owner(s) of the subject property. The list shall be taken from the latest equalized assessment roll as prepared by the County Assessor.

F. Any public hearing conducted under this Chapter may be continued from time to time. (Ord. 4236 § 1 (part), 2004)

SECTION 55. Section 19.01.025 of Chapter 19.01 of the Monterey County Code shall be amended 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 Planning, 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 Planning 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, and standards of this Title pertaining to subdivisions.

2. To serve 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 for which a public hearing pursuant to Section 19.04.025F, is required.

3. To serve as the decision-making body on revised minor subdivisions and requests for reconsideration of conditions for which a public hearing, pursuant to Section 19.04.025, is required prior to the recordation of the parcel map. (Ord. 3797, 1994)

SECTION 56. Section 19.01.030 of Chapter 19.01 of the Monterey County Code shall be amended as follows:

19.01.030 Standard Subdivision Committee.

A. There is created a Standard Subdivision Committee to consist of the Director of Public Works, the Director of Planning and Building Inspection Planning, the Director of Environmental Health, the General Manager of the Monterey County Water Resources Agency, the Director of Parks and the County Fire Warden, or their designated representatives. The Committee shall have the powers and duties specified by this Title. The Director of Planning and Building Inspection Planning or the designated representative shall be the secretary of the committee.

B. The Standard Subdivision Committee shall serve in a technical capacity to the Planning Commission and make recommendations on the design, improvements standard subdivisions. (Ord. 3797, 1994)

SECTION 57. Section 19.01.045 of Chapter 19.01 of the Monterey County Code shall be amended as follows:

19.01.045 Fees and forms.

No application, appeal or certificate of compliance shall be considered received pursuant to this Title without payment of the required fees unless the fees have been waived by resolution of the Board of Supervisors.
The Director of Planning and Building Inspection Planning shall prescribe various application forms and when made available to the public, all applications, for the division of real property shall be made on such forms.

SECTION 58. Section 19.02.107 of Chapter 19.02 of the Monterey County Code shall be amended as follows:

19.02.107 Director.

The Director of the County Planning and Building Inspection Planning Department or the designee of the Director. (Ord. 3855, 1996)

SECTION 59. Section 19.03.010 of Chapter 19.03 of the Monterey County Code shall be amended as follows:

19.03.010 Tentative map—Form and contents.

The tentative map shall be prepared in a manner acceptable to the Director of the Monterey County Planning and Building Inspection Planning Department by a registered civil engineer or licensed land surveyor and shall be submitted to the Planning Department and Building Inspection Department along with all the required fees. The tentative map shall be clearly and legibly drawn and contain the following:

A. Title block located in the lower right corner of the map which shall contain the name “Tentative Map” and the type of development proposed.

B. Name and address of legal owner, subdivider, and person preparing the map (including registration number if applicable).

C. Assessor’s parcel number(s).

D. Date prepared, north arrow, scale one inch equals one hundred (100) feet and contour interval. The scale of the map may be varied by the Director of Planning and Building Inspection Planning if it is found that the project can be effectively illustrated at a different scale.

E. A vicinity map one inch equals two thousand (2,000) feet showing roads, towns, major creeks, railroads and other data sufficient to locate the proposed subdivision and show its relation to the community and the current surrounding land uses.

F. Existing topography of the proposed site, including but not limited to: The contour of the land at intervals of five feet of elevation up to five percent slope, or lesser contour intervals as may be approved by the Director of Planning and Building Inspection Planning. Contours shall be indicated on contiguous property for a distance of two hundred (200) feet. Every fifth contour shall be a heavier weight line.

G. The approximate location and height of major vegetation and existing structures on the property and on adjacent parcels which might affect solar access to the site(s) proposed for development. Applicants shall indicate how many of the housing units in the proposed subdivision have full south solar access and any other information pertinent to solar access. Structures and trees to be removed shall be so indicated.

H. The location of the floodway and/or floodway fringe boundaries as well as the approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each water course.
I. The location, pavement and right-of-way width, grade and name of existing streets or highways.
   J. The widths, location and type of all existing easements.
   K. The location and size of existing sanitary sewers, water mains, and storm drains. The approximate slope of existing sewers and storm drains shall be indicated. The location of existing overhead utility lines on peripheral County or private roads.
   L. Proposed improvements shall be shown including but not be limited to:
      1. The location, grade, centerline radius and arc length of curves, pavement and right-of-way width and proposed name of all streets. Typical sections of all streets shall be shown as well as an indication if they will be offered for dedication.
      2. The location and radii of all curb returns and cul-de-sacs.
      3. The location, width and purpose of all easements.
      4. The approximate lot layout and the approximate dimensions of each lot. The number of each shall be indicated and shall be numbered consecutively.
      5. Proposed recreation sites, trails and parks for private or public use and other dedicated reserved areas.
      6. Proposed common areas and areas to be dedicated to public open space common areas and open space parcels shall be indicated by letter designation.
      7. The location and size of proposed sanitary sewers, water mains, and storm drains and stormwater detention ponds. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated.
      8. Approximate location of all rivers, watercourses drainage channels, drainage structures and reservoirs.
   M. A subdivider’s statement describing the existing and proposed use(s) or uses of the property.
      The subdivider’s statement shall contain the following information and shall be on the face or first sheet of the tentative map or a separate statement to be included with the application.
      1. Existing zoning and proposed uses of the land;
      2. Measures proposed regarding erosion control;
      3. Proposed source of water supply and name of water system, method of sewage disposal and the name of sewage utility system if sewered;
      4. Indicate type of tree planting or removal proposed;
      5. Proposed public areas to be dedicated and common area or scenic easements proposed.
      If common areas are proposed method of maintenance shall be stated;
      6. Proposed height of all structures;
      7. Proposed type development of the lots or units and whether they are for sale as lots or fully developed units.
   N. The name or names of any geologists or soils engineer whose services were required in the preparation of the design of the tentative map.
   O. If the subdivider plans to develop the site as shown on the tentative map in phases, a description of the proposed phases.
   P. The Director of Planning and Building Inspection Planning may modify any of the foregoing tentative map requirements whenever the Director of Planning and Building Inspection Planning finds that the type of subdivision is such as not to necessitate compliance with these requirements, or that other circumstances justify such modifications.
SECTION 60. Section 19.03.015 of Chapter 19.03 of the Monterey County Code shall be amended as follows:

19.03.015 Tentative map--Additional data and reports.

The tentative map shall be accompanied by the following data or reports:

A. Appropriate numbers of copies of a completed subdivision application as prescribed by the Director of Planning and Building-Inspection Planning.

B. Appropriate number of copies of the tentative map. All maps shall be folded to an approximate size of eight and one-half inches by eleven (11) inches. If multiple pages, the maps shall also be stapled and collated.

C. Two copies of a slope density analysis map of the proposed project that shows the following slope categories and a tabulation of the total area (acres or square feet) within each category as specified by the Monterey County General Plan and any amendments to the Plan including Coastal Land Use Plans as certified by the State of California. The categories for the countywide General Plan are as follows: 0--19.9 %, 20--29.9 %, and 30 % +. The following categories shall apply to the Big Sur Land Use Plan area east of State Highway 1; under 15 %, over 30 % The map shall be of the same scale of the tentative map.

D. Two copies of a slope analysis map indicating all areas greater than twenty-five (25) percent slope (North County Land Use Plan Area only). The map shall be the same scale as the tentative map.

E. One transparency of each page of the tentative map (maximum size: eight and one-half inches by eleven (11) inches).

F. A photocopy of the Assessor’s parcel page(s) showing the parcel involved and parcels within three hundred (300) feet of the subject property. Applicants must indicate on the assessor’s map which parcels are included on the list of property owners.

G. A list of the names, addresses, and assessor’s parcel numbers of all property owners within three hundred (300) feet of the property, including the parcel proposed for subdivision. The list shall be taken from the most recent records of the Monterey County Assessor.

H. Three sets of pre-addressed stamped envelopes with no return address, to all property owners shown on the list. Additional sets may be required if an application is continued or tabled by the appropriate hearing body.

I. Two copies of preliminary title report showing the legal owners at the time of submittal of the tentative map application.

J. Three copies of a preliminary soils report by a registered civil engineer based upon adequate test borings. If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, the Director of Planning and Building-Inspection Planning may require a soils report investigating each lot within the subdivision. This soils investigation report shall recommend corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problems exist as well as precautions required for erosion control and prevention of sedimentation and damage to adjacent property. The Director of Planning and Building Inspection Planning may review the preliminary soils report and may require additional information or reject the report it is found to be incomplete, inaccurate, or unsatisfactory.

K. If sewage disposal for the proposed subdivision will be provided by a public or private entity, a letter or document shall be submitted from the entity to the Division of Environmental

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Health as Director of Planning and Building Inspection Planning stating that the entity can and will serve the proposed subdivision. The public entity must comply with all State and County allocation and capacity requirements. The letter or document shall also state the expiration date of such a commitment. In the event that an individual sewage disposal system will be utilized, preliminary percolation testing and profile analysis shall be required to be submitted along with a tentative map application. The report shall analyze at least one soil profile analysis test per lot and one percolation test hole per two lots. Soil profile analysis may be reduced if conformity to a given soil type can be established. The report submitted shall demonstrate the feasibility of the proposed lot design and density and shall address nitrate loading of subsoil surfaces when septic systems are proposed. The soil tests and percolation shall meet the standards of the Division of Environmental Health. The applicant shall also provide evidence proof that sewage disposal systems, both individual and package, for all lots which are proposed to be created through subdivision will not exceed nitrate and chemical loading levels in aquifers pursuant to the Regional Water Quality Control Basin Plan. If wastewater reclamation is proposed for a subdivision, the reclamation system must comply with the Basin Plan and the California Administrative Code subject to the review of the Director of Environmental Health.

L. Water Supply and Nitrate Loading Information.

1. Initial Water Use and Nitrate Loading Impact Questionnaire.

A. An application shall be preceded or accompanied by a completed Initial Water Use and Nitrate Loading Impact Questionnaire. The Health Department shall be the lead agency in determining the adequacy of information in the completed Initial Water Use Questionnaire and the Health Officer shall request, coordinate and consider recommendations from the appropriate water management agency serving the area of the proposed development. Any determination made by the Health Officer pursuant to this Section shall be subject to any and all appeal provisions contained in Chapter 19.17 of the Monterey County Code (Appeals to Administrative Interpretations of the Subdivision Ordinance) as may be amended from time to time.

1. The Questionnaire shall be accompanied by a location map; a to-scale site plan showing the entire parcel and proposed and existing structures, roads, land use, landscaping, wells and water lines, and hydrologic and drainage features. The Questionnaire shall be accompanied by written verification of legal water rights to the quantity of water necessary to assure an adequate and reliable drinking water supply. Verification of legal water rights shall include, but shall not be limited to the following forms of documentation: (a) a Condition of Title Report, prepared by a Title Company at the applicant’s expense, shall accompany the Questionnaire and, any and all supporting documentation to indicate whether legal water rights have been subordinated and/or severed, must be included; (b) information that describes the legal basis and authority for diversion or extraction of water; (c) if groundwater is being pumped from a groundwater basin that has not been adjudicated, a statement to that effect is sufficient documentation to satisfy this requirement; (d) if the source of water is subject to permit requirements under the State Water Resources Control Board (SWRCB), a copy of the water rights permit must be included.

2. The Questionnaire shall include a description of how water is currently supplied and how it will be supplied to the proposed development; and a quantification and documentation of all existing and proposed water usage including water usage for residential, industrial, commercial, landscaping and other vegetated areas. This description shall also identify potential changes in water usage as a result of changes in land use and zoning.
3. The Questionnaire will detail the project’s proposed sewage, wastewater, agricultural, and landscaping components. If it is determined by the Health Officer, from the Questionnaire, that the project has the potential to adversely affect the groundwater quality in the project’s vicinity, additional nitrate loading information shall be provided to the Health Officer as described in Paragraph 3 of this Subsection and will be required at the applicant’s expense. The applicant shall be informed in writing of the Health Officer’s determination, the issues to be addressed to cure the inadequacies, and whether a Comprehensive Hydrogeologic Report will be required prior to the application being deemed complete.

The Health Department shall be the lead agency in determining the nitrate loading produced by a proposed project and in evaluating the potential public health and safety threats of the nitrate loading on the water source for the proposed project and other potable water supplies in the affected area.

B. Evaluation and Determination. After reviewing the Initial Water Use Questionnaire, the Health Officer shall determine whether existing hydrogeological investigations can be incorporated by reference to cover all or some of the pertinent issues.

1. If the Questionnaire identifies an intensification of water use, a determination shall be made by a hydrogeologist under contract to the County as to the requirement for any additional water resources information. If an intensification is determined to be “de minimis” by the hydrogeologist, then the requirement for additional water sources information may be waived. “De minimis” shall be defined consistent with the California Environmental Quality Act (CEQA) of the California Public Resources Code, and related State law and regulations, as may be amended from time to time.

2. If baseline water resource information in the area of the proposed development is determined to be inadequate, a comprehensive hydrogeologic investigation that meets the specified requirements outlined in Paragraph 3 of this Subsection will be required at the applicant’s expense. The applicant shall be informed in writing of this inadequate determination, the issues to be addressed to cure the inadequacies, and whether a Comprehensive Hydrogeologic Report will be required prior to the application being deemed complete.

3. If adequate baseline information is available in the form of a prior hydrogeologic investigation, then only a project specific hydrogeologic report shall be required. The hydrogeologic report shall consist of background information from approved prior investigations and shall be updated to incorporate the hydrogeologist’s findings and conclusions about impacts of the proposed development into the findings and conclusions of the prior investigations. The Health Officer shall approve the choice of which prior hydrogeologic investigation is selected to provide the baseline information.

4. If any hydrogeologic or hydrogeologic reports are deemed necessary, the County will notify the applicant in writing, and the County will contract directly with qualified consultants, at the applicant’s expense, pursuant to Paragraph 3, Comprehensive Hydrogeologic Investigation, below.

2. Evaluation of Public Health and Safety Impacts. The source of water within the project boundaries which are to provide groundwater or surface water for the lots shall be evaluated for potential public health and safety impacts. The Monterey County Health Department shall be the lead agency in determining the adequacy of the proposed project’s water supply, and in evaluating the health and safety threats to the supply.

Prior to an application being deemed complete, the following information shall be required depending on the water supply proposed:
A. For Individual Wells: a minimum of one well will be needed meeting the following standards:
   1. A chemical analysis on the well(s) as per Chapter 15.04, Monterey County Code,
   2. Witnessed and documented well production information proving a sustained minimum
      of 3 GPM for each of the lots proposed,
   3. Copy(ies) of the Well Driller’s Log(s),
   4. Provide written documentation, as necessary, that no other reasonably available water
      source can physically and legally serve the project.
B. For Two to Four Connection Water System:
   1. A chemical analysis as per Chapter 15.04, Monterey County Code,
   2. Well production information meeting the minimum flow requirements as per Chapter
      15.04, Monterey County Code,
   3. Copy(ies) of the Well Driller’s Log(s),
   4. If applicable, a can and will serve letter from the owner/operator of the water system,
   5. Provide written documentation, as necessary, that no other reasonably available water
      source can physically and legally serve the project.
C. For Five to Two Hundred (200) Connection Water System:
   1. A chemical analysis as required per Title 22, Chapter 15, California Code of
      Regulations,
   2. Well production information meeting the minimum flow requirements as per Title 22,
      Chapter 15, California Code of Regulations,
   3. Copy(ies) of the Well Driller’s Log(s),
   4. If applicable, a can and will serve letter from the owner/operator of the water system,
   5. Provide written documentation, as necessary, that no other reasonably available water
      source can physically and legally serve the project,
   6. Evidence demonstrating how compliance with California Health and Safety Code,
      Section 116540 regarding technical, managerial, and financial capacity will be achieved.
D. For Public/Municipal Water System (over two hundred (200) connections); a “can and
   will serve” letter from the owner/operator of the water system.
   3. Comprehensive Hydrogeologic Investigation.
   A. Prior to an application being deemed complete, a hydrogeologic report based on a
      comprehensive hydrological investigation shall be prepared by a certified hydrogeologist,
      selected by the County and under contract with the County, at the applicant’s expense, if
      required by this Section. At least one copy shall be placed in the Planning-and-Building
      Inspection Planning Department file for the Subdivision Application. The Health Department,
      the Monterey County Water Resources Agency, and the appropriate water management agency
      serving the area of the proposed development, shall also receive a copy of the hydrogeologic
      report required by this Section. The report shall be reviewed by the Health Officer and the Health
      Officer. If necessary, the Health Officer shall solicit recommendations from the appropriate
      water management agency serving the area of the proposed development.
   B. After review of the hydrogeologic report, the Health Officer may require that the
      report be revised to include additional information or assessment, as deemed necessary to clarify,
      amplify, correct, or otherwise supplement the report, or as recommended by another water
      management agency. A third party review, at the applicant’s expense may also be required by the
      Health Officer.
   C. The hydrogeologic report shall contain the following elements:
1. Summary. The summary shall include a condensed version of the hydrogeologic report, the conclusions of the author, and any mitigation measures.

2. Introduction. The introduction shall contain the purpose and scope of the proposed project, along with its location and areal extent. A description of the existing site including to-scale site plans showing existing structures and landscaping, roads, land use, wells, and water lines.

3. Site Description. A description of the proposed project including to-scale site plans showing proposed building footprints and landscaping, streets and roads, water supply, sewage disposal, and stormwater runoff facilities.

4. Hydrogeologic Setting. The topography, geology, recharge area, and soils of the proposed project site shall be discussed along with any groundwater exploration programs undertaken in the area.

5. Hydrometeorologic Setting. The historic rainfall and evapotranspiration shall be quantified. Include an isohyetal map and a discussion of any long-term fluctuations.

6. Surface Water Resources. This Section shall include discussion of and a map showing all watershed and drainage features. Any wetlands shall be identified and the impacts of the proposed project on them shall be discussed. Any streamflow shall be quantified along with a discussion of the water quality. A discussion of the stormwater drainage caused by the proposed project’s impervious surfaces and how it will be controlled shall be included. An analysis of the potential for the beneficial use of captured stormwater shall be included.

7. Groundwater Resources—Four items shall be quantified and discussed in this Section as follows:
   a. Hydrogeologic environment shall include aquifer identification and characterization, groundwater basin delineation, well yields, and a characterization of soils.
   b. Groundwater levels and flow shall include a discussion of groundwater levels, a groundwater contour map, and a discussion of any seasonal and/or long-term fluctuations. This Section shall also include a discussion of the recharge areas and the amount of recharge shall be quantified using monthly time-step methodology. It shall also evaluate the impact of pumping on neighboring wells.
   c. Groundwater in storage shall be quantified by discussing the amount of groundwater in storage and the amount that can be recovered.
   d. Groundwater quality shall be discussed and any impacts on the groundwater by the proposed project shall be discussed and mitigation measures listed.

8. Water Demand. The current water use for the site shall be described, quantified and documented. The projected water demand for the proposed project shall be described and quantified (show source of information and method of calculations).

9. Water Balance. Discuss and calculate the water balance for the proposed project using monthly time-step methodology. The groundwater recharge shall include groundwater inflow plus the average precipitation minus evapotranspiration, runoff or streamflow, and soil moisture demands. The net groundwater recharge minus the existing demand and proposed project water demands equals change in storage. The report shall identify the long-term safe yield of the aquifer and the long-term source of water for the proposed project.

10. Nitrate Balance. Discuss and calculate the nitrate balance for the proposed project. The source of any nitrate contamination should be included along with the effects of the proposed project on the nitrate balance. Calculated nitrate levels shall be compared to actual levels.
11. Mitigation Measures. This Section should analyze project-caused water quality impacts and water quality impacts, in addition to impacts of the individual project when viewed in connection with the corresponding effects of other past, current, and reasonably likely future projects, and recommend mitigation measures that will lessen the proposed project’s water quality impacts and water quality impacts, and also the project’s effects on riparian resources.

12. Conclusions. The author’s conclusions as to the adequacy of water for the project in terms of quality, quantity, and assured long term water supply, and the effect(s) of the project on the groundwater of the area.

13. References.

14. Appendices.

15. Additional Information. Such other information as the Health Officer may specify, identify, or request following the assessment of the Initial Water Use and Nitrate Loading Questionnaire.

M. Three copies of a detailed geological report prepared in conformance with California Division of Mines and Geology standards, that addresses seismic hazards, faulting, slope stability and liquefaction potential and contains measures recommended by the geologist for any geologic hazards that are shown as a result of the report. The report shall be prepared by a California registered geologist. The report shall be subject to the approval of the Director of Planning and Building Inspection Planning. In the case of a minor subdivision, a preliminary geologic report shall be required when it is determined that the subject project lies within a zone IV to VI geologic hazard.

N. Two copies of an archaeology report prepared by a certified archaeologist (SOPA, Society of Professional Archaeologists) where the proposed project is located in a “moderate or high sensitivity archaeological zone as shown on an Archaeological Sensitivity Map of the General Plan, Area Plan or Coastal Land Use Plan.

O. In the event the proposal is for the conversion of a mobile home park to another use, a report as prescribed by Government Code Section 66427.4 shall be submitted to address the impact of conversion upon displaced residents of the mobile home park to be converted.

P. A description of prior development activity on the site such as the removal of any vegetation, grading, etc. which may affect the proposed subdivision.

Q. Other data or information necessary to complete processing the map and environmental documents. (Ord. 4082, 2000; Ord. 3855, 1996)

SECTION 61. Section 19.03.020 of Chapter 19.03 of the Monterey County Code shall be amended as follows:

19.03.020 Tentative map review and processing.

A. Within thirty (30) days of the receipt of an application by a subdivider, the Director of Planning and Building Inspection Planning shall determine in writing whether the application is complete and forward the determination to the subdivider. If the application is determined to be incomplete, the Planning Director shall inform the subdivider of the additional information required or procedure by which application can be made complete. If the Director of Planning and Building Inspection Planning fails to make such determination within thirty (30) days, the application shall be deemed complete.
B. Tentative map approval can only be based on standards in effect when application is complete; exceptions:
   
a. Except as otherwise provided in Subdivision b or c, in determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete pursuant to Section 65943 of the Government Code.
   
b. Subdivision a shall not apply to a local agency which, before it has determined an application for a tentative map to be complete pursuant to Section 65943, has done both of the following:
   
   1. Initiated proceedings by way of ordinance, resolution, or motion.
   2. Published notice in the manner prescribed in subdivision (a) of Section 65090 containing a description sufficient to notify the public of the nature of the proposed change in the applicable general or specific plans, or zoning or subdivision ordinances.
   
   A local agency which has complied with this Subdivision may apply any ordinances, policies, or standards enacted or instituted as a result of those proceedings which are in effect on the date the local agency approves or disapproves the tentative map.
   
c. If the subdivision applicant requests changes in applicable ordinances, policies or standards in connection with the same development project, any ordinances, policies or standards ad pursuant to the applicant’s request shall apply.
   
C. Within ten (10) days prior to the public hearing for a tentative map, the Director of Planning and Building Inspection Planning shall send a notice of the filing of the tentative map to the governing board of any elementary, high school or unified school district within the boundaries of which the subdivision is proposed to be located. Such notice shall also contain information about the location of the proposed subdivision, the number of units, density and other information which would be relevant to the affected school district. The governing board of the school district may comment on the proposed subdivision within twenty (20) working days of the date on which would be relevant to the affected school district. The governing board of the school district may comment on the proposed subdivision within twenty (20) working days of the date on which notice is mailed pursuant to the requirements. Failure of any such school district to comment within the twenty (20) working day period shall be deemed to recommend approval without comment on the proposed subdivision.

SECTION 62. Section 19.03.025 of Chapter 19.03 of the Monterey County Code shall be amended as follows:

19.03.025 Public hearing process and filing.

A. A proposed tentative subdivision map shall not be approved by the Planning Commission unless accompanied by an environmental recommendation. An environmental recommendation includes:

   1. A prepared negative declaration accompanied by an environmental initial study; or
   2. A circulated draft environmental impact report; or
   3. Data supplementing a previously certified environmental impact report. The data for a supplemental environmental impact report shall be determined as adequate or inadequate by the Planning Commission. If the data is found to be inadequate the Planning Commission shall reject the data and require that a new environmental impact report be prepared.
B. After the application has been accepted, the Director of Planning and Building Inspection Planning shall forward copies of the tentative map application to affected departments, committees and public agencies or their consultants which shall in turn, forward to the Director of Planning and Building Inspection Planning their findings, recommendations and proposed conditions.

C. The Standard Subdivision Committee shall meet to review and consider the proposed development and make recommendations of proposed findings, conditions of approval or recommend disapproval to the Planning Commission. Notice of the meeting of the Standard Subdivision Committee shall be provided pursuant to Section 19.01.055.

D. After consideration by the Standard Subdivision Committee, the Director of Planning and Building Inspection Planning shall set the matter for public hearing before the Planning Commission to review and consider the report of the Standard Subdivision Committee on the proposed development. The Planning Commission may approve or deny, in whole or in part, the proposed development with appropriate findings, evidence and conditions.

1. The Planning Commission shall make a finding, based on substantial evidence, upon the recommendation of the Health Officer, pursuant to Section 19.03.015L, 19.05.040L, or 19.07.020K that the source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations prior to approval of the standard subdivision tentative map, or vesting tentative map, or tentative parcel map.

2. The Appropriate Authority shall make a finding, based on substantial evidence, upon the recommendation of the Health Officer, pursuant to Section 19.03.015 that the source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations prior to approval of the tentative parcel map.

E. The Board of Supervisors shall be the appropriate decision making body for any appeal from the decision of the Planning Commission.

F. A tentative map may be denied on any grounds provided by law. A tentative map shall be denied if any of the following findings are made:

1. That the proposed tentative map is not consistent with the applicable general plan, area plan, coastal land use plan or specific plan.
2. That the design or improvement of the proposed subdivision is not consistent with General plan, area plan, coastal land use plan, or specific plan.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easement acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the appropriate decision making body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This Subsection shall apply only to easements of record or to easements established by judgment of a Court of competent
jurisdiction and no authority is hereby granted to a decision making body to determine that the
clear and no authority is hereby granted to a decision making body to determine that the
public at large has acquired easements for access through or use of property within the proposed
subdivision.

8. That the subdivision fails to meet any of the requirements or conditions imposed by the
Subdivision Map Act or this Title.

G. The Planning Commission may approve a subdivision or project where the soils
investigation report discloses soils problems which, if not corrected, could lead to structural
defects, when it is determined that the engineer’s recommended actions are likely to prevent
structural damage to each structure to be constructed. The Planning Commission shall require
that subsequent permits are conditioned upon incorporation of the recommended corrective
action in the construction of each structure.

H. In the event the 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 Planning Commission may approve such subdivision or project on a two-thirds
affirmative vote in accordance with Public Utilities Code Section 21676.

I. In the event the Planning Commission proposes to disapprove or approve at a lower
density housing development project which is in compliance with the applicable plans, zoning
and development policies in effect at the time the project’s application was determined to be
complete, the Planning Commission shall make written findings based upon substantial evidence
in the record that both of the following conditions exist:

1. The housing development project would have a specific, adverse impact upon the
public health or safety unless the project is disapproved or approved upon the condition that the
project developed at a lower density.

2. There is no feasible method to satisfactorily mitigate or avoid the adverse impact
identified other than disapproval of the housing development project or approval upon condition
that the project be developed at a lower density.

J. The Planning Commission in approving a subdivision from the conversion of a mobile
home park to another use shall conform to Government Code Section 66427.4 as amended from
time to time.

K. If a negative declaration is adopted or an environmental impact report is certified by
the Planning Commission for a tentative map application at a noticed public hearing, the
application can be considered for approval or denial at the same hearing, provided that all other
requirements of the application have been met.

L. The Director of Planning and Building Inspection shall transmit to the
County Surveyor a copy of any approved tentative map along with the resolution approving the
same. (Ord. 4082, 2000; Ord. 4037, 1999; Ord. 3855, 1996; Ord. 3797, 1994)

SECTION 63. Section 19.04.010 of Chapter 19.04 of the Monterey County Code shall
be amended as follows:

19.04.010 Tentative parcel map--Form and contents.

The tentative map parcel shall be prepared in a manner acceptable to the Department of
Planning and Building Inspection Planning and shall be prepared by a registered civil engineer or
licensed land surveyor. The form and contents shall comply and be consistent with the
requirements of Section 19.03.010.
SECTION 64. Section 19.04.015 of Chapter 19.04 of the Monterey County Code shall be amended as follows:

19.04.015 Tentative parcel map application—Additional data and reports.

The tentative map application shall be submitted to Department of Planning and Building Inspection Planning for review in accordance with the same provisions of Section 19.03.015.

SECTION 65. Section 19.04.020 of Chapter 19.04 of the Monterey County Code shall be amended as follows:

19.04.020 Tentative parcel map review and processing.

The tentative parcel map shall be submitted to the Department of Planning and Building Inspection Planning for review and processing in accordance with the same provisions of Section 19.03.020.

SECTION 66. Section 19.04.025 of Chapter 19.04 of the Monterey County Code shall be amended as follows:

19.04.025 Public hearing process and filing.

A. A proposed tentative parcel map shall not be considered filed until it is first considered by the appropriate decision making body following public notice. The appropriate decision making body shall make its decision within fifty (50) calendar days after the tentative parcel map has been accepted as filed.

B. All minor subdivisions are subject to the provisions of this Section.

C. The Director of Planning and Building Inspection Planning is the appropriate decision making body to consider minor subdivisions unless the matter is referred to public hearing under Section 19.04.025F. In such cases the Minor Subdivision Committee is the appropriate decision making body to hear and consider minor subdivisions or lot line adjustments.

D. Public notice shall be provided pursuant to Section 19.01.055.

E. An appeal may be taken from the action of the appropriate decision making body pursuant to Chapter 19.16 of this Title.

F. A minor subdivision shall be referred to the Minor Subdivision Committee for consideration at a public hearing if there is evidence of public controversy or public opposition to the proposed use or development. Such evidence includes, but is not limited to:

1. A staff recommendation for denial;
2. The applicant or applicant’s representative requests, in writing, a public hearing;
3. Written request, based on a substantive issue, for a public hearing by one or more owners or residents in the area.

If a public hearing is required, it shall be noticed and conducted pursuant to the public hearing provisions of Section 19.01.055.
G. An application for a proposed tentative parcel map shall not be approved by the appropriate decision making body unless accompanied by an environmental recommendation. An environmental recommendation may include:

1. A prepared negative declaration accompanied by an environmental initial study; or
2. A circulated draft environmental impact report; or
3. Data supplementing a previously certified environmental impact report. The data for a supplemental environmental impact report shall be determined as adequate or inadequate by the appropriate decision making body.

If the data is found to be inadequate, the appropriate decision making body shall reject the data and require that a new environmental impact report be prepared.

H. If a negative declaration is adopted or an environmental impact report is certified by the appropriate decision making body for a tentative parcel application map at a noticed public hearing, the application can also be considered for approval or denial at the same hearing; provided that all other requirements of the application have been met.

