



# County of Monterey

Item No.

## Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: PC 22-087

October 26, 2022

Introduced: 10/11/2022

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

Consider adoption of modifications to the Monterey County Planning Commission Rules for the Transaction of Business, and provide direction to staff as appropriate.

### RECOMMENDATION:

Staff recommends that the Planning Commission consider adopting modifications to the Monterey County Planning Commission Rules for the Transaction of Business.

### SUMMARY/DISCUSSION:

The California Government Code directs the legislative body of a county to assign by ordinance the function of a “planning agency” to a planning department, one or more planning commissions, administrative bodies or hearing offices, the legislative body itself, or any combination thereof it deems appropriate and necessary (Government Code §§ 65100 - 65101). The Board of Supervisors created the Planning Commission by ordinance, which is codified in Chapter 2.48 of the Monterey County Code. Chapter 2.48 does the following:

- Creates a 10 member Planning Commission with members appointed by the Board of Supervisors;
- Establishes a term of office for members;
- Provides for compensation for Commissioners;
- Provides for appointment of a chairperson, at least one regular meeting each month, and requires adoption of rules for the transaction of business;
- Allows for appointment of personnel and expenditures to carry out their duties; and
- Describes the powers and duties of the Planning Commission.

The Planning Commission adopted the “*Monterey County Planning Commission Rules for the Transaction of Business*” (“Rules”) pursuant to Section 2.48.040(C) of the Monterey County Code. There are 15 rules adopted for the transaction of business. Thirteen rules are listed/numbered; however, Rule 10 is broken into three parts (Rule 10, Rule 10.1 and Rule 10.2) creating 15 different rules.

The Rules were last modified in December 2003, adding Rule 10.2. According to Rule 13, the Commission is directed to review these rules annually. This rule also directs review of any adopted policies. Staff is not aware of any policies associated with these Rules.

In 2016, the Planning Commission considered amending the Rules. A subcommittee was appointed and the Director of Planning and the County Counsel’s Office both worked with the subcommittee to

propose changes and edits. On March 30, 2016, draft edits were presented to the Planning Commission for review at a workshop. At the workshop, the Planning Commission provided direction on the proposed edits, but no formal action was taken.

On March 30, 2022, Commissioner Getzelman requested that the Commission review the Rules and consider updates. Staff then added the item to the Referral Spreadsheet.

On July 13, 2022, the Planning Commission directed staff to prepare procedural modifications to the Rules and return at a later date to discuss substantive modifications. Staff now returns with procedural modifications for the Commission's consideration. The proposed modifications make the Rules consistent with state law, clarify procedural requirements, and add headings to improve the format of the Rules.

Unless the Planning Commission directs otherwise, staff will bring proposed substantive modifications for consideration in May 2023.

OTHER AGENCY INVOLVEMENT:

County Counsel's Office and HCD

Prepared by: Kelly Donlon, Assistant County Counsel

The following attachments are on file with the HCD:

- Exhibit A - Draft Monterey County Planning Commission Rules for the Transaction of Business (redline)  
Exhibit B - Draft Monterey County Planning Commission Rules for the Transaction of Business (clean)
- Exhibit C - Monterey County Code Chapter 2.48

cc: Front Counter Copy; The Open Monterey Project (Molly Erickson); LandWatch (Michael DeLapa)