

FINAL

MONTEREY COUNTY PLANNING COMMISSION

September 29, 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, Keith Vandever, Juan Sanchez, Martha Diehl, Aurelio Salazar, Don Rochester, John Wilmot
Absent: Cosme Padilla

B. COMMENT PERIOD

PUBLIC – Marjorie Kay spoke regarding the Board of Supervisors. Hans Jongens commented on development, water and traffic. Tom Carvey, Common Ground, gave an update on the Refinement Group and presented the Commissioners with binders containing the group's version of the general plan update.

COMMISSION – Commissioner Sanchez requested an explanation of the "red light" on the Dias. Commissioner Wilmot advised that the "red light" is to inform the Commissioners that the microphone is on and the public can hear what is being said.

Commissioner Parsons made a request for a report on the water wells in Monterey County that monitor the height and amounts in the aquifers. She advised that the first request was made over two months ago, subsequently another request was made and she stated that this is her third request for that information. Commissioner Parsons further stated that the RAM Corporation came out with a report regarding urban sprawl that cited the increase of illnesses and earlier deaths due to, in some instances, too much toxic emissions and increased stress.

Al Mulholland, Water Resources Agency, responded to the water wells issue and advised that a report will be forthcoming.

Commissioner Errea spoke on the recent earthquake and the damage to rural areas and that it would have been worse if the quake had occurred in an urban area.

Commissioner Diehl requested that the Water Resources Agency report on water wells include the addition of well failure.

C. APPROVAL OF MINUTES

Commissioner Diehl moved, seconded by Commissioner Sanchez, and passed by the following vote to approve the minutes of July 28, 2004, August 11, 2004, and August 25, 2004, with request that project numbers be added to the August 25, 2004 minutes:

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

Motion passed.

D. SCHEDULED ITEMS

1. MONTEREY COUNTY PERMIT GUIDE – PD040894

Scott Hennessy, Director of Planning and Building Inspection Department, gave an update on the department work environment and staff levels. He reported that the department has interviewed for Assistant and Associate Planner and will interview for Senior Planners and two of the Associate Planner positions have been reclassified to Senior Planner positions. He advised that there is work being done on the General Plan Update and there will be special Planning Commission meetings for Rancho San Juan, Pebble Beach Company, and East Garrison.

Jacqueline Onciano presented the permit guide and gave an overview of the process.

Public Comment

Marjorie Kay, David Dilworth, Julie Engle, Barbara Rainer, and Tom Carvey spoke. Their concerns included receiving copies of the permit guide; providing a document written in simple language, a document that is free or a nominal charge for a guide; that Land Use Advisory Committee's should be given a copy of the guide, staffing problems to implement the guide, and making the guide clear and easily understandable.

The Commission commented on issues to include: accessibility; receiving adequate public input on the guide, making a guide that addresses the needs of first time applicants/property owners, the level of sophistication required to understand the document, a need to field test the document, a request that it be given to realtors, that the document be written to be more user friendly, allow the document to be available for no fee, and list things that can be done without a permit.

Jacqueline Onciano and Alana Knaster, Assistant Director of Planning and Building Inspection Department responded to concerns.

Commissioner Hawkins moved, seconded by Commissioner Sanchez and passed by the following vote to accept the report.

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

The motion to accept report passed.

2. GENERAL CODE ENFORCEMENT – PD040936

Alana Knaster, Assistant Director of Planning and Building Inspection Department, introduced Brian Washko, Assistant Director, who gave an overview of Code Enforcement. The presentation included staffing requirements, case management, and successes and challenges.

Commission concerns included: amount of fees; grading; tree removal; requiring that revenue should pay for staffing; practicality of implementing code enforcement actions; developing methods to inform contractors and

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hold them responsible where permits are not used; and implement a requirement that the County register complaints to the State Licensing Board on contractors for contractor's with violations.

Brian Washko and Scott Hennessy responded to the concerns.

Public Comment

David Dilworth, Paula Lotz, Carolyn Anderson, Tom Carvey, Barbara Rainer, and Jan Mitchell spoke in favor of complying with enforcement requirements and making the process more effective.

Wendy Strimling, County Counsel, advised that the agenda item was to receive report and that the draft Code Enforcement regulations are not before the Commission today.

The Commission suggested various fees, appeal process, violations, and fines.

Brian Washko addressed the issues.

Commissioner Diehl moved, seconded by Commissioner Salazar and passed by the following vote to receive the report.

