

*Before the Planning Commission in and for the
County of Monterey, State of California*

Resolution No. 04028)
Resolution by the Monterey County Planning)
Commission recommending that the Monterey)
County Board of Supervisors adopt the amended)
Monterey County Land Use Advisory Committee)
Procedures contained herein.)

WHEREAS, the Monterey County Land Use Advisory Committee Procedures were initially Adopted by the Board of Supervisors on August 23, 1994, and subsequently amended on August 26, 1995;

WHEREAS, this matter was duly heard by the Planning Commission of the County of Monterey on October 29 and December 10, 2003, where the subject was discussed and public testimony was received, and a subcommittee was directed to make revisions to draft Monterey County Land Use Advisory Committee Procedures and return with appropriate changes and amendments;

WHEREAS, this matter was duly heard by the Planning Commission of the County of Monterey on June 9, 2004, where the Planning Commission reviewed the final version of the Monterey County Land Use Advisory Committee Procedures.

NOW THEREFORE, having considered all the written and documentary information submitted, oral testimony, and other evidence presented before the Planning Commission, the Commission rendered its decision to adopt a resolution recommending that the Board of Supervisors replace the language contained in the Monterey County Land Use Advisory Committee Procedures with the following:

Monterey County Land Use Advisory Committee Procedures

1. The purpose of a Land Use Advisory Committee (LUAC) is to:
 - a. Advise the Appropriate Authority by providing comments and recommendations on referred land use planning matters pursuant to the "Guidelines for Review of Applications" in Exhibit A,
 - b. Reflect the input of the local community affected by a project proposal in the comments and recommendations sent forward to the Appropriate Authority,
 - c. Perform such other review of land use issues as may be requested from time to time by the Planning Commission or the Board of Supervisors.

2. Definitions:

- a. "Appropriate Authority" means that person, official, or body designated to hear, grant, deny, modify, condition, revoke or otherwise act on permits required by County Zoning Ordinances.
- b. "LUAC" means Land Use Advisory Committee.
- c. "PBID" means Monterey County Planning and Building Inspection Department.
- d. "PC" means Planning Commission.
- e. "Planning Area" means one of twelve geographic sub-regions of Monterey County established by the applicable General Plan, Area Plans, and Local Coastal Program Land Use Plans. The four Coastal Planning Areas are North County Coastal (including Moss Landing), Carmel Coastal, Del Monte Forest, and Big Sur. The eight Inland Planning Areas are North County Inland, Greater Monterey Peninsula, Carmel Valley, Cachagua, Toro, Greater Salinas, Central Salinas Valley, and South County.

3. Establishment of Committees.

- a. Land Use Advisory Committee boundaries shall reflect broad communities of interest. Except for the Del Monte Forest LUAC, LUAC boundaries shall not cross Planning Area boundaries.
- b. The Planning Commission may make a recommendation to the Board of Supervisors to establish a LUAC for each Planning Area, or for a more specific geographic area within a Planning Area of the County.

4. Dissolution of Committees:

The Planning Commission may recommend to the Board of Supervisors that a LUAC be dissolved for good cause, including but not limited to the following reasons:

- (1) Failure to abide by the procedures approved by the Board of Supervisors; or
- (2) Failure to apply adopted land use policies, standards, and regulations, or
- (3) Lack of interest by the LUAC, or
- (4) Lack of activity by the LUAC for an extended period of time.

The Board of Supervisors shall make the final determination whether to dissolve the LUAC.

5. Land Use Advisory Committee Members:

- a. A LUAC shall consist of not fewer than five (5) and not more than nine (9) members. A quorum shall be defined as a simple majority of all members.

- b. Members shall reside within the LUAC boundary area.
- c. New members of an existing LUAC shall be appointed to a term of two (2) years. If a vacancy occurs, the Planning Commission may appoint a member to fill a vacancy for the remaining portion of that term. The terms of initial appointments to any newly created LUAC shall be set by lot in such a manner as to stagger the terms.
- d. The term of a LUAC membership is limited to six (6) consecutive years. A former LUAC member may apply for consideration for re-appointment for a total term in excess of six (6) years, provided no other persons are on the waiting list for that LUAC.

