

## **Attachment A Discussion**

### Background

On July 13, 2010, the Board of Supervisors directed staff to proceed with the preparation of non-coastal and coastal ordinances that would change the process for consideration of applications for lot line adjustments and subdivisions. The major changes in the process were to eliminate the Monterey County Minor and Standard Subdivision Committees for both the non-coastal and coastal zone, and in the non-coastal zone, to eliminate administrative approvals of non-controversial lot line adjustments and non-controversial minor subdivisions and move these items to the Planning Commission.

The intent of these changes was to simplify and streamline the process of applications for lot line adjustments and subdivisions. Eliminating the Minor and Standard Subdivision Committees and moving the hearing to the Planning Commission would result in the same process in the inland and coastal zone. It would also move technical review to staff level.

Prior to staff drafting the ordinances, a Planning Commission workshop was held on July 29, 2011, to discuss and consider the Board referral and obtain public input. Respective ordinances were then drafted and circulated, and both were considered by the Planning Commission earlier this year at public hearings with a recommendation to the Board to adopt the ordinances (see **Attachments D and E** for Planning Commission Resolutions). The draft ordinances have been considered by The County Streamlining Task Force and the Monterey County Agricultural Advisory Committee.

The draft ordinances were then before the Board at duly noticed hearings on July 24, 2012 (Non-Coastal Ordinance, REF100014) and July 31, 2012 (Coastal Ordinance, REF120004). At these hearings, the Board took public testimony and continued the items and directed staff to meet with citizens who voiced concerns with the draft ordinances in respect to proposed hearing body consideration for certain applications. For your reference, the draft ordinances are hereby attached as **Attachments B-1** (redline) and **B-2** (clean) for the non-coastal ordinance and **Attachments C-1** (redline) and **C-2** (clean) for the coastal ordinance. On August 3, 2012, staff met with representatives from the agricultural industry and other citizens who voiced concerns on the draft ordinances. After that meeting, staff received additional concerns from the coastal community of Big Sur.

At a duly noticed Board of Supervisors hearing on August 28, 2012, the Board considered the report by the RMA-Planning Department on the public comments. The public comments reflected no issues over the proposed elimination of the Minor and Standard Subdivision Committee. The issue of concern to some members of the public was making the Planning Commission the hearing body for lot line adjustments and minor subdivisions with the elimination of the Minor and Standard Subdivision Committee for both the non-coastal and coastal zones. Staff received conflicting opinions over which hearing body should hear these applications. The public comments, in summary, were as follows:

- Continue to follow the direction given by the Board of Supervisors in 2010, as outlined in the previously circulated Draft Ordinances because setting the matters for hearing at the Planning Commission allows for greater transparency, public notice, opportunity to participate and creates a uniform process for inland and coastal applications;

- In the non-coastal 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 Planning Department’s website to inform the public of items scheduled to be considered by the Director of Planning.
- In the non-coastal 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 Planning Department’s website to inform the public of scheduled items to be considered by the Director of Planning.
- Strong disagreement was expressed on the Board of Supervisors original referral to “mirror” the non-coastal and coastal processes, since currently these have subtle differences in the processing of lot line adjustments, minor and standard subdivisions. For example, non-controversial lot line adjustments in the non-coastal 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 non-coastal and coastal processes would result in unnecessarily elevating the process, scrutiny and protection in the non-coastal areas to the same level applied in the coastal zone. The argument was made that in the coastal zone, heightened requirements are based in the Coastal Act whose purpose is the protection of coastal resources. The same protection should not be applied in the non-coastal areas since this would unnecessarily burden property owners outside the coastal zone.
- Suggestion was made that in the non-coastal zone, controversial lot line adjustments and controversial minor subdivisions should be subject to the consideration of the Zoning Administrator, rather than the Planning Commission.
- Suggestion was made that in the coastal zone, non-controversial lot line adjustments and non-controversial minor subdivisions requiring a parcel map, should be subject to the consideration of the Zoning Administrator, rather than the Planning Commission.

