



Legislation Details (With Board Report)

File #:	12-1048	Name:	Amendment to Title 19, 20, and 21
Type:	General Agenda Item	Status:	Scheduled PM
File created:	10/29/2012	In control:	Board of Supervisors
On agenda:	11/6/2012	Final action:	

Title:

a. Receive report from the Resource Management Agency-Planning Department regarding the Planning Commission's recommendation to the Board of Supervisors regarding draft ordinances (inland and coastal) to dissolve the Minor and Standard Subdivision Committees and change the process for consideration of applications for subdivisions and lot line adjustments.

b. For REF100014 (Non-Coastal Ordinance)

1. Find the proposed Ordinance statutorily exempt from CEQA; and
2. Adopt an Ordinance to amend Title 19 (non-coastal subdivision ordinance) and Title 21 (non-coastal zoning ordinance) of the Monterey County Code to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated inland area of the County of Monterey. Changes to the process include dissolution of the County of Monterey's Minor and Standard Subdivision Committees, elimination of the Director of Planning's authority to decide upon minor subdivisions and lot line adjustments, and designation of the Monterey County Planning Commission as the appropriate authority to consider applications for subdivisions and lot line adjustments in the inland unincorporated area of the County.

c. For REF120004 (Coastal Ordinance)

Adopt Resolution to:

1. Find the proposed Ordinance statutorily exempt from CEQA; and
2. Adopt a resolution of intent to adopt an Ordinance amending Title 19 (coastal subdivision ordinance) and Title 20 (Monterey County Coastal Implementation Plan, Parts 1, 2, 3 and 4) of the Monterey County Code to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated coastal zone of the County, including dissolving the County of Monterey's Minor and Standard Subdivision Committees, designating the Monterey County Planning Commission as the appropriate authority to consider applications for minor subdivisions and lot line adjustments in the coastal zone, and updating the lot line adjustment and filing standards in coastal Title 19 to conform to changes in state law; and
3. Certify that the Ordinance is intended to be carried out fully in conformity with the Coastal Act; and
4. Direct staff to transmit the proposed ordinance to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review.

[REF100014 (Non-Coastal) and REF120004 (Coastal), Ordinances for the Elimination for the Minor and Standard Subdivision Committees]

Sponsors:

Indexes:

Code sections:

Attachments:

1. Attachment A - Discussion, 2. Attachment B-1 - Draft Ordinance - Redline Version - Non-Coastal, 3. Attachment B-2 - Draft Ordinance - Clean Version, 4. Attachment C - Resolution for Coastal Ordinance REF120004, 5. Attachment C-1 - Draft Ordinance - Redline Version (Coastal) REF120004, 6. Attachment C-2 - Draft Ordinance - Clean Version (Coastal) REF120004, 7. Attachment D - Planning Commission Resolution No. 12-002, 8. Attachment E - Planning Commission Resolution No. 12-026, 9. Attachment F - Charts for OPTION 1, 10. Attachment G - Charts for OPTION 2, 11. Attachment H - Charts for OPTION 3, 12. Completed Board Order

Date	Ver.	Action By	Action	Result
11/6/2012	1	Board of Supervisors	continued	Pass

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Commission's recommendation to the Board of Supervisors regarding draft ordinances (inland and coastal) to dissolve the Minor and Standard Subdivision Committees and change the process for consideration of applications for subdivisions and lot line adjustments.

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3. Certify that the Ordinance is intended to be carried out fully in conformity with the Coastal Act; and
4. Direct staff to transmit the proposed ordinance to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review.

[REF100014 (Non-Coastal) and REF120004 (Coastal), Ordinances for the Elimination for the Minor and Standard Subdivision Committees]

PROJECT INFORMATION:

Planning File Number: REF100014 (Non-Coastal) and REF120004 (Coastal)

Owner: County of Monterey

Project Location: County-Wide

Flagged and Staked: N/A

CEQA Action: Statutorily Exempt per Section 15060 (c) (3) and 15378 (b) (5)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Receive report from the Resource Management Agency-Planning Department regarding the Planning Commission's recommendation to the Board of Supervisors regarding draft ordinances (inland and coastal) to dissolve the Minor and Standard Subdivision Committees and change the process for consideration of applications for subdivisions and lot line adjustments.
- b. For REF100014 (Non-Coastal Ordinance)
 1. Find the proposed Ordinance statutorily exempt from CEQA; and
 2. Adopt an Ordinance to amend Title 19 (non-coastal subdivision ordinance) and Title 21 (non-

coastal zoning ordinance) of the Monterey County Code to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated inland area of the County of Monterey. Changes to the process include dissolution of the County of Monterey's Minor and Standard Subdivision Committees, elimination of the Director of Planning's authority to decide upon minor subdivisions and lot line adjustments, and designation of the Monterey County Planning Commission as the appropriate authority to consider applications for subdivisions and lot line adjustments in the inland unincorporated area of the County.