6. Appointment Procedures.

- a. The Planning Commission shall seek the names and qualifications of nominees for membership on the LUAC from members of the public residing within the LUAC boundaries in order to have broad community representation. The Planning Commission shall consider geographical distribution, diversity of interest and of points of view in making LUAC appointments.
- b. As vacancies occur, the LUAC shall:
 - 1) Notify staff to update the County website
 - 2) Post notices in public locationsEach LUAC shall develop one consistent strategy for public outreach within their area.
- c. Applicants shall submit a "Statement of Interest for Appointment to a LUAC" to the Secretary of the Planning Commission. The Planning Commissioner who is liaison to that LUAC shall solicit input from the represented community, and if satisfactory responses are obtained, may nominate the applicant to the Planning Commission for appointment.
- d. The Planning Commission shall appoint LUAC members at a regular meeting. The Director of the PBID shall inform the Board of Supervisors, in writing, of all appointments.

7. Resignation:

A LUAC member shall submit his/her resignation in writing to the Secretary of the Planning Commission, with one copy to the LUAC chair. The Secretary shall provide a copy of the letter to the Planning Commission and the Board of Supervisors.

8. Committee Duties:

- a. Committee members shall familiarize themselves with the laws, ordinances, regulations, procedures, policies, and practices used in the land use regulatory process, including the Ralph M. Brown Act. All newly created LUACs and newly appointed LUAC members shall receive initial training materials from the PBID staff. Members shall not assume their duties until they have received these materials.

- b. The LUAC shall act on matters referred to it by the Board of Supervisors, the Planning Commission, or PBID. Review of referrals shall be pursuant to the "Guidelines for Review of Applications" attached as Exhibit A. The LUAC shall take action only on matters referred to it in accordance with these procedures. The LUAC meeting shall not be used as a forum for discussion of matters not on the written meeting agenda.
- c. Comments and recommendations require a simple majority vote of the quorum. Procedurally, the LUAC members shall discuss recommending conditions of approval to mitigate concerns prior to taking a vote on any item. Conditions of approval considered by the LUAC shall be reported, even if the LUAC recommends denial of the project.
- d. Any information received from the project planner or the staff shall be made available to the public at the LUAC hearing on that item. Committee members are encouraged to request more information on any specific land use item that has been referred pursuant to Procedure 8a above. Each LUAC shall designate one member plus one alternative to serve as the liaison between the LUAC and staff/applicant and all such requests shall be channeled through this designee.
- e. LUAC Members may seek information that has not been supplied by the staff in order to clarify issues that arise during their consideration of an application. Such information must be requested through the PBID. The LUAC may not request project information directly from the applicant or from any agency other than the PBID.
- f. No matter may be continued more than two times. If the LUAC is unable to make comments or recommendations based on information provided in the project application, it may ask the staff for more information as described above and continue the item. If after the second continued hearing the LUAC is still unable to make a recommendation, its report shall state that it was unable to come to a conclusion and explain why this is the case.
- g. To ensure the integrity of the planning process, committee members shall treat all members of the public in a respectful, courteous, and impartial manner. Committee members will consider each application fairly and impartially on its merits, according to the applicable standards and regulations.
- h. Individual LUAC members may communicate with the project applicant or members of the public concerning a project under review by the LUAC, as long as they abide by Ralph M. Brown Act requirements (for example, avoiding meeting serially or having a quorum of the LUAC present outside of a noticed public meeting). Any such contacts shall be reported at the commencement of the LUAC consideration of that item, and shall be recorded in the minutes of the meeting.
- i. Members with any financial interest in a matter before the LUAC must and shall disqualify themselves from participation as LUAC members in any discussion or vote on the matter. Members who have disqualified themselves from participating as LUAC members may however comment on the item as members of the general public. LUAC members may speak as individuals before any official body deliberating on a matter from which they disqualified themselves. Such a member so speaking must state that they are not representing the LUAC.

