

FINAL

**MONTEREY COUNTY PLANNING COMMISSION
January 14, 2004
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, Laurence Hawkins, Cosme Padilla, John Brennan, Juan Sanchez, Martha Diehl, Aurelio Salazar, Don Rochester, John Wilmot, Jeff Main, Linda Rotharmel
Absent: None

B. COMMENT PERIOD

PUBLIC – Douglas Fay spoke on the Endangered Species Act turning 30 and Chris Bunn, Jr. spoke regarding his CD that is available and the vintners and growers of Monterey County.

COMMISSION – Commissioner *Errea* spoke on the beef problem in Monterey County and stated that the beef consumption within the U.S. has been holding, with the only problem losing some of our export markets. He also stated that it was a dairy cow that had come into this Country from Canada, so it was not something born and raised within the United States.

Commissioner *Diehl* asked that a couple of items be put on for future agendas and stated that a couple of LUAC members expressed concern about liability and the Commission had asked for reading back from the appropriate authorities about what liability situation exists for them in pursuance of their duties. She also knows that in the present challenging budget climate, Planning and Building Inspection is going to have to carefully look at their operations and asked that when it is appropriate, some report of where those discussions are leading with respect to the public process and the Commission's operation, so they might weigh in on anything that seems appropriate.

Jeff *Main* stated there are discussions about certain actions and recommendations to the Board to streamline the process and make our processes more efficient, so that we can save resources. He will get a calendar of when we might go forward with those changes, talk to management, and find what kind of presentation or information we can provide to the Planning Commission based on a request from this body.

Commissioner *Brennan* stated that they have recently sent some recommendations to the Board on LUAC on procedures for flagging and staking and revisions to those procedures. He felt that it should be agendaized and decisions made to finish that up.

Jeff *Main* responded stated he was not sure how quickly it could get agendaized because of the full workload. He has dedicated some staff to bringing the LUAC procedures to the Board in terms of preparing a staff report and recommendations, which will occur in February. He has also been working on a request for a Subdivision list around the County and stated the flagging and staking could probably be done in March.

Wendy *Strimling* commented on the issues of Commissioner Diehl regarding the LUAC liability associated with their responsibilities and she stated there have been conversations between Planning and Risk Management and sought the advice of County Counsel as well they will report back and work with Mr. Main when to put it on the agenda for the first meeting in February.

C. APPROVAL OF MINUTES

Commissioner *Hawkins* stated that he was absent for that meeting and would like the minutes to accurately reflect his absence.

Commissioner *Sanchez* stated that the packet included minutes from December 10, 2003, and it was noted that they were for information only, because they were not on the Agenda.

Commissioner *Brennan* had a question on Item 11 for Mr. Main. He was told by Esalen that the Resolution did not get to the Coastal Commission until December 16 and questioned the time frame being accurate. Mr. Main stated that the secretary was changing at that time, it was during the holidays, and there were circumstances related to an approved change to a conditions, so it could have been longer than usual, but that staff plans on processing them within a week to two weeks.

Commissioner *Diehl* stated Item C should say, "Approval of the Minutes of October 8th as amended."

Commissioner Diehl moved, seconded by Commissioner Hawkins, and passed by the following vote to approve the minutes of November 12, 2003, as amended:

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

D. SCHEDULED ITEMS

1. GENERAL PLAN UPDATE 2001

SET SCHEDULE FOR PLANNING COMMISSION PUBLIC HEARINGS AND MEETINGS ON THE MONTEREY COUNTY GENERAL PLAN UPDATE.

Lynn Burgess, CAO, General Plan Update Team, gave a brief status report on the General Plan Update document release as well as the draft EIR which has yet to be released.

The Commission addressed the amount of time to be spent on the Agenda for the General Plan Update. Issues revolved around, timing, budget concern, contentious issues, the need for time for all sides to provide their positions, and the refinement of community recommendations.

Paula Lotz, Douglas Fay, Tom Carvey, Chris Bunn, Jr., and Darlene Din spoke regarding the General Plan Update and Draft EIR and that more definitive information on where to pick up and cost of a copy of the General Plan Update document.

Commissioner Diehl moved, seconded by Commissioner Errea and passed by the following vote to continue this Item to the January 28, 2004 meeting:

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

2. KONIECZNY GERD & NANCY E KONIE (PLN010036)

Adopt resolution formally vacating July 10, 2002 Planning Commission approval of Gerd and Nancy Konieczny Deer Slaughterhouse Use Permit and adoption of a Mitigated Negative Declaration, consistent with the peremptory Writ of Mandate issued by the Superior Court in Howard, et. al. v. County of Monterey, et. al. The property is located at 65801 Big Sandy Road, San Miguel, Indian Valley Road area, South County Area Plan.

Wendy *Strimling*, County Counsel, requested a continuance to January 28 meeting, because of pending court proceedings.

Gerd Konieczny commented on the report and the negative impacts that the hearing process has had on his business.

Elizabeth Howard, one of the Petitioners, stated that she had wanted the Resolution to be entered today so it could be cleared up.

