

FINAL

MONTEREY COUNTY PLANNING COMMISSION

November 12, 2003

MINUTES

The Planning Commission met at 9:08 a.m. at the Board of Supervisors Chambers of the Courthouse at 240 Church Street, Salinas, California.

A. ROLL CALL:

Present: Miguel Errea, Sharon Parsons, Cosme Padilla, John Brennan, Juan Sanchez,
Martha Diehl, Aurelio Salazar, Don Rochester, John Wilmot

Absent: Hawkins

B. COMMENT PERIOD:

PUBLIC – Marjorie Kay, Tom Carvey, and Brian Finnegan addressed the General Plan Update objectives.

COMMISSION – Parsons, Diehl, Brennan, and Errea addressed the issues and concerns and formed a Subcommittee to determine the format for the upcoming General Plan Update hearings. Wendy Strimling from County Counsel advised that the item could be agendized for a future meeting. The Subcommittee includes Padilla, Diehl, Parsons, and Sanchez.

C. APPROVAL OF MINUTES:

October 8, 2003

Commissioner Parson pointed out that the draft minutes reflect Rudy Gonzalves as being present when he was not and Commissioner being absent when he was present. Commission Diehl remarked that there is a misplacement under the vote for Advisory Committee Appointments that should be under Item #8 Mirabito.

Commissioner Diehl moved, seconded by Commissioner Errea, and passed by the following vote to approve the minutes of October 8, 2003:

AYES: Errea, Parsons, Padilla, Brennan, Sanchez, Diehl, Salazar, Rochester, Wilmot

NOES: None

ABSENT: Hawkins

D. SCHEDULED ITEMS:

1. COUNTY OF MONTEREY (PD030138)

CONTINUED FROM 10/8/03. DISCUSSION ON CONTINUANCE OF PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION.

Jeff Main described the item, and clarified that the intent of the Board policy was to only notify the newspapers for projects that were of high profile or controversial projects and that it wasn't to be a public notice to the newspapers, just notifying them if they wanted to run it in their around the county section of the newspaper as an issue item. Staff recommends adopting the procedures pursuant to the amendments made by County Counsel.

Wendy Strimling, County Counsel, suggested some changes to the language and noted that the continuance should be continued to a specific date, thus avoiding a notice having to be published.

Lee Lotz and Spencer Critchly spoke in favor of the resolution and stated that the agenda can be checked on the web page before someone comes to the meeting.

Commissioner Rochester moved, seconded by Commissioner Diehl and passed by the following vote to adopt the Resolution with the amended corrections:

AYES: Errea, Sanchez, Padilla, Brennan, Parsons, Diehl, Salazar, Rochester, Wilmot
NOES: None
ABSENT: Hawkins

2. ANDRUS GLORIA (SUHSD) (PLN030165)

SALINAS UNION HIGH SCHOOL DISTRICT PROPOSED ACQUISITION OF A SCHOOL SITE IN THE UNINCORPORATED AREA OF MONTEREY COUNTY. THE SITE IS LOCATED AT 901 OLD STAGE ROAD (ASSESSORS PARCEL NUMBER 153-101-008-000), FRONTING ON OLD STAGE ROAD AND 1.25 MILES NORTHWEST OF THE INTERSECTION OF OLD STAGE ROAD AND WILLIAMS ROAD AND 0.15 OF A MILE NORTHEAST OF THE CITY OF SALINAS BOUNDARY IN THE COUNTY OF MONTEREY'S GREATER SALINAS PLAN AREA.

THE SALINAS HIGH SCHOOL DISTRICT PROPOSES TO PURCHASE 75 ACRES OF A 303-ACRE PARCEL FOR A FUTURE HIGH SCHOOL AND MIDDLE SCHOOL. PURSUANT TO PUBLIC RESOURCES CODE SECTION 21151.2, THIS NOTICE IS TO REQUEST FROM THE MONTEREY COUNTY PLANNING COMMISSION A WRITTEN REPORT ON THE SUBJECT PROPERTY AND ANY RECOMMENDATIONS CONCERNING ACQUISITION.

David Lutes described the project and stated that EMC asked that the item be pulled and continued. Staff is requesting a continuance to come back with a more specific site plan.

There was discussion by the Commission.

