



County of Monterey

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

Board Report

File #: PC 24-061, **Version:** 1

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 sections 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 currently 19 rules adopted for the transaction of business.

On October 26, 2022, the Planning Commission made procedural modifications to the Rules. These modifications made the Rules consistent with state law, clarified procedural requirements, and added headings to improve the format of the Rules.

On August 9, 2023, the Planning Commission made more detailed and substantive modifications to the Rules. These modifications included: detailing Commission authority; considerations for nomination of Chair and Vice Chair; adding to duties of Chair; setting the conduct for public hearings on land use entitlement applications, appeals, legislative enactments, and consent items; simplifying rule on continuances; setting requirement for when minutes must be considered; and other non-substantive changes.

Since August 2023, Commissioner questions have arose concerning tie votes of the Commission and continuances. Given these questions, staff is presenting potential redline changes to the Rules for Commission consideration. These changes include adding detail concerning motions of intent to deny or approve a project, including specifying whether the public hearing remains open or is closed. The changes also include specific rules for how tie votes will be handed. Lastly, the changes specify that the Commission shall allow, as a matter of right, a staff requested continuance.

OTHER AGENCY INVOLVEMENT:

Housing & Community Development agrees with these proposed modifications.

Prepared by: Kelly Donlon, Assistant County Counsel

The following attachments are on file with the HCD:

Exhibit A - Current Monterey County Planning Commission Rules for the Transaction of Business

Exhibit B - Draft Monterey County Planning Commission Rules for the Transaction of Business (redline)

Exhibit C - Draft Monterey County Planning Commission Rules for the Transaction of Business (clean)

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