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

The motion to receive the report passed.

Break from 11:00 a.m. to 11:08 a.m.

3. PRESENTATION ON DEVELOPMENT AGREEMENT – PD040938

Alana Knaster, Assistant Director of Planning and Building Inspection Department, gave an overview of the development agreement ordinance adopted by the Board.

Wendy Strimling, County Counsel, gave presentation on development agreements and the law.

There was discussion by the Commission.

Wendy Strimling, Alana Knaster, and Jeff Main responded to issues.

Public Comment

Julie Engle, Jan Mitchell, David Dilworth, and Douglas Fay spoke on various aspects of development agreements and how they relate to projects to include Rancho San Juan among others.

The Commission requested clarification regarding applicability of the development agreement ordinance to two projects (East Garrison and Ranch San Juan), where the new development agreement ordinance does not apply, although where development agreements are being proposed anyway.

Commissioner Diehl moved, seconded by Commissioner Salazar and passed by the following vote to accept report.

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

The motion to accept report passed.

Jeff Main requested that Agenda Item 5 be taken at this time.

5. COELHO PHILLIP – PLN010252

Staff recommended continuance to October 13, 2004.

Commission discussed the continuance request.

Commissioner Vandever moved, seconded by Commissioner Rochester and passed by the following vote to continue this project to October 13, 2004.

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

The motion to continue passed.

Lunch break 12:00 p.m. to 1:30 p.m.

4. REPORT TO COMMISSIONERS – PD010050

Delinda Robinson, Planning and Building Inspection Department, presented the annual audit of compliance issues as required by the Leeper Settlement. She stated public comments were received by David Dilworth regarding corrections to the staff report and discussed a letter received by Lee Newell. Projects that were presented related to pursuant to the settlement agreement were Pasadera, Las Palmas Ranch, Moro Cojo, Markham Ranch, Woodland Heights, and Mohsin project.

Alana Knaster, Assistant Director of Planning and Building Inspection Department, presented the water issue related to the Pasadera project.

The Commission discussed the report.

Public Comment

Sheri Damon, David Dilworth, Douglas Fay, Hans Jongens, and Julie Engle spoke regarding: the updated report on Canada Woods to include animal species, trees, plants and flowers that are becoming extinct; although required by condition, there is no trail for Canada Woods; questioning the compliance status of Las Palmas Ranch to include the Las Palmas water issue, fire protection and questioning when a water moratorium will be put into place.

Alana Knaster and Delinda Robinson addressed the issues.

Commissioner Diehl moved, seconded by Commissioner Hawkins, passed by the following vote to receive the summaries, and request a follow-up report within the next three months.

Commissioner Parsons requested Toro LUAC review the signage at the Mohsin property.

Alana Knaster addressed the issue.

Commissioner Diehl clarified for the record that the motion does not include making any findings with respect to the ridgeline development and for the record the follow-up report requested incorporate the items that were added to the report verbally and also to address issues raised in public comment.

Laura Lawrence, Health Department, addressed the issue Ms. Damon brought up concerning Canada Woods being out of compliance. She reported that the Health Department does have the 2003 report, however, a letter was sent to Derrinda Messenger at Lombardo and Gilles on August 24, 2004. She advised that within the April 2004 report data is missing along with data from the April 2001 and October 2002 report. She has requested information and clarification on those items and is awaiting a response.

Commissioner Wilmot spoke on not using oak trees for screening water towers and the need to find an arborist or someone who knows what type of trees can grow nice and bushy on a hilltop. He opined that instead of water tanks on the hilltop for gravity feed fire protection, that the applicant could use pumps for a tank off the ridgeline and have back up power.

Commissioner Errea spoke of the advantage of a tank employing gravity flow once it is full, and that if the power goes out you still have water pressure.

Commissioner Sanchez called for the question.

The motion was to receive the summaries, request a follow-up report within the next three months to incorporate the items that were added to the report verbally and also to address issues raised in public comment.

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

The motion passed.

6. **AVILA DON & GAY – PLN980516**

Patrick Kelly, Senior Planner, described the project and requested a continuance to October 27, 2004 to review additional issues.

There was discussion by the Commission regarding the continuance and related issues addressing the prior resolution of intent to approve for approval adopted by the Commission.

Wendy Strimling, County Counsel, advised the Commission.

Commissioner Diehl moved, seconded by Commissioner Hawkins to continue the project to October 13, 2004.