At the August 28, 2012 Board of Supervisors hearing, the Board remanded the matter back to the Planning Commission so that the Planning Commission could conduct a workshop at which all of the various interested members of the public could present their views. The Board requested that the Planning Commission hold the workshop and make a recommendation to the Board of Supervisors.

Planning Commission- 2<sup>nd</sup> Workshop, September 12, 2012

At the second Planning Commission Workshop held on September 12, 2012, staff presented three (3) options based on the public comments that had been received. All options assume the elimination of the Minor and Standard Subdivision Committee since there was no controversy on that point.

The options presented to the Planning Commission and that are presented in this staff report are as follows:

**Option 1** is to stay with the previously circulated draft ordinances (**Attachments B-1**, non-coastal (redline) and **B-2** (clean) and **Attachments C-1**, coastal (redline) and **C-2** (clean)). Option 1 is reflected in charts in **Attachment F**. Option 1 would eliminate administrative approvals of non-

controversial lot line adjustments and non-controversial minor subdivisions and move these items to the Planning Commission for consideration, making the process for lot line adjustment and minor subdivision applications the same in the coastal and non-coastal zone, in that these would go before the Planning Commission for consideration.

**Option 2** is to make the Zoning Administrator the appropriate authority to consider “controversial” inland lot line adjustments and minor subdivisions and all coastal lot line adjustments and minor subdivision applications. With Option 2, non-controversial lot line adjustments and minor subdivisions in the inland areas would stay with the Director of Planning as appropriate authority (no change to current process). The current criteria would apply in determining if an inland lot line adjustment and minor subdivision is considered “controversial.” Option 2 is reflected in charts in **Attachment G**.

**Option 3** is the “compromise” option. Staff recommended this option to the Planning Commission on September 12, 2012. This option would leave 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. Under this option, coastal zone lot line adjustments and minor subdivisions, controversial or not, would be considered by the Planning Commission. **Option 3** is reflected in charts in **Attachment H**.

At the conclusion of the workshop, the Planning Commission recommended that the Board of Supervisors adopt **Option 1**, the previously circulated Draft Ordinances, which includes the following amendments to Monterey County Code:

*In both Coastal and Non-Coastal zones:*

- Eliminate the Monterey County Minor and Standard Subdivision Committees.

*In Non-Coastal Zone:*

- Eliminate administrative approvals of non-controversial lot line adjustments and non-controversial minor subdivisions and move these items to the Planning Commission for consideration.

Conclusion- Board of Supervisors Hearing, November 6, 2012

*Staff's recommendation:*

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 are hereby attached as **Attachments B-1**, non-coastal (redline) and **B-2**, non-coastal (clean) and **Attachments C-1**, coastal (redline) and **C-2** (clean).

**Option 1** would continue the process as originally directed by the Board of Supervisors in 2010.

**Option 1** is reflected in the charts in **Attachment F**.

For the coastal ordinance, the County must submit it to the California Coastal Commission (CCC) for certification because this ordinance amends the County's certified Local Coastal Program. Therefore, at this juncture, the Board would adopt a resolution of intent (**Attachment C**). The coastal ordinance will not go into effect until after subsequent formal adoption by the Board of Supervisors at a duly noticed public hearing following action by the CCC, and it will not become operative until the CCC's certification is final and effective.

*Alternative options:*

Should the Board consider a different action (not Option 1), staff requests that the Board provide staff with direction on how to proceed. The following is the summary of the options:

- **Option 2. Zoning Administrator Option** reflected in **Attachment G**; or
- **Option 3. “Compromise” Option** reflected in **Attachment H**; or
- **Status Quo Option.** Would make no changes to the existing lot line adjustment and subdivision processes, the Minor and Standard Subdivision Committees would remain intact and there would be no need for ordinance amendments.

Should the Board decide on either **Options 2 or 3**, staff would write new draft ordinances and return to the Board for consideration of these at a public hearing.