

**FINAL**

**MONTEREY COUNTY PLANNING COMMISSION  
March 31, 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, Keith Vandevere, Juan Sanchez, Martha Diehl, Aurelio Salazar, Don Rochester, John Wilmot

Absent: None

**B. COMMENT PERIOD - None**

**C. APPROVAL OF MINUTES**

Commissioner Rochester requested that the minutes for February 11, 2004, correctly reflect that he was absent for the meeting.

Commissioner Errea moved, seconded by Commissioner Hawkins, and passed by the following vote to approve the minutes of February 11, 2004 with amendments:

AYES: Errea, Parsons, Hawkins, Padilla, Vandevere, Sanchez, Diehl, Salazar, Wilmot

NOES: None

ABSENT: None

ABSTAIN: Rochester

After checking with records after the meeting, it was noted that Commissioner Rochester was present for the February 11, 2004 meeting, but was absent for the March 11, 2004 meeting. Final Minutes will reflect Commissioner Rochester as present.

**D. SCHEDULED ITEMS**

**1. CALIFORNIA STATE PARKS (PLN020606)**

Brett Becker presented the project and recommended that the Planning Commission review, consider and affirm the conclusions contained in the Mitigated Negative Declaration and Mitigation Monitoring Program adopted by the Deputy Director of Park Operations for the California Department of Parks and Recreation on October 15, 2002, and approve said application for a Coastal Development Permit. The Carmel Unincorporated/Highlands Land Use Advisory Committee recommended approval with concerns and comments

relative to the designation of work hours (advised to reduce noise impacts due to truck transportation of fill soil), designation of location for worker parking, minimization of riparian vegetation removal for temporary haul road, and prohibition on night/flood lighting.

The Commission discussed the environmental issues and the nature of soils being removed from the site.

Wendy Strimling, County Counsel, responded to the Commission's issues.

Ken Gray, staff planner for California State Parks, addressed the Commission's concerns and agreed to the proposed conditions.

Barbara Rainer was concerned with the new road and traffic emptying onto highway, the temporary haul road, the removal of the south dike/levy and cottonwood trees, and the current contract for agricultural use.

Warren Finch was concerned with the 100-year floodplain and agricultural uses.

Michael Berube was concerned with liability and floodplain protection and the 200,000 cubic yards of fill being put into floodplain.

Ken Gray addressed the concerns of the speakers.

Commissioner Errea moved, seconded by Commissioner Rochester and passed by the following vote to adopt the MND & MMRP and approve the Coastal Development Permit in PLN020606 (Resolution #04012).

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

2. PARRISH RICHARD H & JUDITH A T (PLN030138)

Thom McCue presented the project and recommended approval. The Del Monte Forest Land Use Advisory Committee recommended approval of the project.

David Gauvreau was concerned with the future sale and rental of the unit.

Staff addressed the issues and stated that Condition #3(c) requires a deed restriction and states the caretaker unit shall not be separately rented or leased to other than the caretaker whether compensation be direct or indirect.

Susan Bailey representative for the applicant agreed to the proposed conditions.

Commissioner Diehl moved, seconded by Commissioner Padilla and passed by the following vote to approve the Combined Development Permit in PLN030138 (Resolution #04013).

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

3. PETER PAN INVESTORS LLC (PLN030397)

Eric Lee presented the project, made corrections to the Staff Report, added a condition for an Indemnification Agreement, and recommended approval. The Carmel Unincorporated/Highlands Land Use Advisory Committee recommended approval, with the recommendation to deny the access road and 30% slope waiver, preserve the two oak trees, provide proper drainage, and limit excavation to the amount necessary for the demolition only and not to include excavation for a new house until such an application has been considered.

Commissioner Diehl was concerned with the balance of the cut and fill on the site.

John Mandurrigo, representative for Peter Pan Investors, agreed to the proposed conditions.

Suzette Sales, neighbor, was concerned with the dead tree by the building.

MacKinze Patterson, property owner, objects to cutting the temporary road and cutting of trees and concerned with erosion control plan, Forest Plan, grading plan, restoration plan, staking and flagging of road as necessary, storage of cutting soil and time limit on the temporary road.

County Counsel and County Planning and Building Inspection Department staff addressed the issues raised by the speakers.

Commissioner Diehl moved, seconded by Commissioner Rochester and passed by the following vote to approve the Combined Development Permit for PLN030397, as amended (Resolution #04014).

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

4. ROSENBERG FAMILY RANCH LLC ET (PLN030362)

Patrick Kelly presented the project, revised the Findings and Evidence, and added the standard condition for stop work if resources found.

Commissioner Diehl inquired about the length of time to begin construction.

Staff addressed the issue proposing the standard application time to begin construction within two years.

Cristina Yrigoyen, Facilities Engineer for Chevron Texaco, described the project and accepted the amended conditions.

Commissioner Errea moved, seconded by Commissioner Diehl and passed by the following vote to approve the Use Permit in PLN030362 (Resolution #04015).

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

5. ASSOC OF SPRECKELS RESIDENTS (PLN010121)

Paul Mugan presented the project and requested three additional Findings be added.

Commissioner Parsons appreciated the research done on the project.

Mike Meuter made a request for the fee waiver for the appeal and gave reasons why the waiver should be granted. He further spoke on the merits of the appeal and why legal lot status should not be granted.

Wendy Strimling, County Counsel, addressed the fee waiver issue raised by the appellant.

Michael Cling, representative for the Tanimura family stated support for staff's recommendation.

Mr. Meuter spoke on rebuttal.

Elizabeth Panetta, President of Association of Spreckels Residents spoke to issues on the appeal.

There was discussion by the Commission on the status of the map.

Wendy Strimling, County Counsel, suggested an additional finding stating that the Appellant has been afforded all procedural rights required by law, that public hearing was not required prior to the Director issuing the Parcel Legality Status Determination, and that the Appellants were afforded a right of appeal under Monterey County Code Section 19.17, and that a public hearing on the Director's determination was held before the Planning Commission on March 31, 2004.

Commissioner Parsons moved, seconded by Commissioner Errea and passed by the following vote to deny the Appellant's appeal and fee waiver request, and affirm the Parcel Legality Status Determination in PLN040121 (Resolution #04016) subject to the suggested additions to findings.

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

#### **E. OTHER MATTERS**

##### Advisory Committee Appointments

It was moved by Commissioner Hawkins, seconded by Commissioner Rochester, and passed by the following vote to accept the resignation of Bill West from the Greater Monterey Peninsula Land Use Advisory Committee.

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

##### Department Report

Jeff Main, Secretary to the Commission, stated there was no report.

#### **F. ADJOURNMENT**

The meeting was adjourned at 12:00 p.m.

ATTEST

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Jeff Main, Secretary

JM/lmr