- j. A LUAC member who has participated and voted on a matter when it appeared before the LUAC must state that he or she is not representing the LUAC if testifying at subsequent hearings on that matter, unless a majority vote of the LUAC at a properly noticed meeting has specifically designated said person to speak on the behalf of the LUAC. Record of such a vote shall be included in the minutes for the LUAC meeting.
 - k. The LUAC shall provide input to staff for the preparation of an annual report to the Planning Commission. The input may include significant problems and suggestions for improving the land use planning process.
 - l. The LUAC as a whole and its members individually have no permit enforcement authority. The LUAC Chair shall refer matters brought to the attention of the LUAC that require enforcement action to the Director of the PBID.
9. Officers.
- a. The officers of each LUAC shall be the Chair and the Secretary.
 - b. These officers shall be elected for a one-year term, at the first meeting of each year, by majority vote of the LUAC.
10. Officer duties.
- a. The Chair shall:
 - (1) Arrange for a regular meeting place,
 - (2) Preside at all meetings,
 - (3) Cause the agenda for each meeting to be posted pursuant to the Ralph M. Brown Act,
 - (4) Call, and cancel, properly noticed meetings pursuant to the Ralph M. Brown Act.
 - b. The Secretary shall:
 - (1) Prepare and maintain minutes of all meetings and actions. Records shall be retained for three years.
 - (2) Submit legible copies of the minutes of each LUAC meeting to the PBID Department within five working days following the meeting. Any changes to submitted minutes shall be resubmitted to PBID immediately.
 - (3) Report in writing (email encouraged); using forms provided by the PBID, all adopted comments and recommendations. The report shall include reasons for the recommendations, and show the members' votes by name.

- (4) Receive, handle, and sign for all correspondence.
- (5) Retain copies of all land use recommendations made by the LUAC.
- (6) Act in the absence of the Chair.

11. Meetings.

- a. The LUAC meetings shall be noticed, held, and conducted in accordance with the Ralph M. Brown Act. The latest edition of Robert's Rules of Order shall govern meeting procedures except as otherwise specifically provided herein.
- b. The agenda for each LUAC meeting shall be publicly posted in accordance with the requirements of the Ralph M. Brown Act.
- c. All meetings shall be held in a public place, and shall be open to the public. Plans and exhibits under discussion shall be clearly visible to all in attendance. The public shall be allowed to comment on each item under review by the LUAC.
- d. Each LUAC shall establish and provide to the PBID, by the first Monday in December, a schedule of regular meetings for the following year. The schedule will indicate the date, time, and place of regular meetings. No LUAC shall hold more than two regular meetings per month.
- e. Special meetings, if necessary, shall be convened pursuant to the Ralph M Brown Act.
- f. Field trips shall be noticed pursuant to the provisions of the Ralph M. Brown Act.
- g. Cancellation of meetings shall be noticed pursuant to the provisions of the Ralph M. Brown Act.
- h. Each LUAC shall hold an annual meeting in January. The meeting agenda shall include the election of officers and input for staff's annual report to the Planning Commission.
- i. There will be an annual joint meeting of LUACs, PBID, and the Planning Commission. The purpose of the meeting is to:
 - (1) Update the LUAC members on any pertinent changes in policies, practices, and procedures of the PBID, new issues, and trends in land use regulation, and to review any applicable changes in the Ralph M. Brown Act or other pertinent regulations.
 - (2) Answer questions from LUAC members, relative to the function of the LUAC, the PC, or the PBID.
 - (3) Allow LUAC members to communicate issues, problems, needs and positive or negative impacts of land use regulations on their community to the staff and the Planning Commission liaison.