Commissioner Errea moved, seconded by Commissioner Sanchez and passed by the following vote to table the item:

AYES: Errea, Sanchez, Padilla, Brennan, Parsons, Diehl, Salazar, Rochester, Wilmot

NOES: None

ABSENT: Hawkins

3. QUAGLIA RICHARD & PATRICIA (PLN030343)

COMBINED DEVELOPMENT PERMIT CONSISTING OF: 1) AN ADMINISTRATIVE PERMIT TO CONSTRUCT A TWO-STORY 4,785 SQ. FT. SINGLE FAMILY RESIDENCE WITH ATTACHED GARAGE IN THE VS VISUALLY SENSITIVE ZONING DISTRICT; 2) A USE PERMIT FOR DEVELOPMENT ON SLOPES IN EXCESS OF 30%; 3) A USE PERMIT FOR REMOVAL OF 15 PROTECTED TREES (14 OAKS, 1 PINE); 4) GRADING OF 790 CU.YDS. {350 CU.YDS. CUT, 440 CU.YDS. FILL (90 CU.YDS. IMPORT)}; AND DESIGN APPROVAL. THE PROPERTY IS LOCATED AT 25560 BOOTS ROAD, MONTEREY (ASSESSOR'S PARCEL NUMBER 416-194-006-000), MESA HILLS WEST, GREATER MONTEREY PENINSULA AREA.

Taven Kinison Brown described the project and recommended approval.

Richard Quaglia accepted the proposed conditions.

Christine Gianasco-Kemp, representative for the Ecksteins, addressed access to property and requested a continuance to the December meeting to have a site visit.

There was discussion regarding the history and granted easement on the property, driveway, and alternatives.

Charles Eckstein, Steve Wilson, Anna Eckstein, and Spencer Critchley spoke regarding the concerns of the easement, driveway issue, adverse impacts on grading and trees, the most practical access to building site, costs involved for removal, grading, curbs and trees, and the design of subdivision.

Glenn Flamic, project forester, stated there is significant tree removal to change the driveway and using the easement has the least impact on oak trees.

Commissioner Padilla moved, seconded by Commissioner Salazar and passed by the following vote to approve Staff recommendation for the Combined Development Permit and adopt Resolution #03074:

AYES: Errea, Sanchez, Padilla, Brennan, Parsons, Diehl, Salazar, Rochester,
Wilmot

NOES: None

ABSENT: Hawkins

4. WHISLER FRANCIS L AIA (PLN010528)

COMBINED DEVELOPMENT PERMIT CONSISTING OF A COASTAL DEVELOPMENT PERMIT FOR A NEW SINGLE FAMILY DWELLING WITH A MAIN FLOOR (3,369 SQ FT), A PARTIAL SECOND FLOOR (897 SQ FT), A PARTIAL BASEMENT (632 SQ FT), AND AN ATTACHED THREE-CAR GARAGE (709 SQ FT); A COASTAL ADMINISTRATIVE PERMIT FOR A DETACHED 425 SQ FT GUEST HOUSE WITH ATTACHED CARPORT AND GRADING (APPROX 900 CU YDS CUT AND 250 CU YDS FILL); A COASTAL DEVELOPMENT PERMIT TO ALLOW THE REMOVAL OF 21 MONTEREY PINES EXCEEDING 12 INCHES IN DIAMETER AND APPROXIMATELY 24 COAST LIVE OAKS LESS THAN SIX INCHES IN DIAMETER; A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT; AND DESIGN REVIEW. THE PROPERTY IS LOCATED AT 61 RILEY RANCH ROAD (LOT #7), CARMEL (ASSESSOR'S PARCEL NUMBER 243-113-007-000), CARMEL AREA, COASTAL ZONE.

Thom McCue described the project and handed out pages that were omitted from the staff report. He laid out the mitigation measures and recommended approval of the project with Findings and Evidence and conditions. The Carmel Land Use Advisory Committee recommended approval.

Paul Davis, representative, agreed to the proposed conditions.

Jeff Main commented on the Deed Restriction standard and the process regarding the environmental review.