1. A tentative parcel map may be denied on any grounds provided by law. A tentative parcel map shall be denied if any of the following findings are made:

   1. That the tentative map is not consistent with the applicable General Plan, area plan, coastal land use plan or specific plan.
   2. That the design or improvement of the proposed subdivision is not consistent with the General Plan, area plan, coastal land use plan or specific plan.
   3. That the site is not physically suitable for the type of development.
   4. That the site is not physically suitable for the proposed density of development.
   5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
   6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
   7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the appropriate decision making body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This Subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the decision making body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
   8. That the subdivision fails to meet any of the requirements or conditions imposed by the Subdivision Map Act or this Title. (Ord. 3797, 1994)

SECTION 67. Section 19.04.030 of Chapter 19.04 of the Monterey County Code shall be amended as follows:

19.04.030 Action on tentative parcel map.

A. Upon completion of the environmental documents, the Director of Planning and Building Inspection Planning shall set the matter for consideration by the appropriate decision
making body which may approve, disapprove, or conditionally approve the tentative parcel map in conformance with standards set forth in the Subdivision Map Act and this Title. A tentative parcel map may not be denied without a public hearing before the Minor Subdivision Committee. Such action shall take place within the applicable time limits of this Title.

B. The appropriate decision making body may approve a tentative parcel map 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 appropriate decision making body shall ensure that subsequent permits are conditioned upon incorporation of the recommended corrective action in the construction of each structure.

C. In the event the 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 appropriate decision making body may approve such subdivision on a two-thirds affirmative vote in conformance with Public Utilities Code Section 21676.

D. The appropriate decision making body, in approving a tentative parcel map to be created from the conversion of a mobile home park to another use, shall conform to Government Code Section 66427.4 as amended from time to time. (Ord. 3797, 1994)

SECTION 68. Section 19.04.040 of Chapter 19.04 of the Monterey County Code shall be amended as follows:

19.04.040 Extension(s) of the tentative parcel map.

The subdivider may, upon written application, request extension(s) of the tentative parcel map approval. Such application shall be filed with the Director of Planning and Building Inspection Planning before approval is due to expire and shall state the reason(s) for requesting the extension. The appropriate decision making body may grant extension(s) not to cumulatively exceed two 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, and 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 sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. (Ord. 3797, 1994)

SECTION 69. Section 19.05.025 of Chapter 19.05 of the Monterey County Code shall be amended as follows:

19.05.025 Fees and forms.

No application for a vesting tentative map shall be received for processing pursuant to this Chapter without payment of the required fees unless either the fees have been waived by resolution of the Board of Supervisors or the applicant is a public entity exempted from payment of such fees. Fees may be adjusted from time to time by resolution of the Board of Supervisors.
The Director of Planning and Building Inspection Planning shall prescribe various application forms and when made available to the public, all applications shall be made on such forms.

SECTION 70. Section 19.05.035 of Chapter 19.05 of the Monterey County Code shall be amended as follows:

19.05.035 Vesting tentative map submittal--Form and contents.

The vesting tentative map shall be prepared in a manner acceptable to the Director of Planning and Building Inspection Planning. The vesting tentative map shall be clearly and legibly drawn and shall include not less than the following:

A. Title block located in the lower right corner of the map which shall contain the name "Vesting Tentative Map" and the type of development proposed.

B. Name and address of legal owner, subdivider, and person preparing the map (including registration number if applicable).

C. Assessor's parcel number(s).

D. Date prepared, north arrow, scale one inch equals one hundred (100) feet and contour interval. The scale of the map may be varied by the Director of Planning and Building Inspection Planning if it is found that the project can be effectively illustrated at a different scale.

E. A vicinity map (one inch equals two thousand (2,000) feet) showing roads, towns, major creeks, railroads and other data sufficient to locate the proposed subdivision and show its relation to the community and the current surrounding land uses.

F. Existing topography of the proposed site, including but not limited to: The contour of the land at intervals of five feet of elevation up to five percent slope, or lesser contour intervals as may be approved by the Director of Planning and Building Inspection Planning. Contours shall be indicated on contiguous property for a distance of two hundred (200) feet. Every fifth contour shall be a heavier weight line.

G. The approximate location and height of major vegetation and existing structures on the property and on adjacent parcels which might affect solar access to the site(s) proposed for development. Applicants shall indicate how many of the housing units in the proposed subdivision have full southwall solar access and any other information pertinent to solar access. Structures trees to be removed shall be so indicated.

H. The location of the floodway and/or floodway fringe boundaries as well as the approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each water course.

I. The location, pavement and right-of-way width, grade and name of existing streets or highways.

J. The widths, location and type of all existing easements.

K. The location and size of existing sanitary sewers, water mains, and storm drains. The approximate slope of existing sewers and storm drains shall be indicated. The location of existing overhead utility lines on peripheral County or private roads.

L. Proposed improvements shall be shown including but not be limited to:

1. The location, grade, centerline radius and arc length of curves, pavement and right-of-way width and proposed name of all streets. Typical sections of all streets shall be shown as well as an indication if they will be offered for dedication.
2. The location and radii of all curb returns and cul-de-sacs.
3. The location, width and purpose of all easements.
4. The approximate lot layout and the approximate dimensions of each lot. The number of lot shall be indicated and shall be numbered consecutively.
5. Proposed recreation sites, trails and parks for private or public use and other dedicated or reserved areas.
6. Proposed common areas and areas to be dedicated to public open space common areas and open space parcels shall be indicated by letter designation.
7. The location and size of proposed sanitary sewers, water mains, and storm drains and stormwater detention ponds. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated.
8. Approximate location of all rivers, watercourses drainage channels, drainage structures and reservoirs.

M. A subdivider’s statement describing the existing and proposed use(s) of the property. The subdivider’s statement shall contain the following information and shall be on the face or first sheet of the tentative map or a separate statement to be included with the application:
   1. Existing zoning and proposed uses of the land;
   2. Measures proposed regarding erosion control;
   3. Proposed source of water supply and name of water system, method of sewage disposal and the name of sewage utility system if sewered;
   4. Indicate type of tree planting or removal proposed;
   5. Proposed public areas to be dedicated and common area or scenic easements proposed.

If common areas are proposed method of maintenance shall be stated;
6. Proposed height of all structures;
7. Proposed type development of lots or unit and whether they are for sale as lots or fully developed units.

N. The name or names of any geologists or soils engineer whose services were required in the preparation of the design of the tentative map.

O. If the subdivider plans to develop the site as shown on the tentative map in phases, a description of the proposed phases.

P. The Director of Planning and Building Inspection Planning may modify any of the foregoing vesting tentative map requirements whenever the Director of Planning and Building Inspection Planning it finds that the type of subdivision is such as not to necessitate compliance with these requirements, or that other circumstances justify such modifications.

Q. The name or names of any geologists or soils engineer whose services were required in the preparation of the vesting tentative map.

R. If the subdivider plans to develop the site as shown on the vesting tentative map in phases, a description of the proposed phases.

SECTION 71. Section 19.05.040 of Chapter 19.05 of the Monterey County Code shall be amended as follows:

19.05.040 Vesting tentative map submittal--Additional data and reports.

The vesting tentative map shall be accompanied by the following data or reports provided by the applicant:

65
A. Appropriate numbers of copies of a completed subdivision application as prescribed by the Director of Planning and Building Inspection Planning.

B. Appropriate number of copies of the tentative map. All maps shall be folded to an approximate size of eight and one-half inches by eleven (11) inches. If multiple pages, the maps shall also be stapled and collated.

C. Two copies of a slope density analysis map of the proposed project that shows the following slope categories and a tabulation of the total area (acres or square feet) within each category as specified by the Monterey County General Plan and any amendments to the Plan including Coastal Land Use Plan as certified by the State of California. The categories for the countywide General Plan are as follows: 0–19.9 %, 20–29.9 %, and 30%+. The following categories shall apply to the Big Sur Land Use Plan area east of State Highway 1; under 15 %, over 30 %. The map shall be of the same scale of the vesting tentative map.

D. Two copies of a slope analysis map indicating all areas greater than twenty-five (25) percent slope (North County Land Use Plan Area only). The map shall be the same scale as the vesting tentative map.

E. One transparency of each page of the tentative map (maximum size: eight and one-half inches by eleven (11) inches).

F. A photocopy of the Assessor’s parcel page(s) showing the parcel involved and parcels within three hundred (300) feet of the subject property. Applicants must indicate on the map which parcels are included on the list of property owners.

G. A list of the names, addresses, and assessor’s parcel numbers of all property owners within three hundred (300) feet of the property, including the parcel proposed for subdivision. The list shall be taken from the most recent records of the Monterey County Assessor.

H. Three sets of pre-addressed stamped envelopes with no return address, to all property owners shown on the list. Additional sets may be required if an application is continued or tabled by the appropriate approving authority.

I. Two copies of preliminary title report showing the legal owners at the time of submittal of the vesting tentative map application.

J. Three copies of a preliminary soils report by a registered civil engineer based upon adequate test borings. If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, the Director of Planning and Building Inspection Planning may require a soils report investigating each lot within the subdivision. This soils investigation report shall recommend corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problems exist as well as precautions required for erosion control and prevention of sedimentation and damage to adjacent property.

K. If sewage disposal for the proposed subdivision will be provided by a public or private entity, a letter or document shall be submitted from the entity to the Division of Environmental Health and the Director of Planning and Building Inspection Planning stating that the entity can and will serve the proposed subdivision. The public entity must comply with all State and County allocation and capacity requirements. The letter or document shall also state the expiration date of such a commitment. In the event that an individual sewage disposal system will be utilized, preliminary percolation testing and soil profile analysis shall be required to be submitted along with a tentative map application. The report shall analyze at least one soil profile analysis test per lot and one percolation test hole per two lots. Soil profile analysis may be reduced if conformity to a given soil type can be established. The report submitted shall
demonstrate the feasibility of the proposed lot design and density and shall address nitrate loading of subsoil surfaces when septic systems are proposed. The soil tests and percolation tests shall meet the standards of the Division of Environmental Health. The applicant shall also provide proof that sewage disposal systems, both individual and package, for all lots which are proposed to be created through subdivision will not exceed nitrate and chemical loading levels in aquifers pursuant to the Regional Water Quality Control Basin Plan. If wastewater reclamation is proposed for a subdivision, the reclamation system must comply with the Basin Plan and the California Administrative Code subject to the review of the Director of Environmental Health.

L. Water Supply and Nitrate Loading Information.

1. Initial Water Use and Nitrate Loading Impact Questionnaire.

   A. An application shall be preceded or accompanied by a completed Initial Water Use and Nitrate Loading Impact Questionnaire. The Health Department shall be the lead agency in determining the adequacy of information in the completed Initial Water Use Questionnaire and the Health Officer shall request, coordinate and consider recommendations from the appropriate water management agency serving the area of the proposed development. Any determination made by the Health Officer pursuant to this Section shall be subject to any and all Appeal provisions contained in Chapter 19.17 of the Monterey County Code (Appeals to Administrative Interpretations of the Subdivision Ordinance) as may be amended from time to time.

   1. The Questionnaire shall be accompanied by a location map; a to-scale site plan showing the entire parcel and proposed and existing structures, roads, land use, landscaping, wells and water lines, and hydrologic and drainage features. The Questionnaire shall be accompanied by written verification of legal water rights to the quantity of water necessary to assure an adequate and reliable drinking water supply. Verification of legal water rights shall include, but shall not be limited to the following forms of documentation: (a) a Condition of Title Report, prepared by a title company at the applicant’s expense, shall accompany the Questionnaire and, any and all supporting documentation to indicate whether legal water rights have been subordinated and/or severed, must be included; (b) information that describes the legal basis and authority for diversion or extraction of water; (c) if groundwater is being pumped from a groundwater basin that has not been adjudicated, a statement to that effect is sufficient documentation to satisfy this requirement; (d) if the source of water is subject to permit requirements under the State Water Resources Control Board (SWRCB), a copy of the water rights permit must be included.

   2. The Questionnaire shall include a description of how water is currently supplied and how it will be supplied to the proposed development; and a quantification and documentation of all existing and proposed water usage including water usage for residential, industrial, commercial, landscaping and other vegetated areas. This description shall also identify potential changes in water usage as a result of changes in land use and zoning.

   3. The Questionnaire will detail the project’s proposed sewage, wastewater, agricultural, and landscaping components. If it is determined by the Health Officer, from the Questionnaire, that the project has the potential to adversely affect the groundwater quality in the project’s vicinity, additional nitrate loading information shall be provided to the Health Officer as described in Paragraph 3 of this Subsection and will be required at the applicant’s expense. The applicant shall be informed in writing of the Health Officer’s determination, the issues to be addressed to cure the inadequacies, and whether a Comprehensive Hydrogeologic Report will be required prior to the application being deemed complete.
The Health Department shall be the lead agency in determining the nitrate loading produced by a proposed project and in evaluating the potential public health and safety threats of the nitrate loading on the water source for the proposed project and other potable water supplies in the affected area.

B. Evaluation and Determination. After reviewing the Initial Water Use Questionnaire, the Health Officer shall determine whether existing hydrogeological investigations can be incorporated by reference to cover all or some of the pertinent issues.

1. If the Questionnaire identifies an intensification of water use, a determination shall be made by a hydrogeologist under contract to the County as to the requirement for any additional water resources information. If an intensification is determined to be “de minimis” by the hydrogeologist, then the requirement for additional water sources information may be waived. “De minimis” shall be defined consistent with the California Environmental Quality Act (CEQA) of the California Public Resources Code, and related State law and regulations, as may be amended from time to time.

2. If baseline water resource information in the area of the proposed development is determined to be inadequate, a comprehensive hydrogeologic investigation that meets the specified requirements outlined in Paragraph 3 of this Subsection will be required at the applicant’s expense. The applicant shall be informed in writing of this inadequate determination, the issues to be addressed to cure the inadequacies, and whether a Comprehensive Hydrogeologic Report will be required prior to the application being deemed complete.

3. If adequate baseline information is available in the form of a prior hydrogeologic investigation, then only a project specific hydrogeologic report shall be required. The hydrogeologic report shall consist of background information from approved prior investigations and shall be updated to incorporate the hydrogeologist’s findings and conclusions about impacts of the proposed development into the findings and conclusions of the prior investigations. The Health Officer shall approve the choice of which prior hydrogeologic investigation is selected to provide the baseline information.

4. If any hydrogeologic or hydrogeologic reports are deemed necessary, the County will notify the applicant in writing, and the County will contract directly with qualified consultants, at the applicant’s expense, pursuant to Paragraph 3, Comprehensive Hydrogeologic Investigation, below.

2. Evaluation of Public Health and Safety Impacts. The source of water within the project boundaries which are to provide groundwater or surface water for the lots shall be evaluated for potential public health and safety impacts. The Monterey County Health Department shall be the lead agency in determining the adequacy of the proposed project’s water supply, and in evaluating the health and safety threats to the supply.

Prior to an application being deemed complete, the following information shall be required depending on the water supply proposed:

A. For Individual Wells; a minimum of one well will be needed meeting the following standards:

1. A chemical analysis on the well(s) as per Chapter 15.04, Monterey County Code,
2. Witnessed and documented well production information proving a sustained minimum of three GPM for each of the lots proposed,
3. Copy(ies) of the Well Driller’s Log(s),
4. Provide written documentation, as necessary, that no other reasonably available water source can physically and legally serve the project.
B. For Two to Four Connection Water System:
1. A chemical analysis as per Chapter 15.04, Monterey County Code,
2. Well production information meeting the minimum flow requirements as per Chapter 15.04, Monterey County Code,
3. Copy(ies) of the Well Driller’s Log(s),
4. If applicable, a can and will serve letter from the owner/operator of the water system,
5. Provide written documentation, as necessary, that no other reasonably available water source can physically and legally serve the project.
C. For Five to Two Hundred (200) Connection Water System:
1. A chemical analysis as required per Title 22, Chapter 15, California Code of Regulations,
2. Well production information meeting the minimum flow requirements as per Title 22, Chapter 15, California Code of Regulations,
3. Copy(ies) of the Well Driller’s Log(s),
4. If applicable, a can and will serve letter from the owner/operator of the water system,
5. Provide written documentation, as necessary, that no other reasonably available water source can physically and legally serve the project,
6. Evidence demonstrating how compliance with California Health and Safety Code, Section 116540 regarding technical, managerial, and financial capacity will be achieved.
D. For Public/Municipal Water System (over two hundred (200) connections); a “can and will serve” letter from the owner/operator of the water system.

3. Comprehensive Hydrogeologic Investigation.

A. Prior to an application being deemed complete, a hydrogeologic report based on a comprehensive hydrological investigation shall be prepared by a certified hydrogeologist, selected by the County and under contract with the County, at the applicant’s expense, if required by this Section. At least one copy shall be placed in the Planning and Building Inspection Planning Department file for the Subdivision Application. The Health Department, the Monterey County Water Resources Agency, and the appropriate water management agency serving the area of the proposed development, shall also receive a copy of the hydrogeologic report required by this Section. The report shall be reviewed by the Health Officer and the Health Officer. If necessary, the Health Officer shall solicit recommendations from the appropriate water management agency serving the area of the proposed development.

B. After review of the hydrogeologic report, the Health Officer may require that the report be revised to include additional information or assessment, as deemed necessary to clarify, amplify, correct, or otherwise supplement the report, or as recommended by another water management agency. A third party review, at the applicant’s expense may also be required by the Health Officer.

C. The hydrogeologic report shall contain the following elements:
1. Summary. The summary shall include a condensed version of the hydrogeologic report, the conclusions of the author, and any mitigation measures.
2. Introduction. The introduction shall contain the purpose and scope of the proposed project, along with its location and areal extent. A description of the existing site including to-scale site plans showing existing structures and landscaping, roads, land use, wells, and water lines.
3. Site Description. A description of the proposed project including to-scale site plans showing proposed building foot prints and landscaping, streets and roads, water supply, sewage disposal, and stormwater runoff facilities.

4. Hydrogeologic Setting. The topography, geology, recharge area, and soils of the proposed project site shall be discussed along with any groundwater exploration programs undertaken in the area.

5. Hydrometeorologic Setting. The historic rainfall and evapotranspiration shall be quantified. Include an isohyetal map and a discussion of any long-term fluctuations.

6. Surface Water Resources. This Section shall include discussion of and a map showing all watershed and drainage features. Any wetlands shall be identified and the impacts of the proposed project on them shall be discussed. Any streamflow shall be quantified along with a discussion of the water quality. A discussion of the stormwater drainage caused by the proposed project’s impervious surfaces and how it will be controlled shall be included. An analysis of the potential for the beneficial use of captured stormwater shall be included.

7. Groundwater Resources—Four items shall be quantified and discussed in this Section as follows:

   a. Hydrogeologic environment shall include aquifer identification and characterization, groundwater basin delineation, well yields, and a characterization of soils.

   b. Groundwater levels and flow shall include a discussion of groundwater levels, a groundwater contour map, and a discussion of any seasonal and/or long-term fluctuations. This Section shall also include a discussion of the recharge areas and the amount of recharge shall be quantified using monthly time-step methodology. It shall also evaluate the impact of pumping on neighboring wells.

   c. Groundwater in storage shall be quantified by discussing the amount of groundwater in storage and the amount that can be recovered.

   d. Groundwater quality shall be discussed and any impacts on the groundwater by the proposed project shall be discussed and mitigation measures listed.

8. Water Demand. The current water use for the site shall be described, quantified and documented. The projected water demand for the proposed project shall be described and quantified (show source of information and method of calculations).

9. Water Balance. Discuss and calculate the water balance for the proposed project using monthly time-step methodology. The groundwater recharge shall include groundwater inflow plus the average precipitation minus evapotranspiration, runoff or streamflow, and soil moisture demands. The net groundwater recharge minus the existing demand and proposed project water demands equals change in storage. The report shall identify the long-term safe yield of the aquifer and the long-term source of water for the proposed project.

10. Nitrate Balance. Discuss and calculate the nitrate balance for the proposed project. The source of any nitrate contamination should be included along with the effects of the proposed project on the nitrate balance. Calculated nitrate levels shall be compared to actual levels.

11. Mitigation Measures. This Section should analyze project-caused water quality impacts and water quality impacts, in addition to impacts of the individual project when viewed in connection with the corresponding effects of other past, current, and reasonably likely future projects, and recommend mitigation measures that will lessen the proposed project’s water quality impacts and water quality impacts, and also the project’s effects on riparian resources.
12. Conclusions. The author’s conclusions as to the adequacy of water for the project in terms of quality, quantity, and assured long term water supply, and the effect(s) of the project on the groundwater of the area.

13. References.

14. Appendices.

15. Additional Information. Such other information as the Health Officer may specify, identify, or request following the assessment of the Initial Water Use and Nitrate Loading Questionnaire. (Ord. 4082, 2000)

SECTION 72. Section 19.05.045 of Chapter 19.05 of the Monterey County Code shall be amended as follows:

19.05.045 Vesting tentative map--Review and processing.

A. No vesting tentative map may be accepted for processing unless the map is consistent with the applicable general plan, area plan, coastal land use plan, master plan or specific plan.

B. Within thirty (30) days of the receipt of an application for filing by a subdivider, the Director of Planning and Building Inspection Planning shall determine in writing whether such application is complete and forward the determination to the subdivider. If determined to be incomplete, the subdivider shall be informed of additional information required or procedure by which said application can be made complete. If the Director of Planning and Building Inspection Planning fails to make determination within thirty (30) days, the application shall be deemed complete.

C. Within ten (10) days of the filing of a vesting tentative map, the Director of Planning and Building Inspection Planning shall send a notice of the filing of the vesting tentative map to the governing board of any elementary, high school or unified school district within the boundaries of which the subdivision is proposed to be located. Such notice shall also contain information about the location of the proposed subdivision, the number of proposed units, proposed density and other information which would be relevant to the affected school district. The governing board of the school district may comment on the proposed subdivision within twenty (20) working days of the date on which notice is mailed pursuant to the requirements. Failure of any such school district to comment within the twenty (20) working day period shall be deemed to recommend approval without comment on the proposed subdivision.

D. The Director of Planning and Building Inspection Planning shall forward copies of the vesting tentative map to affected departments, advisory agencies and other public agencies which may, in turn, forward to the Director of Planning and Building Inspection Planning their findings and recommendations thereon within the time specified.

SECTION 73. Section 19.05.055 of Chapter 19.05 of the Monterey County Code shall be amended as follows:

19.05.055 Action on vesting tentative map.

A. Upon completion of the required environmental documents, the Director of Planning and Building Inspection Planning shall refer the application to the Standard Subdivision
Committee for their review and comment. Such action shall take place within the applicable time limits.

B. A vesting tentative map may be denied on any ground provided by law. A vesting tentative map shall be denied if any of the following findings are made:

1. That the proposed map is not consistent with the general plan, area plan, coastal land use plan, or specific plan.

2. That the design or improvement of the proposed subdivision is not consistent with applicable general plan, area plan, coastal land use plan, master plan or specific plan.

3. That the site is not physically suitable for the type of development.

4. That the site is not physically suitable for the proposed density of development.

5. That the design of the subdivision or type of improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the appropriate decision making body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This Subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the Planning Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

8. That the subdivision fails to meet any of the requirements or conditions imposed by the Subdivision Map Act or this Title.

C. Action on Application.

1. The Planning Commission shall make a finding, based on substantial evidence, upon the recommendation of the Health Officer, pursuant to Section 19.03.015L, 19.05.040L, or 19.07.020K that the source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations prior to approval of the standard subdivision tentative map, or vesting tentative map, or tentative parcel map.

2. The Appropriate Authority shall make a finding, based on substantial evidence, upon the recommendation of the Health Officer, pursuant to Section 19.03.015 that the source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations prior to approval of the tentative parcel map.

3. The 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 Planning and Building Inspection Planning Department shall ensure that subsequent permits are conditioned upon incorporation of the recommended corrective action in the construction of each structure.

D. In the event the 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 appropriate decision making body may approve such subdivision on a two-thirds affirmative vote in conformance with Public Utilities Code Section 21676.

E. The Director of Planning and Building Inspection Planning shall transmit to the Public Works Department a copy of the approved vesting tentative map with a memorandum or resolution section forth the action. (Ord. 4082, 2000; Ord. 3855, 1996; Ord. 3797, 1994)

SECTION 74. Section 19.05.065 of Chapter 19.05 of the Monterey County Code shall be amended as follows:

19.05.065 Extension(s) of approval of vesting tentative maps.

The subdivider may, upon written application, request extension(s) of the vesting tentative map approval. Such application shall be filed with the Director of Planning and Building Inspection Planning sixty (60) days before approval is due to expire and shall state the reason(s) for the extension. The Planning Commission may grant an extension(s) not to cumulatively exceed three years for standard subdivisions. In the case of a vesting tentative map for a minor subdivision the Planning Commission may grant an extension(s) not to cumulatively exceed two years. Prior to the expiration of an approved or conditionally approved vesting tentative map, upon an application by the subdivider to extend the approval of the map, the map approval shall automatically be extended for sixty (60) days or until the extension is approved, conditionally approved, or denied, whichever occurs first. (Ord. 3797, 1994)

SECTION 75. Section 19.07.015 of Chapter 19.07 of the Monterey County Code shall be amended as follows:

19.07.015 Preliminary project review map—Form and contents.

The preliminary project review map shall be prepared in a manner acceptable to the Monterey County Planning and Building Inspection Planning Department by a registered civil engineer or licensed land surveyor shall be submitted with the Monterey County Planning and Building Inspection Planning Department along with all required fees. The preliminary project review map shall be clearly and legibly drawn and contain the following:

A. Title block located in the lower right corner of the map which shall contain the name “Preliminary Project Review Map” and the type of development proposed.

B. Name and address of legal owner, subdivider, and person preparing the map (including registration number if applicable).

C. Assessor’s parcel number(s).

D. Date prepared, north arrow, scale one inch equals one hundred (100) feet and contour interval. The scale of the map may be varied by the Director of Planning and Building Inspection Planning if it is found that the project can be effectively illustrated at a different scale.

E. A vicinity map (one inch equals two thousand (2,000) feet) showing roads, towns, major creeks, rivers, railroads and other data sufficient to locate the proposed subdivision and show its relation to the community and the current surrounding land uses.

F. Existing topography of the proposed site, including but not limited to: The contour of the land at intervals of five feet of elevation up to five percent slope, or lesser contour intervals as may be approved by the Director of Planning and Building Inspection Planning. Contours
shall be indicated on contiguous property for a distance of two hundred (200) feet. Every fifth
contour shall be a heavier weight line.

G. The approximate location and height of major vegetation and existing structures on the
property and on adjacent parcels which might affect solar access to the site(s) proposed for
development. Applicants shall indicate how many of the housing units in the proposed
subdivision have full south solar access and any other information pertinent to solar access.
Structures and trees to be removed shall be so indicated.

H. The location of the floodway and/or floodway fringe boundaries as well as the
approximate location of all areas subject to inundation or storm water overflow and the location,
width and direction of flow of each water course.

I. The location, pavement and right-of-way width, grade and name of existing streets or
highways.

J. The widths, location and type of all existing easements.

K. The location and size of existing sanitary sewers, water mains, and storm drains. The
approximate slope of existing sewers and storm drains shall be indicated. The location of
existing overhead utility lines on peripheral County or private roads.

L. Proposed improvements shall be shown including but not be limited to:

1. The location, grade, centerline radius and arc length of curves, pavement and right-of-
way width and proposed name of all streets. Typical sections of all streets shall be shown as well
as an indication if they will be offered for dedication.

2. The location and radii of all curb returns and cul-de-sacs.

3. The location, width and purpose of all easements.

4. The approximate lot layout and the approximate dimensions of each lot. The number of
each shall be indicated and shall be numbered consecutively.

5. Proposed recreation sites, trails and parks for private or public use and other dedicated
or reserved areas.

6. Proposed common areas and areas to be dedicated to public open space common areas
and open space parcels shall be indicated by letter designation.

7. The location and size of proposed sanitary sewers, water mains, and storm drains and
stormwater detention ponds. Proposed slopes and approximate elevations of sanitary sewers and
storm drains shall be indicated.

8. Approximate location of all rivers, watercourses, drainage channels, drainage
structures and reservoirs.

9. Any proposed landscaping of the project.

M. A subdivider’s statement describing the existing and proposed use(s) of the property.
The subdivider’s statement shall contain the following information and shall be on the
face or first sheet of the preliminary project review map or a separate statement to be included
with the application.

1. Existing zoning and proposed uses of the land.

2. Measures proposed regarding erosion control.

3. Proposed source of water supply and name of water system, method of sewage
disposal and the name of sewage utility system if sewered.

4. Indicate type of tree planting or removal proposed.

5. Proposed public areas to be dedicated and common area or scenic easements proposed.
If common areas are proposed method of maintenance shall be stated.

6. Proposed height of all structures.
7. Proposed type development of lots or unit and whether they are for sale as lots or fully
developed units.
N. The name or names of any geologists or soils engineer whose services were required
in the preparation of the design of the preliminary project review map.
O. If the subdivider plans to develop the site as shown on the preliminary project review
map in phases, a description of the proposed phases.
P. The Director of Planning and Building Inspection Planning may modify any of the
foregoing preliminary project review map requirements whenever the Director of Planning and
Building Inspection Planning finds the type of subdivision is such as not to necessitate
compliance with these requirements, or that other circumstances justify such modifications.

SECTION 76. Section 19.07.020 of Chapter 19.07 of the Monterey County Code shall
be amended as follows:

19.07.020 Preliminary project review map--Additional data and application
requirements.

The preliminary project review map shall be accompanied by the following data or
reports:
A. Appropriate numbers of copies of a completed subdivision application as prescribed
by the Director of Planning and Building Inspection Planning.
B. Appropriate Number of Copies of the Preliminary Project Review Map. All maps shall
be folded to an approximate size of eight and one-half inches by eleven (11) inches. If multiple
pages, the maps shall also be stapled and collated.
C. Two copies of a slope density analysis map of the proposed project that shows the
following slope categories and a tabulation of the total area (acres or square feet) within each
category as specified by the Monterey County General Plan and any amendments to the Plan.
The categories for the countywide General Plan are as follows: 0--19.9 %, 20--29.9 %, and 30 %
+. The map shall be of the same scale of the preliminary project review map.
D. One transparency of each page of the preliminary project review map (maximum size:
eight and one-half inches by eleven (11) inches).
E. A photocopy of the Assessor's parcel page(s) showing the parcel involved and parcels
within three hundred (300) feet of the subject property. Applicants must indicate on the map
which parcels are included on the of property owners.
F. A list of the names, addresses, and assessor's parcel numbers of all property owners
within three hundred (300) feet of the property, including the parcel for which this application is
received. The list shall be taken from the most recent records of the Monterey County Assessor.
G. Four sets of pre-addressed stamped envelopes with no return address, to all property
owners shown on the list. Additional sets may be required if an application is continued or tabled
by the advisory agency or legislative body.
H. Two copies of preliminary title report showing the legal owners at the time of
submittal of the preliminary project review map application.
I. Three copies of a preliminary soils report by a registered civil engineer based upon
adequate test borings. If the preliminary soils report indicates the presence of critically expansive
soils or other soils problems which, if not corrected, would lead to structural defects, the Director
of Planning and Building Inspection Planning may require a soils report investigating each lot
within the subdivision. This soils investigation report shall recommend corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problems exist as well as precautions required for erosion control and prevention of sedimentation and damage to adjacent property.