Commissioner Errea moved, seconded by Commissioner Rochester and passed by the following vote to continue Item #2 to January 28, 2004:

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

3. CATANIA GIUSEPPE & NELLA (PLN030489)

Combined Development Permit consisting of a Coastal Administrative Permit and Design Approval for a 7,617 square foot, two-story single family dwelling and fence; a Coastal Development Permit for the removal of 26 Monterey pine trees (including 7 trees less than 12" in diameter, 18 trees between 12" and 24", and one 27" landmark pine); and a Variance to increase the allowable structural coverage from 5,000 square feet to 5,359 square feet in the Pescadero Watershed. Total structural and impervious surface coverage of 8,518 square feet meets the combined 9,000 square foot limitation. The property is located at 1418 Viscaino Road, Pebble Beach, at the southwest corner of the intersection of Viscaino Road and Cortez Road, Del Monte Forest area, Coastal Zone.

Eric Lee described the project. The Del Monte Forest recommended denial identifying concern with the size and bulk of the house in relation to the lot size and the overall compatibility to the neighborhood and a difficult design. Staff recommended approval based on the recommended Findings and Evidence and proposed Conditions of Approval.

There was discussion regarding the attempt to resolve the LUAC objections, variance and size of footprint, watershed policy, impervious surfaces, variance, historical perspective and policy on variances for watershed, size of project, and increase traffic.

Paul Davis, architect for the project, addressed the tree issue, the 9,000 square foot or the 5,000 and 4,000 square foot, the design of the house, concurred with staff recommendation and accepted the conditions.

Commissioner Parsons moved, seconded by Commissioner Errea and passed by the following vote to adopt staff's recommendation to approve the variance:

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

The motion was defeated six to four.

Commissioner Brennan moved, seconded by Hawkins and passed by the following vote for a Resolution of Intent to deny the variance as requested under the application and continue to January 28, 2004:

Wendy *Strimling* clarified the application is being denied including the variance.

Further Commission discussion regarding the denial of the variance.

The vote for a Resolution of Intent to deny the variance was passed by the following vote:

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

4. HIDDEN CANYON QUARRY (PLN010239)

Use Permit and Reclamation Plan for a hillside aggregate quarry with an approximately 20-year lifespan. The proposed project covers approximately 184 acres on a 425-acre site and will produce approximately 300,000 tons of material per year. The site is located easterly of Metz Road, Greenfield, approximately 2 miles north of Elm Avenue, east of Greenfield, in the SW 1/4 of Section 9 and portions of the W 1/2 of Section 16, T. 18 N., R. 7E, Central Salinas Valley area.

Jeff *Main* stated staff recommended a continuance to a date uncertain (tabled) in order to allow staff time to gather further information and review and respond to agency comments and potentially amend the environmental study.

Commissioner *Parsons* requested a field trip to the site previous to the time when they will be requested to vote on this application.

Commissioner *Errea* moved, seconded by Commissioner *Diehl* and passed by the following vote to continue this project to a date uncertain (table) and request a field trip when it is appropriate:

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

Richard Delapaz, Granite Rock Company, spoke on touring the Aromas quarry, the biggest in California, offered to set the tour up. It was noted by the Commission that the field trip would be to the new quarry near Soledad.

Break: 10:25 a.m. to 10:40 a.m.

***Item #6 was taken out of sequence at this time.**

6. BJORKLUND GARY C & CAROLYN (PLN030552)

Continued from 12/10/03. Appeal of an Administrative interpretation by the Director to allow a change to grading amounts and elevation without requiring an amendment to the approved Combined Development Permit (PLN010276) for the shore course renovation of the Monterey Peninsula Country Club.

A request was received that this item be taken out of order, since a continuance is being requested. Chair *Sanchez* asked if both sides were amendable to the continuance.

Christine Gianascol-Kemp on behalf of Monterey Peninsula County Club and Mr. Bjorklund is the appellant on the application, and both are in agreement for a continuance to February 25, 2004.

Commissioner *Hawkins* moved, seconded by Commissioner *Errea* and passed by the following vote to continue this project to February 25, 2004:

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

5. CRIST FRANK L & ELIZABETH R (PLN030307)

Continued from 12/10/04. Appeal of administrative interpretation of section 21.66.030(c)1 (Conversion of Uncultivated 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, Carmel Valley Master Plan area.

Paul Mugan described the project, which is an appeal to an administrative interpretation of the Carmel Valley Master Plan and Title 21.

There was discussion by the Commission regarding the facts surrounding the appeal.

Jonathan Margolis, attorney representing the Scott and Lisa Crist, gave an overview of the project, history of the purchase of the property, and provided reasons why the violation was inappropriate.

Scott Crist gave history of purchase, landslide, grape vines as landscaping, retaining wall, permits, violations on property, and complaining neighbors.

Jeff Main requested applicant to provide copies of the DVD for the file.

Michael Stamp spoke on behalf of the Sierra Club, addressing the appeal issues.