Commissioner Diehl moved, seconded by Commissioner Padilla and passed by the following vote to approve the Combined Development Permit and adopt Resolution #03075:

AYES: Errea, Sanchez, Padilla, Brennan, Parsons, Diehl, Salazar, Rochester, Wilmot
NOES: None
ABSENT: Hawkins

5. CRIST FRANK & ELIZABETH (PLN030307)

CONTINUED FROM 11/12/03. APPEAL OF ADMINISTRATIVE INTERPRETATION OF SECTION 21.66.030(c)1 (CONVERSION OF UNCLUTIVATED LAND TO CROPLAND SHALL NOT BE PERMITTED ON SLOPES OVER 25%) IN WHICH THE DIRECTOR HAS DETERMINED THAT A VIOLATION OF SAID SECTION EXISTS AT 50 VIA MILPITAS (ASSESSOR'S PARCEL NUMBER 187-571-002-000), CARMEL VALLEY MASTER PLAN AREA.

Jeff Main requested a continuance to December 10, 2003.

Commissioner Errea moved, seconded by Commissioner Rochester and passed by the following vote to continue this item to December 10, 2003:

AYES: Errea, Sanchez, Padilla, Brennan, Parsons, Diehl, Salazar, Rochester, Wilmot
NOES: None
ABSENT: Hawkins

6. SENA LOUIS & KRISTEN (PLN030174)

AMENDMENT TO AN APPROVED COMBINED DEVELOPMENT PERMIT (PLN980353) THAT WOULD ELIMINATE THE CONVERSION OF THE EXISTING SINGLE-FAMILY DWELLING INTO A GUESTHOUSE, OFFICE & STORAGE SPACE, ELIMINATE THE APPROVED BARN, AND ADD A NEW WATER TANK; AND ADD A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 100' OF ENVIRONMENTALLY SENSITIVE HABITAT (MARITIME CHAPARRAL). THE PROPERTY IS LOCATED AT 3000 RED WOLF DRIVE, CARMEL

(ASSESSOR'S PARCEL NUMBER 416-011-005-000), CARMEL HIGHLANDS AREA, COASTAL ZONE.

7. **SENA LOU (PLN020086)**

COASTAL DEVELOPMENT PERMIT FOR AN EQUAL LOT LINE ADJUSTMENT OF 5.31 ACRES BETWEEN AN 8.73 ACRE LOT (PARCEL 1) AND AN 11.27 ACRE LOT (PARCEL 2) RESULTING IN NO CHANGE IN ACREAGE FOR EITHER PARCEL. THE PROPERTY IS LOCATED AT 3000 RED WOLF DRIVE, CARMEL (ASSESSOR'S PARCEL NUMBER 416-011-005-000), EAST OF HIGHWAY 1, CARMEL HIGHLANDS AREA, COASTAL ZONE.

8. **STATE OF CA DEPT OF PARKS (PLN030175)**

COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT, CONSISTING OF THE RESTORATION OF APPROXIMATELY 2,500 SQ. FT. OF MARITIME CHAPARRAL HABITAT. THE PROPERTY IS ADJACENT TO 3000 RED WOLF DRIVE, CARMEL (ASSESSOR'S PARCEL NUMBER 416-011-006-000), EAST OF HIGHWAY 1, CARMEL HIGHLANDS AREA, COASTAL ZONE.

Timothy Johnston described the three projects and stated the applicant has requested that Condition #3, which requires the permit approval notice listed as (a) and (b), be broken out to be a separate as Conditions 3(a) and 3(b). Regarding Conditions 3(a) and 4(b) the applicant has requested the timing of the requirement be amended to read "prior to recordation." The Mitigated Monitoring Program required 51 Conditions of Approval and with the action today some of the wording will be redundant or will need to be removed as they refer to the barn or to the guesthouse. Condition #6 of the original MMP requires scenic and conservation easements to be placed over all areas of environmentally sensitive habitat. Condition #10 will be amended to add that the driveway will remain unpaved. Staff recommends adoption of the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, for PLN030174 and PLN020086, and approve the two projects based on recommended Findings and Evidence and subject to the proposed conditions, with amendments.

Laura Lawrence, Environmental Health, questioned the water system was an existing water system or if it was proposed. Her files show that there is an existing well on the parcel. Mr. Johnston stated that the requirement for the water system arises with the lot line adjustment. The infrastructure is all there, but they want to add another water tank. With the revised lot line it will be necessary to be deemed a water system, pursuant to the Health Department requirements. Environmental Health will add a condition to the project requiring that they obtain a water system permit.

