

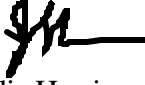


MEMORANDUM MONTEREY COUNTY

PLANNING AND BUILDING INSPECTION DEPARTMENT

DATE: September 25, 2003

TO: Chair Sanchez and Planning Commissioners

FROM: Jeff Main, AICP, Planning Services Manager 

SUBJECT: Agenda Item #2 - Policy for Continuances of Public Hearings

This memo provides some background information to consider regarding a decision by the Planning Commission on their policy for handling continuances of public hearings. On August 26, 2003, the Board of Supervisors adopted their policy for handling continuances of public hearings after considering three alternatives and variations thereof (See Attachments). Primary issues surrounding the procedure for continuances include:

- The number of continuances allowed for one item and the delays that can occur because of numerous continuances.
- The reasons that are used to justify a continuance and what reason does, and does not justify a continuance.
- The amount of time before the public hearing that is given to the interested public and agencies to adjust their schedules.
- Noticing of a continuance before the hearing and the potential burden placed on those persons to attend numerous meetings before they can give testimony or comment on changes to projects over a string of continuances.

The Board on August 26, 2003 adopted the Continuance Policy Alternative #3 contained in the Board Resolution shown in the following attachments. In summary the Board policy requires the following:

- Any request for a continuance must be received by 5:00 pm on Tuesday, a week before the date of a scheduled public hearing for the item that is the subject of the requested continuance. In the Board policy there is no criteria regarding reasons to approve or deny a request for a continuance.
- One continuance will be allowed without a specific reason and without discussion of the continuance at the public hearing. The local newspaper shall be notified of the continuance.
- A second request for a continuance must also be received by 5:00 pm on Tuesday a week before the scheduled continued hearing. A public hearing must be held to discuss and make a decision on the request. The local newspaper shall be notified of the continuance.
- After two continuances the Board shall conduct a full public hearing on the item taking testimony and take one of a number of alternative actions which include approval; denial; refer back to original hearing body for reconsideration; continue the item for an additional hearing subject to direction to staff to obtain additional information; and table the item for staff to obtain additional information and set for a newly noticed public hearing.

The Planning Commission may wish to consider a variation on the policy by considering a different number of allowed requests, reasons for requests, and a different time period for receipt of the request prior to the scheduled public hearing.

Staff would request that the Planning Commission consider a policy that is consistent with the Board policy given that consistent policies make the hearing process easier for the public to understand and easier for staff to administer. Variations if required would be best applied within the Board policy framework. Staff requests that the final policy specifically add that interested persons and the applicant will be notified of continued hearings consistent with notification of newspapers as shown in the adopted Board policy.

See following page for cc: and attachments

Attachments: Board Resolution for August 26, 2003 with adopted Policy Alternative #3; Proposed Policy Alternatives 1,2,&3

cc: Planning Commissioners; County Counsel; Health Department; Public Works; CDF @ Carmel Hills; Monterey County Water Resources Agency; Housing and Redevelopment Office, Scott Hennessy; Dale Ellis; Alana Knaster; Jeff Main; Kay Barrett

**BEFORE THE BOARD OF SUPERVISORS IN AND FOR THE
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

Adopt policy relating to the)
Continuance of Public Hearings)
Continued from July 22, 2003)

The Board of Supervisors considered three policy alternatives for continued public hearings as proposed in the staff report, and presented by Scott Hennessy, Planning and Building Director.

The Board discussed the matter. The Public Hearing was opened, and Lee Lotz and Pat Bernardi offered comments on the issues. The Chair closed the hearing, and the Board continued their discussion.

Following further discussion, Supervisor Johnsen moved Alternative No. 3 (See attached) and Supervisor Potter seconded the motion.

Supervisors Johnsen and Potter offered comments on the chosen alternative. Supervisor Calcagno requested clarification of the time in which to notice applicants and staff contacts. Charles McKee, County Counsel responded. Further discussion ensued. The Chair called for the vote, and the vote was as follows:

PASSED and ADOPTED this 26th day of August, 2003, by the following vote, to-wit:

AYES: Supervisors Calcagno, Lindley, Johnsen, Potter and Armenta

NOES: None

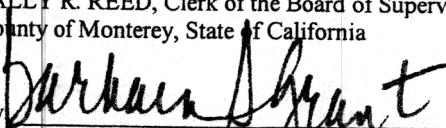
ABSENT: None

I, SALLY R. REED, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered into the minutes thereof at page X of Minute Book 71, on August 26, 2003.

