

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> February 26, 2014	<b>Time:</b> 10:00 A.M	<b>Agenda Item No.:</b> 5
<b>Project Description:</b> Hold a public workshop to consider and provide direction to staff on amending Section 21.66.010 of Monterey County Code related to ridgeline development, pursuant to Monterey County 2010 General Plan Policies OS-1.3 through OS-1.6		
<b>Project Location:</b> N/A		<b>APN:</b> N/A
<b>Planning File Number:</b> REF130052		<b>Applicant:</b> County of Monterey
<b>Planning Area:</b> Inland Area Only (Non-coastal)		<b>Flagged and staked:</b> N/A
<b>Zoning Designation:</b> N/A		
<b>CEQA Action:</b> Exempt per Section 15262		
<b>Department:</b> RMA - Planning		

**RECOMMENDATION:**

Staff recommends that the Planning Commission:

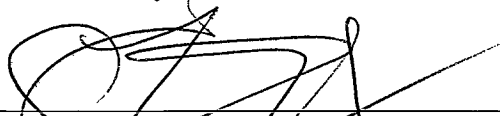
- 1) Hold a public workshop to consider amendments to the Ridgeline Development ordinance, Section 21.66.010 of Monterey County Code, pursuant to Policy Nos. OS-1.3 through 1.6 of the 2010 General Plan; and
- 2) Provide direction to staff on the preparation of amendments to the Ridgeline Development ordinance, Section 21.66.010 of the Monterey County Code.

**PROJECT OVERVIEW:**

2010 General Plan policies OS-1.3, 1.4, 1.5 and 1.6 provide guidance for when, in limited circumstances, ridgeline development should be allowed in Monterey County. Each policy requires actions for implementation. The goal of this workshop is to discuss each policy and recommendations for incorporating language into Title 21. See **Project Discussion (Exhibit A)** for an in-depth discussion of the 2010 General Plan policies for ridgeline development.


**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

√ County Counsel

  
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 Grace Bogdan, Project Planner  
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 February 18, 2014

cc: Front Counter Copy; Planning Commission; LUAC's; Fire Protection Districts; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Jacqueline R. Onciano, Planning Services Manager; Grace Bogdan, Project Planner; Carol Allen, Senior Secretary; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Refinement Group (Nancy Isakson), Streamlining Task Force (Ernie Mill); Ag Advisory Committee (Christina McGinnis); Planning File REF130052.

Attachments: Exhibit A      Project Discussion

This report was reviewed by Jacqueline  Onciano, Planning Services Manager (Long Range Planning)

## EXHIBIT A PROJECT DISCUSSION

### Project Purpose and Objective:

The purpose of this task is to revise Monterey County Code section 21.66.010, Standards for Ridgeline Development, to provide regulations for policies of the 2010 General Plan. These policies speak directly to the preservation of the County's scenic resources, and to maintain these resources ridgeline development is prohibited, except under certain situations. The General Plan outlines necessary findings for those exceptions. Revisions to the ridgeline development ordinance should maintain a strict disposition against projects that would result in ridgeline development. The primary objectives of this task are to:

- a) Amend the Ridgeline Development ordinance to incorporate findings in 2010 General Plan Policy OS-1.3;
- b) Provide criteria to guide the design and visual impact of permitted ridgeline development, GP Policy OS-1.4;
- c) Include additional criteria to prevent ridgeline development when designing new subdivision lot configurations, GP Policy OS-1.6.

The project was referred to the Streamlining Task Force (Task Force) on September 6th and October 4<sup>th</sup>, 2013. Staff presented a preliminary scoping memo outlining the 2010 General Plan policies and topics of discussion for ridgeline development policy.

### Policy Basis:

#### Ridgeline Development Criteria

- OS-1.3 To preserve the County's scenic qualities, ridgeline development shall not be allowed. An exception to this policy may be made only after publicly noticed hearing and provided the following findings can be made:
- a. The ridgeline development will not create a substantially adverse visual impact when viewed from a common public viewing area; and either,
  - b. The proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives; or,
  - c. There is no feasible alternative to the ridgeline development.
- Pursuant to *Policy OS-1.6*, in areas subject to specific plans, the ridgeline policies and regulations of the applicable specific plan shall govern.
- OS-1.4 Criteria shall be developed to guide the design and construction of ridgeline development where such development has been proposed pursuant to *Policy OS-1.3*.
- OS-1.5 New subdivisions shall avoid lot configurations which create building sites that will constitute ridgeline development. Siting of new development visible from private viewing areas may be taken into consideration during the subdivision process
- OS-1.6 In areas subject to specific plans, the ridgeline policies and regulations of the specific plan shall govern. Each specific plan shall address viewshed issues, including ridgeline development, as part of the plan, including, but not limited to, provisions for setbacks, landscaping, height limits, or open space buffers.