J. If sewage disposal for the proposed subdivision will be provided by a public or private entity, a letter or document shall be submitted from the entity to the division of Environmental Health and Director of Planning and Building Inspection Planning stating that the entity can and will serve the proposed subdivision. The public entity must comply with all State and County allocation and capacity requirements. The letter or document shall also state the expiration date of such a commitment. In the event that an individual sewage disposal system will be utilized, preliminary percolation testing and profile analysis will be required to be submitted along with a tentative map application. The report shall analyze at least one soil profile analysis test per lot and one percolation test hole per two lots. Soil profile analysis may be reduced if conformity to a given soil type can be established. The report submitted shall demonstrate the feasibility of the proposed lot design and density and shall address nitrate loading of subsoil surfaces when septic systems are proposed. The soil tests and percolation tests shall meet the standards of the Division of Environmental Health. The applicant shall provide proof that sewage disposal systems, both individual and package, for all lots which are proposed to be created through subdivision will not exceed nitrate and chemical loading levels in aquifers pursuant to the Regional Water Quality Control Basin Plan. If wastewater reclamation is proposed for a subdivision the reclamation system must comply with the Basin Plan and the California Administrative Code subject to the approval Director of Environmental Health.

K. Water Supply and Nitrate Loading Information.

1. Initial Water Use and Nitrate Loading Impact Questionnaire.

A. An application shall be preceded or accompanied by a completed Initial Water Use and Nitrate Loading Impact Questionnaire. The Health Department shall be the lead agency in determining the adequacy of information in the completed Initial Water Use Questionnaire and the Health Officer shall request, coordinate and consider recommendations from the appropriate water management agency serving the area of the proposed development. Any determination made by the Health Officer pursuant to this Section shall be subject to any and all Appeal provisions contained in Chapter 19.17 of the Monterey County Code (Appeals to Administrative Interpretations of the Subdivision Ordinance) as may be amended from time to time.

1. The Questionnaire shall be accompanied by a location map, a to-scale site plan showing the entire parcel and proposed and existing structures, roads, land use, landscaping, wells and water lines, and hydrologic and drainage features. The Questionnaire shall be accompanied by written verification of legal water rights to the quantity of water necessary to assure an adequate and reliable drinking water supply. Verification of legal water rights shall include, but shall not be limited to the following forms of documentation: (a) a Condition of Title Report, prepared by a title company at the applicant’s expense, shall accompany the Questionnaire and, any and all supporting documentation to indicate whether legal water rights have been subordinated and/or severed, must be included; (b) information that describes the legal basis and authority for diversion or extraction of water; (c) if groundwater is being pumped from a groundwater basin that has not been adjudicated, a statement to that effect is sufficient documentation to satisfy this requirement; (d) if the source of water is subject to permit requirements under the State Water Resources Control Board (SWRCB), a copy of the water rights permit must be included.
2. The Questionnaire shall include a description of how water is currently supplied and how it will be supplied to the proposed development; and a quantification and documentation of all existing and proposed water usage including water usage for residential, industrial, commercial, landscaping and other vegetated areas. This description shall also identify potential changes in water usage as a result of changes in land use and zoning.

3. The Questionnaire will detail the project’s proposed sewage, wastewater, agricultural, and landscaping components. If it is determined by the Health Officer, from the Questionnaire, that the project has the potential to adversely affect the groundwater quality in the project’s vicinity, additional nitrate loading information shall be provided to the Health Officer as described in Paragraph 3 of this Subsection and will be required at the applicant’s expense. The applicant shall be informed in writing of the Health Officer’s determination, the issues to be addressed to cure the inadequacies, and whether a Comprehensive Hydrogeologic Report will be required prior to the application being deemed complete.

The Health Department shall be the lead agency in determining the nitrate loading produced by a proposed project and in evaluating the potential public health and safety threats of the nitrate loading on the water source for the proposed project and other potable water supplies in the affected area.

B. Evaluation and Determination. After reviewing the Initial Water Use Questionnaire, the Health Officer shall determine whether existing hydrogeological investigations can be incorporated by reference to cover all or some of the pertinent issues.

1. If the Questionnaire identifies an intensification of water use, a determination shall be made by a hydrogeologist under contract to the County as to the requirement for any additional water resources information. If an intensification is determined to be “de minimis” by the hydrogeologist, then the requirement for additional water sources information may be waived. “De minimis” shall be defined consistent with the California Environmental Quality Act (CEQA) of the California Public Resources Code, and related State law and regulations, as may be amended from time to time.

2. If baseline water resource information in the area of the proposed development is determined to be inadequate, a comprehensive hydrogeologic investigation that meets the specified requirements outlined in Paragraph 3 of this Subsection will be required at the applicant’s expense. The applicant shall be informed in writing of this inadequate determination, the issues to be addressed to cure the inadequacies, and whether a Comprehensive Hydrogeologic Report will be required prior to the application being deemed complete.

3. If adequate baseline information is available in the form of a prior hydrogeologic investigation, then only a project specific hydrogeologic report shall be required. The hydrogeologic report shall consist of background information from approved prior investigations and shall be updated to incorporate the hydrogeologist’s findings and conclusions about impacts of the proposed development into the findings and conclusions of the prior investigations. The Health Officer shall approve the choice of which prior hydrogeologic investigation is selected to provide the baseline information.

4. If any hydrogeologic or hydrogeologic reports are deemed necessary, the County will notify the Applicant in writing, and the County will contract directly with qualified consultants, at the applicant’s expense, pursuant to Paragraph 3, Comprehensive Hydrogeologic Investigation, below.

2. Evaluation of Public Health and Safety Impacts. The source of water within the project boundaries which are to provide groundwater or surface water for the lots shall be evaluated for
potential public health and safety impacts. The Monterey County Health Department shall be the lead agency in determining the adequacy of the proposed project’s water supply, and in evaluating the health and safety threats to the supply.

Prior to an application being deemed complete, the following information shall be required depending on the water supply proposed:

A. For Individual Wells; a minimum of one well will be needed meeting the following standards;

1. A chemical analysis on the well(s) as per Chapter 15.04, Monterey County Code,
2. Witnessed and documented well production information proving a sustained minimum of 3 GPM for each of the lots proposed,
3. Copy(ies) of the Well Driller’s Log(s),
4. Provide written documentation, as necessary, that no other reasonably available water source can physically and legally serve the project.

B. For Two to Four Connection Water System:

1. A chemical analysis as per Chapter 15.04, Monterey County Code,
2. Well production information meeting the minimum flow requirements as per Chapter 15.04, Monterey County Code,
3. Copy(ies) of the Well Driller’s Log(s),
4. If applicable, a can and will serve letter from the owner/operator of the water system,
5. Provide written documentation, as necessary, that no other reasonably available water source can physically and legally serve the project.

C. For Five to Two Hundred (200) Connection Water System:

1. A chemical analysis as required per Title 22, Chapter 15, California Code of Regulations,
2. Well production information meeting the minimum flow requirements as per Title 22, Chapter 15, California Code of Regulations,
3. Copy(ies) of the Well Driller’s Log(s),
4. If applicable, a can and will serve letter from the owner/operator of the water system,
5. Provide written documentation, as necessary, that no other reasonably available water source can physically and legally serve the project,
6. Evidence demonstrating how compliance with California Health and Safety Code, Section 116540 regarding technical, managerial, and financial capacity will be achieved.

D. For Public/Municipal Water System (over 200 connections); a “can and will serve” letter from the owner/operator of the water system.

3. Comprehensive Hydrogeologic Investigation.

A. Prior to an application being deemed complete, a hydrogeologic report based on a comprehensive hydrological investigation shall be prepared by a certified hydrogeologist, selected by the County and under contract with the County, at the applicant’s expense, if required by this Section. At least one copy shall be placed in the Planning and Building Inspection Department file for the Subdivision Application. The Health Department, the Monterey County Water Resources Agency, and the appropriate water management agency serving the area of the proposed development, shall also receive a copy of the hydrogeologic report required by this Section. The report shall be reviewed by the Health Officer and the Health Officer. If necessary, the Health Officer shall solicit recommendations from the appropriate water management agency serving the area of the proposed development.
B. After review of the hydrogeologic report, the Health Officer may require that the report be revised to include additional information or assessment, as deemed necessary to clarify, amplify, correct, or otherwise supplement the report, or as recommended by another water management agency. A third party review, at the applicant’s expense may also be required by the Health Officer.

C. The hydrogeologic report shall contain the following elements:

1. Summary. The summary shall include a condensed version of the hydrogeologic report, the conclusions of the author, and any mitigation measures.

2. Introduction. The introduction shall contain the purpose and scope of the proposed project, along with its location and areal extent. A description of the existing site including to-scale site plans showing existing structures and landscaping, roads, land use, wells, and water lines.

3. Site Description. A description of the proposed project including to-scale site plans showing proposed building footprints and landscaping, streets and roads, water supply, sewage disposal, and stormwater runoff facilities.

4. Hydrogeologic Setting. The topography, geology, recharge area, and soils of the proposed project site shall be discussed along with any groundwater exploration programs undertaken in the area.

5. Hydrometeorologic Setting. The historic rainfall and evapotranspiration shall be quantified. Include an isohyetal map and a discussion of any long-term fluctuations.

6. Surface Water Resources. This Section shall include discussion of and a map showing all watershed and drainage features. Any wetlands shall be identified and the impacts of the proposed project on them shall be discussed. Any streamflow shall be quantified along with a discussion of the water quality. A discussion of the stormwater drainage caused by the proposed project’s impervious surfaces and how it will be controlled shall be included. An analysis of the potential for the beneficial use of captured stormwater shall be included.

7. Groundwater Resources--Four items shall be quantified and discussed in this Section as follows:

   a. Hydrogeologic environment shall include aquifer identification and characterization, groundwater basin delineation, well yields, and a characterization of soils.

   b. Groundwater levels and flow shall include a discussion of groundwater levels, a groundwater contour map, and a discussion of any seasonal and/or long-term fluctuations. This Section shall also include a discussion of the recharge areas and the amount of recharge shall be quantified using monthly time-step methodology. It shall also evaluate the impact of pumping on neighboring wells.

   c. Groundwater in storage shall be quantified by discussing the amount of groundwater in storage and the amount that can be recovered.

   d. Groundwater quality shall be discussed and any impacts on the groundwater by the proposed project shall be discussed and mitigation measures listed.

8. Water Demand. The current water use for the site shall be described, quantified and documented. The projected water demand for the proposed project shall be described and quantified (show source of information and method of calculations).

9. Water Balance. Discuss and calculate the water balance for the proposed project using monthly time-step methodology. The groundwater recharge shall include groundwater inflow plus the average precipitation minus evapotranspiration, runoff or streamflow, and soil moisture demands. The net groundwater recharge minus the existing demand and proposed project water
demands equals change in storage. The report shall identify the long-term safe yield of the aquifer and the long-term source of water for the proposed project.

10. Nitrate Balance. Discuss and calculate the nitrate balance for the proposed project. The source of any nitrate contamination should be included along with the effects of the proposed project on the nitrate balance. Calculated nitrate levels shall be compared to actual levels.

11. Mitigation Measures. This Section should analyze project-caused water quality impacts and water quality impacts, in addition to impacts of the individual project when viewed in connection with the corresponding effects of other past, current, and reasonably likely future projects, and recommend mitigation measures that will lessen the proposed project’s water quality impacts and water quality impacts, and also the project’s effects on riparian resources.

12. Conclusions. The author’s conclusions as to the adequacy of water for the project in terms of quality, quantity, and assured long term water supply, and the effects of the project on the groundwater of the area.

13. References.

14. Appendices.

15. Additional information. Such other information as the Health Officer may specify, identify, or request following the assessment of the Initial Water Use and Nitrate Loading Questionnaire. (Ord. 4082, 2000.)

SECTION 77. Section 19.07.025 of Chapter 19.07 of the Monterey County Code shall be amended as follows:

19.07.025 Preliminary project review map--Review and processing.

A. Within thirty (30) days of the date of submittal of a package for scoring a preliminary project review map, the Director of Planning and Building Inspection Planning shall determine in writing whether submittal package is complete and forward such a determination to the subdivider in writing. If the submittal package is determined to be incomplete, the Director of Planning and Building Inspection Planning shall inform the subdivider in writing of the additional information required, or the procedure by the preliminary project review map submittal package can be completed.

B. A proposed preliminary project review map submittal shall be considered for scoring at duly noticed public hearing held by the Citizen’s Subdivision Evaluation Committee.

C. The Citizen’s Evaluation Committee shall not accept a preliminary project review map submittal unless accompanied by an environmental recommendation. An environmental recommendation includes:

1. A prepared negative declaration accompanied by an environmental initial study, or;
2. A circulated draft environmental impact report;
3. Data supplementing a previously certified environmental impact report, the data supplemental environmental impact report shall be deemed as adequate or inadequate by Staff prior to making its report to the Citizen’s Subdivision Evaluation Committee.

D. After the submittal package for the preliminary project review map has been determined complete and placed on an agenda for a public hearing for scoring, the Director of Planning and Building Inspection Planning shall forward copies of the preliminary project review map and application to members of the Citizen’s Subdivision Evaluation Committee.
E. Action by the Citizen’s Subdivision Evaluation Committee:

The Citizen’s Subdivision Evaluation Committee shall review the proposed preliminary project review map to evaluate the merits of the subdivision proposal and score it according to committee procedures. For the purposes of this ordinance “scoring” shall mean a numerical value based adopted criteria as established by the Carmel Valley Master Plan where development proposals are evaluated in relation to policies of the Carmel Valley Master Plan and environmental issues and points so that the relative importance of a policy or environmental issue is stressed. A project achieve compliance with all policies in order to be considered for approval. In order to gain approval, a project must score at least half the points within each evaluated category as itemized in the scoring sheet in accord with the Carmel Valley Master Plan. A project receiving a low score or less than one-half of the applicable points in any category may revise and reapply to the Citizen’s Subdivision Evaluation Committee only once in any calendar year from the date of scoring by the Citizen’s Subdivision Evaluation Committee.

F. Action by the Subdivision Committee or Minor Subdivision Committee:

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.

G. Action by Planning Commission:

1. After consideration by the Subdivision Committee or the Minor Subdivision Committee, the Director of Planning and Building Inspection Planning shall set the matter for public hearing before the Planning Commission to review and consider the report and recommendation of the Subdivision Committee or Minor Subdivision Committee regarding the proposed development.

2. The Planning Commission shall review the preliminary project review map and report of the Subdivision Committee 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 General Plan, Local Coastal Program, Area Plan, Land Use Plan or Master Plan documents.

3. The Planning Commission shall make a finding, based on substantial evidence, upon the recommendation of the Health Officer, pursuant to Section 19.03.015L, 19.05.040L, or 19.07.020K that the source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations prior to approval of the standard subdivision tentative map, or vesting tentative map, or tentative parcel map.

4. The Appropriate Authority shall make a finding, based on substantial evidence, upon the recommendation of the Health Officer, pursuant to Section 19.03.015 that the source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations prior to approval of the tentative parcel map.

H. Action by the Board of Supervisors. The Board of Supervisors shall review preliminary project review map at a noticed public hearing. The purpose of the review shall be to evaluate the score given the preliminary project review map by the Citizen’s Subdivision Evaluation Committee. Upon review of the score and evaluation of the Planning Commission
report, the Board of Supervisors shall confirm or modify the preliminary project review map score and issue a resolution with findings that establishes the subdivision's evaluation score. Scores shall be valid for two years from the date of the Board of Supervisors resolution.

Once a project preliminary review map has received a score, the application shall be held in abeyance until the Board holds its annual allocation hearing. All preliminary project review maps in the group to be reviewed receiving a score thirty (30) days or longer before the Board of Supervisors annual allocation hearing shall be considered competitively on that date. Preliminary project review maps scored after the thirty (30) day date prior to the allocation hearing shall be held until the next allocation hearing.

The allocation hearing will review all scored subdivisions received for that hearing. Based upon scores, design elements, community need, environmental factors and availability of public facilities required, the Board of Supervisors shall allocate lots, established as available to be considered by preliminary project review maps within the limits set forth in the Carmel Valley Master Plan. Based upon findings made by the Board of Supervisors, any given preliminary project review map may receive zero to twenty-five (25) lots per year. The Board of Supervisors, at its discretion may allocate lots in subsequent years. Those lots allocated in future years would be monitored. Lots allocated, for which a tentative map is subsequently approved, and then expires prior to recordation of a final map shall revert to the allocation quantity in the year of map expiration.

Affirmation of a score shall not be construed an approval of a project.

I. After the Board of Supervisors has completed public hearings relative to allocating lots proposed standard subdivision or minor subdivision, the preliminary project review map may be converted to a tentative map or tentative parcel map. Applications for a tentative map or tentative parcel map shall follow the procedures as set forth in Chapters 19.03 and 19.04. (Ord. 4082, 2000; Ord. 3855, 1996)

SECTION 78. Section 19.09.005 of Chapter 19.09 of the Monterey County Code shall be amended as follows:

19.09.005 Lot line adjustment map requirement.

A. A lot line adjustment map shall be filed for any adjustment between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created. The appropriate decision making body shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment conform to County Zoning and Building ordinances. The appropriate decision making body shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to County zoning and building ordinances or 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. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code.

B. Lots may be consolidated through the lot line adjustment application procedure.

C. A lot line adjustment shall not be considered filed until it is first considered by the appropriate decision making body following public notice. The appropriate decision making
body shall make its decision within fifty (50) calendar days after the lot line adjustment has been accepted as final.

D. All lot line adjustments are subject to the provisions of this Section.

E. The Director of Planning and Building Inspection Planning is the appropriate decision making body to consider lot line adjustments unless the matter is referred to public hearing under Section 19.09.005G. In such case the Minor Subdivision Committee is the appropriate decision making body to hear and consider lot line adjustments.

F. Public notice shall be provided pursuant to Section 19.01.055.

G. An appeal may be taken from the action of the appropriate decision making body pursuant to Chapter 19.16.

H. A lot line adjustment shall be referred to the Minor Subdivision Committee for consideration at a public hearing if there is evidence of public controversy or public opinion to the proposed use or development. Such evidence includes, but is not limited to:

1. A staff recommendation for denial;
2. The applicant or applicant’s representative requests, in writing, a public hearing;
3. Written request, based on a substantive issue, for a public hearing by one or more owners or residents in the area.

If a public hearing is required, it shall be noticed and conducted pursuant to the public hearing provisions of Section 19.01.055. (Ord. 3797, 1994)

SECTION 79. Section 19.09.010 of Chapter 19.09 of the Monterey County Code shall be amended as follows:

19.09.010 Lot line adjustment map submittal--Form and contents.

A. The lot line adjustment map shall be prepared in a manner acceptable to the Director of Planning and Building Inspection Planning and by a registered civil engineer or licensed land surveyor and shall submitted to the Monterey County Planning and Building Inspection Planning Department along with all required fees. The map shall be clearly and legibly drawn and contain not less that the following:

1. Title which shall contain the name and address of legal owner(s) and the person preparing the map.
2. Existing and proposed boundary lines, dimensions, and approximate areas of the original parcels and of the adjusted parcels.
3. Approximate location of all existing structures, distances between structures, and distances between structures and boundary lines of both the original parcel boundaries and the adjusted parcel boundaries.
4. Names, locations and widths of all existing streets, roads and rights-of-way on or bounding the original parcels.
5. Locations and dimensions of all existing and proposed streets, roads, and right-of-way.
6. Existing topography of the proposed site, including but not limited to: the contour of the land at intervals of two feet of elevation up to five percent, or lesser contour intervals as may be approved by the Director of Planning and Building Inspection Planning. Contours shall be indicated on contiguous property for a distance of two hundred (200) feet. Every fifth contour shall be a heavier weight line.
7. Vicinity map (one inch equals two thousand (2,000) feet) showing roads, towns, major
creeks, railroads and other data sufficient to locate the proposed lot line adjustment.
8. Approximate location of existing and proposed domestic wells and location of existing
and proposed septic tanks and leach fields for all lots affected by the adjustment.
9. Approximate location of all watercourses, drainage channels, and drainage structures.
10. Approximate locations of one hundred (100) year floodplain, reservoirs, streams,
rivers, and existing proposed drainage structures.
11. Date of preparation of the map.
12. Assessor’s parcel numbers on all parcels affected by the adjustment.
13. Proposed improvements if any.

SECTION 80. Section 19.09.015 of Chapter 19.09 of the Monterey County Code shall
be amended as follows:

19.09.015 Lot line adjustment map application.

A. The proposed lot line adjustment map shall be accompanied by the following data or
reports:
1. Appropriate number of copies of the completed lot line adjustment application as
prescribed by the Director of Planning and Building Inspection Planning.
2. Appropriate number of copies of the lot line adjustment map and one transparency of
the lot (eight and one-half inches by eleven (11) inches). All maps must be folded to an
approximate size of eight and one-half inches by eleven (11) inches.
3. One copy of the current Assessor’s Parcel Map of the properties to be adjusted.
4. A description of any prior development activity on the site as removal of vegetation,
grading, etc. which may affect the proposed adjustment.
5. Other data or information necessary to complete processing of the map and
environmental documents.
6. A list of the names, addresses, and assessor’s parcel numbers of all property owners
within three hundred (300) feet of the property, including the parcel for which this application is
filed. The list shall be taken the most recent records of the Monterey County Assessor.
7. A photocopy of the Assessor’s parcel page(s) showing the parcel involved and parcels
within three hundred (300) feet of the subject property. Please indicate on the map which parcels
are included on the list of property owners.
8. One set of pre-addressed stamped envelopes, with no return address, to all property
owners shown on the list. Additional sets may be required if an application is continued or tabled
by the Subdivision Committee.

SECTION 81. Section 19.09.020 of Chapter 19.09 of the Monterey County Code shall
be amended as follows:

19.09.020 Lot line adjustment--Review and processing.

A. No lot line adjustment may be accepted for processing unless the map is consistent
with applicable zoning and building ordinances.
B. Within thirty (30) days of the receipt of an application for filing by a subdivider, the Director of Planning and Building Inspection Planning shall determine in writing whether such application is complete and forward the determination to the subdivider. If determined to be incomplete, the applicant will be informed of additional information required or procedure by which said application can be made complete. If the Director of Planning and Building Inspection Planning fails to make such determination within thirty (30) days, the application shall be deemed complete.

C. The Director of Planning and Building Inspection Planning shall forward copies of the proposed lot line adjustment map to the affected departments, committees and public agencies or their consultants which may, in turn, forward to the Director of Planning and Building Inspection Planning their finding recommendations thereon within the time specified.

SECTION 82. Section 19.09.025 of Chapter 19.09 of the Monterey County Code shall be amended 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 Planning shall set the matter before the appropriate decision making body 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) existing adjacent 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 County zoning and building ordinances. (Ord. 3797, 1994)

SECTION 83. Section 19.09.035 of Chapter 19.09 of the Monterey County Code shall be amended as follows:

19.09.035 Extension(s) of the lot line adjustment map approval.

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 Inspection Planning, before approval is due to expire and shall state the reason(s) for requesting the extension. The appropriate decision making body may grant extension(s) not to cumulatively exceed two years. It also may deny an extension in the event the lot line adjustment no longer conforms with County zoning and building ordinances, or where there is new information or substantial changes in circumstances which would have altered the original approval. (Ord. 3797, 1994)

SECTION 84. Section 19.10.095 of Chapter 19.10 of the Monterey County Code shall be amended as follows:
19.10.095 Underground utilities.

All utility distribution facilities (including but not limited to electric, communication and cable television lines) installed in and for the purpose of supplying service to any subdivision or minor subdivision shall be placed underground, except as follows:

A. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts, or such equipment when concealed by shrubbery landscaping or other screening and approved by the Director of Planning and Building Inspection Planning.

B. The appropriate decision making body may waive the requirements of this Subsection for topographical, soil or other physical conditions make underground installations of said facilities unreasonable or impractical. The decision making body may require underground services to be installed in subdivisions where underground utilities are not otherwise required, or where the overhead distribution lines presently exist to serve the lots and underground services are not otherwise required. The appropriate decision making body may require separate approval of the location and extent to any proposed overhead system to achieve minimum visual effect.

SECTION 85. Section 19.11.015 of Chapter 19.11 of the Monterey County Code shall be amended as follows:

19.11.015 Application.

The application shall be in a form prescribed by the Director of Planning and Building Inspection Planning and shall contain the following:

A. Adequate evidence of title to the real property within the subdivision.

B. Sufficient data to enable the decision making body to make all of the determinations and findings required by this Chapter.

C. A final map or parcel map which delineates dedications which will not be vacated and dedications which are a condition to reversion.

D. Such other pertinent information as may be required upon review of the application.

* Based on three acres of parkland per 1,000 population

The following parkland dedication table, based on the above formula, is to be followed:

<table>
<thead>
<tr>
<th>Dwelling Type or Land Use</th>
<th>Average No. Persons / Dwelling</th>
<th>Acres per Dwelling Unit</th>
<th>Acres per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family or Mobilehome</td>
<td>3.0</td>
<td>.015</td>
<td>.009</td>
</tr>
<tr>
<td>Duplex or Multifamily</td>
<td>2.1</td>
<td>.010</td>
<td>.0063</td>
</tr>
</tbody>
</table>

For the purpose of this Section, the number of proposed dwelling units shall be determined as follows: In areas zoned for one dwelling unit per lot or parcel, the number of dwelling units shall equal the number of parcels indicated on the tentative map. When all or part of the subdivision is located in an area zoned for multiple dwelling units per parcel, the number
of dwelling units in the area so zoned shall equal the maximum number of dwelling units allowed under that zone. For residential condominium projects, the number of dwelling units shall equal the number of condominium units indicated on the tentative map. For planned development projects, the number of dwelling units shall equal the number of dwelling units indicated on the approved final development plan. The term “new dwelling unit” does not include dwelling units lawfully in place prior to the date on which the tent map is approved.

Lands to be dedicated or reserved for park and/or recreational purposes shall be suitable in the opinion of the Director of Planning and Building Inspection Planning, the Director of Public Works, and the Director of Parks and Recreation in location, topography, environmental characteristics and development potential as related to the intended use. The primary intent of this Section shall be construed to provide the land for functional action recreational recreation units of on a local level of service which reasonably serves the subdivision and which or neighborhood service, including but not limited to: tot lots, play field lots, playgrounds, neighborhood parks, playfields, community or district parks, and other specialized recreational facilities that may serve the family group and also senior citizens citizen and child care activities. Principal consideration shall be given therefore to lands that offer:

1. A variety of recreational potential for all age groups;
2. Recreational opportunities within walking distance from residents homes;
3. Possibility for expansion or connection with school grounds;
4. Integration with hiking, riding and bicycle trails, natural stream reserves and other open space;
5. Coordination with all other park systems; and
6. Access to at least one existing or proposed public street.
E. Formula for Fees in Lieu of Land Dedication.
1. General Formula. If there is no park or recreational facility designated in the General Plan to be served the immediate and future needs of the residents of the subdivision, the subdivider shall, either dedicate land in the amount provided in Section 19.12.010D or pay a fee in lieu of dedication equal to the value of the land prescribed for dedication in Section 19.12.010D and in an amount determined in accordance with the provisions of Section 19.12.010G.

2. Fees in Lieu of Land--Fifty (50) Parcels or Less. Except as provided in Section 19.12.010F, if the subdivision does not provide and has no park or recreational facilities facility, the subdivider pay a fee equal to the land value of the portion of the park or recreational facilities required to serve the needs of the residents of the proposed subdivision as prescribed in Section 19.12.010D and in an amount determined in accordance with the provisions of Section 19.12.010G.

3. Use of Money. The money collected shall be used, in accordance with the schedule developed pursuant to Section 19.12.010K, for the purpose of acquisition, development, maintenance and operation for County regional park units, developing new or rehabilitation existing neighborhood or community park or recreational facilities reasonably related to serving the subdivision, a accordance with established in lieu recreation fee districts developed by the Department of Planning and Building Inspection Planning and the County Parks Department, including the purchase of necessary land and/or improvement of such land for park or recreational purposes. The money shall be committed within five years after payment thereof or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If the money is not committed, it shall be distributed and paid to the then record
owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots in the subdivision.

SECTION 86. Section 19.12.120 of Chapter 19.12 of the Monterey County Code shall be amended as follows:

19.12.120 School district schedule.

Following concurrence by the Board pursuant to Section 19.12.070, the Director of Planning and Building Inspection Planning shall notify each school district affected thereby. The governing body of the school district shall then submit a schedule specifying how it will use the fees, land, or facilities to solve the conditions of overcrowding. The schedule shall include the school sites to be used, the classroom facilities to be made available, and the time when such facilities will be available. In the event the governing body of the school district cannot meet the schedule, it shall submit modifications to the Board of Supervisors and the reasons for the modifications.

SECTION 87. Section 19.16.010 of Chapter 19.16 of the Monterey County Code shall be amended as follows:

19.16.010 Applicability.

The provisions of this Chapter apply to discretionary decisions made pursuant to the provisions of this Title by the Director of Planning and Building Inspection Planning, the Minor Subdivision Committee, and the Planning Commission. (Ord. 3797, 1994)

SECTION 88. Section 19.16.020 of Chapter 19.16 of the Monterey County Code shall be amended as follows:

19.16.020 Designation of appeal authorities.

A. The Board of Supervisors is the Appeal Authority to consider appeals from the discretionary decisions of the Director of Planning and Building Inspection Planning made pursuant to this Title.

B. The Board of Supervisors is the Appeal Authority to consider appeals from the discretionary decisions of the Minor Subdivision Committee made pursuant to this Title.

C. The Board of Supervisors is the Appeal Authority to consider appeals from the decisions of the Planning Commission. (Ord. 3797, 1994)

SECTION 89. Section 19.17.040 of Chapter 19.17 of the Monterey County Code shall be amended as follows:

19.17.040 Application.
A. Appeals pursuant to this Chapter may only be taken from the written decision or opinion of the Director of Planning and Building Inspection Planning, or the Health Officer as applicable.

B. Requests for a written decision or opinion from the Director of Planning and Building Inspection Planning shall be made in writing. Requests must be specific and in sufficient detail to provide a clear basis for issuing the requested decision or opinion.

C. Upon receipt of an appropriate request, the Director of Planning and Building Inspection Planning shall respond in writing within ten (10) days setting forth the decision of the Director of Planning and Building Inspection Planning. Said response shall also include the statement “Should you wish to appeal this decision, the appeal must be filed with the Secretary to the Planning Commission no later than 5:00 p.m. on __________, or no subsequent appeal on this issue may be heard.” The Director of Planning and Building Inspection Planning shall provide a minimum of ten (10) days from the date of mailing the letter for filing an appeal.