Lou Sena, applicant, agreed to the conditions.

John Bridges, working with Mr. Sena, requested clarification that the additional 51 conditions that were attached to the previous permit carry forward only to the Coastal Permit Amendment project. They don't carry forward to the Lot Line Adjustment. Also the revision of Conditions #3(a) and (b), the timing would change to be attached to the recordation of the record of survey. That applies to 3(b), 3(a) will still be timed to the Grading Permit. For Conditions #10(a) & (b), 11 (a) & (b), and 12 (a) & (b), relate only to the restoration of the maritime chaparral habitat area and the Coastal Permit Amendment application and not to the Lot Line Adjustment applications., so 10(b), 11(b) and 12(b) should be deleted. Lastly in regard to Condition #6, the approved driveway improvement through the easement area will be allowed to occur and should be referenced in the scenic easement document. The same clarification would also apply to Condition #47.

Commissioner Diehl requested an Intent to Approve be prepared.

Wendy Strimling, County Counsel stated that separate lists of conditions for each of the applications would be appropriate because some of the conditions apply to the amendment application and some to the lot line adjustment.

Jeff Main stated that one of the reasons that everything is combined is to reduce the balk of the report, consolidate everything into one place, and not have separate groups of conditions. That was attempted and he understands that it is not as clear potentially as it could be. In the future, we will continue to try to do that and if it is not as straightforward as it appears, then we get other direction, then we will be amendable to that direction.

Commissioner Diehl moved, that the Commission adopt an Intent to Approve the project, subject to receiving and reviewing a complete list of all applicable conditions as they are to be adopted and adopt counsel's recommendation that each, separate application be provided with a separate complete list of conditions applying to that application for review, and brought back to the December 10, 2003, meeting for a final action, seconded by Commissioner Errea.

There was discussion by the Commission.

Commissioner Brennan called for the question and Chair Sanchez stated there was a motion, seconded, and was passed by the following vote:

AYES:	Errea, Sanchez, Padilla, Brennan, Parsons, Diehl, Salazar, Rochester, Wilmot
NOES:	None
ABSENT:	Hawkins

9. **LUCIDO SALVATORE ANTHONY TR (PLN030232)**
COMBINED DEVELOPMENT PERMIT CONSISTING OF A COASTAL ADMINISTRATIVE PERMIT AND DESIGN APPROVAL TO ALLOW EXISTING UNPERMITTED STRUCTURES (HOLDING PENS, MONITORING & COMMUNICATIONS FACILITY, 3 TRAILERS, 2 OUTHOUSES, WATER & SEPTIC SYSTEMS) AND THE CONSTRUCTION OF A NEW CABIN WITH DETACHED CARPORT TO REPLACE ONE LOST THROUGH FIRE; AND A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT ON SLOPES OF 30% OR GREATER. EXISTING AND PROPOSED BUILDING-COVERAGE TOTALS APPROXIMATELY 7,000 SQ. FT. ALL DEVELOPMENT IS ACCESSORY TO THE VENTANA WILDERNESS SOCIETY'S CONDOR REINTRODUCTION PROGRAM. THE PROPERTY IS LOCATED NEAR ANDERSON CANYON (ASSESSOR'S PARCEL NUMBER 420-021-027-000), OFF COAST RIDGE ROAD, BIG SUR COAST LAND USE AREA, COASTAL ZONE.
10. **LUCIDO SALVATORE LIMITED PARTN (PLN030133)**
COASTAL DEVELOPMENT PERMIT FOR A LOT LINE ADJUSTMENT BETWEEN TWO PARCELS RESULTING IN AN 80-ACRE PARCEL (420-021-026-000) INCREASING IN SIZE TO 160 ACRES AND A 160-ACRE PARCEL (420-021-027-000) DECREASING IN SIZE TO 80 ACRES. THE PARCELS ARE LOCATED IN ANDERSON CANYON, OFF OLD COAST ROAD, WITHIN LOS PADRES NATIONAL FOREST, BIG SUR, COASTAL ZONE.

