

*Before the Subdivision/Minor Subdivision Committee in and for the
County of Monterey, State of California*

Resolution No. 04003

Resolution by the Monterey County Planning)
Commission amending the Monterey)
County Subdivision/Minor Subdivision)
Committee Rules for the Transaction of)
Business to add a new Rule 10.2 addressing)
Continuances of Public Hearings)

WHEREAS, this matter was duly heard by the Subdivision/Minor Subdivision Committee of the County of Monterey on December 11, 2003 and January 8, 2004, where the subject was discussed and public testimony was received, and a Resolution of Intent to amend the subject procedures was adopted with a direction to staff to return with the final resolution;

WHEREAS, the Subdivision/Minor Subdivision Committee of the County of Monterey duly heard this matter on January 8, 2004, wherein the Subdivision/Minor Subdivision Committee reviewed the proposed Rule 10.2;

WHEREAS, pursuant to Section 2.48.040 of the County Code, the Subdivision/Minor Subdivision Committee may from time to time amend the Monterey County Subdivision/Minor Subdivision Committee Rules for the Transaction of Business and has decided to include a new rule addressing Continuances of Public Hearings.

NOW THEREFORE, having considered all the written and documentary information submitted, oral testimony, and other evidence presented before the Subdivision/Minor Subdivision Committee, the Commission renders its decision to adopt a resolution amending the Monterey County Subdivision/Minor Subdivision Committee Rules for the Transaction of Business pursuant to Section 2.48.040 of the County Code to add the following language addressing continuances of public hearings as rule 10.2:

Rule 10.2

The Subdivision/Minor Subdivision Committee shall allow, as a matter of right, one continuance of any public hearing item without a public hearing on the merits of the item, provided that the continuance would not violate the Monterey County Code or state law. The Secretary to the Subdivision/Minor Subdivision Committee or his /her designee must receive a request for a continuance by 5:00 pm. the Wednesday preceding the hearing date. The Secretary to the Subdivision/Minor Subdivision Committee or designee shall note the continuance on the Commission's agenda as "To Be Continued to [date]" and notify the newspaper of local circulation for high profile or controversial projects. At the Commission meeting, the Commission shall continue the item to a date certain.

The Subdivision/Minor Subdivision Committee will consider a request for a second continuance of any public hearing item. The Secretary to the Subdivision/Minor Subdivision Committee or his /her designee must receive a request for a continuance by 5:00 pm. the Wednesday preceding the hearing date. The Secretary to the Subdivision/Minor Subdivision Committee or his/her designee shall note the continuance on the Commission's agenda as "Request for Continuance to [date] Received" and notify the newspaper of local circulation for high profile or controversial projects. At the Commission meeting, the Commission will consider and may grant or deny the request for a continuance.

After two continuances, the Subdivision/Minor Subdivision Committee will conduct a full public hearing on the item and take one of the following actions:

1. Approve the item.
2. Deny the item.
3. Continue the item to a subsequent date with specific direction to the staff as to the information needed for the subsequent public hearing.
4. Table the item with specific direction to the staff as to the information needed for a subsequent, newly noticed public hearing.

PASSED AND ADOPTED on this 8th day of January, 2004, by the following vote:

AYES: McPharlin, Hawkins, Towner, Hori, Lawrence, Mulholland, Brandau
NOES: None
ABSENT: None

ANN TOWNER, SECRETARY