

Attachment A

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**ATTACHMENT A
DRAFT BOARD RESOLUTION**

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No.

Resolution of the Monterey County Board)
of Supervisors consolidating the North)
County-Inland and North County-Coastal)
Land Use Advisory Committees and)
amending the Monterey County Land Use)
Advisory Procedures)
(North County Land Use Advisory)
Committees – REF150004/County of)
Monterey))

WHEREAS, on August 23, 1994, the Monterey County Board of Supervisors adopted Land Use Advisory Committee Procedures.

WHEREAS, on June 24, 2004, the Monterey County Board of Supervisors adopted interim Land Use Advisory Committee Procedures. Interim guidelines were established as a temporary measure to address reduction in Planning Department resources.

WHEREAS, the Planning Commission held public hearings between May 28 and August 8, 2008 to review amendments to the Land Use Advisory Committee Procedures. The proposed changes were intended to provide greater clarity to the roles and duties of the LUACs and planning staff as well as the type of projects that are reviewed by the LUACs. On August 27, 2008, the Planning Commission unanimously voted to recommend to the Board of Supervisors approval of revisions to the LUAC Guidelines.

WHEREAS, on November 18, 2008, the Board of Supervisors adopted the Land Use Advisory Committee Procedures (“Guidelines”) (Resolution No. 08-338).

WHEREAS, the need for a separate LUAC for the adopted Castroville Community Plan area was identified as its development is urban in nature as opposed to rural North County. On December 10, 2014, the Planning Commission held a public meeting to consider the establishment of a Castroville LUAC and make clarifying modifications to Exhibits A and B of the Land Use Advisory Committee Procedures (“Guidelines”). The Planning Commission voted to recommend the Board of Supervisors establish the Castroville LUAC and make the recommended changes to the LUAC Guidelines.

WHEREAS, on December 16, 2014, the Board of Supervisors amended the Land Use Advisory Committee Procedures to create the Castroville LUAC and area and make

modifications to Exhibits A and B of the Land Use Advisory Committee Procedures (“Guidelines”) (Resolution No. 14-373).

WHEREAS, on December 10, 2014, the Planning Commission also conducted a workshop on the consolidation of the North County-Inland and Coastal LUACs and provided direction to staff to attend the meetings of the potentially affected LUACs and obtain feedback from the members.

WHEREAS, on December 16, 2014, the North County-Coastal LUAC held a meeting and discussed the topic of merging the two North County LUACs; four members were present and one was absent. The LUAC was not in support of consolidation. The LUAC did, however, recommend that efforts should instead be concentrated on the solicitation and appointment of new members to both LUACs.

WHEREAS, on January 21, 2015, the North County-Inland LUAC held a meeting and discussed the topic of merging the two North County LUACs; three members were present. The North County-Inland LUAC voted unanimously to remain as two separate LUACs, as the LUAC feels that it is important that they be allowed to have a voice in the community.

WHEREAS, on January 28, 2015, the Planning Commission held a public hearing to consider the LUAC consolidation and weighed the LUAC’s recommendation alongside the overall good of the public. The Planning Commission recommended the Board of Supervisors consolidate the North County-Inland and North County-Coastal LUACs due to a decrease in the amount of projects brought before the LUACs and that consolidation would result in a reduction of County costs and improved efficiency.

WHEREAS, on April 28, 2015, the Board of Supervisors considered the consolidation of the North County-Inland and North County-Coastal LUACs and amending Exhibit B of the LUAC Guidelines to reflect the change.

WHEREAS, establishment of a LUAC and adoption of these revisions to the Land Use Advisory Committee Procedures is an organizational, administrative activity that will not result in direct or indirect physical changes to the environment, and as such is not a project under CEQA pursuant to Sections 15061(b)(3) and 15378(b)(5) of the CEQA Guidelines.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a. Find that the consolidation of the North County-Inland and North County-Coastal LUACs and revision of LUAC procedures is not a project under CEQA;
- b. Consolidate the North County-Inland and North County-Coastal LUACs; and
- c. Amend the Monterey County Land Use Advisory Committee Procedures (“Guidelines”) to reflect the consolidation, as shown in Exhibit 1, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED on this 28th day of April 2015, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book____ for the meeting on _____.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy

EXHIBIT 1
PROPOSED AMENDMENTS TO THE MONTEREY COUNTY LAND USE
ADVISORY COMMITTEE PROCEDURES

Monterey County Land Use Advisory Committee Procedures

(Adopted November 18, 2008; amended December 16, 2014)

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. 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), as set forth in Section 54950 et seq. of the California Government Code, means the state open meeting law applicable to local government bodies.
 - 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;
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; or
 - 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 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, and 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
 - 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 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.

- 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. The LUAC may seek information that has not been supplied by the staff in order to clarify issues that arise during its consideration of an application. Such information must be requested through the Planning Department.

- f. 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 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. (Also See Section 11h)

- g. 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.
 - 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 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. 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 adopted comments and 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, said field trips 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. (Also See Section 8f)
- 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. If a planner is not able to attend the meeting, the LUAC may proceed to hear the project.
- 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 or equivalent medium for recording LUAC meetings.
- 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 year.

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) Development requiring CEQA review [Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report (EIR)]
 - b) Lot Line Adjustments involving conflicts (e.g.; modifications to Scenic Easements or Building Envelopes, Williamson Act, the Coastal Zone, etc.).
 - c) Variances.
 - d) Design Approvals for projects subject to review by the Zoning Administrator or Planning Commission.
2. The LUAC shall review any discretionary permit application for which the local area plan, land use plan, master plan, specific plan, or community 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 and Inland	North County Land Use Plan	North County – Coastal LUAC
	North County Area Plan	North County – Non Coastal
	Moss Landing Community Plan	LUAC
	Pajaro Community Plan	
	Castroville Community Plan	Castroville LUAC
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

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