Timothy Johnston described the two projects and stated that the project carries Mr. Lucido's name, as he is the property owner and the applicant is Ventana Wilderness Society. The parcels are in both Big Sur and South Coast Land Use Advisory areas. The Big Sur and South Coast Land Use Advisory Committees recommended approval of PLN030232, which seeks to clear the violations and the South Coast Land Use Advisory Committee recommended denial of PLN030133, the lot line adjustment, as they were concerned about the future use intent. The Big Sur Land Use Advisory Committee recommended approval of the lot line adjustment. Staff recommended approval of the projects as described in the Findings and Evidence and subject to the proposed conditions of approval. The Wilderness Society has requested that the fees be waived, because of the violations the fees were doubled. The Director of Planning and Building Inspection has agreed to waive the permit fees, assuming the Commission is willing to grant the permits today.

There was discussion regarding the non-conforming uses and the lots are zoned water shed and scenic conservation. There is no provision in that zoning designation for this type of use. It would be consistent with a resource conservation zoning designation.

Pete Scrivani, president of the board for Ventana Wilderness Society, and Kelly Sorenson, Executive Director of Ventana Wilderness Society accepted the conditions.

Sal Lucido, property owner, concurs with the conditions as presented and recommended approval.

Commissioner Diehl moved for Staff's recommendation, including the fee waiver, seconded by Commissioner Salazar.

Jeff Main stated the decision by the Director to waive the fees is his decision and the motion should be to affirm the Director's decision.

Commissioner Diehl moved for Staff's recommendation and decision by the Director of Planning and Building Inspection to waive the fees, seconded by Commission Salazar and passed by the following vote to adopt Resolutions #03077 (PLN030232) and 03078 (PLN030133) and to approve the Combined Development Permit and Coastal Development:

AYES: Errea, Sanchez, Padilla, Brennan, Parsons, Diehl, Salazar, Rochester, Wilmot
NOES: None
ABSENT: Hawkins

Laura Lawrence, Environmental Health, introduced the new Senior Environmental Health Specialist, John Hodges. He has previously worked in the department's consumer protection program and has experience with the installation of septic systems. Mr. Hodges will be sitting on Planning Commission December 10, as Ms. Lawrence will be attending a conference.

LUNCH BREAK 12:00 – 1:30 P.M.

Reconvened at 1:35 p.m.

Commissioner Wilmot not present.

11. ESALEN INSTITUTE (PLN010501)

COMBINED DEVELOPMENT PERMIT CONSISTING OF A COASTAL DEVELOPMENT PERMIT FOR A REHABILITATION & RESTORATION PLAN FOR THE ESALEN INSTITUTE'S MAIN PROPERTIES (ASSESSOR'S PARCEL NUMBERS 421-011-005-000, 421-011-006-000, & 421-011-007-000), TO INCLUDE THE DEMOLITION OF 24 STRUCTURES AND THE CONSTRUCTION OF 27 STRUCTURES (70,131.6 SQ. FT. TOTAL EXISTING BUILDING COVERAGE/74,487.6

SQ. FT. TOTAL PROPOSED BUILDING COVERAGE); A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN THE CRITICAL VIEWSHED; A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 100 FT. OF ENVIRONMENTALLY SENSITIVE HABITAT (TO INCLUDE HOT SPRINGS CREEK AND STATE & FEDERALLY PROTECTED SPECIES); A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITH POSITIVE ARCHAEOLOGICAL REPORTS; A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT ON SLOPES OF 30% OR GREATER; AND A COASTAL DEVELOPMENT PERMIT FOR TREE REMOVAL (three LANDMARK EUCALYPTUS). THE PROPERTIES ARE LOCATED AT 55000 HIGHWAY 1, BIG SUR, BIG SUR COAST LAND USE PLAN, COASTAL ZONE.

