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# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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**KATHLEEN MOLLOY, PLANNING DIRECTOR**

November 6, 2019

**AGENDA DATE: November 13, 2019**

Planning Commission  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

**SUBJECT:** Discussion of Planning Commission Agenda Management and Distribution of Planning Commission Packets

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### Members of the Planning Commission:

Commissioners have requested that an item be placed on this agenda to allow for discussion of a variety of administration / procedural matters, and staff also has related topics for discussion. Topics known to be of interest include:

1. Method for placing items on Planning Commission agendas, and role of PC Chairperson
2. Holding PC Study Sessions for certain types of items, in advance of Public Hearings
3. Timing for Delivery of Agenda Packets to Commissioners and the Public, and Consideration of allowing for more than one week in advance for certain types of items
4. Format of "action minutes", particularly if the PC motion/second/action differs from the original staff recommendation
5. Shifting from hard copy packets to electronic packets, via the "MinuteTraq" agenda management system that is already in use by the Board of Supervisors.
6. Method of distributing "late mail" or "public correspondence" received after the agenda packets have already been distributed

### Background Information

As it may be helpful to review the County Code and Planning Commission Bylaws in preparation for the discussion, these are attached. Also attached is a general Timeline for the Sustainability and

Regulatory Update that will be the main focus of the "Sustainability and Special Projects" section of the Planning Department over the next two years. This Update will involve extensive amendments to the General Plan/Local Coastal Program and County Code, and therefore the Timeline has already anticipated a series of Community Workshops and Study Sessions. Also, once it is time for public hearings, staff is planning to agendize "chunks" of the Update package for public hearing, rather than the whole package being eligible for discussion at any given meeting during the hearing process.

### Preliminary Staff Comments

While staff looks forward to this discussion with Commissioners, a few preliminary comments are provided below for each item.

1. **Setting the PC Agenda.** This is typically a collective effort of the Planning Department managers, and what ends up being placed on each PC agenda depends on when Development Applications are ready for public hearings, or when "policy" or "special projects" are ready for consideration. It is staff's understanding that this has been the practice for many many years, but if that practice is not working or could be refined, it would be good to know about and to discuss.
2. **Study Sessions.** In general, a noticed public hearing provides the best opportunity for consideration of proposed development projects, and staff would advise against holding study sessions for such development applications. Members of the public tend to take the time to attend a meeting once the matter is the subject of a formal public hearing, and having public input regarding proposed development projects is very important.

Conversely, certain policy/code amendment projects would be good candidates for study sessions, which allow both the Commission and the public a less formal way of gaining an understanding of the materials, and providing input prior to formal public hearings.

Decisions about which items should be the subject of Study Sessions, can be a collective decision of the Planning Commission, and/or the Chair could confer with the Planning Director or Assistant Planning Director regarding such.

3. **Timing of Agenda / Reports Delivery.** It has been the practice for many many years, that the Planning Commission agenda packet is distributed and made public one week in advance of the Planning Commission meeting. Staff understands that complex policy amendment projects may be difficult to absorb in one week, and is certainly willing to consider protocols for advance distribution for complex items. However, it may be difficult to accomplish for development project applications that are subject to the Permit Streamlining Act, particularly in light of recent state legislation. Conferring with the PC Chair on these types of decisions could be helpful.
4. **Format of Action Minutes.** Per recent discussion with the Planning Commission, it has been confirmed that the Planning Commission minutes will reflect the whole of the motion/second/action that is taken by the Commission. As an example, this means that if there are changes made to the staff recommendation, the specific changes will be noted in the minutes.
5. **MinuteTraq Electronic Packets.** Staff wants to alert the Commission that the shift to electronic PC packets is apparently coming soon. Any concerns or questions should be brought up, so that staff can endeavor to address them.
6. **Late Mail / Public Correspondence.** A discussion of the preferred manner of receiving such correspondence would be helpful. Options include forwarding as they come in, or collecting up and forwarding in a batch about two days in advance of the hearing with any later mail provided to Commissioners at the hearing itself. Also, MinuteTraq receives and makes available public correspondence as it is received, which may moot this matter.

