

MONTEREY COUNTY PLANNING COMMISSION

Meeting: May 28, 2008;	Agenda Item No.:
Project Description: Receive proposals from the LUAC guidelines subcommittee for revisions to the LUAC procedures and recommend process for consideration of the revisions	
Project Location: Countywide	APN: Countywide
Planning Number: PD061173	Name: Monterey County, Planning Department
Plan Area(s): Big Sur, Cahcagua, Carmel Area, Carmel Valley, Central Salinas Valley, Del Monte Forest, Greater Monterey Peninsula, Greater Salinas, North County Coastal, North County Non-Coastal, South County, Toro.	Flagged and staked: N/A
Zoning Designation: Countywide	
CEQA Action: N/A	
Department: Resource Management Agency, Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission receive proposals from the LUAC guidelines subcommittee for revisions to the LUAC procedures and recommend process for consideration of the revisions.

PROJECT OVERVIEW:

The Planning Commission appointed a subcommittee consisting of three Planning Commissioners (Brown, Vandever, and Ottone), two LUAC members (Brennan, Trotter), two Taskforce members (Kasavan, Waxer) and staff (Holm. Knaster). This group started with discussion of the value of LUACs, then developed Exhibit A to agree on the type of projects being reviewed, and then went to work on the guidelines.

This Committee has prepared proposed revisions for the Planning Commission to consider (**Exhibit A**). The Committee also considered the format and template for LUAC minutes (**Exhibit B**). Staff recommends that the Commission direct staff to distribute these guidelines for comment by all of the LUACs and the full taskforce. The Commission may also have specific direction for the guidelines ahead of staff distributing them.

OTHER AGENCY INVOLVEMENT:

✓ Planning Commission Subcommittee

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May 20, 2008

cc: Planning Commission Members (10); County Counsel; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Alana Knaster; Carl Holm; Carol Allen; LUACs; Permit Process Taskforce Chair (E. Mills); File PD061173

Attachments: Exhibit A Draft Guidelines
Exhibit B Draft LUAC Minute Template

Monterey County Land Use Advisory Committee Procedures

The following procedures were adopted by the Board of Supervisors.

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 perspective of the local community with focus on neighborhood character, unique community site and conditions and potential local effects or contributions that would likely result from the implementation of a proposed project.
 - c. Provide a venue for project neighbors to provide input on proposed projects.
 - d. 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.
 - e. Identify concerns in response to staff-provided scope of review on neighborhood, community and site issues excluding regional impacts which are the purview of the Appropriate Authority.
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. "Brown Act" (a.k.a. Ralph M. Brown Act) means regulations governing open meetings for local government bodies as contained in Section 54950 *et seq.* of the Government Codes of California.
 - c. "LUAC" means Land Use Advisory Committee.
 - d. "Planning Area" means geographic sub-regions of Monterey County established by the applicable General Plan, Area Plans and Local Coastal Program Land Use Plans (See **Exhibit B**).
3. Establishment of Committees.
 - a. Land Use Advisory Committee boundaries shall reflect broad communities of interest.
 - 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 or to

consolidate LUAC's from two or more different planning areas.

- c. A List of current LUAC's and other related advisory committees is attached as **Exhibit B**. Where a project is proposed in an area covered by more than one advisory committee, a project should be reviewed by one committee unless the Planning Director finds substantial issues that may require review by multiple committees. For example:
 - 1 Agricultural-related projects on lands in Agricultural zoning designations shall be reviewed by the Agricultural Advisory Committee (AAC), which is governed by a separate set of by-laws. This includes projects involving regulations established from the Agricultural Element of the General Plan such as: Routine and On-Going agriculture, agricultural buffers, lands under Williamson Act contract, etc.
 - 2 Projects located within an area where a Community Plan has been adopted and a Citizen Advisory Committee (CAC) exists, the project shall be reviewed by the CAC.
 - 3 Projects under the Agricultural Winery Corridor Plan (AWCP) shall be subject to review by the AAC. The Toro LUAC shall also review AWCP projects located within the Toro area.
 - 4 Projects with an agricultural-urban interface shall be review by the AAC and applicable LUAC.
4. Dissolution of Committees:
- a. The Planning Commission may recommend to the Board of Supervisors that a LUAC be dissolved for good cause, including but not limited to any of the following reasons:
 - 1) Failure to abide by the procedures approved by the Board of Supervisors;
 - 2) Failure to apply adopted land use policies, standards, and regulations,
 - 3) Consistent lack of a quorum or interest by the LUAC,
 - 4) Lack of activity by the LUAC for an extended period of time,
 - 5) Insufficient membership,
 - b. The Board of Supervisors shall make the final determination whether to create new LUACs, consolidate LUACs or dissolve a 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 term expires or 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. Encourage LUAC membership to include licensed or certified professionals in one or more of the following Building Industry Professions: Architecture, Engineering, Construction, Planning, Building Inspection.
 - e. LUAC members are expected to attend a minimum of 80% of the regular scheduled meetings each year.
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 terms expire or vacancies occur, the County shall:
 - 1) Notify staff to update the County website
 - 2) Post notices in public locations within their area.
 - 3) Publish notices within a local newspaper
 - 4) Request names of potential new members from the LUAC
 - 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 Planning 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 and Procedures:
- a. Committee members shall familiarize themselves with:
 - 1) Basics of reading plans and construction documents
 - 2) laws, ordinances, regulations, procedures, policies, and practices used in the Monterey County land use regulatory process
 - 3) Brown Act
 - 4) Robert's Rules of Order