D. The appeal shall set forth in detail:
   1. The identity of the appellant and interest in the decision;
   2. The identity of the decision appealed;
   3. A clear, complete, but brief statement of the reasons why, in the appellant’s opinion, the administrative decision or interpretation is unjustified or inappropriate because:
      a. The findings, interpretation and decision are not supported by the evidence, or
      b. The decision or interpretation is contrary to law.
   4. The specific reasons the appellant disagrees with the decision or interpretation.

E. The appeal shall not be accepted by the Secretary to the Planning Commission unless it is complete and complies with all requirements. (Ord. 4082, 2000; Ord. 3797, 1994)

SECTION 90. Section 21.02.040 of Chapter 21.02 of the Monterey County Code shall be amended as follows:

21.02.040 Nature of Zoning Ordinance.

The Zoning Ordinance consists of the establishment of various districts, regulations and permit processes for the unincorporated territory of the County of Monterey. The 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 General Plan and applicable area plans 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 or Director of Planning and Building Inspection Planning, 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 therefor.

SECTION 91. Section 21.02.040 of Chapter 21.04 of the Monterey County Code shall be amended as follows:
21.02.040 Nature of Zoning Ordinance.

The Zoning Ordinance consists of the establishment of various districts, regulations and permit processes for the unincorporated territory of the County of Monterey. The 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 General Plan and applicable area plans 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 or Director of Planning and Building Inspection Planning, 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 therefor.

SECTION 92. Section 21.04.030 of Chapter 21.04 of the Monterey County Code shall be amended as follows:


A. The Zoning Administrator shall have the authority to hear and decide applications for variances and to grant, deny, revoke and modify variances pursuant to Chapter 21.72.

B. The Zoning Administrator shall have the authority to hear and decide applications for Use Permits for those uses identified in the zoning district regulations by the designation "(ZA)" a grant, deny, revoke and modify Use Permits for such uses pursuant to Chapter 21.74.

C. The Zoning Administrator shall have the authority to hear and decide applications for Administrative Permits and to grant, deny, revoke and modify Administrative Permits pursuant to Chapter 21.70.

D. The Zoning Administrator shall have the authority to hear and decide applications for Combined Development Permits and to grant, deny, revoke and modify Combined Development Permits pursuant to Chapter 21.76.

E. The Zoning Administrator shall have the authority to hear and decide applications for Design Approvals pursuant to Chapter 21.44.

F. In addition to those items designated in the zoning districts (ZA) to be heard by the Zoning Administrator, the Director of Planning and Building Inspection Planning may also designate the Zoning Administrator as the Appropriate Authority to consider other Use Permits provided said permits not involve the following factors:
1. Significant public policy issues;

2. Unmitigable significant adverse environmental impacts;

3. Significant changes in the nature of a community;

4. Establishment of precedents or standards by which other projects will be measured.

If at any point in the consideration of the permit application the Director of Planning and Building Inspection Planning or the Zoning Administrator finds that an application before the Zoning Administrator involves any of the listed factors, the Zoning Administrator shall refer the application to the Planning Commission. In such case, the Planning Commission shall become the Appropriate Authority. (Ord. 3784, 1994)

SECTION 93. Section 21.06.350 of Chapter 21.06 of the Monterey County Code shall be amended as follows:

21.06.350 Director of Planning and Building Inspection Planning.

"Director of Planning and Building Inspection Planning" means the Director of Planning and Building Inspection the Planning Department of the County of Monterey.

SECTION 94. Section 21.10.030 of Chapter 21.10 of the Monterey County Code shall be amended as follows:

21.10.030 Uses allowed.

A. The first single family dwelling per lot;

B. Single family dwellings, not exceeding a density of five dwelling units/acre, gross;

C. Duplexes, not exceeding five dwelling units/acre, gross;

D. Multiple dwellings not exceeding five dwelling units/acre gross;

E. The keeping of pets, but not more than two dogs per dwelling unit;

F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;

G. Small family day care home;

H. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
I. Accessory structures and accessory uses to any permitted use;

J. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code, and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection Planning;

K. Cultivation, cutting and removal of Christmas trees;

L. Home occupations, pursuant to Section 21.64.090;

M. Other uses of a similar character, density and intensity to those listed in this Section.

SECTION 95. Section 21.10.060 of Chapter 21.10 of the Monterey County Code shall be amended as follows:

21.10.060 Site development standards.

A. Minimum Building Site. The minimum building site which may be created shall be five thousand (5,000) square feet unless otherwise approved as part of clustered residential subdivision.

B. Development Density, Maximum.
The maximum development density allowed shall not exceed the units/acre shown for the specific “HDR” District as illustrated on the zoning map (e.g. “HDR/10” means an “HDR” District with a maximum gross density of ten (10) units per acre).

C. Structure Height and Setback Regulations
The following structure height and setback regulations apply unless superseded by a structure height limit noted on the zoning map (e.g. “HDR/10(24)” would limit structure height to twenty-four (24) feet), setback requirements when combined with a “B” District or setbacks shown on a recorded final or parcel map, or setback lines on a Sectional District Map.

In an approved planned unit development where the dwelling unit and accessory structures are to be located on a lot in the development, no setbacks from the lot lines are required except as necessary to meet Building Code and Fire Code requirements, unless otherwise noted on the recorded final map, parcel map or Sectional District Map.

1. Main Structures.

a. Minimum Setbacks.
Front: twenty (20) feet;
Side: five feet;
Rear: ten (10) feet;
2. Accessory Structure (Habitable).

a. Minimum Setbacks.
   Front: fifty (50) feet;
   Side: six feet;
   Rear: six feet.

b. Height. Maximum height: fifteen (15) feet.

3. Accessory Structures (Non-habitable).

a. Minimum Setbacks.
   Front: fifty (50) feet, or behind the main structure, whichever is less;
   Side: six feet on front one-half of property; one foot on rear one-half of property;
   Rear: one foot.

D. Minimum Distance Between Structures.
   Main Structures: ten (10) feet;
   Accessory/Main Structure: six feet;
   Accessory/Accessory: six feet.

E. Building Site Coverage, Maximum: sixty (60) percent.

F. Parking Regulations. Parking for all development shall be established pursuant to Chapter 21.58.

G. Landscaping Requirements. For developments of more than two residential units on a lot, a minimum of ten (10) percent of the developed lot area shall be landscaped prior to occupancy, pursuant to a landscaping plan approved by the Director of Planning and Building Inspection Planning.

H. Lighting Plan Requirements. For developments of more than two dwelling units on a lot, all exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection Planning prior to the issuance of building permits or the establishment of the use.

I. Sign Regulations. Signing for all development shall be established pursuant to Chapter 21.60. (Ord. 3784, 1994)

SECTION 96. Section 21.10.070 of Chapter 21.10 of the Monterey County Code shall be amended as follows:
21.10.070 Special regulations.

A. Developments in excess of five dwelling units on a lot shall provide a trash enclosure area for the residents of the development. The location of and the design of the trash enclosure area shall be approved by the Director of Environmental Health, the Director of Planning and Building Inspection Planning. A plan showing the trash enclosure area shall contain the following:

1. A site plan of the overall development;
2. The location of the trash enclosure area;
3. Elevations of the design of the trash enclosure area;
4. Adequate fencing to ensure safety of the residents and the public.

B. Developments in excess of five dwelling units on a lot shall provide a recreational area for the residents of the development. The location of and the design of the recreational area shall be approved by the Director of Planning and Building Inspection Planning. A plan showing the recreational area shall contain the following:

1. A site plan of the overall development;
2. The location of the recreational area;
3. A list and location of all recreational area facilities to be provided;
4. The recreational area shall consist of at least three percent of the lot.

C. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

D. Multiple dwellings and dwelling groups for affordable housing projects shall be an allowed use in this District provided all of the following standards and requirements are met:

1. That the project site is located in a Development Incentive Zone as established in the Monterey County Housing Element.
2. That the project be a one hundred (100) percent affordable housing project;
3. That the proportion of very low and low income units in the project be in accord with the housing needs analysis of the Monterey County Housing Element;
4. That the continuing availability of the units be assured by deed restrictions, agreements or other such instruments as may be approved by the Director of Planning and Building.
Inspection Planning and the County Counsel;

5. That the project does not include any form of subdivision;

6. That the project’s gross density does not exceed the gross density as shown on the Sectional District Map;

7. That the project complies with all of the Site Development Standards in Section 21.10.060 of this Chapter;

8. The project complies with the Special Regulations in Section 21.10.070A and B of this Chapter;

9. That the project is reviewed by the Water Resources Agency, Health Department, Public Works Department, County Fire Warden and any other agencies deemed necessary by the Director of Planning and Building Inspectors Planning and that the requirements of those agencies are satisfied;

10. That the design, color and location of all structures, signs and fences are subject to Chapter 21.44 (Regulations for Design Control Districts) of this Title.

E. Any residential development of twenty-five (25) or more units is subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title. (Ord. 3784, 1994)

SECTION 97. Section 21.12.030 of Chapter 21.12 of the Monterey County Code shall be amended as follows:


A. The first single family dwelling per lot;

B. The keeping of pets, but not more than four dogs per dwelling unit;

C. Guesthouses meeting the development standards of Section 21.64.020;

D. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;

E. Small family day care home;

F. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;

G. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code, and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and

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associated structures shall be approved by the Director of Planning and Building Inspection Planning:

H. Accessory structures and accessory uses to any permitted use;

I. Cultivation, cutting and removal of Christmas trees;

J. Home occupations, pursuant to Section 21.64.090;

K. Rooming and boarding of not more than two persons;

L. Other uses of a similar character, density and intensity to those listed in this Section;

M. Intermittent livestock farming or animal husbandry uses such as “4-H” projects on a minimum of twenty thousand (20,000) square feet.

SECTION 98. Section 21.12.060 of Chapter 21.12 of the Monterey County Code shall be amended as follows:

21.12.060 Site development standards.

A. Minimum Building Site. The minimum building site which may be created shall be six thousand (6,000) square feet unless otherwise approved as part of a condominium, planned unit development or similar clustered residential subdivision.

B. Development Density, Maximum. The maximum development density shall not exceed the units/acre as shown for the specific “MDR” District as shown on the zoning map. (e.g. “MDR/4” means an “MDR” District with a maximum gross density of four units per acre.)

C. Structure Height and Setback Regulations. The following structure height and setback regulations apply unless superseded by a structure height limit noted on the zoning map (e.g. “MDR/5 (24)” would limit structure height to twenty-four (24) feet), setback requirements when combined with a “B” District or setbacks shown on a recorded final or parcel map, or setback lines on a Sectional District Map.

In an approved planned unit development where the dwelling unit and accessory structures are to be located on a lot in the development, no setbacks from the lot lines are required except as necessary to meet Building Code and Fire Code requirements, unless otherwise noted on the recorded final, parcel map or Sectional District Map.

1. Main Structures.

a. Minimum Setbacks.
Front: twenty (20) feet;
Side: five feet;
Rear: ten (10) feet.

b. Height. Maximum height: thirty (30) feet;

2. Accessory Structures (Habitable).

a. Minimum Setbacks.
Front: fifty (50) feet;
Side: six feet;
Rear: six feet.

b. Height. Maximum height: fifteen (15) feet.

3. Accessory Structures (Non-habitable).

a. Minimum Setbacks.
Front: fifty (50) feet, or behind the main structure, whichever is less.
Side: six feet on front one-half of property; one foot on rear one-half of property;
Rear: one foot.

D. Minimum Distance Between Structures.
Main structures: ten (10) feet;
Accessory/Main structure: six feet;
Accessory/Accessory: six feet.

E. Building Site Coverage. Maximum: thirty-five (35) percent.

F. Parking Regulations. Parking for all development shall be established pursuant to Chapter 21.58.

G. Landscaping Requirements. For development of more than two residential units on a lot, a minimum of ten (10) percent of the developed lot area shall be landscaped prior to occupancy, pursuant to a landscaping plan approved by the Director of Planning.

H. Lighting Plan Requirements. For developments of more than two residential units on a lot, all exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning prior to the issuance of building permits or the establishment of the use.

I. Sign Regulations. Signing for all development shall be established pursuant to Chapter 21.60. (Ord. 3784, 1994)
SECTION 99. Section 21.12.070 of Chapter 21.12 of the Monterey County Code shall be amended as follows:

21.12.070 Special regulations.

A. Developments in excess of five dwelling units on a lot shall provide a trash enclosure area for the residents of the development. The location of and the design of the trash enclosure area shall be approved by the Director of Environmental Health, the Director of Planning and Building Inspection Planning. A plan showing the trash enclosure area shall contain the following:

1. A site plan of the overall development;
2. The location of the trash enclosure area;
3. Elevations of the design of the trash enclosure area;
4. Adequate fencing to ensure safety of the residents and the public;
5. Adequate area for the separation and holding of recyclable materials.

B. Developments in excess of five dwelling units on a lot shall provide a recreational area for the residents of the development. The location of and the design of the recreational area shall be approved by the Director of Planning and Building Inspection Planning. A plan showing the recreational area shall contain the following:

1. A site plan of the overall development;
2. The location of the recreational area;
3. A list and location of all recreational area facilities to be provided;
4. The recreational area shall consist of at least three percent of the lot.

C. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements for conventional dwelling unit in this Chapter.

D. The MDR District in the Del Monte Forest area is subject to the following development standards.

<table>
<thead>
<tr>
<th>Density</th>
<th>Coverage/FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 units or less per acre</td>
<td>25 %</td>
</tr>
<tr>
<td>More than 2 units per acre</td>
<td>35 %</td>
</tr>
</tbody>
</table>
For the purpose of this Section, floor area ratio means the total combined gross floor areas of all floors in all buildings on the building site as measured from the exterior face of the enclosing walls expressed as a percentage of the total lot area. Enclosed floor area constructed and maintained completely below ground shall not be counted as floor area.

2. Height of main structures: twenty-seven (27) feet.

   a. First Story: ten (10) feet;
   b. Second Story: twenty (20) feet.

E. Any residential development of twenty-five (25) or more units are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title. (Ord. 3784, 1994)

SECTION 100. Section 21.14.030 of Chapter 21.14 of the Monterey County Code shall be amended as follows:


A. The first single family dwelling per lot;

B. Guesthouses meeting the development standards of Section 21.64.020;

C. The keeping of pets;

D. Animal husbandry and small livestock farming; provided that not more than one horse, mule, cow, or similar livestock shall be kept for each twenty thousand (20,000) square feet of land area;

E. Rooming and boarding of not more than two persons;

F. Accessory structures and accessory uses to any permitted use;

G. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;

H. Small family day care home;

I. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;

J. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and
associated structures shall be approved by the Director of Planning and Building Inspection Planning:

K. Cultivation, cutting and removal of Christmas trees;

L. Home occupations, pursuant to Section 21.64.090;

M. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving and where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;

N. Crop farming, tree farming, viticulture and horticulture;

O. Other uses of a similar character, density and intensity to those listed in this Section;

P. Intermittent livestock farming or animal husbandry uses such as “4-H” projects.

SECTION 101. Section 21.16.030 of Chapter 21.16 of the Monterey County Code shall be amended as follows:

21.16.030 Uses allowed.

A. The first single family dwelling per lot;

B. Guesthouses meeting the development standards of Section 21.64.020;

C. The keeping of pets;

D. Rooming and boarding of not more than two persons;

E. Accessory structures and accessory uses to any permitted use;

F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;

G. Cultivation, cutting and removal of Christmas trees;

H. Small family day care home;

I. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;

J. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection.
Planning;

K. Animal husbandry and small livestock farming; provided that not more than one horse, mule, cow, or similar livestock shall be kept for each twenty thousand (20,000) square feet of land area;

L. All agricultural uses on a minimum of ten (10) acres including crop and tree farming, livestock farming, animal husbandry, apiaries, aviaries, except for those uses requiring an Administrative or Use Permit;

M. Home occupations, pursuant to Section 21.64.090;

N. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving and where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;

O. Single family dwellings not exceeding three in total on a minimum of ten (10) acres for an owner, operator or employees employed on the site;

P. Crop farming, tree farming, viticulture and horticulture;

Q. Other uses of a similar character, density and intensity to those listed in this Section;

R. Intermittent livestock farming or animal husbandry such as “4-H” projects.

SECTION 102. Section 21.18.030 of Chapter 21.18 of the Monterey County Code shall be amended as follows:

21.18.030 General Development Plan.

A. A General Development Plan shall be required prior to the establishment of any development in the Light Commercial district if there is no prior approved General Development Plan and if:

1. The lot is in excess of one acre; or

2. The development proposed includes more than one use; or

3. The development includes any form of subdivision (Title 19, Subdivision Ordinance).

B. No new development, change or expansion of use, or physical improvements may be approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan and amendments thereto where such plan is required.
C. General Development Plans and amendments thereto shall be approved by the Board of Supervisors upon recommendation of the Planning Commission.

D. The General Development Plan shall be prepared by the developer and submitted for review and approval prior to or concurrent with approval of any required permits for the development. The plans shall address the long range development and operation of the facilities including physical expansion and new development, operational changes, circulation or transport improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.

E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Director of Planning and Building Inspection Planning when, due to the circumstances of the particular situation, there is no potential significant adverse impact from the development and requiring the General Development Plan will not further the purposes of this Chapter.

SECTION 103. Section 21.18.040 of Chapter 21.18 of the Monterey County Code shall be amended as follows:

21.18.040 Uses allowed.

A. Change of commercial uses within a structure provided the new use will not change the nature or intensity of the use of the structure;

B. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code, and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection Planning:

C. Cultivation, cutting or removal of Christmas trees;

D. Other uses of a similar character, density and intensity to those listed in this Section.

SECTION 104. Section 21.18.070 of Chapter 21.18 of the Monterey County Code shall be amended as follows:

21.18.070 Site development standards.

A. Structure Height and Setback Regulations.

1. The maximum structure height is thirty-five (35) feet unless superseded by a structure height limit noted on the zoning map (e.g. "LC/(24")" would limit structure height to twenty-four (24) feet).
2. Setbacks for developments in the “LC” District are established by the approval of the General Development Plan where such plan is required.

3. Setbacks for development where a General Development Plan is not required shall be established by the Appropriate Authority through the project review process based on:

   a. Surrounding land use;

   b. Provision of adequate parking and landscaping; and

   c. Other site design features.

4. All minimum setback requirements established by a combining “B” District, setbacks shown on a recorded final map or parcel map, or setback lines shown on a Sectional District map, shall apply.

   B. Building Site Coverage, Maximum: fifty (50) percent, excluding parking and landscaping.

   C. Parking Regulations. All parking shall be established pursuant to Chapter 21.58.

   D. Landscaping Requirements. All developments allowed shall have landscaping covering a minimum of ten (10) percent of the developed site area subject to a plan approved by the Director of Planning and Building Inspection Planning. Landscaping shall be in place prior to the commencement of use.

   E. Lighting Plan Requirements. All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection Planning prior to the issuance of building permits or the establishment of the use.

   F. Sign Regulations. Signing for all development shall be established pursuant to Chapter 21.60.

SECTION 105. Section 21.20.030 of Chapter 21.20 of the Monterey County Code shall be amended as follows:

**21.20.030 General Development Plan.**

A. A General Development Plan shall be required prior to the establishment of any development in the Heavy Commercial district if there is no prior approved General Development Plan and if;

1. The lot is in excess of one acre; or
2. The development proposed includes more than one use; or

3. The development includes any form of subdivision (Title 19, Subdivision Ordinance).

B. No new development, change or expansion of use, or physical improvements may be approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan and amendments thereto where such plan is required.

C. General Development Plans and amendments thereto shall be approved by the Planning Commission.

D. The General Development Plan shall be prepared by the developer and submitted for review and approval prior to or concurrent with approval of any required permits for the development. The plans shall address the long range development and operation of the facilities including physical expansion and new development, operational changes, circulation or transport improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.

E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Director of Planning and Building Inspection Planning when, due to the circumstances of the particular situation, there is no potential significant adverse impact from the development and requiring the General Development Plan will not further the purposes of this Chapter.

SECTION 106. Section 21.20.040 of Chapter 21.20 of the Monterey County Code shall be amended as follows:

21.20.040 Uses allowed.

A. Change of commercial uses within a structure provided the new use will not change the nature or intensity of the use of the structure;

B. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection Planning;

C. Cultivation, cutting or removal of Christmas trees;

D. Other uses of a similar character, density and intensity to those listed in this Section.

SECTION 107. Section 21.20.070 of Chapter 21.20 of the Monterey County Code shall be amended as follows:
21.20.070 Site development standards.

A. Structure Height and Setback Regulations.

1. The maximum structure height is thirty-five (35) feet unless superseded by a structure height limit noted on the zoning map. (e.g. "HC/(24')") would limit structure height to twenty-four (24') feet).

2. Setbacks for developments in the "HC" District are established by the approval of the General Development Plan where such plan is required.

3. Setbacks for development where a General Development Plan is not required shall be established by the Appropriate Authority through the project review process based on:
   
a. Surrounding land use;
   
b. Provision of adequate parking and landscaping;
   
c. Other site design features.

4. All minimum setback requirements established by a combining "B" District, setbacks shown on a recorded final map or parcel map, or setback lines shown on a Sectional District map, shall apply.

B. Building Site Coverage, Maximum: fifty (50) percent, excluding parking and landscaping.

C. Parking Regulations: All parking shall be established pursuant to Chapter 21.58.

D. Landscaping Requirements. All developments allowed shall have landscaping covering a minimum of ten (10) percent of the site area subject to a plan approved by the Director of Planning and Building Inspection Planning. The landscaping shall be in place prior to the commencement of use.

E. Lighting Plan Requirements. All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection Planning prior to the issuance of building permits or the establishment of the use.

F. Sign Regulations. Signing for all development shall be established pursuant to Chapter 21.60.

SECTION 108. Section 21.22.030 of Chapter 21.22 of the Monterey County Code shall be amended as follows:
21.22.030 General Development Plan.

A. A General Development Plan shall be required prior to the establishment of any development in the Visitor Serving/Professional Office district if there is no prior approved General Development Plan and if:

1. The lot is in excess of one acre; or

2. The development proposed includes more than one use; or

3. The development includes any form of subdivision. (Title 19, Subdivision Ordinance)

B. No new development, change or expansion of use, or physical improvements may approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan and amendments thereto where such plan is required.

C. General Development Plans and amendments thereto shall be approved by the Planning Commission.

D. The plans shall be prepared by the developer and submitted for review and approval prior to or concurrent with approval of any required permits for the development. The plan shall address the long range development and operation of the facilities including physical expansion and new develop operational changes, circulation or transportation improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.

E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Director of Planning and Building Inspection Planning when, due to the of the particular situation, there is no potential significant adverse impact from the development and requiring the General Development Plan will not further the purposes of this Chapter.

SECTION 109. Section 21.22.040 of Chapter 21.22 of the Monterey County Code shall be amended as follows:

21.22.040 Uses allowed.

A. Change of visitor serving/professional office uses within a structure provided the new use will not change the nature or intensity of the commercial use of the structure;

B. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection Planning:
C. Other uses of a similar character, density and intensity to those listed in this Section

SECTION 110. Section 21.22.070 of Chapter 21.22 of the Monterey County Code shall be amended as follows:

21.22.070 Site development standards.

A. Structure Height and Setback Regulations.

1. The maximum structure height is thirty-five (35) feet unless superseded by a structure height limit noted on the zoning map. (e.g. “VO (24’))” would limit structure height to twenty-four (24) feet).

2. Setbacks for development in the VO district are established by the approval of the General Development Plan where such plan is required.

3. Setbacks for development where a General Development Plan is not required shall be established by the Appropriate Authority through the project review process based on:

   a. Surrounding land use;

   b. Provision of adequate parking and landscaping;

   c. Other site design features.

4. All minimum setback requirements established by a combining “B” District, setbacks shown on a recorded final map or parcel map, or setback lines shown on a Sectional District map, shall apply.

   B. Building Site Coverage, Maximum: fifty (50) percent, excluding parking and landscaping.

   C. Parking Regulations: All parking shall be established pursuant to Chapter 21.58.

   D. Landscaping Requirements. All developments allowed shall have landscaping covering a minimum of ten (10) percent of the site area subject to a plan approved by the Director of Planning and Building Inspection Planning. The landscaping shall be in place prior to the commencement of use.

   E. Lighting Plan Requirements. All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection Planning prior to the issuance of building permits or the establishment of the use.
F. Sign Regulations. Signing for all development shall be established pursuant to Chapter 21.60.

SECTION 111. Section 21.24.030 of Chapter 21.24 of the Monterey County Code shall be amended as follows:


A. A General Development Plan shall be required prior to the establishment of any development in the Agricultural Industrial district if there is no prior approved General Development Plan, and if:

1. The lot is in excess of one acre; or

2. The development proposed includes more than one use; or

3. The development includes any form of subdivision (Title 19, Subdivision Ordinance).

B. No new development, change or expansion of use, or physical improvements may be approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan and amendments thereto where such plan is required.

C. General Development Plans and amendments thereto shall be approved by the Planning Commission.

D. The plans shall be prepared by the developer and submitted for review and approval prior to or concurrent with approval of any required permits for these developments. The plan shall address the long range development and operation of the facilities including physical expansion and new development, operational changes, circulation or transportation improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.

E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Director of Planning and Building Inspection Planning when, due to the circumstances of the particular situation, there is no potential significant adverse impact from the development and requiring the General Development Plan will not further the purposes of this Chapter.

SECTION 112. Section 21.24.040 of Chapter 21.24 of the Monterey County Code shall be amended as follows:

21.24.040 Uses allowed.
A. Change of agricultural industrial uses within a structure provided the new use will not change the nature or intensity of the use of the structure;

B. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection Planning;

C. Cultivation, cutting and removal of Christmas trees;

D. Other uses of a similar character, density and intensity to those listed in this Section.

SECTION 113. Section 21.24.070 of Chapter 21.24 of the Monterey County Code shall be amended as follows:

21.24.070 Site development standards.

A. Structure Height and Setback Regulations.

  1. The maximum structure height is thirty-five (35) feet unless superseded by a structure height limit noted on the zoning map. (e.g. “AI/(50’)” would limit structure height to fifty (50) feet). Additional height may be allowed subject to a Use Permit (ZA).

  2. Setbacks for development in the AI district are established by the approval of the General Development Plan where such plan is required.

  3. Setbacks for development where a General Development Plan is not required shall be established by the Appropriate Authority through the project review process based on:

     a. Surrounding land use;
     
     b. Provision of adequate parking and landscaping;
     
     c. Other site design features.

  4. All minimum setback requirements established by a combining “B” District, setbacks shown on a recorded final map or parcel map, or setback lines shown on a Sectional District map, shall apply.

C. Building Site Coverage. Maximum fifty (50) percent, excluding parking and landscaping.

D. Parking Regulations. All parking shall be established pursuant to Chapter 21.58.
E. Landscaping Requirements. All developments allowed shall have landscaping covering a minimum of ten (10) percent of the site area subject to a plan approved by the Director of Planning and Building Inspection Planning. The landscaping shall be in place prior to the commencement of use.

F. Lighting Plan Requirements. All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection Planning prior to the issuance of building permits or the establishment of the use.

G. Sign Regulations. Signing for all development shall be established pursuant to Chapter 21.60.

SECTION 114. Section 21.26.030 of Chapter 21.26 of the Monterey County Code shall be amended as follows:


A. A General Development Plan shall be required prior to the establishment of any development in the Light Industrial district if there is no prior approved General Development Plan and if:

1. The lot is in excess of one acre; or

2. The development proposed includes more than one use; or

3. The development includes any form of subdivision (Title 19, Subdivision Ordinance).

B. No new development, change or expansion of use, or physical improvements may approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan and amendments thereto where such plan is required.

C. General Development Plans and amendments thereto shall be approved by the Planning Commission.

D. The plans shall be prepared by the developer and submitted for review and approval prior to or concurrent with approval of any required permits for these developments. The plans shall address the long range development and operation of facilities including physical expansion and new development, operational changes, circulation or transportation improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.

E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Director of Planning and Building Inspection Planning when, due to the circumstances of the particular situation, there is no potential significant
adverse impact from the development and requiring the General Development Plan will not further the purposes of this Chapter.

SECTION 115. Section 21.26.040 of Chapter 21.26 of the Monterey County Code shall be amended as follows:


A. Change of light industrial uses within a structure provided the new use will not change the nature or intensity of the use of the structure;

B. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections are created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection Planning;

C. Cultivation, cutting and removal of Christmas trees;

D. Other uses of a similar character, density and intensity to those listed in this Section.

SECTION 116. Section 21.26.070 of Chapter 21.26 of the Monterey County Code shall be amended as follows:


A. Structure Height and Setback Regulations.

1. The maximum structure height is thirty-five (35) feet unless superseded by a structure height limit noted on the zoning map. (e.g. “LI/(50)” would limit structure height to fifty (50) feet). Additional height may be allowed subject to a Use Permit (ZA).

2. Setbacks for development in the “LI” District are established by the approval of the General Development Plan where such plan is required.

3. Setbacks for development where a General Development Plan is not required shall be established by the Appropriate Authority through the project review process based on:

   a. Surrounding land use;

   b. Provision of adequate parking and landscaping;

   c. Other site design features.

4. All minimum setback requirements established by a combining “B” District, setbacks shown on a recorded final map or parcel map or setback lines shown on a Sectional District map
shall apply.

B. Building Site Coverage, Maximum: fifty (50) percent, excluding parking and landscaping.

C. Parking Regulations. All parking shall be established pursuant to Chapter 21.58.

D. Landscaping Requirements. All developments allowed shall have landscaping covering a minimum of ten (10) percent of the site area subject to a plan approved by the Director of Planning and Building Inspection Planning. The landscaping shall be in place prior to the commencement of use.

E. Lighting Plan Requirements. All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection Planning prior to the issuance of building permits or the establishment of the use.

F. Sign Regulations. Signing for all development shall be established pursuant to Chapter 21.60.

SECTION 117. Section 21.28.030 of Chapter 21.28 of the Monterey County Code shall be amended as follows:

21.28.030 General Development Plans.

A. A General Development Plan shall be required prior to the establishment of any development in the Heavy Industrial district if there is no prior approved General Development Plan and if:

1. The lot is in excess of one acre; or

2. The development proposed includes more than one use; or

3. The development includes any form of subdivision (Title 19, Subdivision Ordinance).

B. No new development, change or expansion of use, or physical improvements may approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan and amendments thereto where such plan is required.

C. General Development Plans and amendments thereto shall be approved by the Planning Commission.

D. The plans shall be prepared by the developer and submitted for review and approval prior to or concurrent with approval of any required permits for the development. The plans shall address the long range development and operation of the facilities including physical expansion
and new develop operational changes, circulation or transportation improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.

E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Director of Planning and Building Inspection Planning when, due to the circumstances of the particular situation, there is no potential significant adverse impact from the development and requiring the General Development Plan will not further the purposes of this Chapter.

