



Legislation Details (With Board Report)

File #: 13-0309 **Name:** Elimination of Minor/Standard Subdivisions
Type: General Agenda Item **Status:** Passed
File created: 3/21/2013 **In control:** Board of Supervisors
On agenda: 4/16/2013 **Final action:** 4/16/2013

Title: a. Receive a report from Resource Management Agency-Planning regarding the three possible appropriate authority processing options for lot line adjustment and minor subdivision applications related to the proposed elimination of the County’s Minor and Standard Subdivision Committees;
b. Consider staff’s recommendation to implement Option 1 which establishes the Planning Commission as the appropriate authority for lot line adjustment and minor subdivision applications; and
c. Provide direction to staff on the preparation of the ordinances to be considered at a future date. [REF100014 (Inland) and REF120004 (Coastal), Options for Application Processes with the Elimination of the Minor and Standard Subdivision Committees.] (Continued from March 19, 2013)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment A - Discussion, 2. Attachment B - Charts for Option 1, 3. Attachment C - Charts for Option 2, 4. Attachment D - Charts for Option 3, 5. Attachment E - Public Comments, 6. Completed Board Order

Date	Ver.	Action By	Action	Result
4/16/2013	1	Board of Supervisors	approved	Pass

a. Receive a report from Resource Management Agency-Planning regarding the three possible appropriate authority processing options for lot line adjustment and minor subdivision applications related to the proposed elimination of the County’s Minor and Standard Subdivision Committees;
b. Consider staff’s recommendation to implement *Option 1* which establishes the Planning Commission as the appropriate authority for lot line adjustment and minor subdivision applications; and
c. Provide direction to staff on the preparation of the ordinances to be considered at a future date. [REF100014 (Inland) and REF120004 (Coastal), Options for Application Processes with the Elimination of the Minor and Standard Subdivision Committees.] (Continued from March 19, 2013)

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 regarding the three possible appropriate authority processing options for lot line adjustment and minor subdivision applications related to the proposed elimination of the County’s Minor and Standard Subdivision Committees;

- b. Accept staff's recommendation to implement *Option 1* which establishes the Planning Commission as the appropriate authority over lot line adjustment and minor subdivision applications; and
- c. Provide direction to staff on the preparation of the ordinances to be considered at a future date.

SUMMARY:

Several options related to how lot line adjustment and minor subdivision applications are processed have been developed and previously reviewed by the Planning Commission and the Board of Supervisors. Staff has analyzed three options and is recommending *Option 1*, which would establish the Planning Commission as the appropriate authority for these types of applications. The other options are as follows:

- *Option 2* would result in the Director of Planning acting as the appropriate authority over non-controversial inland lot line adjustment and minor subdivision applications, while the Zoning Administrator would be the appropriate authority for controversial inland lot line adjustment and minor subdivisions and all coastal lot line adjustment and minor subdivision applications.
- *Option 3* would result in the Director of Planning acting as the appropriate authority over non-controversial inland lot line adjustment and minor subdivision applications, while the Planning Commission would be the appropriate authority over controversial inland lot line adjustment and minor subdivision applications and all coastal lot line adjustment and minor subdivision applications.

It is recommended that the Board receive a report on the three options and provide specific direction to staff relative to preparing draft ordinances to return for consideration.

At the March 19, 2013 Board of Supervisors meeting, the Board in its discretion, rescheduled this matter to April 16, 2013 in order to have full Board presence.

BACKGROUND:

In 2010, the Board gave staff direction to draft ordinances to amend the Monterey County Code to make the process between the inland and the coastal zones the same in regards to the processing of lot line adjustments and subdivision applications. The direction included:

- Eliminate the Minor and Standard Subdivision Committees and have the applications that would be heard by these Committees referred to the Planning Commission instead;
- In the inland zone, have the Planning Commission consider non-controversial lot line adjustments and non-controversial minor subdivision applications currently considered by the Director of Planning.

Staff prepared the draft ordinances and presented them to 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 continued 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 remanded the item to the Planning Commission for a second workshop.

On September 12, 2012, the Planning Commission held the second workshop 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. Staff explained that the options were developed based on the public comments that had been received by representatives of the agricultural community, The Refinement Group, representatives of The Open Monterey Project, and the Prunedale Neighbors Group. These comments and options are summarized in the *Discussion* in **Attachment A**.

Among the options presented was the option to continue to follow the direction given by the Board of Supervisors in 2010. This was called **Option 1** and is represented in charts (**Attachment B**).

At the conclusion of the workshop, the Planning Commission recommended that the Board of Supervisors adopt **Option 1**. 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 staff determining if the substantive issues of an inland application are “controversial” and, therefore, warrant referral to a separate hearing body for consideration. See detailed explanation in the *Discussion* (**Attachment A**).

Staff is recommending that the Board choose Option 1 and direct staff to return to the Board at a noticed public hearing to consider the previously drafted and circulated ordinances.

Should the Board desire a different approach, staff requests that the Board choose an option and direct staff to prepare the subject ordinances. Staff would then return to the Board at a 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 C**)
- **Option 3-** Compromise Option (see charts in **Attachment D**)

DISCUSSION:

A detailed discussion is provided in **Attachment A**. The discussion includes staff’s response to public comments (**Attachment E**) received for the February 12, 2013 Board meeting. The agenda item was subsequently continued to March 19, 2013 and then continued to April 16, 2013.

OTHER AGENCY INVOLVEMENT:

There was no other agency involvement with this project.

FINANCING:

Funding for staff time associated with this project is included in the FY12-13 Adopted Budget for the Planning Department. A cost analysis of *Option 1*, *Option 2* and *Option 3* is provided in **Attachment A**.

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; California Coastal Commission; David C. Sweigert, Fenton & Keller; Michael Harrington, Brian Finegan Law Office; Jim Bogart, Grower-Shipper Association; 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; 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	Charts for OPTION 1 (Planning Commission Option)
Attachment C	Charts for OPTION 2 (Zoning Administrator/Director of Planning)
Attachment D	Charts for OPTION 3 (Compromise Option)
Attachment E	Public Comments received for the February 12, 2013 Board meeting