COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

DATE: May 26, 2016

TO: North Fair Oaks Community Council

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SUBJECT: Consideration of a project to comprehensively update the County's Subdivision Regulations that would: 1) incorporate changes made to the State Subdivision Map Act (California Government Code Sections 66410 through 66499) and relevant case law; 2) identify how to better implement County General Plan policies and the County's Local Coastal Program, such as creating more flexibility to achieve affordable housing, protecting environmental resources and other community goals; 3) integrate new subdivision types; and (4) clarify, augment, and streamline the subdivision ordinance, and the subdivision application and review process, to enhance their ease of use, within a collaborative stakeholder process.

BACKGROUND

The Planning & Building Department has initiated a comprehensive update of the County Subdivision Regulations, which were last updated in 1992. Since then, numerous changes in state law have occurred and several key court cases have been decided. Therefore, this update is both necessary and timely and is also an opportunity to improve the content and utility of the ordinance beyond basic update requirements.

PROJECT DESCRIPTION

This update will result in an amendment to the County's current Subdivision Regulations so that it is consistent with the latest provisions of the State Subdivision Map Act (SMA) and relevant case law (court decisions). The amendment will modify existing provisions and add new ones to better implement the policies of the County General Plan and Local Coastal Program, create a process for clarifying the development potential of newly proposed parcels, and address new types of subdivisions. The project will ultimately require an amendment to the County's Local Coastal Program through the California Coastal Commission, but it will not alter any adopted land use plans, zoning, or development-related policies.

PROCESS

This staff report summarizes the project scope and the issues staff has identified thus far with the current Subdivision Regulations that will be addressed through ordinance amendments. Staff is presenting this information to the Agricultural Advisory Committee, the Midcoast, North Fair Oaks, and Pescadero Community Councils, and the Planning Commission for review and feedback. We will also present drafts of the proposed ordinance to the Councils and Planning Commission before beginning the formal legislative process leading to consideration of amendments by the Board of Supervisors.

The Planning and Building Department is leading the update as a collaborative project involving the active participation of several County Departments as technical advisors and stakeholders as well as opportunities for ongoing public input at the appropriate junctures to ensure that staff's final recommendation reflects the broadest range of viewpoints and considerations. Currently, we plan to complete the project in about a year as follows:

Timeframe	Event
May-June 2016	AAC and community councils initial presentations
June 2016	Planning Commission initial presentation
September 2016	Planning Commission review of first draft ordinance
November 2016	AAC and community councils review of revised draft ordinance
December 2016	Planning Commission review of revised draft ordinance
February 2017	Planning Commission recommendation on final draft ordinance
March 2017	Board of Supervisors consideration of final draft ordinance

Issues

The following issues or deficiencies with the Subdivision Regulations have been identified by County staff from several departments. It is our intention to clarify the nature of these issues and prepare draft ordinance language to address them:

Content Issues

- Incorporate SMA changes since 1992 and achieve a balance between citing the SMA versus quoting it;
- Reflect case law since 1992, making sure to resolve instances where cases may give conflicting direction on same the topic;
- Revise and/or supplement the definitions that lack clarity (e.g., remainder parcel) or don't exist for certain terms (e.g., environmental subdivisions);
- Improve flag lot standards to clarify how development on that unique type of lot configuration is best controlled;
- Clarify/standardize the creation, processing, and development status of remainder parcels;
- Clarify and improve requirements for the submittal and content of drainage plans;
- Identify public improvement design elements to be modified for better

implementation of General Plan land use and circulation policies (e.g., resolve conflicts with roadway standards);

- Add standards for condominiums, mixed-use, small lot single-family, and townhome subdivisions, which are currently addressed through PUD zoning, and require and develop standards for CC&Rs;
- Integrate rules addressing storm water management, site drainage, and impervious/pervious surfaces, all of which are now managed separately;
- Create provisions to ensure long-term maintenance of low impact development features;
- Consider emerging trends in water management including gray water systems and on-site water treatment plants;
- Ensure proposed lots can accommodate on-site parking;
- Clarify map requirements, and clarify and simplify the Certificate of Compliance process for applicants;
- Create provisions for gauging the development potential (buildable footprint) of new lots, based upon topography, tree cover, streambeds, groundwater, wetlands, stormwater management, etc. This could also be a way to address future impacts of climate change, such as flooding or erosion from sea level rise and storms, or other impacts.
- Require that lot line adjustments depict building envelopes to ensure that future development can be accommodated per the General Plan policies and zoning requirements applicable to the property;
- Clarify how easements affect site development, including how to measure building setbacks from easements;
- Add requirements that ensure new parcels comply with the Williamson Act; and
- Utilize language, format, graphics, and modern means of application submittal for better end-user convenience.

<u>Process Issues</u>

- Clarify how to apply requirements for minimum lot size and lot depth;
- Clarify/simplify requirements for Type B Certificates of Compliance;
- Improve the process for determining and tracking the transfer of development credits in the PAD and RM zones;
- Use the pre-application process to resolve critical issues such as ensuring adequate septic and water capacity for sites not connected to municipal services <u>before</u> formal project review;
- Compare the service demand of a proposed project to the services that can actually be provided;
- Resolve how to gain access to steep sites for percolation and other necessary on-site assessments in the absence of existing access roads;
- Improve coordination and communication between County Departments involved in subdivision review and approval; and
- Update County websites with helpful information for applicants, develop handouts, etc. to help the public better understand and follow the subdivision application, review, and approval process.

QUESTIONS FOR THE NORTH FAIR OAKS COMMUNITY COUNCIL

1. Given the Council's goals of creating a complete, safe, and vibrant community in North Fair Oaks with a broad range of housing jobs, transportation, recreation, and services, how might the Subdivision Regulations be amended to advance those goals?

2. Based upon the Council's experience with real subdivision project proposals, were there project issues that could have been avoided or resolved had certain provisions already been in place in the regulations?

3. Are there any other issues or concerns the Council may have which could be addressed by this update project?

The Council is asked to consider the above questions and, through discussion, provide comments to staff. Staff will work with the comments received from the Council and other stakeholders and then return to the Council with a draft ordinance according the project schedule.

ATTACHMENTS

None; however, staff will make a PowerPoint presentation at the meeting.