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Adopt Resolution to:

1. Find the proposed Ordinance statutorily exempt from CEQA; and
2. Adopt a resolution of intent to adopt an ordinance amending Title 19 (coastal subdivision ordinance) and Title 20 (Monterey County Coastal Implementation Plan, Parts 1, 2, 3 and 4) of the Monterey County Code to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated coastal zone of the County, including dissolving the County of Monterey's Minor and Standard Subdivision Committees, designating the Monterey County Planning Commission as the appropriate authority to consider applications for minor subdivisions and lot line adjustments in the coastal zone, and updating the lot line adjustment and filing standards in coastal Title 19 to conform to changes in state law; and
3. Certify that the Ordinance is intended to be carried out fully in conformity with the Coastal Act; and
4. Direct staff to transmit the proposed ordinance to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review.

SUMMARY:

At the direction of the Board of Supervisors, the Monterey County Planning Commission held a second workshop on September 12, 2012, regarding proposed ordinances that would change the process for consideration of applications for subdivisions and lot line adjustments, including the dissolution of the Monterey County Minor and Standard Subdivision Committees. The purpose for a second workshop at the Planning Commission was to seek public input on the previously considered Draft Ordinances [**Attachment B-1**, non-coastal (redline) and **Attachment B-2**, non-coastal (clean); **Attachment C-1**, coastal (redline) and **Attachment C-2**, coastal (clean)] in light of recent comments and concerns expressed by the public on these draft ordinances. At this workshop, staff presented the public comments received and offered options for the Planning Commission's consideration and recommendation to the Board of Supervisors. The public comments that were presented at the Planning Commission are summarized in the *Discussion* in **Attachment A** and were made by representatives of the agricultural community, The Refinement Group, representatives of the Open Monterey Project, and the Prunedale Neighbors Group. At the September 12, 2012 Planning Commission workshop, several representatives of these groups were in attendance to reiterate their comments.

Among the options presented was the option to continue to follow the direction given by the Board of Supervisors in 2010, as outlined in the previously circulated Draft Ordinances (**Attachments B-1 and C-1**). This was called **Option 1** and is represented in charts in **Attachment F**.

At the conclusion of the workshop and after discussion, the Planning Commission passed a motion to recommend that the Board of Supervisors adopt **Option 1**, the original and previously circulated Draft Ordinances. Option 1, includes, but is not limited, to the following amendments to Monterey County Code:

In both Coastal and Non-Coastal zones:

- Eliminate the Monterey County Minor and Standard Subdivision Committees.

In Non-Coastal Zone:

- Eliminate administrative approvals of non-controversial lot line adjustments and non-controversial minor subdivisions and move these items to the Planning Commission for consideration.

Option 1 achieves uniformity among the coastal and non-coastal zone and eliminates the difficulty of addressing what are the substantive issues of an application in the inland zone that would render the application “controversial” and therefore, warrant referral to a separate hearing body for consideration. See detailed explanation below on these issues:

- Uniformity of process between the coastal and non-coastal zone. Currently, in the non-coastal zone, lot line adjustment and minor subdivision applications that are non-controversial are considered by the Director of Planning, while in the coastal zone, lot line adjustments and minor subdivision applications, controversial or not, are subject to the consideration of the Minor Subdivision Committee.
- Difficulty in implementing current non-coastal zone distinction of “controversial.” Current process allows the Director of Planning to be the appropriate authority over *non-controversial* lot line adjustments and minor subdivisions in the inland zone, unless the Director determines that these applications are controversial based on the following criteria: 1) staff recommendation of denial; 2) the applicant’s written request for a public hearing; or 3) written request for a public hearing for *substantive* reasons by one or more owners or residents in the area. The Planning Commission favored Option 1 because it eliminates the need for the Director of Planning to determine whether a request for public hearing by an owner or resident of the area has “substantive” reasons.

If the Board of Supervisors chooses the approach recommended by the Planning Commission (Option 1), the previously circulated ordinances implementing this approach are attached to this staff report and are ready for Board action. The Board could adopt the inland ordinance (**Attachment B-2,**) and adopt a resolution of intent to adopt the coastal ordinance and direct staff to submit it to the California Coastal Commission for certification (**Attachment C**).