DATED: August 27, 2003

SALLY R. REED, Clerk of the Board of Supervisors,
County of Monterey, State of California

By


Barbara S. Grant, Deputy

cc: Planning and Building;
0602.200

POLICY ON THE CONTINUANCE OF PUBLIC HEARING (ALTERNATIVE #3)

It is the policy of the Board of Supervisors to conduct public hearings in a fair and expeditious manner and to consider all relevant information before reaching a decision. The Board recognizes that from time to time continuances may be necessary but that multiple continuances may hinder the public hearing process. Therefore, to minimize the potential detrimental effects of multiple continuances, the Board hereby adopts the following policy:

The Board of Supervisors will allow one continuance of any public hearing item without conducting a full public hearing on the item. A request by the applicant for a continuance must be received by the Clerk of the Board by 5:00 pm. the Tuesday preceding the hearing date. The Clerk of the Board shall note the continuance on the Board's agenda as "To Be Continued to _____" and notify the newspaper of local circulation.

The Board of Supervisors will consider a second continuance of any public hearing item. A request for a continuance must be received by the Clerk of the Board by 5:00 pm. the Tuesday preceding the hearing date. The Clerk of the Board shall note the continuance on the Board's agenda as "Request for Continuance to _____ Received" and notify the newspaper of local circulation.

After two continuances the Board will conduct a full public hearing on the item and take one of the following actions:

1. Approve the item.
2. Deny the item.
3. Continue the item to a subsequent date with specific direction to the staff as to the information needed for the subsequent public hearing.
4. Return the item to the original hearing body (if any) for reconsideration.
5. Table the item with specific direction to the staff as to the information needed for a subsequent, newly noticed public hearing.

The Board shall return the matter to the original hearing body for reconsideration if the project is significantly changed or if relevant new information becomes available.

POLICY ON THE CONTINUANCE OF PUBLIC HEARING (ALTERNATIVE #1)

It is the policy of the Board of Supervisors to conduct public hearings in a fair and expeditious manner and to consider all relevant information before reaching a decision. The Board recognizes that from time to time continuances may be necessary but that multiple continuances may hinder the public hearing process. Therefore, to minimize the potential detrimental effects of multiple continuances, the Board hereby adopts the following policy:

The Board of Supervisors will allow two continuances of any public hearing item without conducting a full public hearing on the item. A request by the applicant for a continuance must be received by the Clerk of the Board by 10:00 a.m. the Thursday preceding the hearing date. The Clerk of the Board, post the request on the County website and notify the newspaper of local circulation.

After two continuances the Board will conduct a full public hearing on the item and take one of the following actions:

1. Approve the item.
2. Deny the item.
3. Continue the item to a subsequent date with specific direction to the staff as to the information needed for the subsequent public hearing.
4. Return the item to the original hearing body (if any) for reconsideration.
5. Table the item with specific direction to the staff as to the information needed for a subsequent, newly noticed public hearing.

The Board shall return the matter to the original hearing body for reconsideration if the project is significantly changed or if relevant new information becomes available.

PROPOSED

POLICY ON THE CONTINUANCE OF PUBLIC HEARING (ALTERNATIVE #2)

It is the policy of the Board of Supervisors to conduct public hearings in a fair and expeditious manner and to consider all relevant information before reaching a decision. The Board recognizes that from time to time continuances may be necessary but that multiple continuances may hinder the public hearing process. Therefore, to minimize the potential detrimental effects of multiple continuances, the Board hereby adopts the following policy:

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After two continuances the Board will conduct a full public hearing on the item and take one of the following actions:

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4. Return the item to the original hearing body (if any) for reconsideration.
5. Table the item with specific direction to the staff as to the information needed for a subsequent, newly noticed public hearing.

The Board shall return the matter to the original hearing body for reconsideration if the project is significantly changed or if relevant new information becomes available.

POLICY ON THE CONTINUANCE OF PUBLIC HEARING (ALTERNATIVE #3)

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