

MONTEREY COUNTY PLANNING COMMISSION

Meeting: August 27, 2008 Time: 10:30 a.m.	Agenda Item No.: 6
Project Description: Consider revisions to Staking and Flagging Criteria regarding removal of staking and flagging after approval or during periods of inaction on projects.	
Project Location: County-wide	APN: County-wide
Planning File Number: PD070742	Applicant: RMA-Planning Department
Plan Area: ALL	Flagged and staked: N/A
Zoning Designation: : N/A	
CEQA Action: Exempt Section 21174	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission recommend that the Board of Supervisors approve the revision to the Staking and Flagging Criteria as drafted in **Exhibit B**.

PROJECT OVERVIEW:

Monterey County has a variety of natural features that ordinances seek to protect (e.g.; ridgelines, ocean views). County Codes establish when a project may need staking and flagging, and the project planner must assess how that is achieved. Flagging is an important tool for Design Approval by showing how new development will match existing structures and neighborhoods. The County adopted Staking and Flagging Criteria with four types of staking that serve both coastal and inland areas (non-visually sensitive areas, visually sensitive areas, building envelope identification, and height variance requests) to try to cover different development scenarios. Staff is afforded flexibility to determine the type of flagging based on the type of review and site conditions to minimize disturbance of the site.

The Monterey County Planning Commission referred the Staking and Flagging Criteria to the Planning Department in response to requests from citizens to address standards for removing the staking and flagging. Staff was tasked to draft an amendment to the guidelines that addresses how/when flagging should be removed to reduce visual clutter for long periods of time.

On January 9, 2008, staff presented some options, including ideas for changes other than removing the staking, to the Commission and addressing potential nuisance of staking that is damaged. The Commission clarified the scope of work to focus on removing staking and offered some suggestions for simple edits. As part of the direction, staff consulted with the Permit Streamlining Taskforce.

In addition to the specific change requested by the Planning Commission, the Taskforce requests to draft proposed revisions to streamline the criteria in a manner that helps assess project impacts but also allows flexibility with changing technologies (e.g. photo simulation). The Taskforce also requests that the Commission defer final action on the proposed change until they complete their draft revisions because their changes could result in amendment of the removal criteria proposed herein. The Taskforce changes would be presented to the Commission at a later time, estimated to be within 1-2 months. The Commission may either consider this request or forward the proposed removal criteria and consider the Taskforce changes separately.

OTHER AGENCY INVOLVEMENT:

Permit Streamlining Taskforce

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August 11, 2008

NOTE: The Commission action will be forwarded to the Board of Supervisors as a recommendation.

cc: Counter Copy, Planning Commission Members (10); County Counsel; Monterey Fire Protection Districts; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Planning Director, Building Services Director; David Greene, Planner; Carol Allen; File PD070742.

Attachments:

Exhibit A	Project Overview
Exhibit B	Draft Staking and Flagging Criteria
Exhibit C	Section 21.46.060 – Visual Sensitivity Zone
Exhibit D	Section 21.66.010 – Ridgeline Development
Exhibit E	Section 20.145.030.A – Big Sur CIP
Exhibit F	Section 20.146.030.A – Carmel CIP
Exhibit G	Section 20.147.070.A Del Monte Forest CIP
Exhibit H	Section 20.144.030.A North County CIP

EXHIBIT A PROJECT OVERVIEW

A. EXISTING REGULATIONS

The purpose of staking is to control and guide development in visually sensitive areas where development would take away from the natural beauty of the area. Discretion for determining the level of staking is charged to the planners to assist them in analyzing the project relative to the policies and regulations. Staking serves as a method to understand all structures on the site for the planner and decision makers. It has also developed into a method for LUACs to measure plan detail and a signal to the neighborhood that development is occurring and what it may generally mean as to form and mass.

The purpose of staking and flagging is to help staff analyze visual impacts of a proposed project. County Codes vary in how staking and flagging is addressed. They range from the very general:

- Visual Sensitivity Zone. Refers to a “County-wide Staking and Flagging Criteria” if staff determines that staking is required. No requirement for amount of time staking is required to be in place for inland projects. (Section 21.46.060.B Zoning Code, **Exhibit C**)
- Ridgeline Development. There is no specific requirement for staking, but staking is used to help staff assess impact of ridgeline development. (Section 21.66.010 Zoning Code, **Exhibit D**)
- Big Sur Coastal Implementation Plan. The project planner is charged to assess if staking is required for development within the critical viewshed. The Big Sur CIP, Section 20.145.030.A CIP requires the poles and stakes to remain in place through the “*duration of the review and approval process.*” During the course of review, the planner is to record the proposed development photographically. **Exhibit E**)
- Carmel Area Coastal Implementation Plan: The project planner is charged to assess if staking is required for development within the public viewshed. The Carmel Area CIP, Section 20.146.030.A CIP, requires the poles and stakes to remain in place through the “*duration of the review and approval process.*” During the course of review, the planner may record the proposed development photographically. (**Exhibit F**)
- Del Monte Forest Coastal Implementation Plan. The project planner is charged to assess if staking is required for development within the public viewshed or projects that affect visual access from public viewing areas. If The Del Monte Forest CIP, Section 20.147.070.A CIP, requires the poles and stakes to remain in place through the “*duration of the review and approval process.*” During the course of review, the planner may record the proposed development photographically. (**Exhibit G**)
- North County Coastal Implementation Plan. The project planner is charged to assess if staking is required for visual impacts of the development. The North County CIP, Section 20.144.030.A CIP, requires the poles and flags to remain in place through the “*duration of the review and approval process.*” During the course of review, the planner may record the proposed development photographically. (**Exhibit H**)

B. “DURATION OF REVIEW AND APPROVAL PROCESS”

Staff currently considers that when the Commission takes action to adopt a resolution of intent, flagging is no longer necessary in the decision-making process and should be removed. Staff also interprets that flagging is part of the County permit process and is not related to CEQA review. Therefore, flagging is not subject to the County Codes where only CEQA review is being considered.

C. PROPOSED CHANGES

Staff recommends the following amendments to address the issue of removing flagging:

PROPOSED AMENDMENT #1:

Section 1 – Building Location. Although the Code indicates a requirement for poles with flags, the guidelines include some specific materials (e.g. 2x4 poles). Staff recommends elimination of “2X4” in order to allow poles made of metal or other material that can be easily installed and are more resistant to high wind areas.

PROPOSED AMENDMENT #2:

Section 5 - Removal of Staking and Flagging. This is a new section to be added. There are three components that staff considered:

- 1) Define “*duration of the review and approval process*” to determine when staking is to be removed. Currently, this is defined as having action by the final decision-making body. Some projects have extended periods of review due to delays in the application process, continued hearings, or appeals. Removing and reinstalling staking until a new hearing is scheduled increases costs of staking for these long periods. The Taskforce has started discussing avenues how to address this matter.
- 2) Timeframe required for the flagging to be removed following completion of the review process. After a project is approved without appeal, flags should be immediately removed by the owner. Part of the condition approval process should be the removal of all pre-construction staking used for planning approval.
- 3) Enforcement mechanism to address situations where the flagging has been allowed to become a nuisance. Flagging that has fallen over is allowed a temporary period of replacement or repair but flags should be restored within seven days or at the request of the planner or hearing board. If staking is lost or destroyed during a storm a period that should not be a reason for penalty provided owners remove or reinstall poles within a reasonable timeframe.

A copy of the Staking and Flagging criteria with proposed amendment language is attached for the Commission to consider (**Exhibit B**).