## Chapter 2.74 PLANNING COMMISSION

### Sections:

- 2.74.010 Established—Statutory authority.**
- 2.74.020 Membership.**
- 2.74.030 Term of office.**
- 2.74.040 Organization and procedures.**
- 2.74.050 Powers and duties.**

### **2.74.010 Established—Statutory authority.**

The Planning Commission is established under the authority of Government Code Sections 65100 et seq., in compliance with SCCC 2.38.060. [Ord. 2277, 1976; prior code § 3.05.010].

### **2.74.020 Membership.**

The Commission shall consist of five members, residents of the County, appointed by the Board of Supervisors. Each Supervisor shall nominate one person, who may reside within the Supervisor's district, to serve on the Commission. Each Supervisor shall nominate one alternate member, who may reside within the Supervisor's district, to serve on the Commission when the regular member appointed by that Supervisor is absent or is unable to vote on an item for any reason. Such alternate member may vote only when the regular member nominated by the same Supervisor is absent, abstains, or for some other reason does not vote. [Ord. 2277, 1976; prior code § 3.05.030].

### **2.74.030 Term of office.**

Each member of the Planning Commission shall serve for a term which shall coincide with the actual time served by the member's nominating Supervisor. [Ord. 5285 § 12, 2018; Ord. 3044, 1981; Ord. 2277, 1976; prior code § 3.05.040].

### **2.74.040 Organization and procedures.**

(A) General Organization. The Commission shall comply in all respects with SCCC 2.38.110 through 2.38.250 unless otherwise provided herein.

(B) Staff Support. The Planning Department shall provide staff support to the Commission. The Planning Director, or a designated representative, shall serve as Administrative Secretary to the Commission and shall receive copies of all minutes, reports and recommendations submitted to the Board of Supervisors by the Commission.

(C) Staff Consultation. Staff members from the Public Works Department, Environmental Health Services, County Counsel and other departments shall be available to the Commission upon assignment by the respective department heads.

(D) Compensation. Each member or alternate member of the Planning Commission shall receive as compensation for services the sum of \$75.00 for each meeting held on or after August 28, 1979, at which the member is in attendance. Compensation for attendance at meetings of the Planning Commission shall be in addition to expenses or other compensation, which such members may

otherwise be entitled by law to receive. [Ord. 5285 § 12, 2018; Ord. 2800, 1979; Ord. 2786, 1979; Ord. 2506, 1977; Ord. 2277, 1976; prior code § 3.05.050].

**2.74.050 Powers and duties.**

The Commission shall exercise the following responsibilities:

- (A) Develop and maintain a General Plan;
- (B) Develop such specific plans as may be necessary or desirable;
- (C) Review the annual Planning Department work program and budget, and make recommendations to the Board of Supervisors;
- (D) Periodically review the County capital improvement program for consistency with the General Plan and related elements;
- (E) Develop and maintain, with staff, a Commission policy manual;
- (F) Communicate with other County advisory bodies concerned with planning matters;
- (G) Exercise any other responsibilities which may be set forth in the Commission's bylaws approved by the Board of Supervisors. [Ord. 2800, 1979; Ord. 2506, 1977; Ord. 2277, 1976; prior code § 3.05.020].

Mobile Version



## PLANNING COMMISSION BYLAWS

While most of the rules governing the conduct of meetings of the Planning Commission are provided for in State and County statutes and ordinances, it is desirable for the Planning Commission to adopt bylaws. These bylaws are to assist the Planning commission in conducting business in an orderly and efficient manner, and are adopted pursuant to County Code Section 2.38.140.

### 1. COUNTY'S COMMISSION'S ORDINANCE

The Planning Commission is subject to the County's Commission Ordinance (Chapter 2.38) attached hereto.

