

FINAL

MONTEREY COUNTY PLANNING COMMISSION

August 11, 2004

MINUTES

The Planning Commission met at 9:00 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 Vandever, Juan Sanchez, Martha Diehl, Aurelio Salazar, Don Rochester, John Wilmot

Absent:

B. COMMENT PERIOD

PUBLIC – Tom Carvey, Common Ground, spoke on Code Enforcement and requested clarity of General Plan Update Guideline #12.

COMMISSION – None

C. APPROVAL OF MINUTES

Commissioner Diehl commented that Chair Wilmot was noted as both present and absent. It was noted that he was absent. There were typos that were passed to the secretary and for Item #8 it was unclear what was intended in paragraph five. She requested clarification in the minutes on that item. There was discussion regarding the paragraph and Commissioner Parsons stated it was not that significant and should be struck. After further discussion, the agreement was to strike the sentence.

Commissioner Rochester moved, seconded by Commissioner Diehl, and passed by the following vote to approve the minutes of June 30, 2004, as amended.

AYES: Errea, Parsons, Hawkins, Padilla, Vandever, Sanchez, Diehl, Salazar, Rochester, Wilmot

NOES: None

ABSENT: None

ABSTAIN: None

D. SCHEDULED ITEMS

1. KITAJI JON & CHRIS (PLN020357)

Commissioner Diehl stated that she is a member of the Board of the Rio Piedras Association, that has commented on the project, and that she would not be involved in Commission deliberations on this item due to potential conflict of interest issues.

Eric Lee presented the project and made modifications to Condition #15(MM1) to add “hydrologist” also for the stream monitoring, modified to take out “substantial” increase, add wording to Mitigation that requires performance standards established by the consultant and Planning and Building Inspection, and Condition #16 (MM2) add “biologist” as a qualified consultant.

Laura Lawrence, Environmental Health, arrived at 9:28 a.m.

Also recommended amending Condition #24 (MM10) to read “grading plan and an erosion control plan are for the Burke and Kitaji properties after configuration of the lot line adjustment, and add a requirement that the culverts that are to remain should include an overflow component for a contingency. Staff recommends adopting the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program, and approving the project based on the Findings and Evidence and subject to the amended Conditions of Approval.

The Commission was concerned with the size of the cabin to be torn down, footings or slab flooring, existing overlap between old cabin and new, environment, parties not owners at time of violation, red tagging, punitive action taken on original owners of the parcels, culverts, overflow, who will do monitoring, other areas (North County) with violation problems, and heavy fines for violations.

Jeff Main and Eric Lee addressed the issues.

Robert Carver, architect for applicant, stated that Mr. Kitaji was not involved in creating the violation, and that the original applicant, Mr. Patch, did have criminal charges filed and was fined. He accepted most of the conditions, requested Condition #5 be subject to land use plan and not a conservation easement.

George Divine, Public Works, arrived at 9:45 a.m.

The Commission discussed protection of the archeological remains, midden site, and burial above grinding rocks.

Robert Carver responded to Rio Piedras allegations.

There was discussion regarding Conditions #7, 10, 15, 16, and 19.

Chris Kitaji, applicant, stated she was willing to restore the road.

Barbara James, President Rio Piedras Club, was concerned with the health of Rocky Creek and suggested the culverts be removed for the health of the creek or that armored swales be created instead, and fix what can be fixed.

Tim Burke, one of the property owners, a victim, stated Brian Patches was to restore the property and should pay for restoration and Mitigation Monitoring fees.

Mr. Carver on rebuttal accepted blocking the three culverts and replacing them with armored swales.

The Commission suggested a continuance until staff, Mr. Carver, and Kitaji could resolve issues.

Jeff Main also suggested a continuance to address all of Mr. Carver’s concerns and have staff come back with the proposed changes.

Commissioner Parsons moved, seconded by Commissioner Errea and passed by the following vote to continue this item to September 8, 2004, to resolve issues.

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

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ABSENT: None
ABSTAIN: Diehl (Recused)

Jeff Main suggested that the Code Enforcement Officer working on the subject project could be present at the next meeting to give an update on what actions have been taken on the project. The Commission concurred with the suggestion.

Break from 10:27 to 10:37 a.m.

2. MULLIN PETER W TR (PLN030190)

Carl Holm presented the project and recommended that the Planning Commission adopt the Mitigated Negative Declaration and Mitigation Monitoring Program and approve the Combined Development Permit based on the Findings and Evidence and subject to the proposed Conditions of Approval.

Mark Fox, representative for the applicant, agreed to the conditions.

Commissioner Diehl questioned when the project would be completed.

Mr. Fox addressed the issue, stating it would take 8-10 weeks and contingent on surveys of the the Smith's Blue Butterfly may not start until next year.

Commissioner Diehl moved, seconded by Commissioner Hawkins and passed by the following vote to approve staff's recommendation and adopt the Mitigated Negative Declaration and Mitigation Monitoring Program and approve the project based on the Findings and Evidence and subject to the Conditions of Approval (Resolution #04036).

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

3. DRIESBACH FAMILY TRUST PLN040064

Carl Holm described the project amending Condition #16-MM2, and recommended that the Planning Commission amend Mitigation Measure 2 of the adopted Mitigated Negative Declaration for PLN010363 finding that the proposed mitigation measure is equivalent to or more effective than the original mitigation measure pursuant to Section 15074.1 of CEQA and approve PLN040064 amending Condition #16 of PLN010363 to allow dedication of land in lieu of paying a fee for traffic mitigation.

Commissioner Diehl clarified with staff that a fee waiver appeal for this project was recently heard and the Commission determined that the fee waiver was eligible based on the amendment providing a public benefit.

Anthony Lombardo, representative for the applicant, gave an overview of the project, supported staff's recommendation, and agreed to the conditions.

Marjorie Kay, North County resident, spoke of the Highway 101 interchange and supports application.

Commissioner Errea moved, seconded by Commissioner Parsons and passed by the following vote to approve staff's recommendation to amend Mitigation Measure #2 of the adopted Mitigated Negative Declaration and Mitigation Monitoring Program for PLN010363/Diamond Organics and approve PLN040064/Dreisbach based on the Findings and Evidence and subject to the Conditions of Approval (Resolution #04037).

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

4. DENA SALA dba ZEN'S FARM FRESH PRODUCE AND NURSERY (TERAJI) PLN040458

Jeff Main, Planning and Building Inspection Department, recommended that the Commission table the item in order to locate Mr. Mounday who was currently not present to make the staff recommendation.

Commissioner Parsons moved, seconded by Commission Diehl, and passed by the following vote to table this item to later in the meeting.

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

Mr. Main reported a letter had been submitted requesting a continuance of this item to September 8, 2004.

Commissioner Parson moved, seconded by Commissioner Errea and passed by the following vote to continue this item to September 8, 2004.

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

E. OTHER MATTERS

Advisory Committee Appointments

It was moved by Commissioner Rochester, seconded by Commissioner Padilla and passed by the following vote to appoint David Evans to the North County Coastal Land Use Advisory Committee.

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

It was moved by Rochester, seconded by Commissioner Padilla and passed by the following vote to reappoint Frieda Jackson to the North County Coastal Land Use Advisory Committee for a two-year period.

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

Department Report

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

F. ADJOURNMENT

The meeting was adjourned at 10:55 a.m.

ATTEST

Jeff Main, Secretary

JM/lmr