



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: 13-0154 **Name:** Elimination of the Minor and Standard Subdivision Committees
Type: General Agenda Item **Status:** Scheduled AM
File created: 2/5/2013 **In control:** Board of Supervisors
On agenda: 2/12/2013 **Final action:**

Title: a. Receive a report from the Resource Management Agency-Planning regarding the proposed inland and coastal ordinances to eliminate the County’s Minor and Standard Subdivision Committees and consider the Planning Commission’s recommendation to the Board of Supervisors to adopt the proposed ordinances for the processing of lot line adjustments and subdivision applications; and
b. Direct staff to return to the Board of Supervisors at a newly noticed public hearing to consider adoption of the previously proposed ordinances; or
c. Direct staff to draft revised ordinances for the processing of lot line adjustments and subdivision applications.
[REF100014 (Inland) and REF120004 (Coastal), Options for Application Processes with the Elimination of the Minor and Standard Subdivision Committees.]
(Added via Addendum)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment A - Discussion, 2. Attachment B - Previously circulated Draft Ordinance -, 3. Attachment C - Previously circulated Draft Ordinance -, 4. Attachment D - Charts for Option 1, 5. Attachment E - Charts for Option 2, 6. Attachment F - Charts for Option 3, 7. Completed Board Order

Date	Ver.	Action By	Action	Result
2/12/2013	1	Board of Supervisors	continued	Pass

a. Receive a report from the Resource Management Agency-Planning regarding the proposed inland and coastal ordinances to eliminate the County’s Minor and Standard Subdivision Committees and consider the Planning Commission’s recommendation to the Board of Supervisors to adopt the proposed ordinances for the processing of lot line adjustments and subdivision applications; and
b. Direct staff to return to the Board of Supervisors at a newly noticed public hearing to consider adoption of the previously proposed ordinances; or
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[REF100014 (Inland) and REF120004 (Coastal), Options for Application Processes with the Elimination of the Minor and Standard Subdivision Committees.]
(Added via Addendum)

PROJECT INFORMATION:

Planning File Numbers: REF100014 (Inland) and REF120004 (Coastal)

Applicant: County of Monterey, RMA-Planning

Project Location: County-wide

CEQA Action: Statutorily Exempt per Section 15262 (Feasibility and Planning Studies) and Categorically Exempt per Section 15306 (Information Collection)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Receive a report from the Resource Management Agency-Planning regarding the proposed inland and coastal ordinances to eliminate the County's Minor and Standard Subdivision Committees and consider the Planning Commission's recommendation to the Board of Supervisors to adopt the proposed ordinances for the processing of lot line adjustments and subdivision applications; and
- b. Direct staff to return to the Board of Supervisors at a newly noticed public hearing to consider adoption of the previously proposed ordinances; or
- c. Direct staff to draft revised ordinances for the processing of lot line adjustments and subdivision applications.

SUMMARY:

At the direction of the Board of Supervisors, the Monterey County Planning Commission held a second workshop on September 12, 2012 to consider options regarding the appropriate hearing body to replace the Minor and Standard Subdivision Committees to hear applications for lot line adjustments and subdivisions. At the workshop, the public was invited to give input on two previously considered draft ordinances, an inland and a coastal ordinance, that in part, would do the following:

- Eliminate the County's Minor and Standard Subdivision Committees; and
- In the inland zone, eliminate administrative approvals of non-controversial lot line adjustments and non-controversial minor subdivisions, moving these types of applications to the Planning Commission for consideration.

The previously considered inland and coastal draft ordinances were prepared in accordance to the direction the Board gave staff in 2010 to draft the appropriate changes to the Monterey County Code in order to have the same process in the inland and coastal zone for lot line adjustment and subdivision applications. The initial direction was to eliminate the Minor and Standard Subdivision Committees and to have those applications that would have been considered by these Committees moved to the Planning Commission. In addition, the Board directed that in the inland zone, non-controversial lot line adjustment and minor subdivision applications currently considered by the Director of Planning would be considered instead by the Planning Commission.

Staff prepared the draft ordinances and brought these before the Board for consideration in July of 2012. The public voiced concerns on the draft ordinances, particularly in respect to the elimination of the Director of Planning's authority to consider non-controversial lot line adjustments and minor subdivisions in the County's inland areas. The Board moved to continue the item and directed staff to meet with the individuals that voiced concerns. On August 3, 2012, staff held a meeting primarily with representatives of the agricultural community and a representative of the Prunedale Neighbors Group to discuss the concerns over the proposed draft ordinances.

On August 28, 2012, staff presented the Board with the outcome of the August 3rd meeting as well as comments received from The Open Monterey Project. The Board moved to remand the item back to the Planning Commission for a second workshop.

On September 12, 2012, the Planning Commission held the second workshop. 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.

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 and C**). This was called **Option 1** and is represented in the charts of **Attachment D**.

At the conclusion of the workshop, the Planning Commission recommended that the Board of Supervisors adopt **Option 1**, the original and previously circulated Draft Ordinances. Option 1, would in summary, do the following:

In both Coastal and Inland zones:

- Eliminate the Monterey County Minor and Standard Subdivision Committees.

In the Inland 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 under a “consent item” agenda.

The Planning Commission chose **Option 1** because it achieves uniformity between the coastal and inland 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 in the *Discussion* in **Attachment A**.

Staff is recommending that the Board chose Option 1 and direct staff to return to the Board at a newly noticed public hearing to consider adoption of previously circulated draft inland and coastal ordinances under Option 1.

Should the Board desire a different approach, staff requests that the Board chose an option and direct staff to prepare subject ordinances. Staff would then return to the Board at a newly noticed public hearing to consider the adoption of such ordinances. Staff has outlined two alternatives:

- **Option 2-** Zoning Administrator/Director of Planning Option (see charts in **Attachment E**)
- **Option 3-** Compromise Option (see charts in **Attachment F**)

These items are further described in the Discussion in **Attachment A**.

DISCUSSION:

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

OTHER AGENCY INVOLVEMENT:

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.

FINANCING:

Funding for staff time associated with this project is included in the FY12-13 Adopted Budget for RMA-Planning.

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 Rang 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); 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 (Inland) and REF120004 (Coastal).

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

- Attachment A Discussion
- Attachment B Previously circulated Draft Ordinance-Redline for Inland- REF100014 (Option 1)
- Attachment C Previously circulated Draft Ordinance-Redline for Coastal- REF120004 (Option 1)
- Attachment D Charts for **OPTION 1** (Planning Commission Option)
- Attachment E Charts for **OPTION 2** (Zoning Administrator/Director of Planning Option)
- Attachment F Charts for **OPTION 3** (Compromise Option)