### 2. NOTICE OF PUBLIC MEETINGS

All meetings and actions of the Planning Commission shall be subject to the Brown Act (Govt. Code § 54950 et seq.). Notice of public hearings shall be made pursuant to County Code Section 18.10.221 et seq., even if such notice is in excess of that required by state law.

At least seventy-two (72) hours prior to each regular meeting, an agenda for the regular meeting shall be mailed to each Commission member, and to each representative of the news media and to each other person who has submitted a written request to the Commission for notification of meetings, and shall be posted at least seventy-two (72) hours prior to the regular meeting at a location that is freely accessible to the public. The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting. No action or discussion shall be undertaken on any item not appearing on the posted agenda except that members of the Commission may briefly respond to statements made or questions posed by persons exercising their public testimony rights or ask a question for clarification, refer the matter to staff or to other resources for factual information, or request staff to report back at a subsequent meeting concerning any matter. Notwithstanding the foregoing, action may be taken on an item of business not appearing on the posted agenda upon a determination by two-thirds vote of the membership of the Commission, or if less than two-thirds of the members are present, by unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the County subsequent to the agenda being posted.

The Chairperson, or in his/her absence, the Vice Chairperson, may direct the Secretary to send out notices for a special meeting; or three members wishing a special meeting called may, by letter, direct the Secretary to notify the commission. Said notices shall be provided to the Commissioners not less than twenty-four (24) hours prior to the date of the meeting. The Secretary shall also notify Commissioners of such special meetings by telephone. Notice to the press and other news media of such special meetings shall be made pursuant to the provisions of State Law. At least twenty-four (24) hours prior to each special meeting, an agenda for the special meeting shall be posted at a location that is freely accessible to members of the public. No business other than that listed on the agenda shall be considered at a special meeting.

3. OFFICERS

The officers of the Commission shall be a Chairperson, Vice Chairperson and Secretary. The Chairperson and Vice Chairperson shall be elected by members of the Commission. The Director of the Planning Department or other appointee shall serve as Secretary of the Commission.

The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson. The members may elect a Chairperson pro tem in the absence of both the Chairperson and Vice Chairperson.

The terms of office for the chairperson and Vice Chairperson shall be one year beginning at the first meeting in January of each year.

4. MEETING SCHEDULE

The Commission shall hold two regular meetings each month. These shall generally fall on the second and fourth Wednesdays of each month and shall commence at 9:00 a.m. Regular meetings may be cancelled as warranted by special circumstances, such as holidays. The commission may schedule additional meetings as necessary to meet the needs of the community, the Board of Supervisors or the Commission. Night and/or out-of-building meetings may also be scheduled as the Commission desires. The Commission may also hold special meetings and adjourned regular and adjourned special meetings as it deems necessary.

5. ATTENDANCE BY PLANNING COMMISSIONERS

Every Commissioner shall notify the Planning Department Secretary and his/her alternate one week in advance of any Planning Commission meeting he/she is not able to attend. In case of an emergency, notification shall occur at the earliest possible opportunity. If any regular Commissioner is absent from three consecutive Planning Commission meetings without his/her alternate member being present during any calendar year and without legitimate reason entered into the minutes, the Planning Commission shall inform the Board of Supervisors that a vacancy exists, as provided in the County Code.

6. ALTERNATE MEMBERS

The Board of Supervisors shall appoint an alternate for each member of the Planning Commission. Alternates shall serve when requested by the regular Planning commission member. The term of office for an alternate shall be the same as the regular members.

7. MISSED MEETINGS

In the event a Commissioner is absent from all or a portion of a public hearing, the Commissioner may not vote or participate in the discussion on that item unless the Commissioner:

- a. Has reviewed the prior evidence and listened to the recording(s) of the prior testimony, and has so stated for the record; and

- b. Examines all of the documentary material received prior to or during the hearing, or portion of the hearing, from which the Commissioner was absent; and
- c. Deems oneself to be as familiar with the record and with the information presented at the hearing as the Commissioner would have been had he or she personally attended the entire hearing, and so states for the record.

