

## **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 divergent public opinions received:

- 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 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 Planning Department'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 Planning Department'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/Director of Planning Option***
- ***Option 3- Compromise Option***

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

## **Summary of Options.**

This section summarizes the options:

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

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

**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 primarily of 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) as a more appropriate forum for policy decisions.

### **b. *Option 2- Zoning Administrator/Director of Planning Option*** (see Charts in **Attachment C**)

**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 primarily of 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 D**)

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 primarily of 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.

**Time and Costs of Options**

The Board of Supervisors requested a financial and time analysis of each option.

*Process Time*

Staff found that processing times would be relatively the same among Options 1, 2 and 3 when comparing lot line adjustment or minor subdivision applications that are categorically exempt under CEQA. On average, these types of applications are processed in 12 to 18 weeks. Once the application is deemed “Complete”, the application is set for hearing within 4 to 6 weeks based on its respective appropriate authority (Director of Planning, Zoning Administrator or Planning Commission). Based on the set calendar dates for 2013 for each hearing authority, including the Minor and Standard Subdivision Committees, the following meeting dates have been calendared:

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

Staff found that regardless of the hearing authority, the application is generally set for hearing within 4 weeks if it is categorically exempt under CEQA.

The time to hearing is potentially longer when the Director of Planning notices an administrative approval and an objection is received. In that situation the Director of Planning currently refers the matter for hearing before the Minor Subdivision Committee and re-notices the public hearing. This adds 4 to 5 weeks to the processing time. This scenario would occur under Options 2 and 3, but not under Option 1.

#### *Cost of Options*

The Board also requested a cost analysis of each option. Every option would have common steps in the process with common costs, such as interdepartmental review costs amongst land use agencies and noticing costs. The costs below demonstrate the difference of costs for the steps that are not in common to all options, such as the cost for staff's time in preparing and staffing the respective hearings. The cost calculation is based on an estimate of staff hours involved in processing applications before the various hearing bodies multiplied by the applied hourly rate of staff.

#### Current Process:

First, we calculated the cost of the current process for applications for lot line adjustments and subdivisions decided by the Director of Planning or heard by the Subdivision Committees. The annual current average cost, beyond the common costs, is approximately \$24,092.

#### Option 1:

Under Option 1, the annual cost, beyond the common costs, would be approximately \$10,483. This calculation assumes all applications for lot line adjustments and subdivisions would be heard by the Planning Commission, in the same proportion as the historical average breakdown between the Director of Planning and the Subdivision Committees.

#### Option 2:

Under Option 2, the annual cost, beyond the common costs, would be approximately \$15,708. This calculation assumes all application for lot line adjustments and subdivisions would be decided by the Director of Planning or heard by the Zoning Administrator, in the same proportion as the historical average breakdown between the Director of Planning and the Subdivision Committees.

#### Option 3:

Under Option 3, the annual cost, beyond the common costs, would be approximately \$11,605. This calculation assumes all applications for lot line adjustments and subdivisions would be decided by the Director of Planning or heard by the Planning Commission, in the same proportion as the historical average breakdown between the Director of Planning and the Subdivision Committees.

All three options would be less expensive in terms of staff time than the process currently in place because of the added costs associated with the Minor and Standard Subdivision Committees.

#### **Staff's Response to Public Comments received for February 12, 2013 Board meeting**

Staff received the following public comments (see **Attachment E**) for the February 12, 2013 Board meeting, which was subsequently continued:

- *Monterey County Farm Bureau, February 8, 2013.* The letter identifies the Farm Bureau’s support to eliminate the Minor and Standard Subdivision Committees and support for a processing option that would allow the Director of Planning to be the appropriate authority over non-controversial lot line adjustment and minor subdivision applications.
  - *Staff’s Response:* No response necessary.
  
- *Big Sur/Big Sur Coast Land Use Advisory Committees (Big Sur LUAC), February 11, 2013.* The memorandum identifies the Big Sur LUAC’s position that all lot line adjustment applications be referred to the Big Sur LUAC for review and recommendation to the appropriate authority.
  - *Staff’s Response:* None of the options change the LUAC process, which is governed by Board Resolution No. 08-338. The current practice under the resolution is to refer all coastal zone lot line adjustments to the appropriate Land Use Advisory Committee for review and recommendation to the appropriate authority.

**Staff’s Recommendation: Option 1**

Staff recommends Option 1 because:

- Option 1 would make the process the same between the inland and coastal zone and;
- It is the least expensive option amongst the 3 options presented.

If the Board directs staff to proceed with Option 1, draft coastal and inland ordinances are ready. They have been previously circulated to the public and considered 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 B**.

Should the Board decide on a different option, staff requests that the Board choose either Option 2 or Option 3 and direct staff to draft such ordinances and return to the Board for consideration of the ordinances on a future date.