SECTION 118. Section 21.28.040 of Chapter 21.28 of the Monterey County Code shall be amended as follows:

21.28.040 Uses allowed.

A. Change of heavy industrial uses within a structure provided the new use will not change the nature or intensity of the use of the structure;

B. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections are created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection Planning;

C. Cultivation, cutting and removal of Christmas trees;

D. Other uses of a similar character, density and intensity to those listed in this Section.

SECTION 119. Section 21.28.070 of Chapter 21.28 of the Monterey County Code shall be amended as follows:

21.28.070 Site development standards.

A. Structure Height and Setback Regulations.

1. The maximum structure height is thirty-five (35) feet unless super by a structure height limit noted on the zoning map. (e.g. “HI/(50’)” would limit structure height to fifty (50) feet). Additional height may be allowed subject to a Use Permit (ZA).

2. Setbacks for development in the HI District are established by the approval of the General Development Plan where such plan is required.

3. Setbacks for development where a General Development Plan is not required shall be established by the Appropriate Authority through the project review process based on:
a. Surrounding land use;

b. Provision of adequate parking and landscaping;

c. Other site design features.

4. All minimum setback requirements established by a combining “B” District, setbacks shown on a recorded final map or parcel map or setback lines shown on a Sectional District map shall apply.

B. Building Site Coverage, Maximum: fifty (50) percent, excluding parking and landscaping.

C. Parking Regulations. All parking shall be established pursuant to Chapter 21.58.

D. Landscaping Requirements. All developments allowed shall have landscaping covering a minimum of ten (10) percent of the site area subject to a plan approved by the Director of Planning and Building Inspection Planning. The landscaping shall be in place prior to the commencement of use.

E. Lighting Plan Requirements. All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection Planning prior to the issuance of building permits or the establishment of the use.

F. Sign Regulations. Signing for all development shall be established pursuant to Chapter 21.60.

SECTION 120. Section 21.38.030 of Chapter 21.38 of the Monterey County Code shall be amended as follows:

21.38.030 Uses allowed.

A. Crop and tree farming and grazing of horses, cattle, sheep and goats.

B. Buildings accessory to any allowed uses;

C. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection Planning.

D. Other uses of a similar character, density and intensity to those listed in this Section.
SECTION 121. Section 21.40.030 of Chapter 21.40 of the Monterey County Code shall be amended as follows:

21.40.030 Uses allowed.

A. Crop and tree farming, grazing of cattle, sheep and goats.

B. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures are approved by the Director of Planning and Building Inspection Planning;

C. Home occupations pursuant to Section 21.64.090;

D. Other uses of a similar character, density and intensity to those listed in this Section.

SECTION 122. Section 21.44.040 of Chapter 21.44 of the Monterey County Code shall be amended as follows:

21.44.040 Appropriate Authority.

The Appropriate Authority to consider and decide a Design Approval Application shall be:

A. The Appropriate Authority to consider the discretionary permit combined with the Design Approval Application; or

B. The Appropriate Authority for the discretionary permit requiring the Design Approval Application as a condition of approval of that discretionary permit; or

C. The Zoning Administrator, except as provided by Section 21.44.040A, B, D, or E.

D. The Director of Planning and Building Inspection Planning may approve, in lieu of the Appropriate Authority, plans and submittals in “D” Districts for small structures such as structure additions, accessory structures and similar minor structures and minor modifications to approved designs.

The Director of Planning and Building Inspection Planning is the Appropriate Authority to consider all Design Approval applications in the Farmlands (F), Permanent Grazing (PG) and Rural Grazing (RG) Zoning Districts.

E. The Planning Commission shall be the Appropriate Authority to consider Design Approval applications for those structures which have the greatest potential to impact public views, such as structures along scenic highway or road corridors, in areas designated as critical viewshed, or which may have a substantial adverse visual impact from common public viewing areas.
SECTION 123. Section 21.44.050 of Chapter 21.44 of the Monterey County Code shall be amended as follows:

21.44.050 Public notice.

A. At least ten (10) days prior to the consideration of a Design Approval Application by an Appropriate Authority, the Director of Planning and Building Inspection Planning shall give notice of such consideration by mailing, postage prepaid, a notice of the time and place of such consideration. Such notice shall be mailed or delivered in accordance with Paragraphs 3 and 5 of Section 21.78.040A.

B. No public notice shall be required for actions of the Director of Planning and Building Inspection Planning taken pursuant to Section 21.44.040D.

SECTION 124. Section 21.44.060 of Chapter 21.44 of the Monterey County Code shall be amended as follows:

21.44.060 Action by the Appropriate Authority.

A. The Appropriate Authority shall consider the size, configuration, materials and colors of the proposed structure to assure that they will comply with the provisions of Section 21.44.010.

B. The Appropriate Authority shall require such conditions of the proposed size, configuration, materials and colors as it may deem necessary to assure compliance with the provisions of Section 21.44.010.

C. The Appropriate Authority after review of such plans as deemed necessary may require a public hearing to be schedule the further consideration of said plans. Such public hearing and appeals, if any, shall be conducted pursuant to the public hearing (Chapter 21.78) and appeal provisions (Chapter 21.80) of this Title.

D. The standard and criteria of review of the Director of Planning and Building Inspection Planning shall be the same standard and criteria as that of an Appropriate Authority.

E. The Director of Planning and Building Inspection Planning may refer, at the Director’s discretion, Design Approval applications to the Planning Commission for consideration and action.

SECTION 125. Section 21.45.040 of Chapter 21.45 of the Monterey County Code shall be amended as follows:

21.45.040 Regulations.
A. No construction of structures, additions, deposit or removal of materials, shall be permitted without the approval of the Appropriate Authority.

B. All such development as listed in Section 21.45.040A, except as provided in Section 21.45.040C, shall require an Administrative Permit pursuant to the provisions of Chapter 21.70 of this Title.

C. The Director of Planning and Building Inspection Planning, or the Zoning Administrator, may approve, without benefit of an Administrative Permit, small development projects such as structure additions, accessory structures, decks, fences, similar minor developments and minor modifications to previously approved projects. No public notice shall be required for actions of the Director of Planning and Building Inspection Planning, or the Zoning Administrator, taken pursuant to this Paragraph.

SECTION 126. Section 21.45.050 of Chapter 21.45 of the Monterey County Code shall be amended as follows:

21.45.050 Action by the Appropriate Authority.

A. The Appropriate Authority shall consider the location of the proposed development to assure that such development will comply with the provisions of Section 21.45.010.

B. The Appropriate Authority shall require such conditions and changes in the location of such proposed development as it may deem necessary to assure compliance with the provisions of Section 21.45.010.

C. The standard and criteria of review of the Director of Planning and Building Inspection Planning and Zoning Administrator shall be the same standard and criteria as that of an Appropriate Authority.

D. The Director of Planning and Building Inspection Planning or Zoning Administrator may refer, at their discretion, Site Plan Approval applications to the Planning Commission for consideration and action.

SECTION 127. Section 21.46.040 of Chapter 21.46 of the Monterey County Code shall be amended as follows:

21.46.040 Appropriate Authority.

The Appropriate Authority to consider and decide a Use Permit required pursuant to Section 21.46.030(D) shall be the Planning Commission unless:

A. Such Use Permit is being considered in conjunction with another discretionary permit required by this Title. In that case, the Appropriate Authority to consider the discretionary permit shall also consider the Use Permit required by Section 21.46.030D; or
B. The Director of Planning and Building Inspection Planning may approve plans and submittals in the “VS” District for small structures such as structure additions, accessory structures, and similar minor structures and minor modifications to previously approved projects. Such consideration shall be considered as a design approval pursuant to Section 21.44.040D of this Title.

The standards and criteria of review of the Director of Planning and Building Inspection Planning shall be the same standards and criteria as that of the Planning Commission. The Director of Planning and Building Inspection Planning may refer, at the Director’s discretion, such plans and submittals to the Planning Commission for consideration and action.

2. The Director of Planning and Building Inspection Planning may approve other development in the “VS” District provided that:

a. A determination is made following an on-site inspection pursuant to Section 21.46.060B that the development proposed is either not visible from a common public viewing area or will not create a substantial adverse visual impact from a common public viewing area; and

b. Public notice of the Director’s intended decision to approve such development has been provided pursuant to Section 21.78.040 and no written objections have been raised.

C. No development in the “VS” District which requires a Use Permit, variance or similar public hearing process, may be considered by the Director of Planning and Building Inspection Planning.

SECTION 128. Section 21.54.050 of Chapter 21.54 of the Monterey County Code shall be amended as follows:

21.54.050 Appropriate Authority.

A. The Appropriate Authority to consider and decide a Use Permit required pursuant to Section 21.54.080A is the Planning Commission unless such Use Permit is being considered in conjunction with another discretionary permit required by Title. In that case, the Appropriate Authority to consider the discretionary permit shall also consider the Use Permit required by Section 21.54.080A; or

B. 1. The Director of Planning and Building Inspection Planning may approve plans and submittals for minor alterations and minor modifications to previously approved projects.

2. The standard and criteria of review for the Director of Planning and Building Inspection Planning shall be the same standards and criteria as that of the Planning Commission.

3. The Director of Planning and Building Inspection Planning may refer, at the Director’s discretion, such plans and submittals to the Planning Commission for consideration and action.
4. Appeals to the Director’s decisions may be taken to the Board of Supervisors pursuant to Chapter 21.80 of this Title.

C. No alterations in the “HR” District which require a Use Permit, variance or similar public hearing process, may be considered by the Director of Planning and Building Inspection Planning.

SECTION 129. Section 21.57.040 of Chapter 21.57 of the Monterey County Code shall be amended as follows:

21.57.040 Regulations.

A. Major recreational equipment may be parked upon any lot, within “RES” Districts in the following areas:

1. Inside any enclosed structure which conforms to the zoning requirements of the district with which this “RES” District is combined;

2. Outside in the side yard or rear yard and screened from view of adjoining lots and roads used by the public. Screening by fencing or landscaping is permitted but shall be approved by the Director of Planning and Building Inspection Planning. On a corner parking is not permitted in side yards which abut a road used by the public;

3. Anywhere on the premises for the purpose of active loading or unloading, or visitor parking not to exceed thirty-six (36) hours in any forty-eight (48) hour period. The use of electricity or propane fuel is permitted when necessary to prepare the major recreational equipment for use. No unit shall discharge any litter, sewage, effluent or other matter except into sanitary facilities designed to dispose of such material.

4. On a driveway more than thirty (30) feet from the front property line and screened from view of adjoining lots and roads used by the public when space is not available in the front, rear or side yard, or there is not reasonable access to either the side yard or rear yard. A fence is not necessarily deemed to prevent reasonable access. This parking is subject to the approval of the Director of Planning and Building Inspection Planning.

B. Major recreational equipment may be parked only for temporary, active loading or unloading purposes, upon any publicly used street, alley, highway, municipal off-street parking lot, or other land, public place not to exceed twenty-four (24) hours in any forty-eight (48) hour period.

C. Regulations for use of major recreational equipment on “RES” District premises are as follows:

1. Storage. Major recreational equipment may be used for storage only of those goods, materials, or equipment considered to be a part of the unit or essential for its immediate use. The
unit shall be owned by the resident on whose premises the unit is parked for storage.

2. Dwelling or Sleeping. Major recreational equipment may not be used for dwelling or sleeping purposes. Cooking is not permitted at any time. The unit shall not be permanently connected to sewer lines, water lines, or electricity. However, the unit shall be permitted to be connected to electricity temporarily for charging batteries and other similar purposes. All temporary electric hookup facilities shall comply with applicable state law.

3. Cessation of Non-conforming Uses. All present non-conforming uses of major recreational equipment and its storage on property within this combining district shall conform to the requirements of this Section within one year of the reclassification of said property to this district.

SECTION 130. Section 21.58.030 of Chapter 21.58 of the Monterey County Code shall be amended as follows:

21.58.030 Regulations.

Accessible off-street parking areas shall be provided and maintained as set forth in this Chapter. The parking access shall provide parking and maneuvering room for motor vehicles and for pedestrian safety based on the anticipated occupancy of a given structure, area of land or area of water. Any new structure hereafter constructed, erected or altered, and any new use hereafter inaugurated, altered or enlarged shall have permanently maintained off-street parking spaces in accordance with the provisions of this Chapter.

Parking facilities required by this Chapter shall conform to the design standards set forth in the Monterey County Parking Standards for Off-Street Parking, as approved by the Monterey County Planning Commission. All off-street parking facilities required by this Chapter shall be maintained for the duration of the use requiring such areas. Such facilities shall be used exclusively for the temporary parking of passenger automobiles, motor vehicles, or light trucks not exceeding one ton in capacity, and shall not be used for the sale, display, or storage of merchandise, or for the storage or repair of vehicles or equipment. In each district, off-street parking facilities for each use shall be provided in accordance with Section 21.58.040. The requirement for any use not specifically listed shall be determined by the Director of Planning and Building Inspection Planning based on standards established for any similar uses.

SECTION 131. Section 21.58.050 of Chapter 21.58 of the Monterey County Code shall be amended as follows:

21.58.050 General provisions.

A. Unless otherwise indicated, square footage shall be based on net floor area, which does not include areas to be used for toilets or restrooms, utilities, stairways, mechanical rooms and duct shafts, janitor and building maintenance rooms, and elevator rooms. For multi-stored structures, the net floor area of each floor shall be calculated.

B. Twenty-four (24) inches of bench or pew space is equal to one seat.
C. The standards indicated herein may be modified by a Use Permit from the Zoning Administrator, Planning Commission, or Board of Supervisors, where appropriate, in cases which, due to the unusual characteristics of a use or its immediate vicinity, do not necessitate the number of parking spaces, type of design, or improvements required by this Chapter. In such cases, it shall be determined that reduced parking will be adequate to accommodate all parking needs generated by the use, or that additional parking is not necessary because of specific features of the use, site, or site vicinity.

D. All parking and loading shall be provided on the same site as the use to which it relates, unless a Use Permit is approved by the Zoning Administrator, Planning Commission, or Board of Supervisors.

E. Parking spaces which are located within the required front setback shall not count toward the amount of required parking unless an Administrative Permit is first secured.

F. In all residential developments in High Density Residential (HDR) and Medium Density Residential (MDR) zoning districts, at least one covered parking space for each dwelling unit shall be provided. Covered parking shall count toward the amount of required parking. In all residential zoning districts other than HDR and MDR districts, residential development approved after the effective date of the amendment to this Subsection by Ordinance No. 5127 not required to provide covered parking spaces, provided that the development provides the total number of parking spaces otherwise required under Section 21.58.040. In all residential zoning districts other than HDR and MDR districts, residential development that was approved but which had not received final building inspection approval as of the effective date of Ordinance No. 5127 may be relieved of the requirement to provide covered parking spaces if the development provides the total number of parking spaces required by Chapter 21.58 and if the County approves the revised site plan to omit the covered parking and determines that no further environmental analysis is required.

G. Parking for the Handicapped. Non-residential parking lots with five or more spaces shall include handicapped parking as required by Title 24 of the California Administrative Code, and as set forth in this subsection. Handicapped spaces shall be included as part of the total number of parking spaces required by this Title.

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<tr>
<th>Total Spaces</th>
<th>Spaces for Handicapped</th>
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<tr>
<td>1-40</td>
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<tr>
<td>41-80</td>
<td>2</td>
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<td>81-120</td>
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<td>121-160</td>
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<td>161-300</td>
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<tr>
<td>301-400</td>
<td>6</td>
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<tr>
<td>401-500</td>
<td>7</td>
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Design and Identification. Handicapped parking spaces shall be designed, located and provided with identification signs as set forth in Section 27102, Title 24, California Administrative Code and subsequent sections.

H. Loading Spaces: In any Zoning District, in connection with every structure or part erected and having a gross floor area of five thousand (5,000) square feet or more, which is to be occupied by a commercial or industrial use requiring the receipt or distribution by vehicles carrying materials or merchandise, there shall be provided and maintained, on the same lot with such structure, at least one off-street loading space plus one additional loading space for each additional twenty thousand (20,000) square feet or major fraction thereof. Such spaces shall conform to the design standards for loading spaces set forth in the Monterey County Parking Standards for Off-Street Parking as approved by the Monterey County Planning Commission.

I. Access: All off-street parking facilities shall be designed so as to limit access to the property from streets and highways to a minimum number of driveways. For purposes of in and egress, parking shall be designed such that, with the exception of a single family or duplex dwelling on a lot, vehicles entering and exiting a right-of-way can do so traveling in a forward direction. An exception to this requirement may be granted by the Director of Public Works when site constraints limit site design alternatives and traffic safety will not be compromised.

J. Paving: Parking and loading facilities shall be surfaced and maintained with surfacing material sufficient to control dust and loose material.

K. Curbs, Bumpers, Wheel Stops: A permanent curb, bumper, wheel stop or similar device shall be installed in parking spaces where needed, subject to the approval of the Director of Planning and Building Inspection Planning. In parking spaces abutting landscaped areas, the protective curbing around the landscape area may serve as the wheel stop, allowing the vehicle to overhang the landscaped area. In such cases, the length of the parking stall may be reduced by three feet, provided the landscaped area is widened by three feet. Landscape materials in areas subject to vehicle overhang shall be limited to low-growing shrubs and ground cover, in order to avoid damage by vehicles. In addition, only low sprinkler heads shall be placed in such areas.

L. Mixed Uses: In the case of mixed uses, the total requirement for off-street parking spaces shall be the sum of the requirements for the various uses, unless otherwise indicate for shopping centers. Off-street parking facilities for on shall not be considered as providing parking facilities for any other use, unless it is determined by the Director of Planning and Building Inspection Planning, Zoning Administrator, Planning Commission, or Board of Supervisors, where appropriate, that the particular grouping of uses is such that the hours of operation are substantially different (e.g., a theater and an office building).

M. Bicycle Racks: Parking lots with twenty (20) or more spaces are to provide one bicycle rack space for each ten (10) parking spaces. Bicycle racks are to be designed to enable bicycles to be locked to the rack.
N. Compact Spaces: Compact spaces shall not account for more than twenty-five (25) percent of the spaces required for any use.

SECTION 132. Section 21.64.110 of Chapter 21.64 of the Monterey County Code shall be amended as follows:

21.64.110 Regulations for timeshare uses.

A. Purpose. The purpose of the Section is to establish the standards, regulations and circumstances under which timesharing residential uses may be established. Further, the regulation of the Section intended to provide for the protection of existing residential uses and neighborhoods through mandatory findings for approval and public hearing processes.

B. Applicability. A timeshare project shall be permissible only in such zones and at the locations therein where a hotel, motel or similar visitor accommodation use would be permitted. No timeshare project shall be allowed in any case wherein covenants, conditions and restrictions expressly prohibit timeshare or other transient uses.

C. A Use Permit shall be required in accordance with Chapter 21.74 for any timeshare project.

D. Transient Occupancy Tax Applicable. All timeshare projects shall be subject to the provisions of Chapter 5.40 of the Monterey County Code (Uniform Transient Occupancy Tax Ordinance of the County of Monterey).

E. Application for Timeshare Project Approval. An applicant for approval of a proposed timeshare project shall submit a completed application on a form as prescribed by the Director of Planning and Building Inspection Planning, in addition to any other application, information or forms that may be necessary in the particular case as determined by the Director of Planning and Building Inspection Planning. The application shall include:

1. Identification by name of the timesharing project and street address where the timesharing project is situated, including legal description;

2. Identification of the time periods, types of units, and number of units that are in the timeshare project. In order to facilitate orderly planned timeshare projects, the total number of timeshare units anticipated for the project shall be stated and approved although the project may be built, convert maintained for timeshare purposes in phases convenient to the applicant;

3. A map drawn at the appropriate scale (1’=100’ or as otherwise approved by the Director of Planning and Building Inspection Planning), showing the site in relation to surrounding property, existing roads and other existing improvements (in all cases, an engineers scale shall be used);

4. A site plan for the entire anticipated project (whether or not built, converted or maintain phases) showing proposed improvements, location of structures, vehicular ingress, and
egress, landscaping, and floor plans.

F. General Conditions and Findings. The Planning Commission may approve or deny an application for Use Permit for a timeshare project. The Commission may impose such conditions as it determines necessary to protect the public safety, health, peace and welfare. If a Use Permit is granted, the Use Permit shall be granted with a condition attached that no timeshare rights or entitlements shall be sold or offered for sale unless, at such time, there then exists a valid final subdivision public report for the sale of such timeshare rights or entitlements, issued by the Department of Real Estate of the State of California. In determining whether, and under what conditions to issue any such Use Permit, the Commission, among other things, shall consider:

1. The impact of the timesharing project on transient or permanent rental stock;

2. The impact of timesharing on present and future County services;

3. Conformity with current zoning regulations and the General Plan;

4. Conformity with existing uniform building and fire codes;

5. The sign program proposed for the project;

6. The landscaping proposed for the project;

7. Traffic circulation and parking for residents, guests, prospective purchasers and sales program personnel;

8. The applicant’s description of the methods proposed to be employed to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the timeshare project.

9. The desirability of requiring an office of the managing agent or agency be located local on-site, as appropriate.

10. The nature and feasibility of alternative uses in case the sales program for timeshares fails.

11. Any other factors deemed relevant and any other information which the Commission or the applicant considers necessary or desirable to an appropriate and proper consideration of the application.

G. Specific Conditions and Findings. In addition to other considerations of a conditional Use Permit for a timeshare project, the following shall apply:

1. Condominium Conversions. In the event an existing condominium project is proposed to be converted to a whole or partial timeshare project, a verified description or statement of the number and percentage of the current condominium owners desiring or consenting to the
proposed conversion of some or all of the units to a timeshare basis shall be submitted. Also in such instance, there shall be submitted, a verified statement of the number and percentage of owners who have received notification, either personally (proof by signature of the recipient or witness) or by receipted certified U.S. Mail, the application to so convert the project will be submitted to the Commission on a date and time certain for hearing. No application shall be approved unless, among other considerations, it appears that more fifty (50) percent of the owners of condominium units (not including those owned by the applicant and/or the developer or any person or entity affiliated therewith) have received notification, either personally receipted certified U.S. Mail.

2. Hotel and Motel Conversions. In the event an existing hotel, motel, inn, or bed and breakfast facility is proposed to be converted in whole or in part to a timeshare project, the Planning Commission shall consider, in addition to the considerations in Section 21.64.110F, the following:

   a. The impact of the conversion on employment opportunities in the planning area of the project;

   b. The impact of the project on the visitor serving economy of the planning area;

   c. The impact of the conversion on energy, water and sewer use;

   d. The impact of the project on the stock of hotel and other visitor accommodations for low and moderate income persons;

   e. The impact of the project on the stock of hotel and other visitor accommodations for stays of less than one week within the planning area.

H. Approval of the Timeshare Projects. No timeshare project shall be approved by the County unless the following findings can be made:

1. That the project is compatible with adjacent land uses and is adequately buffered by open space and/or landscaping from any less intense use.

2. That the development plan is consistent with all goals and policies of the General Plan.

3. That adequate access for high density dwellings is available or attainable through the conditions of the development.

4. That all structures, existing or proposed, meet presently established minimum structural, health, safety and fire standards.

5. That the project does not significantly adversely impact:

   a. Water use;
b. Sewer use;

c. Energy use;

d. Traffic;

e. Police protection and other county services;

f. Fire protection;

g. Employment opportunities in the planning area;

h. The visitor serving economy of the planning area;

i. The stock of hotel and other visitor serving accommodations including, but not limited to, that which serves low and moderate income persons;

j. The stock of hotel and other visitor accommodations for stays of less than one week within the planning area.

6. That the project will not have a significant adverse impact on the health, safety, and welfare of the general public.

I. Exceptions. This Chapter shall not affect timeshare projects for which approved permits from the State Department of Real Estate have been issued prior to January 1, 1984, or projects in which units have been lawfully sold or offered for sale to the public prior to January 1, 1984, if said projects were in compliance with the zoning laws then in force.

SECTION 133. Section 21.64.120 of Chapter 21.64 of the Monterey County Code shall be amended as follows:

21.64.120 Regulations for commercial and noncommercial wind energy conversion systems.

A. Purpose: The purpose of this Section is to provide the necessary regulations for the establishment of commercial and noncommercial wind energy conversion systems in the locations and circumstances under which the use may be established without detriment to the public health, safety and welfare.

B. Applicability: The provisions of this Section are applicable in those districts which commercial and noncommercial wind energy conversion systems.

C. Regulations: Wind Energy Conversion Systems may be permitted in specified zoning districts subject to securing the appropriate permits in each case, and subject to the following regulations:
1. The application shall include a plot plan using an engineers scale and drawn in sufficient detail to show the following:

   a. Property lines, dimensions, acreage, and contours with appropriate intervals for site evaluation.

   b. Location and elevation of proposed Wind Energy Conversion System.

   c. Location and dimensions of all existing structures and uses on the lot within three hundred (300) feet of the system.

   d. Height of any structures or trees over thirty-five (35) feet within a five hundred (500) foot radius on-site or off-site of the proposed Wind Energy Conversion System.

   e. Surrounding land use and all structures irrespective of height, within five hundred (500) feet of the Wind Energy Conversion System location.

   f. Standard drawings of the structural components of the Wind Energy Conversion System, including structures, tower, base and footings. Drawings and any necessary calculations shall be certified by a registered engineer that the system complies with the Uniform Building Code.

   g. Evidence from a qualified individual that the site is feasible for a Wind Energy Conversion System.

   h. Certification from a registered engineer or qualified person that the rotor and overspeed control have been designed for the proposed use on the proposed site.

2. Setbacks:

   a. Wind Energy Conversion Systems shall maintain a minimum setback of two times the height of the Wind Energy Conversion System from any property line.

   b. Wind Energy Conversion Systems shall maintain a minimum setback of at least five time Wind Energy Conversion System height from the right-of-way line of any public road or highway.

   c. In all cases the Wind Energy Conversion Systems shall maintain a minimum distance of at least 1.25 times the Wind Energy Conversion Systems height from any habitable structure.

3. Height:

   a. Noncommercial Wind Energy Conversion Systems shall not exceed a total height of fifty (50) feet unless the parcel on which the Wind Energy Conversion Systems is to be located is ten (10) acres or larger, in which case the maximum total height may be one hundred (100) feet.
b. Commercial Wind Energy Conversion Systems shall not exceed a total height of two hundred (200) feet.

c. In all cases the minimum height of the lowest position of the Wind Energy Conversion Systems blade shall be at least thirty (30) feet above the ground and thirty (30) feet above the highest existing structure or tree within a two hundred fifty (250) foot radius.

4. Wind Energy Conversion Systems Siting and Design Standards:

a. Wind Energy Conversion Systems shall not be placed on visually prominent ridgelines.

b. Wind Energy Conversion Systems shall be designed and placed in such a manner to minimize to the greatest extent feasible adverse visual and noise impacts on neighboring areas.

c. Colors and surface treatment of the Wind Energy Conversion Systems and support structures shall to the greatest extent feasible minimize disruption of the natural characteristics of the site.

d. Wind Energy Conversion Systems shall be equipped with air traffic warning lights and shall have prominent markings on the rotor blade tips of an international orange color where:

   i. The total height of the Wind Energy Conversion Systems exceeds one hundred seventy-five (175) feet, or

   ii. Any Wind Energy Conversion Systems exceeding one hundred twenty-five (125) feet in total height is placed at a ground elevation over two hundred (200) feet.


5. Safety Measures:

a. Each Wind Energy Conversion Systems shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.

b. The height, color, and type of fencing for Wind Energy Conversion Systems installation shall be determined on the basis of individual applications as safety needs dictate.

c. Appropriate warning signs shall be posted. The type and placement of the signs shall be determined on an individual basis as safety needs dictate.

6. Electromagnetic Interference: The Wind Energy Conversion System shall be operated such that no disrupting electromagnetic interference is caused. If it is determined that a Wind Energy Conversion Systems is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate interference including relocation or removal of the
facilities, subject to the approval of the Director of Planning and Building Inspection Planning.

7. Liability Insurance: The Wind Energy Conversion System operator shall maintain a current insurance policy which will cover installation and operation of the Wind Energy Conversion Systems. The amount of said policy shall be established as a condition of permit approval.

D. Findings: The approval of the Use Permit shall include the following minimum findings:

1. That the proposed use is not detrimental to the public health and safety, and

2. That the use of the property for such purposes will not result in material damage, or prejudice to other property in the area, and

3. Installation of the Wind Energy Conversion System does not have the potential to create a substantially adverse visual impact when viewed from a common public viewing area.

4. That the subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of this Title and that all zoning violation abatement costs have been paid.

M. Abatement:

1. If any Wind Energy Conversion System remains non-functional or inoperative for a continuous period of one year, the permittee shall remove said system at their expense. Removal of the system includes the entire structure including foundations, transmission equipment, and fencing from the property.

2. Non-function or lack of operation may be proven by reports to the State Energy Commission or by lack of income generation. The applicant, permit holder, and successors shall make available to the Director of Planning and Building Inspection Planning all reports to and from the purchaser or purchasers of energy from individual Wind Energy Conversion Systems or from the wind form, if requested.

3. The applicant, or successors, shall continuously maintain a fund payable to the County of Monterey for the removal of non-functional towers and appurtenant facilities in an amount to the County of Monterey to enter the property to remove a tower pursuant to the terms of the Use Permit and to assure compliance with the other conditions set forth in the permit.

SECTION 134. Section 21.64.130 of Chapter 21.64 of the Monterey County Code shall be amended as follows:

21.64.130 Regulations for land use in the Carmel Valley floodplain.
A. Purpose: The purpose of this Section is to protect the Carmel River and its corridor including visual aspects, value as wildlife habitat and stabilize the river channel; preserve the rural character of Carmel Valley; and promote the public health and safety by lessening local flood potential and flood related hazards.

B. Applicability: This Section shall apply to that area within the riparian corridor, within two hundred (200) feet of the river bank, and within the floodway and floodway fringe designations illustrated on maps prepared by Nolte Engineers for the Federal Emergency Management Agency and titled, “Preliminary Boundary and Floodway Map” beginning at the westerly boundary of Lot 11, and the westerly boundary of that 4.768 acre parcel of Lot 12 as shown on Page 220 of Volume X3 of Surveys of the Hatton Partition of Rancho Canada de la Segunda and extending upstream to the Limit of Detailed Study easterly of Camp Stephani.

C. Definitions: For the purpose of this Section, unless the context otherwise requires, certain terms used in this Section are defined as follows:

1. Floodway: That portion of the valley floor required to carry the flow which may on the average occur once every one hundred (100) years (a one hundred (100) year flood). The floodway shall be that area shown on maps prepared by Nolte Engineers for the Federal Emergency Management Agency titled, Preliminary Flood Boundary and Floodway Map, and which are in the possession of the Monterey County Water Resources Agency and the Monterey County Planning and Building Inspection Planning Department.

2. Riparian Corridor: That portion of the valley floor vegetated with native plant materials characteristic of the channel, banks, and adjacent areas of the river. The riparian corridor is further defined as that area which includes trees and woody plants which are clearly dependent on the water course for their continued existence, but shall not extend beyond the floodway fringe.