12. ESALEN INSTITUTE (PLN020599)

COMBINED DEVELOPMENT PERMIT CONSISTING OF A COASTAL DEVELOPMENT PERMIT FOR A REHABILITATION & RESTORATION PLAN FOR THE ESALEN INSTITUTE'S SOUTH COAST PROPERTY (ASSESSOR'S PARCEL NUMBER 421-011-018-000), TO INCLUDE THE CONSTRUCTION OF 2 STRUCTURES (APPROXIMATELY 1,310 ADDITIONAL BUILDING COVERAGE, IN THE CONTEXT OF APPROXIMATELY 14,810 TOTAL PROPOSED BUILDING COVERAGE, EXISTING + NEW) AND ADDITIONAL PARKING AREAS (34,848 SQ. FT. TOTAL EXISTING PAVED COVERAGE/51,836.4 SQ. FT. TOTAL PROPOSED PAVED COVERAGE); A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 100 FT. OF ENVIRONMENTALLY SENSITIVE HABITAT (TO INCLUDE SEACLIFF BUCKWHEAT); AND A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT ON SLOPES OF 30% OR GREATER. THE PROPERTY IS LOCATED ON THE EAST SIDE OF HIGHWAY 1, APPROXIMATELY 1 MILE NORTH OF THE ESALEN INSTITUTE'S MAIN PROPERTY, WHICH IS LOCATED AT 55000 HIGHWAY 1, BIG SUR (ASSESSOR'S PARCEL NUMBERS 421-011-018-000, 421-011-005-000, 421-011-006-000 AND 421-011-007-000), BIG SUR COAST LAND USE PLAN, COASTAL ZONE.

Timothy Johnston described the two projects separately. The South Coast Land Use Advisory Committee recommended approval.

There was discussion by the Commission.

Laura Lawrence, Environmental Health, addressed the treatment plants and the maintenance involved and said that the package treatment plants will be under permit through the Regional Water Quality Control Board because of the amount of discharge per day that would come from the facility and in consultation with the RWQCB they have approved the change over from some of the septic systems into the package treatment plants out at the Esalen facility.

Commissioner Wilmot arrived at 2:10 p.m.

Patricia and Lloyd Addleman spoke in opposition of the project.

Donald Akin and Michael Murphy spoke in favor of the project.

Commissioner Diehl asked Mr. Murphy to address his intentions toward mending fences with his neighbor. Mr. Murphy stated by saying, "Yes. Thank You."

Bud Carney, on behalf of the applicant, spoke in favor of the project and is agreement with the conditions, however, requested an additional condition stating, "Mitigation Measures and Monitoring and Reporting Requirements shall be subject to applicable rules, regulations and standards and to be reviewed and approved by the Planning Director.

Commissioner Diehl questioned staff regarding why they were approving a project, adopting conditions, and then allowing the Director to change them at will and wanted to know the purpose as it is worded. Timothy Johnston address the issue stating that the applicant is concerned about ongoing implementation of the Mitigation Measures. They are proposing the language because of possible turnover in the County and somehow it would be relied on as a literal interpretation of the Mitigation Measures.

Wendy Strimling, County Counsel, responded that it is critical to have definitive mitigation measures and if the project would be approved would say that this project does not have significant environmental impacts in part, because the Mitigation Measures reduce those identified impacts to a level of insignificance.

Commissioner Padilla stated that if any changes would need to be made they would be made by the Planning Commission not by the Planning Director.

Timothy Johnston suggested additional wording to Condition #34 to read, "Prior to issuance to Grading and Building Permits the Director shall review and approve a water monitoring protocol developed by a qualified biologist to include measures to adequately address any reduced flows in the creek, if required."

Commissioner Diehl moved, seconded by Commissioner Brennan and passed by the following vote to approve Staff recommendation, as amended, and omitting the condition suggested by the applicant and adopt Resolutions #03079 (PLN010501) and 03080 (PLN020599) and adopt Mitigated Negative Declaration with Mitigation Monitoring Plans and approve the Combined Development Permits:

AYES: Errea, Sanchez, Padilla, Brennan, Parsons, Diehl, Salazar, Rochester, Wilmot