John Delesio, spoke to his version of the property history and project issues.

Jan Mitchell, Julian Taylor, Margie Kay, and Paula Lotz support staff's recommendation to uphold the Director's determination.

Jeff Hertlein opposed upholding the Director's determination.

Jonathan Margolis rebutted and addressed Mr. Stamp's presentation and stated it is a legal non-conforming use and that Scott and Lisa Crist should be able to build their pool.

There was discussion by the Commission on Section 21.66.03(c)(1), conversion of uncultivated land to cropland, the disruption of the natural soil profile and the actual vegetation on a slope over 25%, a half acre of land producing grapes commercially, and grazing as a crop.

Commissioner *Rochester* called for the question.

There is a motion and a second to uphold staff's recommendation by the following vote:

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

Motion does not carry.

Wendy *Strimling*, County Counsel, clarified the issues regarding a Resolution to deny.

There was further discussion by the Commission on the cultivation issue.

Commissioner Errea moved, second by Padilla, and passed by the following vote for a Resolution of Intent to grant the appeal and continue to January 28, 2004:

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

7. MARKKULA ARMAS CLIFFORD & LIND (PLN030515)

Continued from 12/10/03. A proposed amendment to an existing Use Permit (PC06848) to allow an alternate departure flight path from the private airstrip supporting agricultural uses. The property is located along Carmel Valley Road, Cachagua area.

Jeff Main, standing in for staff, stated there is a request by the applicant to Table this item so the applicant and next-door neighbor can come to an agreement.

Chair *Sanchez* asked if there was any Public Comment on the continuance.

Commissioner Rochester moved, seconded by Commissioner Errea and passed by the following vote to continuance and table to a date uncertain:

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

8. PLANNING COMMISSION (PD030293)

Continued from 12/10/03. Clarifying/revising items for consent on the Planning Commission Agenda.

Jeff Main briefly presented the item for the Planning Commission to consider clarifying and broadening over past practice the types of Consent Agenda items that would be put on the agenda. The idea being that simple and straight forward issues, that would not require staff to attend, could be presented in a staff report to the Commission and be put on the Consent Agenda based on criteria that they be non controversial.

The following discussion addressed various public hearing requirements, impacts of the process on the applicant and staff, and potential advantages and disadvantages to expanding the Consent Agenda.

Wendy Strimling stated that the Consent Agenda item recommendation is to direct staff to come up with some rules and not deciding today whether or not to do it, but whether should staff pursue the idea and come up with some procedure.

Staff was directed by the Commission to come up with a procedure for a Consent Agenda item.

E. OTHER MATTERS

Advisory Committee Appointments

It was moved by Commissioner Brennan, seconded by Commissioner Diehl and passed by the following vote to Appoint Rod McMahon to the Cachagua Land Use Advisory Committee.

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

It was moved by Commissioner Diehl, seconded by Commissioner Brennan and passed by the following vote to Reappoint Peter Davis to the Camel Highlands Land Use Advisory Committee.

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

Department Report

Jeff Main, Secretary to the Commission, passed out new revised Rules for Transaction of Business based on County Counsel's comments that incorporate the new on continuances, Rule 10.2. He wanted to address Rule #3 that the Chair and Vice Chair shall be elected at the first regularly meeting in February.

Wendy Strimling added that Rule #7 addresses that at the first regular meeting in January (today) the Chair shall appoint a nominating committee consisting of a Chairperson and two members and that the Chair is an ex officio member.

Jeff Main presented a Standard Subdivision application list that shows the status of applications per a previous request by the Commission.

Jeff Main discussed the following items:

- The Planning Commission's Land Use Advisory Committee recommendation will go before the Board of Supervisors in February.
- There is going to be a field trip on February 18 for the Pebble Beach project, which includes some subdivisions, and major projects at the Lodge and Spanish Bay. It will be a joint field trip, take most of the day, and include the Planning Commission, Land Use Advisory Committee, and Board Members.
- In March there will be a field trip for the Rancho San Juan project and in April there will be a workshop on the EIR and the project itself. There are no specific dates at this time,
- Tentatively the D'Arrigo Brothers project will return to the Planning Commission in March.

There was discussion regarding Land Use Advisory Committee letters received in the packet and it was noted that those are members up for appointment or reappointment and for consideration only at this time.

Commissioner *Sanchez* nominated Commissioner Diehl as Chairperson with Commissioners Rochester and Padilla as members.

Commissioner *Brennan* stated that this was his last Planning Commission Meeting, as he will be moving to Weed, California, population, 2,157. He stated he has served on this Commission with people who are good citizens of the County and very proud to have served with everybody over the last four years. It has been a pleasure and left the thought in mind that the ultimate health of the people is related to the health of the land. We have two dominate industries, agriculture and hospitality, which depend on the health of the land and their vitality is our vitality, our people's vitality. He thanks the Commission for being great colleagues.

F. ADJOURNMENT

The meeting was adjourned at 12:35 p.m.

ATTEST

Jeff Main, Secretary

/lmr