8. QUORUM

A majority of the members of the Commission shall constitute a quorum for the conduct of all business. The affirmative vote of three Commissioners is required to approve any item. If fewer than five members are present and the Commission is unable to reach any decision on an application or appeal, the item will be continued to the next meeting of the commission or to a later meeting when a full Commission is present. If no action is taken at such a continued hearing, the application or appeal shall be deemed denied.

9. CONTINUANCE OF PUBLIC HEARINGS

It is the policy of the Planning Commission to attempt to accommodate persons on the schedule of items. The Planning Commission recognizes the interest of both applicants and other interested persons appearing before the Planning Commission. The Planning Commission, therefore, has discretion to continue items subject to applicable legal requirements.

At its discretion, the Commission may:

- a. Continue the public hearing to the date requested, to the next available agenda or to another future date at the discretion of the Commission; or
- b. May hear the staff presentation, open the public hearing and hear the testimony of those who are present and wish to speak, and then continue the hearing for the hearing of additional testimony; or
- c. Determine to proceed with the public hearing and take action, despite the request for a continuance.

10. THE CONDUCT OF MEETINGS

ROLL CALL

DIRECTOR'S REPORT

A Director's Report may be presented at the beginning of the agenda. The Director shall inform the Commission of all relevant actions by the Board of Supervisors that affect land use. Copies of Board Minute Orders shall be distributed as appropriate. The Director or Assistant Director shall attend all Planning Commission meetings.

## COUNTY COUNSEL'S REPORT

A report from the County Counsel's Office on matters of concern to the Commission may be presented.

## ADDITIONS AND CORRECTIONS TO THE AGENDA

At the beginning of the meeting, staff shall inform the Commission of any additions or corrections to the agenda, and inform the Commission of any requests for continuances of scheduled items. The Commission may elect to continue items at this time or to consider the requests at the scheduled time for the item.

## PUBLIC PARTICIPATION / ORAL COMMUNICATIONS

Public participation in Commission meetings shall be allowed as follows:

- a. An opportunity for members of the public to directly address the Commission on any item on the agenda of interest to the public shall be provided before or during the Commission's consideration of the item.
- b. In addition, the agenda will provide for community oral communications on items not on the agenda which are within the subject matter jurisdiction of the Commission at the beginning / at the end of each regular meeting agenda. This item is on the agenda before or after scheduled hearings for members of the public who wish to speak to the Commission on items not on the agenda. Unless otherwise determined by the Commission, speakers are limited to five minutes for items not on the agenda. The Commission allows 30 minutes at the beginning or end of the meeting for oral communications for items no on the agenda. At its discretion, the Commission can allow additional time to hear oral communications.
- c. The Chairperson of the commission may establish reasonable limits on the amount of time allotted to each speaker on a particular item, and the Commission may establish reasonable limits on the total amount of time allotted for public testimony on a particular item.

## CONSENT AGENDA

Consent items are those which staff recommends be approved and which do not require public hearings. If any person or Commission member wishes to discuss a consent item, the item shall be taken off the consent agenda and heard as a separate item at an appropriate place on the regular agenda, if the consent agenda, as amended, is approved by a majority vote of the Commission. Consent items are acted on at the beginning of the meeting.

## CONTINUED AGENDA

Continued items are those that were carried over from previous meetings for additional information and/or analysis. These items are generally considered as opened public hearings and any person may address the Commission regarding the item. In certain

instances, the public hearing has been closed, but may be reopened at the request of the applicant, the public, or the Commission.