12. Staff Responsibilities. The PBID shall:

- a. Provide mandatory initial training for each newly formed LUAC. Staff will provide each LUAC with a reference copy of the Ralph M. Brown Act. Staff shall also furnish each LUAC a copy of materials provided by County Counsel regarding the Brown Act to facilitate the members' understanding of the Act and how it pertains to their committee's operations, as well as any additional explanatory materials relating to committee operations.
- b. Provide training materials to each new member of established LUACs within ten days of their appointment. Training shall include familiarizing the new member with the LUAC procedures and the provisions of the Ralph M. Brown Act.
- c. Attend the first two meetings of a newly formed LUAC.
- d. At the discretion of the PBID, or upon request by the LUAC Chair, the project planner may attend the committee meeting to discuss a particular project. The PBID Director or his/her designee must authorize staff attendance.
- e. Promptly report operational problems affecting any LUAC to the designated Planning Commission liaison or the alternate. If no appropriate response occurs within a reasonable period of time, PBID may refer such problems to the Planning Commission Chair for placement on a PC meeting agenda.
- f. Prepare agendas for each LUAC meeting, including the approximate time each item will be heard. The LUAC Chair, pursuant to the Ralph M. Brown Act, will post these agendas.
- g. Furnish each LUAC with one set of all pertinent planning documents needed for its review of land use applications within its area. Such documents include, but are not limited to:
 - 1) Area/Land Use Plan pertinent to that LUAC
 - 2) General Plan
 - 3) Zoning Code
 - 4) Pertinent County Codes/Policies
- h. Furnish applicable LUAC with one copy of all necessary materials submitted as part of a land use permit application. Such documents include, but are not limited to:
 - 1) Application
 - 2) Project Plans
 - 3) Pertinent Studies/Reports
- i. In order to provide the greatest possible opportunity for community involvement in issues of local concern, the LUAC agenda including the project description shall be mailed to all property owners within 300 feet of a subject property. The agenda shall be mailed at least 10 days prior to the meeting. Stamped, addressed envelopes shall be provided by the project applicant for this purpose.

- j. Staff will ensure that the project is staked and flagged in accordance with PBID standards when the application is submitted.
- k. Arrange for site visits by the LUAC if requested. This will include providing reasonable notice to the project applicant and arranging for lawful entry into controlled access facilities. The agenda should clearly state if entry onto private property is required in order to view the site of the project under consideration. LUAC members shall not enter private property without specific permission from the applicant.
- l. Furnish each LUAC Secretary a copy of subsequent decisions by the Appropriate Authorities regarding a project that the LUAC has reviewed.
- m. Furnish each LUAC an adequate supply of stamped, addressed mailing envelopes to forward its comments and recommendations to the PBID.
- n. Maintain membership records and term expiration dates. Staff will immediately notify the designated PC liaison when it becomes aware of a LUAC vacancy and at least sixty days prior to the expiration of a LUAC member's term.
- o. Attach a copy of the LUAC's response to the staff report for any referred matters.

13. Removal of a LUAC member:

A LUAC member serves at the pleasure of the Planning Commission, and may be removed by a majority vote of the Planning Commission at a regular meeting.

14. Planning Commission Responsibilities. The Commission will:

- a. Act promptly to fill LUAC vacancies.
- b. Consider LUAC recommendations when acting on projects before it.
- c. Consider addition, dissolution, or consolidation of LUACs and realignment of LUAC boundaries and make appropriate recommendations to the Board of Supervisors.
- d. Appoint a Commissioner as its Primary Liaison, and one as an Alternate Liaison to each LUAC.
- e. The Liaison will:
 - (1) Attend the first two meetings of a newly formed LUAC, and thereafter attend at least one meeting per quarter.
 - (2) Provide a communication channel between the LUAC and the Planning Commission.
 - (3) Fulfill other responsibilities as may be described elsewhere in these Procedures.

