

MONTEREY COUNTY PLANNING COMMISSION

Meeting: July 9, 2008;	Agenda Item No.: 5
Project Description: Recommend that the Board of Supervisors adopt revisions to the LUAC guidelines	
Project Location: Countywide	APN: Countywide
Planning Number: PD061173	Name: Monterey County, Planning Department
Plan Area(s): Big Sur, Cachagua, 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 recommend revisions to the LUAC guidelines to the Board of Supervisors.

PROJECT OVERVIEW:

On May 28, 2008, the Planning Commission directed staff to revise the guidelines with a redline version building from the 1995 LUAC guidelines, identifying the interim changes from 2004, and also identifying changes recommended by the Planning Commission appointed subcommittee (**Exhibit A**). The subcommittee consisted of three Planning Commissioners (Brown, Vandevere, and Ottone), two LUAC members (Brennan, Trotter), two Taskforce members (Kasavan, Waxer) and staff (Holm. Knaster). The guidelines were distributed to LAUCs and Taskforce members for their review and comment. Comments received prior to the meeting will be presented to the Planning Commission on July 9. A few changes have been made since the draft was sent distributed to address corrections from LUAC subcommittee members (highlighted in yellow).

Staff has reviewed the guidelines as to the fiscal impact on the Planning Department. While staffing each LUAC would add time for planners, this action could result in more efficient processing with better communications. Therefore, staff supports starting this program to be able to fully evaluate its effectiveness. Staff involved with processing LUAC agendas and appointments met to review the guidelines and suggested a couple additional amendments for the Commission to consider:

- 1) LUAC Guideline 5a states that the minimum committee is five members, which means that if three show up they have a quorum to meet. Considering some LUACs have difficulty finding members, does the PC want to amend the guidelines to allow a LUAC with three members to meet if all three members attend?
- 2) Currently LUAC members are appointed at-will creating a constant workload for staff. Staff recommends amending/clarifying LUAC Guideline 5c to set specific, staggered 2-year terms.
- 3) Section 9 sets January as the time to elect officers. Given the timing of County elections (Board seating in January) that can affect appointments, staff recommends selecting officers in July. In addition, staff suggests adding provision for a special election in the event an officer leaves before completing their term.

The Commission asked how Citizen Advisory Committees and the Agricultural Advisory Committee (AAC) fit within these guidelines. Section 3c of the Guidelines, coupled with Exhibit B of the draft Guidelines are intended to make a distinction what type of project is reviewed by whom. These other committees have separate guidelines or by-laws adopted by the Board that govern their process.

OTHER AGENCY INVOLVEMENT:

✓ Planning Commission Subcommittee

Carl P. Holm, AICP, Assistant Director of Planning
(831) 755-5103, holmcp@co.monterey.ca.us
June 23, 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 include redline edits including

- 1995 adopted procedures (black text)
- interim guidelines adopted by the Board of Supervisors in 2004 (~~red~~ text with ~~strikethrough~~ for deleted text and underline for added text); and
- Committee recommended guidelines (~~blue~~ text with ~~strikethrough~~ for deleted text and underline for added text)

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 perspective of the local community ~~affected by a project proposal in the comments and recommendations sent forward to the Appropriate Authority~~ 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. 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.
 - d. Provide a venue for project neighbors to provide input on proposed projects.
 - 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. ~~"PBID" means Monterey County Planning and Building Inspection Department.~~
 - e. ~~"PC" means Planning Commission.~~
 - f. "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. (See Exhibit B).~~

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, 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 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. Consistent lack of a quorum or interest by the LUAC, or
 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 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 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. 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.~~
 - e. 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.
 - f. 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 LUAC shall:
 - 1) Notify staff to update the County website
 - 2) Post notices in public locations
 - 3) Publish notices within a local newspaper
 - 4) Request names of potential new members from the LUAC~~Each 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 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) ~~the~~ laws, ordinances, regulations, procedures, policies, and practices used ~~in the Monterey County~~ land use regulatory process
 - 3) ~~including the Ralph M. Brown Act~~
 - 4) [Robert's Rules of Order](#)

~~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. [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 [PBID 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. ~~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.~~ Recommendation for approval or denial shall include an outline of the issues and reasons for action.

- e. 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 be encouraged to~~ request more information on any specific land use item that has been referred pursuant to *Procedure 8a-f above/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.
- f. The 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 Planning Department. ~~The LUAC may not request project information directly from the applicant or from any agency other than the PBID.~~
- g. No matter may be continued more than two times unless requested by the applicant. Typically, minor projects shall have no more than one continuance and more complex projects may require two continuances. 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 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. Continued matters shall be heard at the next LUAC meeting whenever possible.
- h. To ensure the integrity of the planning process, ~~committee~~ 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 ~~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.
- ~~j. 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.~~

- k. ~~A LUAC member who has participated and voted on a matter when it appeared before the LUAC 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 should not identify themselves as a LUAC member 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. that member has been authorized by the LUAC to represent it.~~
 - l. The LUAC shall ~~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.
 - m. 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 Planning](#).
 - n. *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 [Ralph M. Brown Act](#),
 - 4) When appropriate, Call, and 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 PBID Planning Department.
 - 3) Submit legible copies of approved minutes of each LUAC meeting to the Planning Department within five working days following the meeting. Any changes to submitted minutes shall be resubmitted to PBID immediately.
 - 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 PBID Planning Department, all adopted comments and recommendations. 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) Retain copies of all land use recommendations made by the LUAC.~~
 - 8) 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 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 Ralph M. Brown Act.
- f. When field trips are a scheduled item, said meetings 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. 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, PBID 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 PBID Planning Department, 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 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 PBID Planning Department 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 and Guidelines for Review of Applications (Exhibit A).
 - c. Appoint a planner to attend the first two all meetings of a newly formed each 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. Make evaluation cards available to applicants and the public to assess their experience at the LUAC meetings. Periodically Promptly report operational problems affecting any LUAC 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, PBID Planning Department 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
 - 4) Self-Addresses, stamped envelopes for property owners within 300-feet of the project site.
- ~~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. (See Item 8m)*~~
- j. Staff will ensure that the project is staked and flagged in accordance with PBID Planning Department 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

Planning Department. Furnish each LUAC with a tape recorder and tapes.

- 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 60 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. 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 performance where there have been complaints and periodically review each LUAC as necessary, 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, 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. **(See Following)**~~
 - 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) Development requiring CEQA review (non-exempt project).
 - d) LLA with conflicts (e.g. slopes, views) Lot Line Adjustments involving conflicts (e.g.; modifications to Scenic Easements or Building Envelopes, Williamson Act, the Coastal Zone, etc.).
 - e) Variances
 - f) Design Approvals for projects subject to review by the Zoning Administrator or Planning Commission.
 - g) 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 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 Planning shall inform the PC of a Board of Supervisors' referral.
 5. The LUAC shall focus recommendations on site design and local considerations.

EXHIBIT B

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

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.

DRAFT 5/28/08

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: _____