Should the Board desire a different approach, staff requests that the Board provide staff with direction on how to proceed. The following are some alternative options that staff prepared and are detailed in the *Discussion* in **Attachment A:**

1. **Option 2** (outlined in Charts in **Attachment G**); or
2. **Option 3** (outlined in Charts in **Attachment H**); or
3. “**Status quo**”option.

DISCUSSION:

Detailed discussion is provided in **Attachment A.**

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Environmental Health Bureau
Public Works Department
Water Resources Agency
Parks Department

On September 12, 2012, the Monterey County Planning Commission held a workshop and recommended approval of **Option 1**, the previously circulated ordinances. The Planning Commission had previously held public hearings and recommended adoption of these ordinances (see Planning Commission Resolutions in **Attachments D and E**). County Counsel has reviewed the draft ordinances and approved them as to legal form.

FINANCING:

Funding for staff time associated with this project is included in the FY12-13 Adopted Budget for the Planning Department. Due to late submission of this Board Report, the CAO Budget and Analysis Division was not provided adequate time to fully review for potential fiscal, organizational, policy or other implication to the County of Monterey.

Prepared by: Nadia Amador, Associate Planner ext. 5114

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

<mailto:> Benny Young, Director Resource Management Agency

This report was reviewed by Jacqueline R. Onciano, Planning Services Manager, Long Range Planning Team.

cc: Front Counter Copy; Monterey County Planning Commission; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; Dawn Mathes, Agricultural Commissioner; Virginia Jameson, Supervisor Parker's Office; Chris Lopez, Supervisor Salinas' Office; Henry Gowin, Supervisor Calcagno's Office; Kathleen Lee, Supervisor Potter's Office; California Coastal Commission; David C. Sweigert, Fenton & Keller; Michael Harrington, Brian Finegan Law Office; Jim Bougart, Grower-Shipper Association of the Central Coast; Michael Cling, Law Offices of Michael D. Cling; Dale Huss, Ocean Mist Farms; Norm Groot, Monterey County Farm Bureau; Nancy Isakson, Salinas Valley Water Coalition; Ed Mitchell, Prunedale Neighbors Group; Dale Ellis, Anthony Lombardo and Associates; Joel Panzer, Maureen Wruck Planning Consultants, LLC; Michael Caplin; Pamela Silkwood, Horan Lloyd; Butch Kronlund, Coast Property Owners Association; Big Sur Multi-Agency Advisory Council c/o Kathleen Lee; Friends, Artists and Neighbors of Elkhorn Slough (FANS); Prunedale Preservation Alliance c/o Jan Mitchell; Highway 68 Coalition c/o Mike Weaver; Carmel Residents Association; Carmel Valley Association; Save Our Carmel Neighborhoods Coalition; League of Women Voters of the Monterey Peninsula; Sierra Club, Ventana Chapter; Marjorie Kay; Beverly Bean; Janet Brennan; Julie Engell; California Native Plant Society, Monterey Bay Chapter; Gary Patton, Wittwer & Parkin, LLP; All County Land Use Advisory Committees; Jacqueline R. Onciano, Planning Services Manager; Nadia Amador, Project Planner; The Open Monterey Project c/o Molly Erickson; LandWatch; Planning Files REF100014 (Non-Coastal) and REF120004 (Coastal).

The following attachments on file with the Clerk of the Board:

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| Attachment A | Discussion |
| Attachment B-1 | Draft Ordinance-REDLINE Version (Non-Coastal)-REF100014 |
| Attachment B-2 | Draft Ordinance- CLEAN Version (Non-Coastal)-REF100014 |
| Attachment C | Resolution for Coastal Ordinance REF120004 |
| Attachment C-1 | Draft Ordinance-REDLINE Version (Coastal)-REF120004 |
| Attachment C-2 | Draft Ordinance-CLEAN Version (Coastal)-REF120004 |
| Attachment D | Planning Commission Resolution No. 12-002, recommending to the Board of Supervisors approval of Non-Coastal Ordinance, January 11, 2012 |
| Attachment E | Planning Commission Resolution No. 12-026, recommending to the Board of |

Supervisors approval of Coastal Ordinance, June 13, 2012

Attachment F Charts for **OPTION 1** (Continue Draft Ordinance Process with Previously Circulated Drafts)

Attachment G Charts for **OPTION 2** (Zoning Administrator Option)

Attachment H Charts for **OPTION 3** (Compromise Option)