NOES: None
ABSENT: Hawkins

13. GRANITE CONSTRUCTION (PLN010290)

COMBINED DEVELOPMENT PERMIT CONSISTING OF THE FOLLOWING: 1) USE PERMIT ALLOWING THE ESTABLISHMENT AND OPERATION OF A GRANITE QUARRY WITH ASSOCIATED ONSITE ROCK PROCESSING PLANT, ASPHALTIC CONCRETE BATCH PLANT, PORTLAND CEMENT CONCRETE BATCH PLANT AND ASPHALT AND CONCRETE RECYCLING FACILITY, 2) USE PERMIT FOR THE REMOVAL OF 300 OAK TREES, 3) USE PERMIT FOR DEVELOPMENT ON SLOPES OVER THIRTY PERCENT, AND 4) RECLAMATION PLAN ESTABLISHING STANDARDS, TIMELINES AND PRACTICES FOR PHASED RECLAMATION. THE PROPOSED OPERATION IS LOCATED ON APPROXIMATELY 330 ACRES OF THE 1,230 ACRE HANDLEY RANCH. MAXIMUM PROPOSED ANNUAL PRODUCTION IS 1.5 MILLION TONS OF AGGREGATE MATERIAL. ANTICIPATED LIFESPAN OF THE OPERATION INCLUDING RECLAMATION IS APPROXIMATELY 120 YEARS. THE PROPOSED PROJECT INCLUDES OFFSITE CONSTRUCTION OF A 1.5 MILE LONG, PAVED ACCESS ROAD CONNECTING IVERSON ROAD AND OLD STAGE ROAD (ALONG THE SOUTHEAST BOUNDARY OF ASSESSOR'S PARCEL NUMBERS 269-062-003-000 AND 269-062-005-000 AND THE NORTHEAST BOUNDARY OF ASSESSOR'S PARCEL NUMBERS 223-051-001-000 AND 223-051-004-000). THE PROPOSED QUARRY AND PROCESSING PLANTS ARE LOCATED NORTHEASTERLY OF AND AT 25485 IVERSON ROAD, GONZALES (ASSESSOR'S PARCEL NUMBERS 416-471-005, 006, 007, 008 AND 009; 416-471-014; 415-081-018 AND 019; 269-063-004), APPROXIMATELY HALF WAY BETWEEN OLD STAGE ROAD AND JOHNSON CANYON ROAD.

14. GRANITE CONSTRUCTION (PLN010291)

RECLAMATION PLAN ESTABLISHING STANDARDS, TIMELINES AND PRACTICES FOR PHASED RECLAMATION OF A PROPOSED GRANITE QUARRY (USE PERMIT PLN010290) WITH ASSOCIATED ONSITE ROCK PROCESSING PLANT, ASPHALTIC CONCRETE BATCH PLANT, PORTLAND CEMENT CONCRETE BATCH PLANT, ASPHALT AND CONCRETE RECYCLING FACILITY AND ASSOCIATED ACCESS ROADS AND STAGING AREAS. THE PROPOSED OPERATION IS LOCATED ON APPROXIMATELY 330 ACRES OF THE 1,230-ACRE HANDLEY RANCH. THE PROPOSED QUARRY AND PROCESSING PLANTS ARE LOCATED NORTHEASTERLY OF AND AT 25485 IVERSON ROAD, GONZALES (ASSESSOR'S PARCEL NUMBER: 416-471-005, 006, 007, 008 AND 009; 416-471-014; 415-081-018 AND 019; 269-063-004), APPROXIMATELY HALF WAY BETWEEN OLD STAGE ROAD AND JOHNSON CANYON ROAD.

Mike Novo described the project, made changes to the Staff Report, and addressed Zoning changes.

Nick Nichols, Public Works, added conditions.

Dave Brown, project manager with Resource Design, summarized the draft Environmental Impact Review and gave an overview of the project.

Mike Novo recommended adoption of the Resolution certifying the EIR and overriding considerations, and recommended that as part of that action the Commission should direct staff as to what project benefits outweigh the significant and unavoidable air impacts, approve the project subject to the Findings and modified Conditions of Approval, and adopt the Mitigation Monitoring and Reporting Program. It has come to his attention that a published Public Notice had information on the backside, and he wanted to make it clear for the record that the information on the backside was not part of our Notice. He responded to the letter that was handed to the Commission from Michael Stamp. He addressed the allegation of "Ghost Writing" and the claim that a concrete plant is an agriculture use by quoting an excerpt from the staff report. Further clarification of "our" refers to the mining operations that we have permitted in our county. He also explained that he wrote the staff report and consulted with other departments, the applicant, planning consultants, and then decided what went into the report.

Commissioner Brennan asked about the source of electricity for the crushers, conveyors, and other equipment.

Doug Garrison, consultant, stated his understanding was that everything is off the grid except the recycle plant. Pacific Gas and Electric is supplier.

Anthony Lombardo, on behalf of Granite Construction, spoke in favor of the project.