### Discussion of Issues:

The ridgeline development policies of the 2010 General Plan prohibit ridgeline development with limited exceptions. Staff found the following issues to be of significant importance and are discussed in detail below:

- 1) Incorporation of Policy OS-1.3
- 2) Determination of substantially adverse impacts

### 3) Lot design for new subdivisions

#### 1) Incorporation of Policy OS-1.3:

Within OS-1.3.b, the finding states “*that the proposed development better achieves the goals, policies and objectives of Monterey County.*” This could be interpreted by the reader to mean any goal within the entire 2010 General Plan. Staff understands this finding to represent the balancing act that planner’s and decision makers have to take into consideration when evaluating a project’s impacts. The intent of OS-1.3.b is to protect other resources that may exist on a site, for example cultural or environmental resources. A site with positive archaeological resources may only be suitable for development on a ridgeline, which would better achieve 2010 General Plan policy OS-6.5, protecting archaeological sites near development.

#### OPTIONS:

- 1) Amend ordinance to include language of OS-1.3 policy as a new finding and identify applicable goals of the General Plan that “better achieves the goals, policies and objectives of Monterey County”
- 2) Amend ordinance to include language of OS-1.3 policy as a new finding
- 3) Develop design guidelines that summarizes how in limited applications, ridgeline development can better achieve applicable goals, policies and objectives of the 2010 General Plan

#### DISCUSSION OF OPTIONS:

The first option will give staff the ability to clarify what goals of the 2010 General Plan are applicable to ridgeline development, however it may be too limiting for all possible situations where ridgeline development may be allowed. The second option would incorporate the language of Policy OS-1.3 without defining what goals, policies and objectives of the 2010 General Plan are applicable. The third option would allow staff to define the goals of the 2010 General Plan that are applicable for ridgeline development without codifying the list into Title 21. Staff recommends the second and third option to provide flexibility during the review of projects.

#### 2) Determination of substantially adverse visual impacts:

In 2009 a workshop was held with the Planning Commission to present basic criteria to measure viewshed, proximity and duration. The Planning Commission appreciated Staff’s presentation and commented that standards should be established for consistent evaluation of substantial adverse visual impacts. Staff has noted the difficulty in supporting or recommending denial of a project when there are no specific criteria within Title 21 to reference. There are measures stated within the definition of substantial adverse visual impacts (consider viewshed, proximity and duration), but without defining how to apply these measures, they can be used arbitrarily. Policy OS-1.4 directs staff to develop criteria that guide project design, and staff suggests that these criteria include a process to evaluate substantial adverse visual impacts.

#### OPTIONS:

- 1) Revise ordinance to include criteria to determine substantially adverse visual impacts
- 2) Create design guidelines that would develop criteria to guide project design for ridgeline development and define criteria to limit substantially adverse visual impacts

#### DISCUSSION OF OPTIONS:

The first option would provide staff with a consistent set of criteria within Title 21 to determine substantial adverse visual impacts. Similarly, the second option would develop design guidelines that would create consistent criteria to follow without being codified in Title 21. Staff recommends the second option, because it would educate applicants and provide flexibility for staff during the review of projects.

### 3) Lot design for new subdivisions:

Policy OS-1.5 of the 2010 General Plan requires that new subdivisions avoid creating building sites that may constitute ridgeline development. Currently RMA-Planning Staff must make certain findings as to the design of lots in the subdivision process and these design standards can be found in MCC Section 19.10.030. Staff believes any implementation of this policy should be located within section 19.10.030.

#### OPTIONS:

- 1) Require building envelopes be approved as part of the lot design for areas that could constitute ridgeline development
- 2) Require scenic easements be recorded for areas that may constitute ridgeline development
- 3) Revise section 19.10.030 to include language from Policy OS-1.5
- 4) Include lot design criteria in design guidelines

#### DISCUSSION OF OPTIONS:

Option one would secure an envelope that has been properly sited and would not result in ridgeline development under current circumstances and may be appropriate under some circumstances. However, this may be too restrictive as, if the building site or surrounding circumstances were to change in future development, it may result in amendments to the subdivision map. Option two would preserve areas that could potentially lead to ridgeline development while maintaining flexibility for future building sites. This also does not address changing circumstances. The third option would incorporate the policy language as part of the subdivision standard review process. Lastly, incorporating lot design criteria in design guidelines would educate applicants on how to avoid ridgeline development and properly cluster development. Staff recommends options 2, 3, and 4 as each option will contribute to incorporating Policy OS-1.5 in practice, regulation and education of lot design.

#### Staff Recommendation:

In summary, staff requests direction on the following recommended actions:

- 1) Amend the Ridgeline Development ordinance, section 21.66.010 of Monterey County Code, to incorporate language of OS-1.3 policy
- 2) Create design guidelines that would:
  - a) Guide the design and construction of permitted ridgeline development;
  - b) Summarize in what situations ridgeline development can better achieve applicable goals, policies and objectives of the 2010 General Plan;
  - c) Define criteria to determine substantially adverse visual impacts; and
  - d) Develop lot design criteria for new subdivisions
- 3) Amend the Lot Design for subdivisions ordinance, section 19.10.030 of Monterey County Code, to require scenic easements be recorded for areas that may constitute ridgeline development and incorporate language from Policy OS-1.5

#### Next Steps:

Staff will return to the Planning Commission in the following months to present draft documents with the feedback given today.

1. Prepare draft ordinance and staff report, including stakeholder outreach for specific information
2. Prepare environmental analysis
3. PC Hearing and Recommendation
4. BOS Hearing and Adoption