

# **Attachment A**

## Discussion

This page intentionally left blank.

## **Attachment A Discussion**

### Background

In 2010, the Board gave staff direction to draft ordinances to amend the Monterey County Code to make the process between the inland and the coastal zones the same in regards to the processing of lot line adjustments and subdivision applications. The direction included:

- Eliminate the Minor and Standard Subdivision Committees and transfer responsibility for hearing those applications from the Subdivision Committees to the Planning Commission; and
- In non-coastal areas, have the Planning Commission consider non-controversial lot line adjustments and non-controversial minor subdivision applications currently considered by the Director of Planning.

Staff prepared the draft ordinances and presented them to the Planning Commission for a recommendation to the Board. The Planning Commission recommended adoption (see **Attachments D and E** for Planning Commission Resolutions). On July 24, 2012 the Board considered the inland ordinance, and on July 31, 2012 the Board considered the coastal ordinance. At those hearings, the public voiced concerns about the draft ordinances, particularly in respect to the elimination of the Director of Planning's authority to consider non-controversial lot line adjustments and minor subdivisions in the County's inland areas. The Board continued the item and directed staff to meet with the individuals that voiced concerns.

Staff met with the individuals and based on the divergent opinions, staff drafted options for the Planning Commission and Board's consideration. All options assumed the elimination of the Minor and Standard Subdivision Committees, since there was no controversy regarding its elimination. The options were described as Options 1, 2 and 3. The Board then directed staff to conduct a Planning Commission Workshop to re-consider the options and for the Planning Commission to provide a recommendation to the Board on the option to pursue. On September 12, 2012, a Planning Commission Workshop was held where after public testimony the Planning Commission recommended that the Board direct staff to draft ordinances pursuant to Option 1, reaffirming their earlier recommendation.

After multiple hearings regarding the options, on April 16, 2013, the Board of Supervisors directed staff to pursue Option 3 which was referred to as the "compromise" option. Option 3 leaves the Director of Planning as the appropriate authority over non-controversial inland lot line adjustment and minor subdivision applications. The Planning Commission would be the appropriate authority over standard subdivisions, controversial inland lot line adjustment, controversial inland minor subdivision applications, and coastal lot line adjustment and minor subdivision applications. "Controversial" applications mean those applications referred to hearing under the County's ordinances because "there is evidence of public controversy or public opposition to the proposed use or development."

### Additional Corrections to Coastal Subdivision Ordinance (Title 19)

The coastal ordinance amends sections of Title 20 that contain outdated lot line adjustment and filing standards. Because state law has been amended and is controlling, the draft ordinances also update the lot line adjustment and filing standards in coastal Title 19 to conform to changes in state law. A similar update to non-coastal Title 19 will eventually be needed but is not included in the inland ordinance because the inland ordinance was not amending those particular subsections of non-coastal Title 19.

### Environmental Review

The proposed draft ordinances are not a project under the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15060 (c)(3) and 15378 (b)(5) because the ordinances are an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment.

### Conclusion

The subject inland and coastal ordinances have been drafted pursuant to Option 3 and are attached as **Attachment B-1** (inland clean version) and **Exhibit 1 to Attachment C** (coastal clean version). The inland ordinance is ready for adoption. The coastal ordinance requires certification by the California Coastal Commission, so staff has prepared the appropriate resolution of intent for transmission to the California Coastal Commission.