3. Development: The construction of structures, grading, or other similar activity which require permit(s) from any governmental agency.

4. Floodway Fringe: That portion of the valley floor outside of the floodway normally required to carry the flow which may on the average occur once every one hundred (100) years (a one hundred (100) year flood), and which could be completely obstructed without increasing the floodwater surface elevation more than one foot a point. The floodway fringe shall be that area shown on maps prepared by Nolte Engineers for the Federal Emergency Management Agency titled Preliminary Flood Boundary and Floodway Map, and which are in the possession of the Monterey County Water Resources Agency and the Monterey County Planning and Building Inspection Planning Department.

D. Regulations.

1. The following activities are hereby prohibited, except as provided for herein.
a. Development within two hundred (200) feet of the riverbanks, or in the floodway or riparian corridor, as defined herein, except for areas separated vertically by more than the vertical elevation of flooding, as shown in the one hundred (100) year floodplain and floodway maps described in Section 21.64.030C, where it can be shown, to the satisfaction of the Monterey County Water Resources Agency Engineer, that development will accommodate sufficient setback to avoid erosion. All development within two hundred (200) feet of the river banks will require a Use Permit.

b. Alteration of the living riparian vegetation by removal, thinning, or other means.

c. Construction or alteration of levees, or the placement of fill material in the floodway or riparian corridor.

d. Any alteration of the natural course of the river or its banks, except as a part of a flood control project planned or approved by the Monterey County Water Resources Agency.

e. Any dredging of, or removal of, natural materials from the river channel or banks.

2. Development in the floodway fringe as defined herein, and subject to the provisions of Subsection 21.64.130D1 and Subsection 20.108.050A is permitted subject to the provisions of this Chapter and provided that all structures including related utilities shall be so located and constructed so as to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems flood waters. On-site waste disposal systems shall be located so as to avoid impairment of the contamination from and during flooding. The first habitable floor of any structures shall be located at least one foot above the one hundred (100) year flood level. Such use shall be subject to first securing a Use Permit prior to the commencement of any such development.

3. Development of recreation facilities and the establishment of low intensity open space use structural repairs and alterations to existing structures may be permitted in the floodway or floodway fringe provided such facilities or uses comply with the intent and all provisions of this ordinance, including the requirement for a Use Permit and adequate protection of riparian habitats and rip vegetation, smooth flood flow, retention of Federal Flood Insurance Eligibility, and prevention of damage to structures in the floodways. Such facilities and uses shall not include activities a structures which would increase flood-related hazards or impede flood flows. Structural repairs and alterations to existing structures may not expand, enlarge, increase, or otherwise intensify the existing structure.

E. Development of Lots of Record.

1. Lots of record as of August 7, 1981, whose development would be in conflict with the provisions of this Chapter because their developable portions are within two hundred (200) feet of the river bank or within the riparian corridor, may be developed for single family residential purposes, provided that such use, to the maximum extent feasible, comply with all applicable provisions of this Chapter. Such development shall be subject to first securing a Use Permit,
prior to the commencement of any such use.

2. New development, or the expansion of or addition to any existing uses, in the floodway is prohibited except for recreational facilities or low intensity open space uses, and structural repairs and alterations to existing structures as provided for in Subsection 21.64.130D3.

F. Riverbank Protection or Channel Modification.

1. Notwithstanding Subsection 21.64.130D1 and 2 of this Section, riverbank protection, riparian vegetation trimming or removal or channel modification measures may be taken, provided that Permit is first secured.

2. Emergency riverbank protection or channel modification measures are excepted from the prior requirement for a Use Permit, provided that the General Manager of the Monterey County Water Resources Agency must first declare such an emergency to exist or to be imminent. When declaring an existing or imminent emergency, the General Manager of the Monterey County Water Resources Agency shall take into account the high probability of flooding, erosion danger, blockage and structural damage within the next sixty (60) days. During a declared period of emergency, the General Manager must first approve in writing the type, location and extent of any such emergency measures. Application for approval shall be made to the General Manager on forms supplied by the Water Resources Agency and shall be accompanied by appropriate plans prepared by a registered civil engineer.

3. Should an emergency situation arise that requires immediate bank protective actions to mitigate a clear and present danger to life or property, such actions may be performed without prior approval of the Monterey County Water Resources Agency Engineer. Protective measures performed under this Subsection shall be limited to those needed to mitigate such clear and present danger to life or property. Within ten (10) calendar days of the commencement of such actions the type, location, and extent of protective measures performed under this Subsection shall be reported in writing to the General Manager of the Monterey County Water Resources Agency.

G. Approved Projects Exclusion.

1. Any development project for which all required permits have been secured and are in effect at that time of adoption of this Section shall be exempt from the provisions of this Section. Should any such permit(s) lapse or otherwise become ineffective for any reason, all provisions of this Section shall then apply.

2. Any channel modification, or alteration of riparian vegetation within the river channel or on the riverbanks which, in the opinion of the General Manager of the Monterey County Water Resources Agency and the Director of Planning and Building Inspection Planning would be of such a very minor nature that such projects could have no impact on the river, its visual appearance, habitat values or stability, are exempt from the other provisions of this Section. This exemption only applies if the proposed project is approved by the General Manager and the Director of Planning and Building Inspection Planning prior to the commencement of the
intended work.

3. Any development project which, in the opinion of the Director of Planning and Building Inspection Planning and the Monterey County Water Resources Agency would be of such a very minor nature, that such a project would have no impact on the flood plain or the riparian corridor, is exempt from the other provisions of this Section. This exemption only applies if the proposed project is approved by the Director of Planning and Building Inspection Planning and the General Manager of the Monterey County Water Resources Agency, prior to construction of the project.

H. Conflicts With Other Chapters. If this Section is found to be in conflict with any other Chapter, Section, Subsection or Title provisions of this Section shall prevail.

SECTION 135. Section 21.64.140 of Chapter 21.64 of the Monterey County Code shall be amended as follows:

21.64.140 Regulations for the location and siting of genetic engineering experiments.

A. Purpose: The purpose of this Section is to establish a uniform County regulatory policy, standards, and permitting process pertaining to the location and siting of experiments involving the release of genetically engineered microorganisms into the environment with the end in view that public health and safety and the environment are afforded the maximum degree of protection. It is not the intent of this Section to enter the regulatory sphere occupied by the federal and state government; rather, it is the intent of this Section to use land use plans and zoning ordinances as primary guides in the determination of proper location for the conduct of genetic engineering experiments.

B. Applicability: This Section is applicable to any and all experiments involving the release of genetically engineered microorganisms into the open environment conducted by any person or agency. It is not applicable where the experiment proposed has already been conducted without any adverse impacts on public health and safety and the environment, on a crop within the same crop grouping, as defined in 40 C.F.R. 180.34, within the United States.

C. Findings:

1. Experiments involving the release of genetically engineered microorganisms into the open environment may pose risks to public health, safety, and the environment not adequately addressed under current federal and state regulations.

2. While the control of the release of genetically engineered microorganisms into the environment may generally be considered the responsibility of federal and state governments, it is local government that may initially be called upon to respond to any adverse effects to public health, safety, and the environment, resulting from the release of such microorganisms into the open environment.
3. In order for local government to have the capacity to provide appropriate response in such instances, it is, at a minimum, necessary for local government to be able to determine sites within its jurisdiction appropriate for the conduct of such experiments within the parameters of its land use prerogatives.

4. In order to protect the public health, safety, and the environment, it is in the public interest for local government to establish rules and regulations addressing certain land use aspects of such experiments, including suitability of test sites and their compatibility with surrounding land uses.

D. Definitions:

1. “Agency” means any local agency as defined in Section 53090 of the government Code. It does not include the federal government or any agencies thereof.

2. “DNA” means deoxyribonucleic acid.

3. “Genetically engineered microorganisms” means microorganisms including bacteria, fungi, protozoa and viruses, created or modified by recombinant (rDNA) technology which are nonpathogenetic to humans and animals.

4. “Genetic engineering” means a process or technology employed whereby the hereditary apparatus of a living cell is altered, modified, or changed so that the cell can produce more or different chemicals or perform completely new functions.

5. “In vitro” means, literally, in glass. This pertains to biological reactions taking place in an artificial apparatus; sometimes used to include growth of cells from multicellular organisms under cell culture conditions.

6. “Open environment” means any unenclosed area or area in the open or place outside a building or shelter.

7. “Person” means any individual, firm, partnership, trust, corporation, company, estate, public or private institution, association, organization, or group, and any representative, agent, or agency of any of the foregoing.

8. “Recombinant DNA (rDNA)” means the hybrid DNA produced by joining or deleting pieces of DNA from the same or different organisms or synthetic DNA from the same or different organisms or synthetic DNA together in vitro.

9. “Release” means to intentionally or deliberately discharge, emit, or liberate any genetically engineered microorganism into the open environment.

E. Regulations:
1. Genetic engineering experiments are an allowed use on properties designated by the Monterey County General Plan, area plans or coastal land use plans as Farmlands, Permanent Grazing, Rural Grazing, Agricultural Conservation or Agricultural Preservation, except as provided in subsection E.2. below and provided such experiments have been approved by the Agricultural Commissioner.

2. No person or agency shall conduct experiments involving the release of genetically engineered microorganisms into the open environment within one hundred (100) feet of an occupied structure without first obtaining a Use Permit pursuant to Chapter 21.74 of this Title. Chapter 21.74 shall govern all matters relating to Use Permits for such experiments except as provided for in this Section. A Permit Committee comprised of the Director of Environmental Health, Agricultural Commissioner and Director of Planning and Building Inspection Planning shall have the power to hear and decide applications for, and issue such Use Permits,

3. No application for a Use Permit may be considered unless the applicant demonstrates that he/she has been granted the necessary permit to conduct such experiments by the appropriate federal and state agencies at the time of the filing of the application.

4. All Use Permits for experiments involving the release of genetically engineered microorganisms shall require environmental review pursuant to the California Environmental Quality Act and the guidelines adopted by the County of Monterey. Such Use Permits may not be categorically exempt.

5. All Use Permit applications shall be accompanied by all necessary forms, plans and supporting information deemed necessary by the Director of Planning and Building Inspection Planning, the Director of Environmental Health and the Agricultural Commissioner to consider the Use Permit application complete. Such information shall include at the minimum:

a. A site plan showing in sufficient detail and scale:

i. the size of the property proposed for the use;

ii. the current use of the property;

b. Copies of all approved state and federal permits for the use;

c. Copies of all information submitted to state and federal agencies, except materials and information considered to be “trade secrets”;

d. Information relative to the type of microorganism to be used;

e. Plans and measures for the control of public access and trespass on the subject site;

f. Measures for the protection of surface and groundwater;
g. Measures for vector control;

h. Measures for control of airborne materials from the site;

i. Measures proposed for meeting potential liability.

6. Upon the application being deemed complete, it shall be submitted to the Monterey County Agricultural Advisory Committee for a report and recommendation prior to consideration by the Permit Committee.

7. The Permit Committee may impose such conditions as it deems necessary to protect the public health, safety and the environment.

8. The decision of the Permit Committee may be appealed to the Board of Supervisors pursuant to Chapter 21.80 of this title.

F. Financial Assurances and Indemnification:

1. Each permit issued pursuant to this Section shall have as a condition of the permit, a requirement that the applicant provide financial assurances that are necessary to respond adequately to damage claims arising from activities permitted under this Chapter. The financial assurances shall be in the form of a trust fund, surety bond, letter of credit, insurance, or other equivalent financial arrangement in a form and in amounts acceptable to the County.

2. Each permit issued pursuant to this Section shall have, as a condition of the permit, a requirement that the applicant indemnify and hold harmless the County and its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained, including death, by any person or property resulting from the issuance of the permit and the conduct of the activities or experiments authorized under said permit.

C. Severability: If any section, subsection, sentence, clause, or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section. The Board of Supervisors hereby declares that it would have passed this Section and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases may be declared invalid. (Ord. 3849 § 1, 1995)

SECTION 136. Section 21.64.150 of Chapter 21.64 of the Monterey County Code shall be amended as follows:

21.64.150 Regulations and development standards for mobile home parks.

A. Purpose: The purpose of this Section is to provide the minimum development standards for mobile home parks.
B. Applicability: The provisions of this Section are applicable in all residential zoning districts.

C. Regulations:

1. Mobile home parks may be permitted subject to the approval of the Planning Commission of a Use Permit in any residential zoning district.

2. The minimum lot area for a mobile home park shall be five acres.

3. The density of a mobile home park shall not exceed the density shown for the parcel on the Sectional District Map, or eight units per acre, whichever is less.

4. The minimum mobile home site within the mobile home park shall not be less than three thousand (3,000) square feet.

5. Minimum setbacks from adjoining streets and properties shall:
   a. Front setback: twenty (20) feet;
   b. Side setback: ten (10) feet; and
   c. Rear setback: ten (10) feet.

6. Landscaping and fencing shall be provided and designed to screen the mobile home park from the street and adjoining properties. Landscaping and fencing plans shall be approved by the Director of Planning and Building Inspection Planning.

7. All landscaped areas shall be maintained in a litter-free, weed-free, condition. All plant material shall be maintained in a healthy, growing condition.

8. Ten (10) percent of the total area of the mobile home park shall be developed and maintained for recreational purposes.

9. Two parking spaces shall be provided on each mobile home site. The parking spaces shall not part of the minimum street width.

10. All utility distribution facilities, including but not limited to electrical, communication and cable television lines installed in, and for the purpose of, supplying service within any mobile home park, be placed underground, except:
   a. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal mounted terminal boxes and meter cabinets; and
b. Concealed ducts, or such equipment when concealed by shrubbery, landscaping, or other screening as approved by the Director of Planning and Building Inspection Planning.

The Planning Commission may waive the requirements of this subsection if topographical, soil, or other physical conditions make underground installation of said facilities unreasonable or impractical.

11. No mobile home park shall have commercial uses other than those used primarily by the residents of the park such as coin-operated machines for laundry, soft drinks, cigarettes, and similar us condition that the uses shall be located in the interior of the park.

SECTION 137. Section 21.64.240 of Chapter 21.64 of the Monterey County Code shall be amended as follows:

21.64.240 Determination of vested rights.

A. Purpose.

1. The purpose of this Section is to establish regulations, procedures, and standards to be used in the determination of vested land use rights as those rights are defined under existing law. This Section is not intended to make a change in common law or statutory vested rights standards in existence as of the date of adoption hereof.

2. This Section is not intended to address the following:

a. Legal non-conforming uses or structures which are regulated in Chapter 21.68 of Title 21.

b. Questions regarding permit enforcement which are regulated in Chapter 21.84 of Title 21.

c. Vesting tentative maps which are regulated in Title 19.

d. Development or uses in accordance with binding development agreements.

3. This Section is not intended to and does not limit nor restrict any other rights which may exist in law or equity, including the right to have a development application evaluated under the laws, policies, and/or regulations in effect at the time the application is determined to be complete by the Monterey County Planning and Building Inspection Planning Department.

B. Applicability. The provisions of this Section are applicable in all zoning districts.

C. Regulations.

1. No person who has obtained a vested right in a development prior to the effective date of the applicable County ordinances or regulations or who has obtained a permit from the County
in compliance with all applicable County ordinances or regulations in effect at the time said permit was granted shall be required to secure approval for said development; provided, however, that no significant or substantial change may be made in any such development without prior approval having been obtained from the County pursuant to other applicable County ordinances and regulations.

2. Any person claiming a vested right in a development, which right is disputed by an official or department of the County, and who wishes to be exempt from any County land use or development permit requirements, shall substantiate the claim in a proceeding before the Planning Commission pursuant to this Section. In such a proceeding the claimant shall have the burden of proof as to each finding necessary to establish a vested right as set forth in Subsection 6 following.

3. Any person who claims that a development is exempt from the County’s permit requirements by reason of a vested right, and whose such claim is disputed by an official or department of the County, shall initiate such claim by filing a claim of vested rights with the Planning and Building Inspection Planning Department.

4. For each claim, claimant shall provide the following information together with any other relevant information required by the Director of Planning and Building Inspection Planning:

a. Name of claimant, address, telephone number.

b. Name, address, and telephone number of claimant’s representative, if any.

c. Description of the development claimed to be exempt, including all incidental improvements such as utilities, road and other infrastructure, and a description of the specific parcel of land on, or specific boundaries within which such development or use exists. A site plan, development plan, grading plan, and construction or architectural plans may be attached as appropriate.

d. A list of all governmental approvals which have been obtained, including those from State or Federal agencies, and the date of each final approval. Copies of all approvals shall be attached.

e. A list of any governmental approvals which have not yet been obtained and anticipated dates of approval.

f. A list of any conditions to which the approvals are subject and date on which the conditions were satisfied or are expected to be satisfied.

g. A specification of the nature and extent of the work or use in progress or completed, including: (1) date of each portion commenced (e.g., grading, foundation work, structural work, etc.); (2) any governmental approval pursuant to which the portion was commenced; (3) portions completed and date on which completed, if applicable; (4) status of each portion on date of
claim; (5) amounts of money expended on portions of work completed or in progress (dates and amounts of expenditures shall be itemized);

    h. A description of those portions of the development or use continuing and remaining to be completed.

    i. A list of the amount and nature of any liabilities incurred that are not covered above and dates incurred, and a list of any remaining liabilities to be incurred and date when these are anticipated to be incurred.

    j. A statement of the expected total cost of the development or use.

    k. A statement on whether the development or use is planned as a series of phases or segments, and if so, a description of the phases or segments involved.

    l. A statement of the date when is it anticipated that the total development or use will be completed.

    m. A written authorization of any agent acting on behalf of the applicant.

    n. A certification by applicant or agent as to all contents of documents submitted in support of the claim of vested right.

5. As soon as practicable after an application for a determination of a claim of vested rights is found to be complete by the Planning and Building Inspection Planning Department, and in no event later than ninety (90) days from such date, the Planning Director shall notice a hearing before the Planning Commission pursuant to Chapter 21.78 of the Monterey County Code, to determine the claim of vested rights. The Director of Planning and Building Inspection Planning shall make a written recommendation to the Planning Commission for consideration of the claim of vested rights. At such hearing, the Director of Planning and Building Inspection Planning shall introduce into evidence all evidence submitted by the claimant and all evidence submitted either supporting or in opposition to the claim.

6. Action by the Planning Commission on a claim of vested right shall be supported by written findings of fact. The required findings to substantiate a claim of vested right shall be as follows:

   a. That the vested right has been established with respect to a specific parcel of land or within specifically described boundaries, or for a specifically described development or use;

   b. That each development or use as to which a vested right is sought was done in reliance upon a County-issued permit or was established prior to enactment of County regulations requiring such a permit;
c. That each development or use as to which a vested right is sought does not exceed either:

1. The scope authorized by the terms and conditions of the County-issued permit relied upon (if any); or

2. The extent of the development or use as of the effective date of County ordinances or regulations regulating the development or use.

d. That the person claiming a vested right performed substantial work and incurred substantial financial liabilities in good faith reliance upon a building permit issued by the County as required under existing law, or did the same prior to the effective date of the regulation from which a vested right exemption is sought; and

e. That each development or use as to which a vested right is sought has not been abandoned to and including the effective date of the regulation from which a vested right exemption is sought.

7. Each claim of vested rights is substantiated pursuant to Paragraph 6 of this Subsection C shall be acknowledged by the Planning Commission to the extent it has been substantiated. If the claim is not substantiated, it shall be denied by the Planning Commission. However, if the circumstances suggest that a claimant may be able to provide additional information to substantiate the claim or that other evidence is pertinent to the claim, the matter may be continued so that claimant may submit additional evidence.

8. Appeals from a decision of the Planning Commission granting or denying a claim of vested rights may be made to the Board of Supervisors by any public agency or person aggrieved by the decision pursuant to Chapter 21.80 of the Monterey County Code.

9. A final determination by the Planning Commission recognizing a claim of vested rights shall constitute acknowledgment that the development does not require any additional permit under C regulations provided that no substantial change may be made in the development except in accordance with the permit requirements of the County. If any approval upon which the acknowledgment is based lapse either by its own terms or pursuant to any provision of law, the acknowledgment made under this Section shall automatically and without further action be null and void and the development or use shall become subject to the permit requirements of the County.

D. Filing Fee. The application fee for a determination of vested land use rights shall be as established from time to time by the Board of Supervisors, and no part of such fee shall be refundable unless said refund is requested in writing concurrently with the withdrawal of the request and provided that the applicant has not been sent written notice of the application’s completeness or incompleteness. in the latter case, fifty (50) percent of the filing fee shall be refunded. (Ord. 3633, 1992)
SECTION 138. Section 21.64.260 of Chapter 21.64 of the Monterey County Code shall be amended as follows:

21.64.260 Preservation of oak and other protected trees.

A. Purpose. The purpose of this Section is to provide the regulations for the protection and preservation oak and other specific types of trees as required in the Monterey County General Plan, area plans and master plans. This Section is also intended to provide the procedures under which proposed removal of such trees may be considered or exempted.

B. Applicability. The provisions of this Section are applicable throughout the unincorporated area of the County of Monterey outside the Coastal Zone.

C. Regulations. Except as provided in Subsection 21.64.240F of this Section the following regulations apply:

1. No oak or madrone tree six inches or more in diameter two feet above ground level shall be removed in the North County Area Plan or Toro Area Plan areas without approval of the permit(s) required in Subsection 21.64.240D.

2. No oak, madrone or redwood tree six inches or more in diameter two feet above ground level shall be removed in the Carmel Valley Master Plan area without approval of the permit(s) required in Subsection 21.64.240D.

3. No native tree six inches or more in diameter two feet above ground level shall be removed in the Cachagua Area Plan area without approval of the permit(s) required in Subsection 21.64.240D.

“Native trees,” for the purpose of this subsection, are:

a. Santa Lucia Fir;

b. Black Cottonwood;

c. Fremont Cottonwood;

d. Box Elder;

e. Willows;

f. California Laurel;

g. Sycamores;

h. Oaks;
i. Madrones.

4. No oak tree six inches or more in diameter two feet above ground level may be removed in any other area of the County of Monterey designated in the applicable area plan as Resource Conservation, Residential, Commercial or Industrial (except Industrial, Mineral Extraction) without approval of the permit(s) required in Subsection 21.64.240D.

5. No landmark oak tree shall be removed in any area except as may be approved by the Director of Planning and Building Inspection Planning pursuant to Subsection 21.64.240D. Landmark oak trees are those trees which are twenty-four (24) inches or more in diameter when measured two feet above the ground, or trees which are visually significant, historically significant, or exemplary of their species.

6. No oak trees six inches or more in diameter two feet above ground level may be removed in any other area of the County of Monterey designated in the applicable area plan as Agricultural or Industrial, Mineral Extraction, unless such removal meets the purpose and standards required in Subsection 21.64.240E.

7. No oak trees may be removed in any area of the County of Monterey for commercial harvesting purposes without approval of a Use Permit by the Planning Commission.

D. Permits Required.

1. Permit Required: No person shall do, cause, permit, aid, abet, suffer or furnish equipment or labor to remove, cut down or trim more than one-third of the green foliage of, poison or otherwise kill or destroy any tree as specified in this Section until a tree removal permit for the project has first been obtained.

All provisions of this Section shall apply to any person removing trees on behalf of any other person, including all companies or persons in the business of removing trees or construction. It shall be unlawful for any person or company to remove or cause to be removed or undertake any work for which a permit is required under this Section, unless a valid permit has been obtained and is in effect.

2. Removal of Three or Less Protected Trees: The Director of Planning and Building Inspection Planning may approve the removal of no more than three protected trees per lot in a one-year period. The following information shall be submitted to the Director of Planning and Building Inspection Planning prior to consideration of such removal:

a. Applicants or authorized representatives name, address and telephone number;

b. The description of the site(s) involved, including the street address, if any, and the assessor’s parcel number;
c. A site plan sufficient to identify and locate the trees to be removed, other trees, buildings, proposed buildings, and other improvements;

d. The purpose for the tree removal;

e. A description of the species, diameter two feet above ground level, estimated height, and general health of the trees to be removed.

f. A description of the method to be used in removing the tree(s);

g. A statement showing how trees not proposed for removal are to be protected during removal or construction;

h. Proposed visual impact mitigation measures the applicant intends to take (if appropriate). Size, location and species of replacement trees, if any, shall be indicated in the site plan;

i. Such further information as may be required by the Director of Planning and Building Inspection Planning, including, but not limited to, the opinion of a registered professional forester, tree surgeon, or other qualified expert to enable the determination of matter required under these regulations.

3. Removal of More Than Three Protected Trees:

a. Removal of more than three protected trees on a lot in a one-year period shall require a Forest Management Plan and approval of a Use Permit by the Monterey County Planning Commission.

b. The Forest Management Plan shall be prepared by a qualified professional forester, as selected from the County's list of Consulting Foresters. Plan preparation shall be at the applicant's expense.

c. The Director of Planning and Building Inspection Planning shall prescribe the format and content requirements for the Forest Management Plan and maintain a list of qualified and acceptable foresters to prepare the Forest Management Plan.

d. All tree removal requests coming under this subsection shall be subject to the requirements of the California Environmental Quality Act (CEQA).

4. Relocation or Replacement: As a consideration of the granting of a permit pursuant to Subsections 2 or 3, the applicant shall be required to relocate or replace each removed protected tree on a one-to-one ratio. This requirement may be varied upon a showing that such a requirement will create a special hardship in the use of the site or such replacement would be detrimental to the long-term health and maintenance of the remaining habitat.
5. Required Findings: In order to grant the permit for tree removal, the Appropriate Authority shall make the following findings based on substantial evidence:

a. The tree removal is the minimum required under the circumstances of the case; and

b. The removal will not involve a risk of adverse environmental impacts such as:

1. Soil erosion;

2. Water Quality: The removal of the trees will not substantially lessen the ability for the natural assimilation of nutrients, chemical pollutants, heavy metals, silt and other noxious substances from ground and surface waters;

3. Ecological Impacts: The removal will not have a substantial adverse impact upon existing biological and ecological systems, climatic conditions which affect these systems, or such removal will not create conditions which may adversely affect the dynamic equilibrium of associated systems;

4. Noise Pollution: The removal will not significantly increase ambient noise levels to the degree that a nuisance is anticipated to occur;

5. Air Movement: The removal will not significantly reduce the ability of the existing vegetation to reduce wind velocities to the degree that a nuisance is anticipated to occur;

6. Wildlife Habitat: The removal will not significantly reduce available habitat for wildlife existence and reproduction or result in the immigration of wildlife from adjacent or associated ecosystems; or

   c. The tree is diseased, injured, in danger of falling too close to existing or proposed structures, creates unsafe vision clearance, or is likely to promote the spread of insects of disease.

6. Conditions of Approval: In granting any permit as provided herein, the Appropriate Authority may attach reasonable conditions to mitigate environmental impacts and ensure compliance with the provisions of this Section, including but not limited to replacement of trees removed.

7. Emergencies: In the case of emergency caused by hazardous or dangerous condition of a tree and requiring immediate action for the safety of life or property, such necessary action may be taken to remove the tree or otherwise reduce or eliminate the hazard without complying with the other provisions of this Section, except that the person responsible for cutting or removal of the tree(s) shall report such action to the Director of Planning and Building Inspection Planning within ten (10) working days thereafter.

E. Purpose and Standards for Agricultural Areas. Removal of oak trees in the areas outside of the North County Area Plan, Toro Area Plan, Cachagua Area Plan and Carmel Valley Master Plan designated Farmlands, Rural Grazing or Permanent Grazing by the applicable area
plan shall be allowed only if the following purposes and standards are satisfied.

1. Oak tree removal is allowed without a permit for any of the following reasons:
   a. Rangeland improvement;
   b. Promotion of wildlife habitat;
   c. Enhancement of watershed area;
   d. Elimination of trees hazardous to life or property, or;
   e. Firewood for the use of the owners and other persons residing on site.

2. Standards:
   a. The current Best Management Practices as promulgated by the University of California Hardwood Range Management Plan shall be followed to maintain and promote regeneration of oak trees.
   b. A representative sample of sizes, ages and species of oaks shall be retained with special emphasis placed on retaining samplings.
   c. The number of oaks on any acre shall not be reduced to less than twenty-five (25) percent canopy existing at the time of adoption of this ordinance.
   d. Removal of oak trees encroaching on existing cultivated farmland is allowed.

3. Oak trees on land being converted to irrigated farmland where a Use Permit is required for such conversion by area plan policy shall not be allowed until such use permit is approved and applicable conditions are met.

4. Removal for purposes not under the guidelines of this Subsection may be approved by the Director of Planning and Building-Inspection Planning on an individual basis.

F. Exemptions. The following tree removal activities are exempted from the provisions of this Section:

1. Timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Zberg-Nejedly Forest Practices Act of 1973 (commencing with Section 45110 of the Public Resources Code).

2. Tree removal pursuant to Public Utilities Commission General Order 95 or by governmental agencies within public rights-of-way.
3. Tree removal for construction of structures, roads and other site improvements included in an approved subdivision, Use Permit, or similar discretionary permit.

SECTION 139. Section 21.64.270 of Chapter 21.64 of the Monterey County Code shall be amended as follows:

21.64.270 Regulations for historic resources.

A. Purpose: To provide reasonable flexibility of zoning standards to encourage and accommodate the renovation and rehabilitation of historic resources and structures within historic districts.

B. Following the provision of notice pursuant to Chapter 21.70 of this Code, the Director of Planning and Building Inspection Planning may grant an exception to the zoning district regulations when such exception is necessary to permit the preservation or restoration of, or improvements to, a structure designated as historically significant pursuant to the provisions of Chapter 18.85 of this Code. Such exceptions may include, but are not limited to, parking, yards, height, and coverage regulations. Such exceptions shall not include approval of uses not otherwise allowed by the zoning district regulations. (Ord. 3795, 1994)

SECTION 140. Section 21.64.280 of Chapter 21.64 of the Monterey County Code shall be amended as follows:

21.64.280 Administrative permits for transient use of residential property for remuneration.

A. Findings and Declarations.

1. Title 21 provides for zoning districts to accommodate development where adequate services and facilities exist to support such development.

2. Title 21 also establishes certain residential and commercial zoning districts to accommodate a wide range of commercial uses compatible with residential and other surrounding land uses.

3. The use of single and multiple family dwelling units, duplexes, guesthouses, caretaker units, and other structures normally occupied for residential purposes, for bed and breakfast, hostel, hotel, inn, lodging, resort, or other transient lodging purposes has impacts on residential areas which must be addressed through existing County use permit processes.

4. Allowing transient use of residential property will provide an administrative procedure to legalize existing visitor serving opportunities and increase and enhance public access to areas of the County and other visitor destinations.

5. If not properly regulated, such use of residential property may create adverse impacts on surrounding residential uses including, but not limited to, increased levels of commercial and
residential vehicle traffic, parking demand, light and glare, and noise detrimental to surrounding residential uses and the general welfare of the County. Moreover, such use may increase demand for public services, including, but not limited to, police, fire, and medical emergency services, and neighborhood watch programs.

