

Attachment A Discussion

Planning Commission's Recommendation to Adopt Option 1.

At the direction of the Board of Supervisors, the Monterey County Planning Commission held a second workshop on September 12, 2012 to consider options in the processing of applications for lot line adjustments and subdivisions with regards to the appropriate hearing body. All options assumed the elimination of the Minor and Standard Subdivision Committees since there was no controversy on the elimination of these committees. The options were developed based on the following conflicting public opinions received:

- Continue to follow the direction given by the Board of Supervisors in 2010, as outlined in the previously circulated Draft Ordinances (**Attachments B and C**) because setting the matters for hearing at the Planning Commission allows for greater transparency, public notice, opportunity for public participation and creates a uniform process for inland and coastal applications;
- In the inland zone, do not change the process for non-controversial lot line adjustment applications, which currently are subject to the consideration by the Director of Planning. For transparency purposes, provide a Director of Planning “upcoming Administrative Approval calendar” on the RMA-Planning’s website to inform the public of items scheduled to be considered by the Director of Planning.
- In the inland zone, do not change the process for non-controversial minor subdivision applications, which currently are subject to consideration by the Director of Planning. For transparency purposes, provide a Director of Planning “upcoming Administrative Approval calendar” on the RMA-Planning’s website to inform the public of scheduled items to be considered by the Director of Planning.
- Do not “mirror” the inland and coastal processes, since currently there are subtle differences in the processing of lot line adjustments, minor and standard subdivisions in the inland versus coastal areas. For example, non-controversial lot line adjustments in the inland zone are currently considered by the Director of Planning, whereas non-controversial lot line adjustments in the coastal zone require approval by the Minor Subdivision Committee. The concern was that “mirroring” the inland and coastal processes would result in unnecessarily elevating the process, scrutiny and protection in the inland areas to the same level applied in the coastal zone. The argument was made that in the coastal zone, heightened requirements are based on the Coastal Act where the purpose is the protection of coastal resources. The same protection should not be applied in the inland areas since this would unnecessarily burden property owners outside the coastal zone.
- Suggestion was made that in the inland zone, controversial lot line adjustments and controversial minor subdivisions should be subject to the consideration of the Zoning Administrator, rather than the Planning Commission.

The options presented to the Planning Commission, based on the above opinions, were as follows:

- **Option 1- Planning Commission Option**
- **Option 2- Zoning Administrator Option**
- **Option 3- Compromise Option**

At the conclusion of the workshop, the Planning Commission recommended that the Board of Supervisors adopt **Option 1**, the previously circulated Draft Ordinances.

Options

The Board of Supervisors requested a financial and time analysis of each option. The financial analysis requires additional time to complete and staff will present this at the Board meeting on February 12, 2013.

As far as the time analysis, staff found that there was no timing difference amongst each option in regards to processing of lot line adjustments and minor subdivisions, if the project is categorically exempt under CEQA. On average, regardless of the hearing body, these types of applications are processed in a total of 12 to 18 weeks.

Once the application becomes “complete”, the application would be set for hearing with its respective hearing body (Administrative, Zoning Administrator or Planning Commission) 4 weeks out. Based on the set calendar dates for 2013 for each hearing authority, including the Minor and Standard Subdivision Committees, the following meeting dates are scheduled:

- 52 Administrative (Director of Planning) hearing dates (weekly basis)
- 22 Minor and Standard Subdivision Committee hearing dates (bi-monthly basis)
- 22 Zoning Administrator hearing dates (bi-monthly basis)
- 22 Planning Commission hearing dates (bi-monthly basis)

Summary of Options

This section summarizes the options:

- a. ***Option 1- Planning Commission Option***
- b. ***Option 2- Zoning Administrator Option***
- c. ***Option 3- Compromise Option***

a. Option 1- Planning Commission Option (see Charts in **Attachment D**)

Option 1 would do the following:

- Eliminate the Minor and Standard Subdivision Committees for both the coastal and inland zones, requiring that those applications once considered by these Committees, now be considered by the Planning Commission.
- In the inland zone, eliminate administrative approvals of “non-controversial” inland lot line adjustments and “non-controversial” minor subdivisions and move these items to the Planning Commission for consideration.
- In the inland zone, eliminates the “non-controversial” determination.

Factors to consider about Option 1

- Achieves uniformity between the inland and coastal zones in regards to the processing of lot line adjustments and minor subdivisions.
- Eliminates the Minor and Standard Subdivision Committees (comprised of primarily County staff), saving land use department staff time involved in serving on the committees and saving clerical time involved in administering the committee.
- Shifting policy decisions to a policy-making body (Planning Commission) instead of technical staff (Minor and Standard Subdivision Committees) is a more appropriate forum for policy decisions.

b. Option 2- Zoning Administrator Option (see Charts in **Attachment E**)

Option 2 would do the following:

- Eliminate the Minor and Standard Subdivision Committees for both the coastal and inland zones.
- Leaves the Director of Planning as appropriate authority for non-controversial inland lot line adjustments and minor subdivisions (no change to current process).
- Makes the Zoning Administrator the appropriate authority to consider “controversial” inland lot line adjustments and minor subdivisions.
- Makes the Zoning Administrator the appropriate authority to consider all coastal lot line adjustments and minor subdivision applications.

Factors to consider about *Option 2*

- Does not achieve uniformity between the inland and coastal zones in regards to the processing of lot line adjustments and minor subdivisions.
- Eliminates the Minor and Standard Subdivision Committees (comprised of primarily County staff), saving land use department staff time involved in serving on the committees and saving clerical time involved in administering the committee.
- Shifts policy-decisions for “controversial” inland lot line adjustments and minor subdivisions and coastal lot line adjustments and minor subdivisions to the Zoning Administrator (staff person in a public hearing setting).
- Leaves the appropriate authority for inland “non-controversial” lot line adjustments and minor subdivisions with the Director of Planning.

c. Option 3- Compromise Option (see Charts in **Attachment F**)

Option 3 would do the following:

- Eliminate the Minor and Standard Subdivision Committees for both the coastal and inland zones.
- Leaves the Director of Planning as appropriate authority for non-controversial inland lot line adjustments and minor subdivisions (no change to current process) and would move controversial inland lot line adjustments and minor subdivisions to the Planning Commission.
- Coastal Zone lot line adjustments and minor subdivisions, controversial or not, would be considered by the Planning Commission.

Factors to consider about *Option 3*

- Does not achieve uniformity between the inland and coastal zones in regards to the processing of lot line adjustments and minor subdivisions.
- Eliminates the Minor and Standard Subdivision Committees (comprised of primarily County staff), saving land use department staff time involved in serving on the committees and saving clerical time involved in administering the committee.
- Leaves the appropriate authority for inland “non-controversial” lot line adjustments and minor subdivisions with the Director of Planning.

- Shifts policy-decisions for “controversial” inland lot line adjustments and minor subdivisions and coastal lot line adjustments and minor subdivisions to the Planning Commission.

Staff’s Recommendation: Option 1

Staff is recommending that the Board of Supervisors consider the recommendation of the Planning Commission to adopt the previously circulated inland and coastal ordinances, described as **Option 1**. If such action is taken, the draft ordinances have been previously publicly circulated and heard by the Planning Commission. These are ready for Board of Supervisors’ consideration at a duly noticed public hearing in the near future. **Option 1** is reflected in the charts in **Attachment D**.