- b. All newly created LUACs and newly appointed LUAC members shall:
 - 1) Receive initial training materials and orientation from the Planning staff.
 - 2) Not assume their duties until they have received these materials.
 - 3) Receive annual training from the County.
- c. The LUAC shall act on matters referred to it by the Board of Supervisors, the Planning Commission, or Planning Department. 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 or beyond the purview of specific LUAC responsibilities except for projects raised in public comment by perspective applicants.
- 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. Planners shall also provide a brief outline of the Key Planning Issues upon which the staff is seeking input. Committee members may request more information on any specific land use item that has been referred pursuant to *Procedure 8f* below. 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. IApprove or deny but outline issues and reasons for action...especially for denial.
- f. The LUAC may seek information consistent with their specific responsibilities 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 Planning Department.
- g. No matter may be continued more than two times unless requested by the applicant. An applicant's failure to appear at a properly noticed meeting may be considered an applicant request for a continuance for the purpose of this Section unless an applicant has specifically indicated he or she will not be attending. 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. The continuance limitation shall not apply to projects that have not been staked per the Planner's determination as to what is required. If after the 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, consistent with their specific responsibilities, why this is the case. Continued matters shall be heard at the next LUAC meeting whenever possible.
- h. To ensure the integrity of the planning process, LUAC 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.

- i. 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 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.
 - j. LUAC members may speak as individuals before any official body deliberating on a matter. However, the LUAC member must state that he or she is not representing the LUAC unless that member has been authorized by the LUAC to represent it..
 - k. The LUAC may 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 Planning.
 - m. 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.
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 and time in accordance with direction from the Director of Planning,
 - 2) Preside at all meetings,
 - 3) Cause the agenda for each meeting to be posted pursuant to the Brown Act,
 - 4) When appropriate, cancel properly noticed meetings pursuant to the Brown Act.
 - b. The Secretary shall:
 - 1) Prepare and maintain written minutes of all meetings and actions. Records shall be retained for three years.

- 2) Prepare and submit audio records of all meetings and actions to the Planning Department.
- 3) Submit legible copies of approved minutes of each LUAC meeting to the Planning Department.
- 4) Report continued items, request for information, and lack of quorum to the Planning Department within five days following the meeting date.
- 5) Report all recommendations in writing (email encouraged) using forms provided by the Planning Department. The report shall include reasons for the recommendations, and show the members' votes by name. Said report shall be submitted within five days following the meeting.
- 6) Receive, handle, and sign for all correspondence.
- 7) Act in the absence of the Chair.

11. Meetings.

- a. The LUAC meetings shall be noticed, held, and conducted in accordance with the 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 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 Planning Department, 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 Brown Act.
- f. When field trips are a scheduled item, said meetings shall be noticed pursuant to the provisions of the Brown Act.
- g. Cancellation of meetings shall be noticed pursuant to the provisions of the Brown Act.
- h. Applications that are not reviewed due to lack of quorum shall be continued to the next regular scheduled meeting and there shall be no further continuance unless requested by the applicant. Applications that are not reviewed at that continuance shall be returned to the Planning Department without comment.
- i. 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.