6. Requiring administrative permits for such use of residential property enables the County of Monterey to address any adverse impacts of such use, is consistent with and declaratory of existing regulations under Title 21, and necessary to maintain the integrity of the various zoning districts.

7. This ordinance is necessary in order to protect the public health, safety, and welfare.

B. Purpose. The purpose of this Section is to:

1. Preserve and enhance the residential character of the zoning districts established in Title 21 and the sense of security and safety in stable neighborhoods of owner-occupied residences.

2. Implement the provisions and advance the purposes and objectives of Title 21.

3. Except as provided in this Section, restrict transient use of property for remuneration, which use may be inharmonious with and injurious to the preservation of the character and environment of the various zoning districts in Title 21.

4. Promote the public health, safety, and general welfare of the County.

C. Definitions. Except as otherwise defined or where the context otherwise indicates, the following words shall have the following meaning:

1. “Person” means any individual, partnership, firm, business, or similar entity, public or private agency, municipality, city, State or Federal agency.

2. “Remuneration” means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession, or use of residential real property.

3. “Residential property” means any single- or multiple- family dwelling units, duplexes, guesthouses, caretaker units, or other dwelling unit or structure located on one or more contiguous lots of record in any of the zoning districts in Title 21 which allow residential uses.

4. “Transient” means, except as provided herein, a period of time not less than seven nor more than thirty (30) consecutive calendar days.

5. “Transient Use of Residential Property” means the use, by any person, of residential property for bed and breakfast, hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, for not less than seven nor
more than thirty (30) consecutive calendar days.

D. Administrative Permit.

1. Permitted Use.

   a. Transient use of residential property for remuneration shall be permitted in all zoning
districts which allow residential use upon the issuance of an administrative permit pursuant to
Chapter 21.70 of Title 21, subject to the regulations in Section D2.

   b. Transient use of residential property in existence on the effective date of this Section
shall, upon application, be issued an administrative permit provided that any such units devoted
to transient use are registered with the Director of Planning and Building Inspection Planning
and the administrative permit application is filed within ninety (90) days of the effective date of
this Section. Upon registration, the owner/Registrant shall record a covenant and/or deed
restriction against each unit whereby such owner/Registrant agrees to comply with the regulations
set forth in Section D2. The owner/Registrant shall have the burden of demonstrating that the
transient use was established. Payment of transient occupancy taxes shall be, but is not the
exclusive method of demonstrating, evidence of the existence of historic transient use of
residential property.

   c. The rental period and days per year of rental for residential properties registered for
 transient uses with the Director of Planning and Building Inspection Planning pursuant to this
Section shall be limited to the rental period and days per year of rental established by the
owner/registrant at the time of registration. Nothing in this Section shall preclude the
owner/registrant from increasing or extending the rental period for the registered property
provided an administrative permit is first obtained under this Section.

2. Regulations.

   a. The minimum rental period for all transient use of residential property shall be the
greater of seven consecutive calendar days or the minimum rental period set forth in enforceable,
recorded conditions, covenants, and restrictions encumbering the property rented. Transient use
of residential property for a term less than provided herein is hereby expressly prohibited. Any
residential property the rezoning of which is being proposed or considered by the Planning
Commission or the Board of Supervisors so as to be exempted from the provisions of this
Section, shall be exempted from the permit and/or registration requirements of this Section
pending consideration and final decision on said rezoning by the Planning Commission and the
Board of Supervisors. Such exemption shall terminate immediately in the event the Board of
Supervisors reaches a final decision not to adopt the above-described rezoning proposed for any
such property.

   b. The number of occupants in any residential unit for transient use shall not exceed the
limits set forth in the California Uniform Housing Code and other applicable State and County
housing regulations for residential structures based on the number of bedrooms within the unit.
Each permit shall specify the maximum number of occupants allowed.

c. Availability of the rental unit to the public shall not be advertised on site.

d. Any administrative permit issued pursuant to this Section shall require, as a condition of approval, that applicant who does not reside within a five-mile radius of the residence being rented, designate a person located within a twenty-five (25) mile radius of the rental unit, as a local contact person who will be available twenty-four (24) hours a day to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of the administrative permit issued and the provisions of this Section and other applicable provisions of Title 21. The name, address, and telephone number(s) of such a designated person shall be furnished to the Director of Planning and Building Inspection Planning prior to issuance of the coastal administrative permit and made available for public review. The permit holder shall promptly notify the Director of Planning and Building Inspection Planning of any change in the local contact person’s address or telephone number.

e. A copy of any administrative permit and/or registration issued pursuant to this Section shall be furnished by the Director of Planning and Building Inspection Planning to the Treasurer of the County of Monterey and the Sheriff of the County of Monterey.

f. The administrative permit holder and/or registrant shall collect and remit to the Treasurer of the County of Monterey, the transient occupancy tax for each rental unit pursuant to Chapter 5.40 of the Monterey County Code. However, nothing in this Section shall be construed to require an applicant from collecting and paying any transient occupancy tax for any transient use of residential property had and made prior to the effective date of this Section.

g. The use of a residential unit for a transient use shall not violate any applicable conditions, covenants, or other restrictions on real property. The applicant shall provide notice to any affected homeowners’ association in a manner consistent with the notice requirements for a use permit. In the event the homeowners’ association objects to the issuance of the permit, the permit shall not be approved until the homeowners’ association’s objection has been withdrawn or the right of the applicant to use the subject residential property for transient use has been validated, approved, or otherwise ordered by a Court, arbitrator, or other appropriate entity with the authority to review, approve, validate, or otherwise act on the proposed use of the action of the homeowners’ association.

h. Compliance with the requirements of this Section shall be considered conditions of approval, the violation of which may result in a revocation of any administrative permit by the Director of Planning and Building Inspection Planning.

3. Violations.

a. Any person who uses, or allows the use of, residential property in violation of the provisions of this Section is guilty of a misdemeanor for each day in which such residential property is used, or allowed to be used, in violation of this Section and is punishable pursuant to
Title 21 and Chapter 1.20 of the Monterey County Code.

b. Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service, or who otherwise arranges or negotiates for the use of property in violation of the provisions of this Section is guilty of a misdemeanor for each day in which such residential property is used, or allowed to be used, in violation of this Section, and is punishable pursuant to Title 21 and Chapter 1.20 of the Monterey County Code.

E. Declaration of Intent. The Board of Supervisors finds that the current provisions of the Monterey County Coastal Implementation Plan and Title 21 restrict the use of residential property to be occupied by a person or persons for short-term occupancies. The Board further finds that occupancies of less than thirty (30) days of residential property is a transient use of residential property for remuneration and may be allowed only upon the issuance of an administrative permit in the coastal zone, or an administrative permit in the non-coastal areas. This ordinance, therefore, is intended to clarify, restate, and ratify these findings to ensure full and complete enforcement of the Monterey County Coastal Implementation Plan and Title 21. The Board of Supervisors further finds that this ordinance does not create, enhance, or diminish any rights or obligations of any person holding any interest in real property covered by this ordinance. In adopting the provisions of Section 1 of this ordinance, the Board of Supervisors finds that it intends to carry out the Local Coastal Program in a manner fully consistent with the California Coastal Act.

F. No Adverse Impact. The Board of Supervisors finds that the adoption of this ordinance has the effect of regulating a previously illegal use; however, the use permitted pursuant to this ordinance, as regulated, will not constitute a substantial adverse physical change to the environment or any substantive change in the intensity of use of existing single family dwellings.

G. Effective Date. Section 1 of this ordinance shall become effective on the thirty-first day after adoption or upon certification by the California Coastal Commission, whichever date occurs last. Section 2 of the ordinance shall become effective on the thirty-first day after its adoption. (Ord. 3911, 1997)

SECTION 141. Section 21.64.310 of Chapter 21.64 of the Monterey County Code shall be amended as follows:

21.64.310 Regulations for the siting, design, and construction of wireless communication facilities.

A. Purpose: The purpose of this Section is to establish the regulations, standards and circumstances for the siting, design, construction and maintenance of wireless communication facilities in the unincorporated area of the County of Monterey. It is also the purpose of this Chapter to assure, by the regulation of siting of wireless communications facilities, that the integrity and nature of residential, rural, commercial, and industrial areas are protected from the indiscriminate and inappropriate proliferation of wireless communication facilities while complying with the Federal Telecommunication Act of 1996, General Order 159A of the Public Utilities Commission of the State of California and the
policies of Monterey County.

B. Applicability: The provisions of this Section are applicable in all zoning districts.

C. Regulations: Wireless communication facilities shall be allowed on any lot or parcel in any zoning district, subject to a discretionary permit, and subject to the following regulations:

1. Wireless communication facilities shall comply with all applicable goals, objectives and policies of the general plan, area plans, zoning regulations and development standards.

2. Wireless communication facilities shall comply with all FCC rules, regulations, and standards.

3. Wireless communication facilities shall comply with all applicable criteria from the Monterey County Airport Land Use Commission (ALUC) and the Federal Aviation Administration (FAA).

4. Wireless communication facilities shall be sited in the least visually obtrusive location possible. Appropriate mitigation measures shall be applied in instances where the facility is visible from a public viewing area.

5. A visual simulation of the wireless communication facility shall be provided. Visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer simulation or other means. In instances where the wireless communication facility is located near or in a residential area, photos shall be submitted of the proposed wireless communication facility from the nearest residential neighbors. In instances where the wireless communication facility is located along a scenic corridor, or within a Historic Resource Area or District, a detailed visual analysis of the facility shall be submitted.

6. Where the wireless communication facility is proposed to be located within a designated historic resource site or district, the applicant shall comply with the regulations for historic resources pursuant to Chapter 21.54 and Chapters 18.25 and 18.26.

7. Where a wireless communication facility exists on the proposed site location, co-location shall be pursued to the maximum extent feasible. If a co-location agreement cannot be met, documentation of the effort and the reasons why co-location was not possible shall be submitted and reviewed by the Director of Planning and Building Inspection Planning.

8. Other regulations enacted pursuant to the General Plan and Area Plan, may be applied to the proposed wireless communication facility, depending on the location and type of facility.

D. Exemptions: The following types of wireless communications facilities are allowed in any zoning district and are exempt from the provisions of this Chapter:

1. Structure-mounted antennas as defined in Section 21.64.310F3 of this Chapter.
2. Ground-mounted antennas as defined in Section 21.64.310F4 of this Chapter.

3. A ground- or building-mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the parcel on which the radio or television antenna is located.

4. A ground- or building-mounted citizens band radio antenna including any mast, provided the height of the antenna, including the tower, support structure, or post, does not exceed zoning district height requirements of the zoning district.

5. A ground-, building- or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, provided that its maximum height does not exceed the height requirements of the zoning district.

6. A ground- or building-mounted receive-only radio or television satellite dish, which does not exceed eighteen (18) inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.

7. Mobile services providing public information coverage of news events of a temporary nature.

8. Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices as determined by the Planning Director.

E. Findings:

1. The proliferation of antennas, towers, and or satellite dishes could create significant, adverse visual impacts; therefore, there is a need to regulate the siting, design, and construction of wireless communication facilities to insure that the appearance and integrity of the community is not marred by the cluttering of unsightly facilities.

2. General Order 159A of the Public Utilities Commission (PUC) of the State of California acknowledges that local citizens and local government are often in a better position than the Commission to measure local impact and to identify alternative sites. Accordingly, the Commission will generally defer to local governments to regulate the location and design of cell sites, wireless communication facilities and MTSOs (mobile telephone switching office) including (a) the issuance of land use approvals; (b) acting as Lead Agency for purposes of satisfying the California Environmental Quality Act (CEQA) and, (c) the satisfaction of noticing procedures for both land use and CEQA procedures.

3. While the licensing of wireless communication facilities is under the control of the Federal Communication Commission (FCC) and Public Utilities Commission (PUC) of the State of California, local government must address public health, safety, welfare, zoning, and
environmental concerns.

4. In order to protect the public health, safety and the environment, it is in the public interest for local government to establish rules and regulations addressing certain land use aspects relating to the construction, design, and siting of wireless communication facilities and the compatibility with surrounding land uses.

F. Definitions.

1. “ALUC” means Airport Land Use Commission of Monterey County

2. “Antenna” means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure.

3. “Antenna, structure-mounted” means any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building-mounted mast less than ten (10) feet tall and six inches in diameter and not exceeding the height limit for the zoning district.

4. “Antenna, ground-mounted” means any antenna with its base placed directly on the ground or a mast less than ten (10) feet tall and six inches in diameter and not exceeding the height limit for the zoning district.

5. “Cellular service” means a telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmitter sites called cell sites, either to the public switched network or to other mobile cellular phones.

6. “CEQA” means California Environmental Quality Act. Guidelines established to identify and prevent potentially significant environmental impacts as well to identify ways that environmental damage can be avoided or significantly reduce by the use of alternatives or mitigation measures.

7. “Co-located communication facility” means a telecommunication facility comprised of a single telecommunication tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

8. “Equipment building, shelter or cabinet” means a cabinet or building used to house equipment used by telecommunication providers to house equipment at a facility.


11. “MTSOs” means Mobile Telephone Switching Offices.
12. “Monopole” means a structure erected on the ground to support wireless communication antennas and connecting appurtenances.

13. “PCS (Personal Communications Services)” means digital wireless telephone technology such as portable phones, pagers, faxes and computers. Such mobile technology promises to allow each consumer to use the same telephone number wherever they go. Also known as Personal Communications Network (PCN).

14. “PUC” means California Public Utilities Commission

15. “Satellite dish” means any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia-shaped and is used to transmit and/or receive electromagnetic signals.

16. “Telecommunication facility” means a facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

17. “Telecommunication tower” means a mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas.

18. “Wireless communication facility” means an unstaffed facility for the transmission and reception of low-power radio signals. Wireless communication facilities include antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

19. “Wireless communication facility, commercial” means a wireless communications facility that is operated primarily for a business purpose or purposes.

20. “Wireless communication facility, non-commercial” means a wireless communication facility that is operated solely for a non-business purpose.

G. Registration Requirement:

1. All telecommunications carriers and providers that offer or provide any telecommunication services for a fee directly to the public, within the unincorporated areas of the County of Monterey, shall register with the County pursuant to this Chapter on forms to be provided by the Director of Planning and Building Inspection Planning and which shall include the following:

   a. The identity and legal status of the registrant, including any affiliates.
b. The name, address, and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement.

c. A narrative and map description of registrant’s existing or proposed facilities within the unincorporated areas of the County of Monterey.

d. A description of the telecommunication services that the registrant intends to offer to provide, or is currently offering or providing, to persons, firms, businesses or institutions within the unincorporated areas of the County of Monterey.

e. Information sufficient to determine that the applicant has applied for and received any certificate of authority required by the California Public Utilities Commission to provide telecommunications services or facilities within the unincorporated areas of the County of Monterey.

f. Information sufficient to determine that the applicant has applied for and received any building permit, operating license or other approvals required by the Federal Telecommunications Commission (FCC) to provide services or facilities within the unincorporated areas of the County of Monterey.

g. Such other information as the Director of Planning and Building Inspection Planning may reasonably require.

2. The purpose of the registration under this Section is to:

a. Provide the County with accurate and current information concerning the telecommunications carriers and providers who offer or provide telecommunications services within the unincorporated areas of the County of Monterey, or that own or operate facilities within the unincorporated areas of the County of Monterey;

b. Assist the County in the enforcement of this Chapter;

c. Assist the County in monitoring compliance with local, State and Federal laws.

3. Amendment. Each registrant shall inform the County, within sixty (60) days of any change of the information required pursuant to this Section.

H. General Development Standards.

1. Site Location.

a. Site location and development of wireless communications facilities shall preserve the visual character and aesthetic values of the specific parcel and surrounding land uses. Facilities shall be integrated to the maximum extent feasible to the existing characteristics of the site.
b. Co-location is encouraged when it will decrease visual impact and discouraged in cases when it will increase visual impact.

c. Wireless communications facilities, to every extent possible, should not be sited to create visual clutter or negatively affect specific views.

d. In designated visually sensitive areas, scenic corridors or areas of high visibility, telecommunication facilities shall be sited below the ridge line or designed to minimize their visual impact.

e. Wireless communications facilities shall be screened from any public viewing areas to the maximum extent feasible.

f. Disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility.

g. Any exterior lighting, except as required for FAA regulations for airport safety, shall be manually operated and used only during night maintenance checks or in emergencies. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.

h. No telecommunication facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless the applicant has demonstrated to the Director of Planning and Building Inspection Planning, that the proposed location is the most feasible location for the provision of services as required by the FCC.

i. No telecommunication facility shall be installed within the safety zone of any airport within Monterey County or any helipad unless the airport owner/operator indicates that it will not adversely affect the operation of the airport or helipad.

j. No telecommunication facility shall be located in an environmentally sensitive habitat.


a. Towers and monopoles shall be constructed of metal or other non-flammable material, unless specifically conditioned by the County to be otherwise.

b. Support facilities (i.e. vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed of non-flammable, non-reflective materials and shall be placed in underground vaults, unless otherwise approved by the County.

c. All ancillary buildings, poles, towers, antenna supports, antennas, and other components of telecommunication facilities shall be of a color approved by the Appropriate Authority. If the facility is conditioned to require paint, it shall initially be painted with a flat paint color approved by the Appropriate Authority, and thereafter repainted as necessary with a flat paint color. Components of the telecommunication facility which will be viewed against
soils, trees, or grasslands shall be of a color matching these landscapes.

d. Special design of the telecommunication facilities may be required to mitigate potentially significant adverse visual impacts.

3. Requirements for Application Submittal. Applications for the use of wireless communication facilities shall be subject to the Planning and Building Inspection Planning Department “Requirements for Application Submittal for the Development of Wireless Communication Facilities”.

I. Appropriate Authority:

1. The Planning Commission, the Zoning Administrator or the Director of Planning and Building Inspection Planning shall be the Appropriate Authority to hear and decide all applications for Wireless Communication Facilities based on the following:

   Planning Commission. The Planning Commission shall be the Appropriate Authority for applications for the installation of new, wireless communications facilities proposed in visually sensitive areas, critical viewsheds, scenic corridors and Historic Resource Zoning Districts.

   Zoning Administrator. The Zoning Administrator shall be the Appropriate Authority for applications for new wireless communications facilities proposed on existing buildings or structures and which exceed the height limit for the zoning district, co-located facilities, and facilities that have no significant adverse visual impact from any common public viewing area.

   Director of Planning and Building Inspection Planning. The Director of Planning and Building Inspection Planning shall be the Appropriate Authority for additions/amendments to existing, approved wireless communications. The Director of Planning and Building Inspection Planning may refer a proposed project to the Zoning Administrator if the project is determined to be more than minor in nature.

2. Upon submission of the application, if necessary, it shall be submitted to the Monterey County Airport Land Use Commission, and/or local land use advisory committee, as appropriate, for a report and recommendation prior to consideration by the Appropriate Authority.

3. The Director of Planning and Building Inspection Planning, the Zoning Administrator or Planning Commission may impose such conditions deemed necessary to protect public health, safety, welfare, and the environment.

J. Action by the Appropriate Authority. In order to grant any Administrative Permit or Use Permit, the findings of the Appropriate Authority shall be:

1. That the development of the proposed wireless communications facility will not significantly affect any public viewsheds, scenic corridor or any identified environmentally sensitive area or resource as defined in the Monterey County General Plan, Area Plan or Local Coastal Plan.

2. That the site is adequate for the development of the proposed wireless communications facility and that the applicant has demonstrated that it is the most adequate for the provision of
services as required by the FCC.

3. That the proposed wireless communication facility complies with all of the applicable requirements of Section 20.21.64.310 of this Title.

4. That the subject property upon which the wireless communications facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any have been paid.

K. Site Restoration Upon Termination/Abandonment of Facility.

1. The site shall be restored to its natural state within six months of termination of use or abandonment of the site.

2. Applicant shall enter into a site restoration agreement subject to the approval of the Director of Planning and Building Inspection Planning and County Counsel.

L. Indemnification. Each permit issued pursuant to this Section shall have as a condition of the permit, a requirement that the applicant indemnify and hold harmless the County and its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained, by any person or property resulting from the issuance of the permit and the conduct of the activities authorized under said permit.

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

N. Conflicts with Other Chapters. If this Section is found to be in conflict with any other Chapter, Section, Subsection, or Title, the provisions of this Section shall prevail.

SECTION 142. Section 21.66.020 of Chapter 21.66 of the Monterey County Code shall be amended as follows:

21.66.020 Standards for environmentally sensitive habitats.

A. Purpose: The purpose of this Section is to provide development standards which will allow for the protection, maintenance, and, where possible, enhancement and restoration of environmentally sensitive habitats. The environmentally sensitive habitats of Monterey County are unique, limited, and fragile resources important to the enrichment of present and future generations of County residents and visitors.
B. Applicability: The provisions of this Section shall be applicable to areas known by available resource information, review or other research, to contain environmentally sensitive habitats.

C. Regulations: Biological Survey Requirement.

1. A biological survey shall be required for all proposed development meeting one or more of the following criteria:

   a. The development is proposed within a known environmentally sensitive habitat, based on the most current resource maps, other reliable other available resource information, or through the planner’s on-site investigation;

   b. The development is located within one hundred (100) feet of an environmentally sensitive habitat, and has potential negative impact on the long-term maintenance of the habitat.

2. The survey shall be required, submitted, and meet approval of the Director of Planning and Building Inspection Planning prior to the project application being determined complete.

3. The survey shall be prepared by a qualified biologist, as selected from the County’s list of consulting biologists maintained by the Planning and Building Inspection Planning Department. Report preparation shall be at the applicant’s expense.

4. The biological survey shall contain the following elements:

   a. Identify the property surveyed, with accompanying location map and site plan showing topography and all existing and proposed structures and roads, and the proposed project site or sites;

   b. Describe the method of survey;

   c. Identify the environmentally sensitive habitat found on the site and within one hundred (100) feet of the site with an accompanying map delineating the habitat location or locations.

   d. Describe and assess potential impacts of the development on the environmentally sensitive habitat(s) identified in the survey found on the site or on neighboring properties;

   e. Recommend mitigation measures which will reduce impacts;

   f. Assess whether the mitigation measures will reduce the development’s impact to an insignificant level.

5. The biological survey shall be waived by the Director of Planning and Building Inspection Planning for development of a single family dwelling on a vacant lot created through subdivision or lot line adjustment, for which an accepted biological survey was previously
D. General Development Standards.

1. Development, including vegetation removal, excavation, grading, filling, and construction of roads and structures be prohibited in environmentally sensitive habitats. Exception, resource dependent uses, including nature education and research, hunting, fishing and aquiculture, may be allowed within environmentally sensitive habitats if it has been determined through the biological survey that impacts of such uses will not harm the habitat’s long-term maintenance.

2. Development on parcels containing or within one hundred (100) feet of environmentally sensitive habitats, shall be permitted only they will not have a significant adverse impact on the habitat’s long-term maintenance, either on a development or cumulative basis. Development shall only be approved where conditions of approval are available which will mitigate adverse impacts to and allow for the long-term maintenance of the habitat, as determined through the biological survey.

3. Removal of indigenous vegetation and land disturbance, such as grading, excavation, paving, and fill, in or within one hundred (100) feet of environmentally sensitive habitats shall be limited to that necessary for the structural improvements and driveway access. Modifications to the proposal shall be made for siting, location, design, bulk, vegetation removal, and grading where such modifications will reduce impacts to the habitat.

4. The use of native species consistent with and found in the project area shall be required in landscaping required as a condition of project approval.

5. Development activities which would adversely affect the breeding habitat of rare, threatened and endangered birds shall be regulated by conditions of project approval to avoid significant impacts during their breeding and nesting seasons.

SECTION 143. Section 21.66.030 of Chapter 21.66 of the Monterey County Code shall be amended as follows:

21.66.030 Standards for agricultural uses.

A. Purpose: The purpose of this Section is to provide development standards which will support the preservation of agricultural soils and to protect productive farmland not on prime soils.

B. Applicability: The regulations of this Section are applicable in all zoning districts where agricultural uses are allowed.

C. Regulations:
1. Conversion of uncultivated land to cropland shall not be permitted on slopes over twenty-five (25) percent.

2. A Use Permit shall be required for development of new or expanded agricultural operations on uncultivated slopes of fifteen (15) percent—twenty-five (25) percent in the North County Area Plan, Central Salinas Valley Area Plan and Cachagua Area Plan areas.

D. Section 21.66.030D of Chapter 21.66 of Title 21 of the Monterey County Code is repealed.

E. Agricultural Management Plan Requirement

1. An Agricultural Management Plan shall be required for the development of new or expanded agricultural uses pursuant to Section 21.66.030C2.

2. The plan, if required, shall be prepared by a consultant selected by the applicant from the County list of Agricultural Viability Report Consultants, at the applicant’s expense.

3. The Agricultural Management Plan, if required, shall contain, at a minimum, the following elements:

   a. Location map (1” = 2000’);

   b. Scale site plan showing the entire parcel, and proposed and existing structures (including accessory agricultural structures and residences), roads, fences, contours, wells, water lines, septic tanks and leach lines;

   c. Scale plan showing the entire parcel, and existing land uses, areas presently under and proposed for cultivation, areas of vegetation type, areas to be cleared, and areas to be graded for the development;

   d. Soils analysis, discussing soils conditions (including erosion potential and erosion control) and their relationship to appropriate agricultural management on the parcel;

   e. Water availability and demand, and the relation to appropriate agricultural management on the parcel;

   f. Map delineating areas which are suitable for agricultural production, based on soils, water, and other conditions as deemed appropriate by the consultant in the absence of an agricultural viability report;

   g. Description and analysis of existing and proposed agricultural activities on the parcel, including types of crops and acres under cultivation, geographic distribution of crops over the parcel, rotation of crops, and related agricultural activities, including agricultural goods and equipment storage, packing and processing;
h. Erosion control plan element;

i. Hydrologic report element;

j. Description of recommended agricultural management techniques for the parcel and proposed development or development alternatives to reduce erosion, conserve water, protect water quality, and minimize impacts to plant and animal habitats.

4. The plan shall be reviewed by the Soil Conservation Service, County Agricultural Commissioner, and any other agencies or departments appropriate for the specific project. After comments have been received, the Director of Planning and Building Inspection Planning may require that the plan be revised to include additional information or assessment as deemed necessary by the reviewing agencies. A third party review may also be required at applicants expense. All departmental review, report revisions, and third party review must be complete before the plan may be approved by the Director of Planning and Building Inspection Planning.

5. The plan shall be required, submitted, and approved by the Director of Planning and Building Inspection Planning prior to the application being determined complete.

F. General Development Standards.

1. Subdivision of parcels located in “F” (Farmlands), “PG” (Permanent Grazing) or “RG” (Rural Grazing), or any land under Williamson Act contract, shall only be permitted when such subdivision does not adversely affect the land’s long-term agricultural viability. Each subdivided parcel must be capable of remaining a viable agricultural unit, as determined through the agricultural viability report prepared for the project.

2. New development adjacent to agricultural areas shall be required to establish a well-defined buffer zone within the area to be developed. The area to be utilized as a buffer shall be placed in an easement, required as a condition of project approval. Requirements for the easement are as follows:

   a. The easement width shall be sufficient to protect agriculture from impacts of new residential or other incompatible development and to mitigate against the effects of agricultural operations on the proposed uses. For development adjacent to “F”, “PG” or “RG” Zoning Districts, the easement shall be a width of two hundred (200) feet, or wider where necessary to mitigate adverse impacts between agricultural and adjacent land uses. In all other zoning districts, the easement may be reduced to a width of not less than fifty (50) feet.

   b. The easement shall extend the full length of the boundaries between the property to be developed and adjacent agricultural lands. Permanent roads which have been established by a dedicated road easement, or which have been paved, or which are a public road, may serve as part of this easement.

   c. Land within the easement may not be used for recreational areas as part of housing projects or public facilities. Minor storage structures or sheds associated with the residential uses
may be permitted within the easement area. Specific permitted and prohibited uses shall be stipulated in the easement document.

3. Agricultural support services such as coolers, cold storage, loading docks, and commercial farm equipment shops may be in “F” (Farmlands), “RG” (Rural Grazing) or “PG” (Permanent Grazing) Districts subject to a Use Permit provided that:

a. The land on which the support facilities are proposed is not suitable for cultivation because of irregular terrain or inadequate soil quality, or other physical constraints which limit agricultural productivity; and

b. The proposed support facilities are a necessary accessory to the cultivation, harvesting, or processing of crops raised by the applicant on the same property where the support facilities are proposed; and

c. The maintenance and operation of the proposed support facilities will not impair the ability to produce crops on either the remainder of the subject property or neighboring properties; and

d. The agricultural support facilities are in connection with the cultivation, harvesting, processing, or storage of crops grown on lands in close proximity to the subject property, especially when the maximum amount of prime farmland for production would be preserved, expanded, or enhanced.

e. The land on which the support facilities are constructed shall not be subdivided from the remainder of the subject property.

f. Agricultural support facilities shall be compatible with land uses on neighboring properties. (Ord. 3784, 1994)

SECTION 144. Section 21.66.040 of Chapter 21.66 of the Monterey County Code shall be amended as follows:

21.66.040 Standards for hazardous areas.

A. Purpose: The purpose of this Section is to provide development standards which regulate land use and develop using the best available planning practices, in order to minimize risk to life and property and damage to the natural environment.

