

## MONTEREY COUNTY PLANNING COMMISSION

<b>MEETING:</b> June 29, 2011 at 9:00 a.m.	<b>Agenda Item No: 3</b>
<b>SUBJECT:</b> Workshop to consider an ordinance to amend Title 19 (Subdivision Ordinance for the Coastal and Non-Coastal Unincorporated areas of the County) if the Monterey County Code to eliminate the Minor and Standard Subdivision Committees and designate the Monterey County Planning Commission as the appropriate authority to consider subdivision applications. The ordinance would make corresponding amendment to Title 20 (Coastal Zoning Ordinance) and Title 21 (Non-coastal Zoning Ordinance) to eliminate references to the Subdivision Committee and substitute Planning Commission for Subdivision Committee.	
<b>Project Location:</b> Countywide	<b>APN:</b> Countywide
<b>Planning Number:</b> REF100014	<b>Name:</b> County of Monterey
<b>Plan Area:</b> Countywide	<b>Flagged and Staked:</b> N/A
<b>CEQA Action:</b> Categorically Exempt, per Section 15306 (Information Collection)	
<b>DEPARTMENT:</b> RMA – Planning Department	

### RECOMMENDATION:

It is recommended that the Planning Commission:

- a. Consider a report on the Subdivision process within the unincorporated areas of Monterey County
- b. Conduct a workshop
- c. Direct staff on how to proceed in modifying the Subdivision process contained in the Monterey County Subdivision Ordinance

### PROJECT OVERVIEW:

At the direction of the Board of Supervisors, RMA – Planning staff reviewed the Subdivision Permit Process and provided several options for Board consideration. After consideration of the presented options, the board of Supervisors directed staff to eliminate the Minor Subdivision (MS) and Standard Subdivision (SS) Committees create a technical review process for Subdivision and lot line adjustments and eliminate Administrative approval of non-coastal lot line adjustments and minor subdivisions. Staff seeks direction in preparing a draft ordinance to implement the direction provided by the Board of Supervisors.

### DISCUSSION:

See attached Exhibit "A."

### OTHER AGENCY INVOLVEMENT:

The report was prepared by the RMA – Planning Department staff.

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Date: June 22, 2011

This report was reviewed by <sup>MN</sup> Mike Novo, Director of RMA- Planning Department

cc: Front Counter; Planning Commission (10); County Counsel; Environmental Health Division; Public Works; Monterey County Water Resources Agency; James McPharlin, Fire Protection District Representative; Mike Novo; Carl Holm; Jacqueline R. Onciano, Planning Services Manager; REF100014

Attachment: Exhibit A Discussion of Subdivision Permit Process

EXHIBIT "A"  
DISCUSSION

**Background**

In February 2010, the Board of Supervisors requested planning staff to prepare a new procedure that would move the hearing authority of both Minor and Standard Subdivisions processed within the unincorporated areas of Monterey County from the Minor and Standard Subdivision Committees to the Planning Commission. In addition to the distinction between minor and standard subdivisions, Monterey County has two separate subdivision processes as summarized in the table below:

	<b>INLAND</b>	<b>COASTAL</b>
<b>Lot Line Adjustment</b>	Administrative *	Minor Subdivision Committee
<b>Minor Subdivision</b>	Administrative *	Minor Subdivision Committee
<b>Standard Subdivision</b>	Subdivision Committee, Planning Commission	Subdivision Committee, Planning Commission, Board of Supervisors

\* Projects that are under Williamson Act contract require approval by the Board of Supervisors

Ordinances were drafted to generally follow the State Subdivision Map Act (Government Code 66452 et al). There are two Subdivision Ordinances that govern land alterations within Monterey County:

- Monterey County Code Title 19 - Subdivision Ordinance - Inland (Non-coastal), dated December 2000, and
- Monterey County Code Title 19 - Subdivision Ordinance - Coastal Zone, adopted May 31, 1988.

The Minor and Standard Subdivision processes within the Coastal Zone have subtle differences from the Inland area, primarily relative to the process. In accordance with the Monterey County Coastal Implementation Plan, Part 1 (Title 20 - Zoning Ordinance), all property divisions, mergers and Lot Line Adjustments require a Coastal Development Permit, which makes the matter appealable to/by the California Coastal Commission. To that end, these entitlements require Public Hearings and are not processed administratively. As will be discussed below, inland Minor Subdivisions and Lot Line Adjustments are generally processed administratively.

**Current Minor Subdivision Process**

Minor Subdivision Committee

Title 19 (Subdivision Ordinance) of the Monterey County Code, specifically Section 19.01.025, states that the Minor Subdivision Committee is a six-member committee comprised of one member of the Planning Commission plus one representative from each of the following Departments/Agencies: Resource Management Agency (RMA) - Public Works Department, Environmental Health Bureau, RMA - Planning Department, Monterey County Water Resources Agency, and the County Fire Warden.