### PUBLIC HEARINGS

Public hearings shall be generally conducted as follows:

- a. Staff presents proposal, staff report, and recommendations. Any letters received before the hearing are summarized.
- b. Commission members may ask questions of staff.
- c. Public hearing is opened.
- d. Applicant may present justification for proposal and other pertinent information. Applicant given approximately 10 minutes.
- e. Commission members may ask questions of applicant.
- f. Members of the public may speak either for or against the proposal, or offer additional information. Speakers shall step to the podium and give their name and address. Members of the public generally given 5 minutes individually or 10 minutes for persons representing a group.
- g. Applicant may rebut arguments presented by the public. Applicants generally given 5 minutes. No new issues may be raised. No new evidence may be presented.
- h. Public hearing is closed.
- i. Commission members may ask further questions of the public, the applicant, or staff.
- j. Commission members make motion for decision on the proposal, may discuss motion, and vote on motion.
- k. The chairperson shall have the option of granting additional time, as appropriate, to address unique issues related to the proposed project.

Questions by members of the Commission to the public, the applicant, or staff shall be directed to the Chairperson; also, questions from the public to the Commission shall be directed to the Chairperson.

### 11. AGENDA DEADLINES

Written materials to be included in agenda packets shall be submitted to the Planning Department by Monday noon of the week preceding the week of each meeting. The timelines for submittal of staff reports for public hearing items is subject to change. Contact the Secretary of the Commission for exact timelines.

12. CONDUCT OF BUSINESS

The most recent edition of Sturgis Rules of Parliamentary Procedure shall govern the conduct of meetings of the Commission except as otherwise provided herein, or by State or local law.

13. AMENDMENT

These rules may be amended by the Planning Commission at any time by three votes and subject to approval by the Board of Supervisors.

14. WRITTEN COMMUNICATIONS

All correspondence addressed to the Planning Commission, the Planning Department, or to the Director of the Planning Department, relating to items to be heard by the Commission, shall be answered by the Director of the Planning Department. The Director shall insure that the Commission is made aware of all correspondence addressed to the Commission, and of all correspondence addressed to either the Director or the Planning Department which relates to any item heard or to be heard before the Commission. Any correspondence addressed to the Commission or to the Director of the Planning Department which in the opinion of the Director of the Planning Department clearly requires Commission review prior to response shall be presented to the Planning commission at a regularly scheduled meeting. Upon review of such correspondence, if the Planning Commission feels that the matter requires a response, it shall direct the Director of the Planning Department in the manner by which the correspondence is to be answered. The Director of the Planning Department shall then answer the correspondence as directed by the Commission, acting in his/her capacity as Secretary to the Commission.

15. CONFLICT OF INTEREST

Each Commissioner shall comply with the Conflict of Interest requirements of State law. Each Commissioner shall file a Conflict of Interest Disclosure Statement.

16. RECEIPT OF INFORMATION OUTSIDE OF HEARING BY COMMISSIONERS

A commissioner who has received oral or written information outside of a hearing or has viewed the subject property, or is familiar with the subject property, shall fully disclose at the beginning of the hearing such information and his or her observations and familiarity with the property so that the applicant, opponents, interested persons, planning staff and other members of the Commission may be aware of the facts or information upon which he or she is relying and have an opportunity to support or controvert the facts or information. All written information received outside of the hearing shall be filed with the Commission Secretary. This requirement shall not apply to broad policy issues applicable County-wide as distinguished from projects affecting individual parcels of property or to factual inquiries made to and received from County staff.



17. STAFF CONSULTATION

Pursuant to County Code Section 2.74.040C, staff members from the Public Works Department, Environmental Health Services, County Counsel, and other departments shall be available to the Commission upon assignment by the respective department heads.

18. SUBCOMMITTEES

All subcommittees shall comply with the notice and agenda requirements otherwise applicable to the commission by the bylaws, except for subcommittees composed solely of less than a quorum of the members of the Commission which are not standing subcommittees of the Commission with either a continuing subject matter jurisdiction or a meeting schedule fixed by resolution or other formal action of the Commission.

These bylaws are adopted on November 5, 1991.

Amended and approved on May 11, 1994.

Amended and approved on October 3, 2006



# TIMELINE