Sheri Damon, representative for the applicant, was opposed to the continuance, requested it move forward to the Board of Supervisors, and handed out a draft Resolution.

Wendy Strimling, County Counsel, responded by stating that staff prepares the County findings and evidence and the conditions of approval, not the applicant.

There was discussion regarding the continuance and draft resolution by Sheri Damon.

Public Comment

John Williams, Joseph Samoske, Kevin McKay, Jim Price, Ted Richardson, Richard Posey, Chuck Taylor, and Manuel Amaral spoke against the continuance.

Douglas Fay, Christine Gianascol-Kemp, David Dilworth, and Hans Jongens spoke in favor of the continuance.

Sheri Damon spoke on rebuttal.

Hawkins called for question.

The motion to continue this project to October 13, 2004, to prepare Findings and Evidence and appropriate conditions of approval was passed by the following vote:

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

The motion to continue this project to October 13, 2004, to prepare Findings and Evidence and appropriate conditions of approval was passed by a vote of five to four.

Break from 3:37 p.m. 3:45 p.m.

Commissioner Salazar left at break.

7. RANCHO SAN CARLOS PARTNERHIP – PLN010001

Tad Stern, Pacific Municipal Consultants, presented the project and recommended the project be approved as recommended in the August 25, 2004 staff report with the additional three Findings and two additional Conditions.

The Commission discussed the tree issue, Garza Creek, widening of roads, and water issues.

Brian Finegan, representative for Rancho San Carlos, accepted all the conditions except the additional condition to obtain an incidental take permit stating there is no nexus.

Public Comment

Gillian Taylor, Michael Stamp, Amanda Wheeland, Jim Salenich, David Dilworth, Josh Harling, and Don Williams spoke. Their concerns included incidental take permit, water, trees, affordable housing requirement, conservancy endowment issue, Environmental Impact Report, plot map, stream flows, location of wells, red legged frog, CEQA, and steel head.

Brian Finegan spoke on rebuttal.

The Commission further discussed incidental take permits, trees, road, 30% slope variance, water issue, sedimentation, below level stream flows, and long extended drought.

Wendy Strimling, County Counsel, stated options of staff: be directed to revise EIR on outstanding issues, deny with basis articulated, or certify EIR and deny subdivision if findings found. advised the Commission.

Commissioner Sanchez moved staff recommendation to certify the Final Supplemental Environmental Impact Report, adopt the Mitigation Monitoring Reporting Program with conditions as articulated by Mr. Novo and also include the condition that requires the applicant to obtain a incidental take permit, and recommend approval of the project to the Board of Supervisors based on Findings and Evidence and subject to proposed Conditions of Approval including the additional language added by County Counsel and Condition #25 language, seconded by Commissioner Rochester and passed by the following vote (Resolution #04044).

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

Motion passes.

Commissioner Diehl left at 5:00 p.m.

8. DENA SALA dab ZEN'S FARM FRESH PRODUCE AND NURSERY (TERAJI) – PLN040458

Lynne Mounday, Management Specialist, described the project and presented a resolution for the Commission's approval, moved to continue the appeal to the sooner of August 31, 2005 or the enactment of zoning regulations pertaining to the sale of farm produce grown off-site and other items.

Wendy Strimling, County Counsel, addressed the Resolution of Intent.

Aaron Johnson, on behalf of Dena Sala family, suggested an alternative finding and allow the produce stand to continue.

Jeff Main, Planning and Building Inspection Department, gave an overview of what happened at the last meeting, stating Commissioner Diehl had made a motion to make a finding directing staff to amend the original permit to allow the use that was similar to the use when it was a nursery. He reported that the motion did not pass and then a new motion, a resolution of intent, was made and passed, consistent with the findings before the Commission.

Chair Wilmot requested County Counsel's recommendation.

Wendy Strimling, County Counsel, stated the decision was at the discretion of the Commission.

Commissioner Vandeverre moved to accept staff recommendation and approve the resolution of intent containing the findings, evidence and conditions, seconded by Commissioner Errea and passed by the following vote (Resolution #04045).

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

Motion passed.

E. OTHER MATTERS

Advisory Committee Appointments

It was noted that the reappointment of Barbara Rainer to the Carmel Unincorporated/Carmel Highlands Land Use Advisory Committee occurred at the last meeting.

Department Report

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

F. ADJOURNMENT

The meeting was adjourned at 5:30 p.m.

ATTEST

Jeff Main, Secretary

JM/lmr