Kurt Kniffen presented the project on behalf of Granite Construction.

Anthony Lombardo gave closing remarks and addressed the daily trips from the quarry and noise issues.

Commissioner Parsons suggested they cease hearing testimony at 5:00 p.m.

Chair Sanchez took a consensus of the Commission.

Commission Wilmot stated that if testimony was cut off at 5:00 p.m. , it should be continued to the next day, because it is a large project and could be delayed until next year.

Commissioner Diehl stated that regardless of the outcome, she would have to leave at 5:00 p.m.

Janet Brennan, supervising planner for the Monterey Bay Unified Air Pollution Control District, addressed the questions that she has received and clarified what the issues are.

Commissioner Parsons wanted clarification that the emissions would be at five times the level that was considered significant. Janet Brennan stated that the project would generate 546 pounds a day of oxides of nitrogen and the threshold of significance is 137, leaving 409 pounds a day that require mitigation to reduce it to less than significant.

Public Comments:

Gary Stevens, Operatoring Engineers; Alfred Diaz-Infante, President of CHISPA (provided a letter); Lydia Contreras (Spanish speaker), needed translator; Tom Scardina, business manager for Labors Local 397; Thom Carvey, Common Ground Monterey County; Kevin McCabe, retired military engineer; Joel Panzer, resident of Salinas; Lydia Contreras (translated through Tom Carvey).

It was noted that the translator arranged had left for the day. Chair Sanchez explained why he would not translate and preferred an outside translator because he would not want any allegations that he was misconstruing any testimony. This way it is an objective third party.

Lydia Contreras (translated by Thom Carvey).

A translator from Planning and Building Inspection, Lucy Bernal was present to translate for Susano Martin.

Jan Lowery, Executive Director of the Cache Creek Conservancy (submitted information packet); Elestro Ruiz (Lucy Bernal translated); and Jim Price spoke in support of the project.

Chair Sanchez took a vote of the Commissioners and majority was to continue with the testimony.

Commissioner Diehl left at 5:00 p.m.

Public Comment continued with:

Henry Juehl, Jim Gulllott, Mark Amaral, Juan Mesa, Bill Blake, AnnMarie Sayers, Manuel Amaral and Darren Amaral were in support of the project.

Dr. Bill Barbree, Red Bryan, Allison Stewart, Dick Stewart, Melanie Harworth, and Michael Stamp spoke in opposition to the project.

Commissioner Parsons asked a procedural question regarding Mr. Stamp, since he represents Preserve Our Valley, and if he was limited to the three minutes.

Wendy Strimling, County Counsel, suggested that in the Rules for Transaction of Business there is a distinction made between the applicants and staff presentation, which included the EIR consultant. Mr. Stamp stands as a member of the public.

Anthony Lombardo requested the Air District to clarify some statements and addressed public comments.

Geoff Boraston, Granite Construction, who manages Granite Construction's Environmental Services Group in Watsonville. He is also a registered chemical engineer and was involved with the preparation of the air quality analysis. He addressed the air quality, emissions, recycle plant and PM10 issues and clarified the NOx significance threshold.

Kurt Kniffin, representative, agreed to the conditions.

Commissioner Errea moved, seconded by Commissioner Rochester to adopt Resolution #03081 to approve Staff recommendation, including Fire Annexation conditions, errata for Condition #1, Public Works changes, changes in Air Quality conditions, and adopt a statement of overriding consideration:

There was discussion regarding the motion.

Commissioner Wilmot called for the question and Chair Sanchez stated there was a motion, seconded, and was passed by the following vote:

AYES: Errea, Sanchez, Padilla, Salazar, Rochester, Wilmot
NOES: Parsons, Brennan
ABSENT: Hawkins, Diehl

ADVISORY COMMITTEE APPOINTMENTS

It was moved by Brennan, seconded by Commissioner Rochester and passed by the following vote to accept the resignation of Thomas Branson, Carmel Valley Land Use Advisory Committee:

AYES: Errea, Sanchez, Padilla, Brennan, Parsons, Salazar, Rochester, Wilmot
NOES: None
ABSENT: Hawkins, Diehl

DEPARTMENT REPORT: None
ADJOURNMENT

The meeting was adjourned at 7:37 p.m.

ATTEST

Jeff Main, Secretary

/kb