B. Applicability: The regulations of this Section are applicable in all zoning districts.

C. Regulations:

   a. Regardless of a lot's seismic hazard zone, a geologic report shall be required for the following
projects:

1. New power plants;
2. Large dams;
3. Manufacturing explosives;
4. New hospitals;
5. Emergency communication facilities;
6. Schools, detention centers, civic buildings, and other public facilities.

b. Regardless of a lot’s seismic hazard zone, a geologic report shall also be required for any development project located in the following areas:

1. Landslide areas, or areas showing evidence of ground movement within historic times;
2. Within fifty (50) feet of the face of a cliff or bluff or within the area of a twenty (20) degree angle above horizontal from the face of a cliff, whichever is greater;
3. Within one-eighth mile of an active or potentially active fault;
4. On slopes of greater than thirty (30) percent; and
5. In any area of known geologic hazards.

c. If a parcel is located in Seismic Hazard Zone IV, V, or VI, in Recent Alluvium or in Unstable Uplands areas, a geologic report shall be required for, the following types of projects:

1. Churches;
2. Theaters;
3. Hotels, motels;
4. Utility centers;
5. Large commercial or industrial structures or centers which are not exempt from environmental review under CEQA;
6. Apartment buildings.

d. If a parcel is located in Seismic Hazard Zone VI, an Unstable Uplands or Recent Alluvium area, or in an area of a known and documented hazard, a geologic report shall be
required for, the following types of projects:

1. Single family dwellings in an immediate hazard area;

2. Small commercial or industrial structures in immediate hazard areas which are exempt from environmental review under CEQA; and,

3. Grading in immediate hazard areas.

e. Projects which require no report, unless a hazard is known and documented, include but are not limited to:

1. Uninhabited structures;

2. Pole barns;

3. Storage shed;

4. Greenhouses;

5. Uses in existing structures;

6. Structural additions which are exempt from environmental review under CEQA;

7. Additions to water systems;

8. Outdoor public gatherings;

9. Other uses of a similar nature.

f. The report shall be prepared, at the applicant’s expense, by a registered geologist or certified engineering geologist.

g. The report shall be required and deemed adequate by the Department of Planning and Building Inspection Planning prior to application being considered complete.

h. Third party review by a registered geologist or certified engineering geologist may be required at the applicant’s expense if the County finds the applicant’s report faulty.

i. The report shall be consistent with “Guidelines for Geologic/Seismic Reports” of the California Division of Mines and Geology (CDMG Notes No. 37) and shall include, at a minimum, the following elements, as applicable to the site:

1. Regional geologic setting;

2. Geologic history of the area;

3. Identification and evaluation of fault zones;

4. Evaluation of seismic hazards;

5. Evaluation of landslide hazards;

6. Evaluation of flood hazards;

7. Evaluation of wetland and wetland mitigation plans;

8. Evaluation of soil and site stability;

9. Evaluation of other relevant geologic features;

10. Conclusion and recommendation for the project.

The report shall be submitted to the County’s Planning and Building Inspection Planning prior to the issuance of a permit for the project.
2. Geologic conditions, including soil, sediment and rock types and characteristics in addition to structural features such as bedding, joints and faults;

3. Evidence of past landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity both on-site and off-site;

4. Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage effluent and irrigation water to groundwater system, and alterations in surface drainage);

5. Effect of the proposed development including siting, structural design, septic system, landscaping, drainage, and grading, and impacts of construction activity on the stability of the site and the adjacent area;

6. Any other factors that might affect slope stability;

7. Potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction (i.e., landscaping and drainage design); and,

8. Any other recommended mitigation measures.

2. Development Standards.

a. If a geologic report has been prepared for a proposed development, the following requirements shall apply:

1. The report recommendations shall be incorporated into project design, as follows:

   a. If the proposed development requires a discretionary permit, the recommendations contained in the report shall be made conditions of project approval.

   b. If the proposed development requires only a ministerial permit, the recommendations contained in the geologic report shall be incorporated into project design.

   c. All structures, with the exception of utility lines where no alternative route is feasible, shall be sited a minimum of fifty (50) feet from an identified active fault. Greater setbacks may be required where it is warranted by local geologic conditions, as recommended in the geologic report prepared for the project.

3. Development shall be sited and designed to conform to site topography so as to minimize grading and other site preparation activities where feasible. Modifications in location siting shall be required where such modifications will allow better conformity to natural topography and minimize required grading.
4. Development of new roads on slopes of thirty (30) percent and greater shall only be allowed where potential erosion and geologic impacts can be adequately mitigated. Adequate mitigation shall be that level at which the proposed development will not induce landsliding, significant soil creep, nor increase existing rat erosion. Mitigation measures shall not include massive grading or excavation, or the construction of protective devices that substantially alter landforms.

SECTION 145. Section 21.66.050 of Chapter 21.66 of the Monterey County Code shall be amended as follows:

21.66.050 Standards for archaeological resource areas.

A. Purpose: The purpose of this Section is to provide development standards which assure the maintenance and protection of the County’s archaeological resources. New land uses and development, both public and private, shall be considered compatible with this intent only where they incorporate all site planning and design features necessary to avoid or mitigate impacts to archaeological resources.

B. Applicability: The regulations of this Section are applicable in all zoning districts.


1. An archaeological survey report shall be required for any development project located within:

   a. “High Archaeological Sensitivity Zone” as mapped on current County resource maps;

   b. “Moderate Archaeological Sensitivity Zone”, as mapped on current County resource maps, which requires environmental assessment according to Monterey County CEQA Guidelines; and,

   c. “Low Archaeological Sensitivity Zone” where specific information is already known to exist which states that archaeological resources are present; and

   d. Development within seven hundred fifty (750) feet of a known archaeological resource; or

   e. In an area of suspected archaeological resources, as determined through the planner’s on-site investigation or other available information.

2. The archaeological survey report shall be required and approved by the Director of Planning and Building Inspection Planning prior to an application being considered complete.

3. The survey report shall be prepared, at the applicant’s expense, by a qualified archaeologist, from the County’s list of archaeological consultants or by a member of the Society
of Professional Archaeologists.

4. The report shall be prepared according to the report standards of the Society of Professional Archaeologists and include, at a minimum, a field survey by the archaeologist, survey of available State resource information at the Northwest Regional Information Center of the California Archaeological Inventory, description of the site’s sensitivity and any identified archaeological resources, appropriate levels of development on the site, and recommended mitigation measures.

5. The archaeological survey report shall be waived by the Director of Planning and Building Inspection Planning under the following circumstances:

a. A previous report was prepared for the site by a qualified archaeologist, as included on the County’s list of archaeological consultants or as a member of the Society of Professional Archaeologists; and

b. The report clearly and adequately included the currently-proposed development site within the scope of its survey; or

c. The proposed development does not involve land clearing or land disturbance; or

d. Minor projects on previously disturbed sites; or

e. Other acceptable evidence from an archaeologist.

D. Development Standards.

1. Development on parcels with an archaeological site, as identified through an archaeological report prepared for the site, shall include the recommended mitigation measures contained in the archaeological survey report prepared for the site as conditions of approval.

2. Development proposed on parcels with an identified archaeological site shall be designed and located so as to avoid development on or impacts to the site. Alternative siting or location, reduction of project size, and other techniques, such as limiting of public access and requiring archaeological easements as conditions of project approval, shall be utilized where resulting in reduced impact to or avoidance of the archaeological site.

3. Where development on or development impacts to an identified archaeological or paleontological site cannot be avoided, a mitigation plan shall be required for the project. Prior to the application being considered complete, the plan shall be submitted to, and approved by the Director of Planning and Building Inspection Planning. The mitigation plan shall be prepared at the applicant’s expense by a qualified archaeologist, either from the County’s list of archaeological consultants or by a member of the Society of Professional Archaeologists. Included in the mitigation plan shall be recommended preservation measures in accordance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission. consulting archaeologist shall file the mitigation plan with the
4. Where a mitigation plan has been prepared for a proposed development, a condition of project approval shall be that:
   a. The preservation measures shall be undertaken and completed prior to the issuance of building or grading permits; or
   b. Where appropriate according to the recommendation contained in the mitigation plan, the preservation measures shall be undertaken concurrent with grading or other soil-disturbing activities and shall be undertaken in accordance with mitigation plan, as a condition of the grading or building permit; and
   c. The results of the preservation activities shall be compiled into a final report prepared by the archaeologist and submitted to the Planning and Building Inspection Planning Department.

SECTION 146. Section 21.66.060 of Chapter 21.66 of the Monterey County Code shall be amended as follows:

21.66.060 Standards for farm employee and farm worker housing.
   A. Purpose: The purpose of this Section is to provide the minimum standards for the application and development of farm employee housing and farm worker facilities.
   B. Applicability: The regulations of this Section are applicable in those zoning districts which allow farm employee housing or farm worker housing.
   C. Regulations:
      1. Development of farm employee and farm worker housing or additions to or renewal of permits for existing farm labor housing shall require a Use Permit or an Administrative Permit. The Use Permit application shall include, at a minimum, the following elements:
         a. Assessment of how much water will be used by the proposed development and description of how water is proposed to be supplied to the housing, including water source location and type, water quality, water quantity, and storage; and,
         b. Description of the sewage disposal method, such as septic systems, to be used to service the housing.
      2. Farm employee and farm worker housing shall meet the following criteria, which shall be made conditions of project approval where appropriate:
a. There must be adequate water and sewer available to service the development, as determined by the Director of Environmental Health.

b. The housing must be located off prime and productive agricultural land, or on a lot where no other alternatives exist on site, on the least viable portion of the lot.

D. All permits for farm employee or farm worker housing shall be conditioned to expire at a time to be specified by the decision making body at the time of permit approval. Renewal of the permit shall require on-site inspections by the Planning and Building Inspection Planning Department and Health Department, prior to public hearing, to assess compliance with the previous conditions of project approval.

E. All renewals of permits for existing farm employee or farm worker housing shall be subject to the criteria of this Section. New conditions of project approval shall be applied in order to assure compliance with the criteria where feasible.

SECTION 147. Section 21.68.110 of Chapter 21.68 of the Monterey County Code shall be amended as follows:

21.68.110 Amortization of legal nonconforming public use airports.

A. Findings and Declarations.

1. 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.

2. The existence of legal nonconforming public use airports in or in the vicinity of a residentially-zoned area or other area not zoned for airport use may pose a threat to the public health, safety, and welfare, and may not be compatible with the objective of orderly development of the County. To protect the health, safety, and general welfare of the persons and property within the County and to promote the orderly development of the County, it is necessary and appropriate to establish a process to determine whether to eliminate nonconforming public use airports after a reasonable amortization period.

3. This ordinance is necessary to enable the County to eliminate nonconforming public use airports if appropriate based on findings and to determine a reasonable amortization period for the elimination of such nonconforming uses and thereby promote and protect the public health, safety, and welfare of its citizens and achieve the objective of orderly development of the County, without infringing upon the constitutional rights of the owners of such nonconforming public use airports.

B. Definitions. The following words, whenever used in this Section, shall be construed as defined in this subsection. Words and phrases not defined herein shall be construed as defined in the Monterey County Code.
1. "Nonconforming public use airport" means a public use airport, as defined herein, wherein the use as a public use airport was legally established but which use is nonconforming to subsequently adopted land use regulations.

2. "Owner" is the owner of the property on which the subject nonconforming public use airport is located.

3. "Personal use airport" is an airport limited to the noncommercial activities of an individual owner or family and occasional invited guests and includes any personal use airport as that term is defined by Section 3527 of Title 21 of the California Code of Regulations as of the date of this ordinance.

4. "Public use airport" is an airport that is open for aircraft operation to the general public and includes any "public use airport" as that term is defined by Section 3527 of Title 21 of the California Code of Regulations as of the date of this ordinance.

5. "Value" as used in this Section with respect to the value of a nonconforming public use airport, or to the value of improvements on such a facility, or to the value of reconstruction or replacement, means the current cost of construction, or the current cost of replacement in kind of existing structures or improvements, excluding consideration of the value of land.

C. Applicability. The regulations set forth in this Section shall apply to properties located in the unincorporated areas outside of the coastal zone in Monterey County.

D. Scope.

1. All nonconforming public use airports may be continued and maintained from the effective date of this ordinance until one of the following events occurs: the owner abandons said use; or the Board of Supervisors eliminates the nonconforming public use airport after a reasonable period of amortization determined in accordance with the procedures outlined in this Section. When the owner abandons said use or at the end of the reasonable period of amortization, each such nonconforming public use airport shall lose its status as a legal nonconforming use, and any such nonconforming public use airport shall then cease to operate as a public use airport.

2. This section is not intended to nullify any regulations set forth in this Chapter 21.68 pertaining to alteration or abandonment of nonconforming uses. Any expansion, intensification, or alteration to the nonconforming use, including conversion of a nonconforming public use airport to a personal use airport, shall comply with the regulations of this Chapter.


1. The Director of Planning and Building Inspection Planning shall identify all nonconforming public use airports in the unincorporated area of the County.
2. The Director of Planning and Building Inspection Planning shall provide written notice to the owners of any such nonconforming use airports. The notice shall inform the owner that the County will initiate a process to determine whether to continue to allow the legal nonconforming use or whether to eliminate the use following a reasonable period of amortization. The notice shall request that the owner inform the Director of Planning and Building Inspection Planning within thirty (30) days of the date notice was sent if the owner desires to cease the nonconforming use within thirty (30) days of owner so notifying the Director. The notice shall further request that, if the owner does not presently desire to cease the nonconforming use, the owner provide to the Director the following information:

a. The location and size of the property and the public use airport.

b. History of the use of the property as a public use airport, including information about the length of time it has existed as a public use airport and any relevant permits or other official regulatory documents related to the use of the property as a public use airport.

c. Owner’s total investment in the use of the property as a public use airport and such other information as owner deems relevant to a determination of the economic value of owner’s investment in the property as a public use airport.

d. A map of the subject property, indicating the location of all parcels of real property within a distance of one thousand (1,000) feet from the exterior boundary of the subject property, and a list of the name and address of the owner of record of each such parcel as shown in the last equalized assessment roll.

e. Any other information owner may wish to submit which is relevant to the continuation or elimination of the nonconforming use and to a determination of a reasonable period of amortization.

f. Any other information as the Director of Planning and Building Inspection Planning may require.

3. If, within the thirty (30) days following the date notice was sent, the owner notifies the Director of Planning and Building Inspection Planning that owner desires to cease the nonconforming use, the owner shall cease using the property as a public use airport within thirty (30) days of owner so notifying the Director of Planning and Building Inspection Planning. Thereafter, the use of the property as a public use airport shall no longer be allowed as a nonconforming use.

4. If, within the thirty (30) days following the date notice was sent, the owner does not notify the Director of Planning and Building Inspection Planning that owner desires to cease the nonconforming use, then the Director of Planning and Building Inspection Planning shall initiate the process outlined in this Section with respect to each such nonconforming public use airport. The owner shall promptly supply the information requested in the notice to the Director of Planning and Building Inspection Planning. The Department of Planning and Building Inspection Planning shall prepare a staff report with a recommended course of action for consideration by
the Planning Commission. The recommendation shall consist of one of the following: the nonconforming use be allowed to continue; or the nonconforming use be eliminated following a reasonable period of amortization, together with a recommendation of what would constitute a reasonable period of amortization. In making the recommendation, the Department of Planning and Building Inspection Planning staff may take into account relevant factors such as the following: the compatibility of the nonconforming uses with the uses designated in the General or Area Plan for the surrounding area and properties; the owner’s total investment in the use of the property as a public use airport; the original cost of any improvements made to use the property as a public use airport; the present actual and depreciated value and any salvage value of the structures and improvements made for the public use airport; dates of construction; the remaining useful life of the improvements; the appraised market value of the subject public use airport; the length of time the nonconforming use has continued; potential health and safety hazards, if any, to the surrounding community from the continuation of the nonconforming use; and the potential harm to the public if the nonconforming use is continued or is eliminated.

5. The Director of Planning and Building Inspection Planning shall conduct any appropriate environmental review pursuant to the California Environmental Quality Act (CEQA) of the recommended course of action.

6. The Director of Planning and Building Inspection Planning shall set a date for a public hearing before the Planning Commission on the recommended course of action. Notice of the hearing shall be given in the same manner as provided in Chapter 21.78 of the Monterey County Code, except that, in addition, notice shall be provided to all owners of real property within one thousand (1,000) feet of the subject property, as shown on the last equalized assessment roll.

7. Upon the date set for the hearing the Planning Commission shall conduct a public hearing thereon. At said hearing, the Planning Commission shall determine whether the nonconforming use of the property as a public use airport poses a threat to the public health, safety, and welfare of County residents and whether the nonconforming use of the property is compatible with and not detrimental to the land uses designated in the General or Area Plan for the surrounding areas and properties.

a. In the event the Planning Commission finds that the nonconforming use of the property as a public use airport poses a threat to the public health, safety, and welfare of County residents or is not compatible with or is detrimental to the land uses designated in the General or Area Plan for the surrounding areas and properties, it shall recommend to the Board of Supervisors that the nonconforming use as a public use airport be terminated after a reasonable period of amortization. The recommendation shall include a recommendation of a reasonable period of amortization of the nonconforming use, determined in accordance with Subsection F of this Section 21.68.110.

b. In the event the Planning Commission finds that the nonconforming use of the property as a public use airport does not pose a threat to the public health, safety, and welfare of County residents and is compatible with and not detrimental to the land uses designated in the General or Area Plan for the surrounding areas and properties, it shall recommend to the Board of
Supervisors that the nonconforming use as a public use airport be allowed to continue.

8. Upon receipt of the recommendation of the Planning Commission, the Clerk of the Board of Supervisors shall set the matter for a public hearing de novo within a reasonable time in accordance with Chapter 21.78 of the Monterey County Code. Notice of the hearing shall be given in the same manner as provided to all owners of real property within one thousand (1,000) feet of the subject property, as shown on the last equalized assessment roll. At said hearing, the Board of Supervisors shall determine whether the nonconforming use of the property as a public use airport poses a threat to the public health, safety, and welfare of County residents and is compatible with and not detrimental to the land uses designated in the General or Area Plan for the surrounding areas and properties.

a. In the event the Board of Supervisors finds that the nonconforming use of the property as a public use airport poses a threat to the public health, safety, and welfare of County residents and is not compatible with and not detrimental to the land uses designated in the General or Area Plan for the surrounding areas and properties, the Board shall adopt a resolution terminating the nonconforming public use airport after a reasonable period of amortization. The resolution shall include a determination of a reasonable period of amortization of the nonconforming use, determined in accordance with the provisions of Subsection F of this Section 21.68.110.

b. In the event the Board of Supervisors finds that the nonconforming use of the property as a public use airport does not pose a threat to the public health, safety, and welfare of County residents and is compatible with and not detrimental to the land uses designated in the General or Area Plan for the surrounding areas and properties, the Board shall allow the nonconforming use as a public use airport to continue.

F. In determining a reasonable period of amortization, the following factors may be considered:

1. The owner’s total investment in the use of the property as a public use airport;

2. The original cost of any improvements made to use the property as a public use airport;

3. The present actual and depreciated value and any salvage value of the structures and improvements which were made to use the property as a public use airport and the remaining useful life of the improvements;

4. Dates of construction of the structures and improvements, and the source of funds therefor, which were made to use the property as a public use airport and the remaining useful life of the improvements;

5. The appraised market value of the subject public use airport, as determined by a qualified appraiser;

6. The length of time the nonconforming use has continued;
7. Potential adverse effects, if any, of the nonconforming use on the surrounding community, neighboring uses, and on the implementation of the General and Area Plan;

8. Potential health and safety hazards, if any, to the surrounding community from the continuation of the nonconforming use;

9. Potential harm, if any, to the public from the elimination of the nonconforming use;

10. The owner’s ability to convert the use of the property from a nonconforming use to a conforming use.

G. Enforcement.

1. It shall be the duty of the Director of Planning and Building Inspection Planning of the County of Monterey and all officers and employees of said County herein charged by law with the enforcement of this Section, to enforce all provisions of this Section.

2. Any person, firm, or corporation, whether as principal or agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this Section shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable for a fine of not more than one thousand dollars ($1,000.00) or by imprisonment in the County Jail of said County for a term not exceeding one hundred eighty (180) days or by both such fine and imprisonment. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each day during any portion of which any violation of this Section is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

3. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Section, shall be, and the same is hereby declared to be, a violation of this Section and a public nuisance.

4. The County may summarily abate the public nuisance and the County Counsel or District Attorney may bring civil suit, or other action, to enjoin or abate the nuisance.

5. Each day any violation of this Section continues shall be regarded as a new and separate offense.

6. Any person, firm, or corporation who creates or maintains a public nuisance in violation of this Section shall be liable for costs of abatement which shall include, but not be limited to:

   a. Costs of investigation;

   b. Court costs;
c. Attorneys’ fees;

d. Costs of monitoring compliance.

7. Upon a continuation of the public nuisance after notice from the County to cease the nuisance, any person, firm, corporation shall be liable for the costs of abatement set forth above plus a civil penalty of fifty (50) percent of those costs payable to the County in addition to any other costs of enforcement imposed by the Court.

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

I. Actions Held in Abeyance. Should any person, firm, or corporation violate the terms of this Section and any action is authorized either by the Board of Supervisors, County Counsel, or District Attorney, or is in fact filed by said agencies for said violation, no other action shall be taken on any application filed by or on behalf of said person, firm, or corporation, until the litigation has been resolved.

J. No Taking of Property Intended. Nothing in this Section shall be interpreted to effect an unconstitutional taking of property of any person. If the Board of Supervisors determines, based on specific evidence in the administrative record, that the application of one or more of the provisions of this Section to a public use airport would effect an unconstitutional taking of private property, the Board shall disregard such provision or provisions to the extent necessary to avoid such unconstitutional taking. (Ord. 4115, 2001)

SECTION 148. Section 21.70.030 of Chapter 21.70 of the Monterey County Code shall be amended as follows:

21.70.030 Appropriate authority.

The Director of Planning and Building Inspection Planning or the Zoning Administrator is the Appropriate Authority to consider Administrative Permits unless the matter is referred to public hearing under Section 21.70.060. In such case the Zoning Administrator is the Appropriate Authority to hear and consider Administrative Permits.

SECTION 149. Section 21.72.040 of Chapter 21.72 of the Monterey County Code shall be amended as follows:

21.72.040 Application.

An application for variance shall be made in writing on a form prescribed by the Director of Planning and Building Inspection Planning and be accompanied by statements, plans, and other evidence supporting the variance request. Variances from the terms of this Title shall only
be granted based upon the following findings.

A. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and

B. That the variance not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which such property is situated;

C. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regularly governing the parcel of property.

SECTION 150. Section 21.74.040 of Chapter 21.74 of the Monterey County Code shall be amended as follows:

21.74.040 Application.

Application for a Use Permit shall be made to the Appropriate Authority in writing on a form prescribed by the Director of Planning and Building Inspection Planning and shall be accompanied by statements, plans, and elevations necessary to show the detail of the proposed use or structure.

SECTION 151. Section 21.75.040 of Chapter 21.75 of the Monterey County Code shall be amended as follows:

21.75.040 Application.

Application for an Emergency Permit shall be made to the Appropriate Authority in writing on a form prescribed by the Director of Planning and Building Inspection Planning and shall be accompanied by such statements, plans and elevations necessary to show the detail of the proposed use or structure and to explain the nature of the emergency.

SECTION 152. Section 21.75.080 of Chapter 21.75 of the Monterey County Code shall be amended as follows:

21.75.080 Effect.

Building Permits shall not be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the Emergency Permit granted. The construction or use authorized by the Emergency Permit may commence prior to the expiration of the appeal period or while an appeal is being resolved subject to the approval of the Director of Planning and Building Inspection Planning or Zoning Administrator and provided that the permittee acknowledges in writing that they are proceeding at their own risk and the appropriate indemnification agreement has been filed with the County Recorder.
SECTION 153. Section 21.76.040 of Chapter 21.76 of the Monterey County Code shall be amended as follows:

21.76.040 Application.

Application for a Combined Development Permit shall be made to the Appropriate Authority in writing on a form prescribed by the Director of Planning and Building Inspection Planning and shall be accompanied by statements, plans, and elevations necessary to show the detail of the proposed use or structure.

SECTION 154. Section 21.78.030 of Chapter 21.78 of the Monterey County Code shall be amended as follows:

21.78.030 Public hearing required.

Any action to approve or deny any application for a discretionary permit by an Appropriate Authority, including the Board of Supervisors, shall require that a public hearing be held and notice given pursuant to this Chapter.

General Plan, area plan, or master plan amendments shall be set for public hearing before the Board of Supervisors, following consideration by the Planning Commission, by the Director of Planning and Building Inspection Planning. The action by the Director to set the public hearing before the Board of Supervisors does not require public notice or a public hearing.

SECTION 155. Section 21.80.020 of Chapter 21.80 of the Monterey County Code shall be amended as follows:

21.80.020 Applicability.

The provisions of this Chapter apply to discretionary decisions made pursuant to the provisions of this Title by the Director of Planning and Building Inspection Planning, Zoning Administrator and the Planning Commission. (Ord. 3798, 1994)

SECTION 156. Section 21.80.040 of Chapter 21.80 of the Monterey County Code shall be amended as follows:

21.80.040 Designation of Appeal Authority.

A. The Planning Commission is the Appeal Authority to consider appeals from the discretionary decisions of the Director of Planning and Building Inspection Planning made pursuant to this Title. The decision of the Planning Commission shall be final and may not be appealed.

B. The Planning Commission is the Appeal Authority to consider appeals from the discretionary decisions of the Zoning Administrator made pursuant to this Title. The decision of the Planning Commission shall be final and may not be appealed, except as provided for in
Section 21.80.040C.

C. In the event the decisions made pursuant to Subsections A and B are accompanied by an environmental impact report, decisions of the Planning Commission may be appealed to the Board of Supervisors if the Appropriate Authority or the Appeal Authority approves or adopts any finding of overriding consideration of unmitigatable impacts identified in the applicant’s controlling environmental impact report.

D. The Board of Supervisors is the Appeal Authority to consider appeals from the discretionary decisions, except decisions on appeals made pursuant to Subsections A and B of Section 21.80.040, of the Planning Commission made pursuant to this Title.

SECTION 157. Subparagraph A, B, and C of Section 21.82.040 of Chapter 21.82 of the Monterey County Code shall be amended as follows:

21.82.040 Application.

A. Appeals pursuant to this Chapter may only be taken from the written decision or opinion of the Director of Planning and Building Inspection Planning.

B. Requests for a written decision or opinion from the Director of Planning and Building Inspection Planning shall be made in writing. Requests must be specific and in sufficient detail to provide a clear basis for issuing the requested decision or opinion.

C. Upon receipt of an appropriate request, the Director of Planning and Building Inspection Planning shall respond in writing within ten (10) days setting forth the decision of the Director of Planning and Building Inspection Planning. Said response shall also include the statement “Should you wish to appeal this decision, the appeal must be filed with the Secretary to the Planning Commission no later than 5:00 p.m. on ____________, or no subsequent appeal on this issue may be heard.” The Director of Planning and Building Inspection Planning shall provide a minimum of ten (10) days from the date of mailing the letter for filing an appeal.

SECTION 158. Section 21.84.020 of Chapter 21.84 of the Monterey County Code shall be amended as follows:

21.84.020 Authority to enforce.

The Director of Planning and Building Inspection Planning and his or her duly appointed subordinates are authorized to investigate all reported or apparent violations of this Title. If the Director of Planning and Building Inspection Planning finds that there is reasonable cause to believe that a violation exists, the Director of Planning Building Inspection is hereby authorized to take such measures as he or she deems necessary or expedient to enforce and secure compliance with the provisions of this Title.
The Director of Planning and Building Inspection Planning may request, and shall receive, the assistance and cooperation of other officials or departments of the County of Monterey to assist in the discharge of its duties.

SECTION 159. Section 21.84.050 of Chapter 21.84 of the Monterey County Code shall be amended as follows:

21.84.050 Violations of conditions of permits.

The conditions of the Use Permit, variance, Administrative Permit, Combined Development Permit or other permit approved under the authority of Title 21, immediately becomes effective upon initiation of the use and must be strictly complied with. The violation of any condition imposed by the Planning Commission, Board of Supervisors, Director of Planning and Building Inspection Planning or Zoning Administrator in connection with the granting of an Permit, variance, Administrative Permit, Combined Development Permit or other permit authorized by Title 21 shall constitute a violation of this Title and is declared to be a public nuisance.

SECTION 160. Section 21.84.120 of Chapter 21.84 of the Monterey County Code shall be amended as follows:

21.84.120 Refusal to issue permits, licenses or other entitlements.

No department, commission, or public employee of the County of Monterey which is vested with the duty or authority to issue or approve permits, licenses or other entitlements shall issue or approve such permits, licenses or other entitlements nor determine a discretionary permit complete where there is an outstanding violation of this Title involving the property upon which there is pending application for such permit, license or other entitlement unless such permit, license, or other entitlement is the, or part of the, administrative remedy for the violation. The authority to deny or determine incomplete shall apply whether the applicant for the permit was the owner of record at the time of such violation or the applicant is the current owner. After recordation of a Notice of Violation by the enforcing officer, all departments, commissions, and public employees shall refuse to issue permits or licenses or entitlements involving property except those necessary to abate the violation of Title, if such are obtainable, or those cleared pursuant to plan for restoration approved by the Director of Planning and Building Inspection Planning, pursuant to Section 21.84.130.

Written notice of the refusal to issue shall be mailed to the applicant for the permit, license or entitlement and to the property owner. Such written notice shall include information regarding the specific violation and the action necessary to abate the violation.

If the applicant for a permit, license or other entitlement disagrees with the determination that a violation exists, he or she may follow the procedure set forth in Section 21.84.110, if:
1. It has been determined by the Zoning Administrator, Planning Commission or Board of Supervisors, after review, that no violation of this Title exists; or

2. All required work to abate the violation has been completed, and approved by the enforcing officer.

The Director of Planning and Building Inspection Planning may waive the provisions of this Section and Section 21.84.130 for remedial, protective, or preventative work, needed to deal with an emergency situation.

SECTION 161. Section 21.84.130 of Chapter 21.84 of the Monterey County Code shall be amended as follows:

21.84.130 Restoration of land required before application deemed complete.

No application for a discretionary land use permit under the authority of the Director of Planning and Building Inspection Planning, the Zoning Administrator, the Minor Subdivision Committee, the Planning Commission or the Board of Supervisors 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 that property has been restored to its pre-violation state. “Restoration” of the property shall include, but not be limited to, the revegetation of native plants and trees and the reconstruction of natural features of the land which have been removed or changed in violation of County ordinances regulating grading, vegetation removal or tree removal. Alternatives to restoration of the property shall not be considered unless the applicant can show that restoration would endanger the public health or safety, or that restoration is unfeasible due to circumstances beyond the control of the applicant or the property owner.

Plans for restoration shall be submitted to and approved by the Director of Planning and Building Inspection Planning prior to the commencement of restoration and the plan shall include a time period to ensure reestablishment of the soil or vegetation.

SECTION 162. Section 21.86.040 of Chapter 21.86 of the Monterey County Code shall be amended as follows:

21.86.040 Establishment of zones.

A. In order to carry out the purposes of this Chapter all land within the boundaries of airports and other lands in the vicinity of the airport are divided into Instrument Approach Z, Non-Instrument Approach Zones, Transitional Zones, Horizontal Zones and Conical Zones. These zones are based on the “imaginary surfaces” found in Federal Aviation Regulation (FAR) Part 77 (Objects Affecting Navigable Airspace). The boundaries of zones are shown on the following maps:

1. Monterey Peninsula Airport Approaches Zoning Map.
2. Salinas Municipal Airport Approaches Zoning Map.

3. Mesa Del Rey (King City) Airport Approaches Zoning Map.

4. Carmel Valley Airport Approaches Zoning Map.

5. Fritzsche Army Airfield (Fort Ord) Airport Approaches Zoning Map.

The Airport Approaches Zoning Maps and other pertinent documents are on file and available for inspection in the Monterey County Planning and Building Inspection Planning Department.

B. Where uncertainty exists as to the boundaries of any of the aforesaid districts as described as aforesaid or a shown on said maps, the Planning Commission and the ALUC, upon written application or upon its own motion, shall determine the location of such boundaries.

SECTION 163. This ordinance shall become effective on the thirty-first day following the adoption.

PASSED AND ADOPTED this ___ day of July, 2009, by the following vote:

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

Chair, Monterey County Board of Supervisors

ATTEST:

GAIL T. BORKOWSKI
Clerk of the Board

Deputy

APPROVED AS TO FORM:

LEROY W. BLANKENSHIP
Assistant County Counsel

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