- j. There will be an annual joint meeting of LUACs, Planning Department 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 Planning Department, new issues and trends in land use regulation, and to review any applicable changes in the Brown Act or other pertinent regulations.
 - 2) Answer questions from LUAC members, relative to the function of the LUAC, the Planning Commission, or the Planning Department.
 - 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 Planning Department shall:

- a. Provide mandatory initial training for each newly formed LUAC. Staff will provide each LUAC with a reference copy of the 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 Brown Act and Guidelines for Review of Applications (**Exhibit A**).
- c. Appoint a planner to attend all meetings of each LUAC.
- d. Make evaluation cards available to applicants and the public to assess their experience at the LUAC meetings. Periodically report results of these evaluations to the designated Planning Commission liaison or the alternate. If problems are identified and no appropriate response occurs within a reasonable period of time, Planning Department may refer such problems to the Planning Commission Chair for placement on a Planning Commission meeting agenda.
- e. Prepare agendas for each LUAC meeting, including the approximate time each item will be heard. The LUAC Chair, pursuant to the Brown Act, will post these agendas.
- f. 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

- g. 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
 - 4) Self-Addressed, stamped envelopes for property owners within 300-feet of the project site.
 - h. Staff will ensure that the project is staked and flagged in accordance with Planning Department standards when the application is submitted.
 - i. 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.
 - j. Furnish each LUAC Secretary a copy of subsequent decisions by the Appropriate Authorities regarding a project that the LUAC has reviewed.
 - k. Furnish each LUAC an adequate supply of stamped, addressed mailing envelopes to forward its comments and recommendations to the Planning Department. Furnish each LUAC with a tape recorder and tapes.
 - l. Maintain membership records and term expiration dates. Staff will immediately notify the designated Planning Commission liaison when it becomes aware of a LUAC vacancy and at least 60 days prior to the expiration of a LUAC member's term.
 - m. Attach a copy of the LUAC's response to the staff report for any referred matters.
13. Removal of a LUAC member:
- a. 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. Conduct a periodic review of each LUAC, including regular review of evaluation cards and comments received.
- f. 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.

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 projects that require the following:
 - a) Design Approvals for projects subject to review by the Zoning Administrator or Planning Commission.
 - b) Development requiring CEQA review (non-exempt project).
 - c) Variances.
 - d) Lot Line Adjustments involving conflicts (e.g.; modifications to Scenic Easements or Building Envelopes, Williamson Act, the Coastal Zone, etc.).
 - e) Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report (EIR).
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, and any land use matter that in the opinion of the Board of Supervisors, the Planning Commission, or Director of Planning, raises significant land use issues that necessitate review prior to a public hearing by the Appropriate Authority. The Director of Planning shall inform the Planning Commission of a Board of Supervisors' referral.
4. The LUAC shall focus recommendations on site design and local considerations.

EXHIBIT B

PLANNING AREA	AREA PLAN	LUAC
Big Sur	Big Sur Land Use Plan	South Coast LUAC
		Big Sur LUAC
Cachagua	Cachagua Area Plan	Cachagua LUAC
Carmel	Carmel Area Land Use Plan	Carmel Unincorporated /Highlands LUAC
Carmel Valley	Carmel Valley Master Plan	Carmel Valley LUAC
Central Salinas Valley	Central Salinas Valley Area Plan	Chualar Neighborhood Design Review Committee
	Chualar Community Plan	
Coast	NONE	N/A
Del Monte Forest	Del Monte Forest Land Use Plan	Del Monte Forest LUAC
Fort Ord	Fort Ord Master Plan	N/A
Greater Monterey Peninsula	Greater Monterey Peninsula Area Plan	Greater Monterey Peninsula LUAC
Greater Salinas	Greater Salinas Area Plan	Spreckels Neighborhood Design Review Committee
	Boronda Community Plan	
North County, Coastal	North County Land Use Plan	North County – Coastal LUAC
	Moss Landing Community Plan	
North County, Inland	North County Area Plan	North County – Non-Coastal LUAC
	Castroville Community Plan	Castroville Citizen Advisory Committee
	Pajaro Community Plan	
South County	South County Area Plan	Bradley-Parkfield LUAC
Toro	Toro Area Plan	Toro LUAC
Ag Lands	All	Agricultural Advisory Committee
AWCP	AWCP	Toro LUAC if Project meets criteria listed in Exhibit A
		Agricultural Advisory Committee

MINUTES
Carmel Unincorporated/Highlands Land Use Advisory Committee
Monday, March 3, 2008

1. Meeting called to order _____

2. Members Present: _____

3. Members Absent: _____

4. **Approval of Minutes:**

A. February 19, 2008 minutes

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

5. **Public Comments:**

6. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential

B. Projects/Applications:

7. Meeting Adjourned: _____

Action by Land Use Advisory Committee

Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA
(831) 755-5025

Advisory Committee:

Please submit your recommendations for this application by _____.

Project Title:

File Number:

File Type:

Planner:

Location:

Project Description:

Was the Owner/Applicant/Representative Present at Meeting? Yes _____ No _____

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)

ADDITIONAL LUAC COMMENTS

RECOMMENDATION :

- ☐ Support Project as proposed
- ☐ Recommend Changes (as noted above)
- ☐ Continue the Item
Reason for Continuane: _____
Continued to what date:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____