Inland (Non-Coastal) Minor Subdivision and Lot Line Adjustment Process

As authorized by Title 19, the Director of RMA-Planning Department or his designee is the appropriate authority to consider minor land divisions such as Minor Subdivisions and Lot Line

Adjustments unless the matter is referred to public hearing per Section 19.04.025. If the matter is referred to public hearing, the Minor Subdivision Committee is the appropriate authority to consider these applications. Applications are referred to the Minor Subdivision Committee for the following reasons:

1. Applications where there is evidence of public controversy or public opposition;
2. Staff recommendation for denial;
3. The applicant or applicant's representative submits a written request for a public hearing or;
4. A written request for a public hearing by one or more area residents, based on a substantive issue.

Items considered by the Minor Subdivision Committee are appealable to the Board of Supervisors, per Section 19.16.020B of Title 19.

### Coastal Minor Subdivision Process

In the Coastal Zone, Coastal Development Permits are required to process land alteration applications. The Minor Subdivision Committee is the appropriate authority to consider Minor Subdivisions and Lot Line Adjustments including their associated Coastal Development Permit. The Board of Supervisors is the hearing authority to consider appeals to the decision of the Minor Subdivision Committee, per Section 19.01.040 of the Monterey County Code.

### **Current Standard Subdivision Process**

#### Standard Subdivision Committee

According to the Subdivision Ordinance (Title 19), specifically Section 19.01.030, the Standard Subdivision Committee is a six-member committee comprised of representatives from the RMA - Public Works Department, Environmental Health Department, RMA - Planning Department, Monterey County Water Resources Agency, Parks Department, and the County Fire Warden. The difference from the Minor Subdivision Committee is the Committee includes a representative from the Parks Department instead of a Planning Commissioner.

#### Inland (Non-Coastal) Standard Subdivision Process

The Standard Subdivision Committee serves as a technical committee, making recommendations to the Planning Commission. As the Subdivision Committee consists of County Staff, the technical work is essentially done twice: by each department's staff when reviewing the application and again at the public hearing. The Planning Commission is the final authority to consider Standard Subdivisions. As such, at least two public hearings are held for each application, one by each body. Per Section 19.03.025, the Board of Supervisors considers appeal from any decision of the Planning Commission.

## Coastal Zone Standard Subdivision Process

The Standard Subdivision process within the coastal zone is similar to the Inland non-coastal Standard Subdivision process. As stated above, Coastal Development Permits are required to process land alteration applications. For the Coastal Zone, three separate public hearings are held: Standard Subdivision Committee, serving in a technical capacity, followed by the Planning Commission designated as the advisory agency making recommendations to the Board of Supervisors, and finally the Board of Supervisors designated as the final hearing authority.

### **Coastal Commission Process**

Per Section 20.86.080.A.3 of the Monterey County Coastal Zoning Ordinance (Title 20), the California Coastal Commission obtains appeal authority over any project involving a Coastal Development Permit. Therefore, the Coastal Commission can appeal any Lot Line Adjustment or Subdivision application within the Coastal Zone.

### **Permit Activity**

Over the 42 months (2007-2010) the RMA – Planning Department staff has processed less than 60 land alteration applications; approximately 17 per year. Of those, 17 were also considered at public hearing by the Planning Commission. The table below gives a breakdown of the entitlements processed.

**Number of Land Alteration Permits Processed over a 42 month period**

Year	Standard Subdivision Referred to the Planning Commission (Std. Subdivision)	Lot Line Adjustment	Minor Subdivision	Lot Line Adjustment	Minor Subdivision
		Non -coastal	Non -coastal	Coastal	Coastal
2007	7	1	2	3	2
2008	7	1	8	6	2
2009	3	2	7	1	1
2010	0	1	1	1	2

### **Elimination of the Minor Subdivision and Standard Subdivision Committee**

Transferring the hearing authority of Minor Subdivision (MS) and Standard Subdivision (SS) to the Planning Commission positively reduces the regulatory process. Only one public hearing would be held at the Planning Commission, which saves staff time and costs while still allowing a public hearing on subdivision applications that are currently considered at a public hearing. For example, public noticing costs approximately \$400 per application. Additionally, by eliminating the MS and SS committees it will save the county approximately \$19,000 per year. The MS and SS committee is comprised of representatives from the RMA- Planning Department, RMA - Public Works Department, Environmental Health Bureau, Monterey County Water Resources Agency, Parks Department, the County Fire Warden , or a designee and one member of the Planning Commission (Minor Subdivision Committee only). They operate under the guise of a technical review committee, approving body or recommending body to the Board of Supervisors.

Technical review of Subdivisions and Lot Line Adjustments could easily be incorporated into the existing Inter Agency Review Committee (IAR) process for those that would otherwise be

approved administratively. County Staff currently serves on an Inter Agency Review Committee (IAR) that consists of representatives from the RMA- Public Works Department, Environmental Health Bureau, Monterey County Water Resources Agency, Parks Department, RMA - Redevelopment and Housing Office, County Counsel, and RMA - Planning Department. IAR meetings are calendared twice a month. Fire Department representatives are invited on an as-needed basis. These meetings focus on technical issues, design, as well as compliance with County policies and regulations.

Additionally, staff was directed to eliminate administrative approval of non-coastal Lot Line Adjustments and MS so that there would be public hearings held in both the Inland and Coastal areas, thereby making both processes consistent.