Exhibit A “*Guidelines For Review Of Matters Referred To Land Use Advisory Committees By The Appropriate Authority*” and Exhibit B “*Interim Procedures To Be Implemented For Two Years From The Date Of Adoption*” referenced herein are hereby incorporated by reference.

PASSED AND ADOPTED this 9th day of June 2004, by the following vote:

AYES: Errea, Sanchez, Padilla, Vandever, Diehl, Salazar, Rochester, Wilmot, Hawkins
NOES: None
ABSENT: Parsons

Jeff Main, Secretary

EXHIBIT A

GUIDELINES FOR REVIEW OF MATTERS REFERRED TO LAND USE ADVISORY COMMITTEES BY THE APPROPRIATE AUTHORITY.

The Land Use Advisory Committee (LUAC) shall review and make recommendations on land use issues only as specifically set out by the following guidelines:

1. The applicable LUAC shall review, for its comment and recommendation to the Appropriate Authority, those discretionary permit applications affecting its geographic area which include any of the following:
 - a. Amendment to any policy or land use designation contained in the General Plan, area plan, land use plan, master plan, or specific plan.
 - b. Rezoning.
 - c. Combined Development Permit.
 - d. Standard Subdivision.
 - e. Minor Subdivision.
 - f. Lot line adjustment.
 - g. Exceptions or variances to any development standard adopted as part of the Monterey County zoning ordinances or coastal implementation plan including, but not limited to:
 - (1) Setbacks;
 - (2) Height limitations;
 - (3) Slope restrictions;
 - (4) Viewshed/Ridgeline development restrictions;
 - (5) Floor Area Ratio (FAR); and
 - (6) Lot coverage.
 - h. Design approvals for roof decks, second-story additions, and new structure in design review zoning districts.

2. The LUAC shall review any discretionary permit application for which the local area plan, land use plan, or master plan requires review by a local citizens' committee.
3. The LUAC shall review any discretionary permit application, which in the opinion of the Board of Supervisors, the Planning Commission or Director of the PBID, raises significant land use issues that necessitate review prior to a public hearing by the Appropriate Authority.
4. The LUAC shall review any land use matter referred to it by the Board of Supervisors or Planning Commission. The Director of the PBID shall inform the PC of a Board of Supervisors' referral.

EXHIBIT B

INTERIM PROCEDURES TO BE IMPLEMENTED FOR TWO YEARS FROM THE DATE OF ADOPTION.

Although the draft procedures would include the preferred language, staff recommends that the Planning Commission accept and recommend the following interim procedures for implementation during the budget crisis:

Interim Procedure 12.h (Shift from Staff Duty to Committee Duty-Section 8 and omit mailing agendas/notices): In order to provide the greatest possible opportunity for community involvement in issues of local concern, the LUAC agenda including the project description shall be posted at the project site and/or in public locations by the LUAC.

Interim Procedure 12.g (Add provision to provide LUAC with mailing list): Furnish each LUAC one copy of all pertinent planning documents needed for its review of land use applications within its area. Such documents include, but are not limited to:

- 1) Application
- 2) Project Plans
- 3) Pertinent Studies/Reports
- 4) A copy of the 300-foot mailing list.

Interim Exhibit A, Item 1 (Replace sub-items a-h with the following list):

- a) Slope Restrictions
- b) Ridgeline/Viewshed Development Restrictions
- c) Projects with Environmental Issues that are not exempt from CEQA so they require an Initial Study (IS) to determine the level of review required Negative Declaration or Mitigated Negative Declaration (ND/MND) or and Environmental Impact Report (EIR)
- d) LLA with conflicts (e.g. slopes, views)
- e) Variances

These interim measures shall be implemented for two years from the date of adoption. During this time, staff and LUAC representatives will conduct periodic meetings to ensure consistent implementation of responsibilities and to review the budget situation. At the end of these two years, staff shall review the budget situation with the LUACs and Planning Commission in order assess whether or not the Board should consider continuing these, and/or other, interim measures.