

D R A F T

**MONTEREY COUNTY SUBDIVISION/MINOR SUBDIVISION COMMITTEE
January 8, 2004
MINUTES**

The Monterey County Subdivision/Minor Subdivision Committee met at 9:03 a.m. in the Board of Supervisors Chambers of the Courthouse at 240 Church Street, Salinas, California.

A. ROLL CALL

Present: James McPharlin, Fire Warden's Office; Laura Lawrence, Environmental Health; Al Mulholland, Water Resources Agency; Richard Brandau, Parks Department; Bryce Hori, Public Works; Laurence Hawkins, Planning Commission; Ann Towner, Planning and Building Inspection; Linda Rotharmel, Planning and Building Inspection

Absent: None

B. COMMENT PERIOD

None

C. APPROVAL OF MINUTES

Mulholland moved, seconded by McPharlin, and passed by the following vote to approve the minutes of December 11, 2003:

AYES: Brandau, McPharlin, Hawkins, Towner, Mulholland, Hori

NOES: None

ABSENT: None

ABSTAIN: Lawrence

D. SUBDIVISION ITEMS

None

E. MINOR SUBDIVISION ITEMS

1. RUSSELL, THOMAS G. TRUST (PLN020329)

Patrick Kelly, project planner, described the Russell Combined Development Permit which consists of: 1) a Minor Subdivision Tentative Parcel Map to divide an existing 20-acre lot into two parcels of 10 acres each; and 2) a Use Permit to allow the operation of a cottage industry/micro-winery use to continue as an accessory use prior to the establishment of the main residence on proposed Parcel B. The property is located at 505 Corral de Tierra Road (Assessor's Parcel Number 416-452-020-000) in the Toro area. Mr. Kelly also responded to issues identified in correspondence which he received from the general public regarding the proposal.

Christine Gianascal-Kemp, representative for the applicant, spoke regarding the ABC license and regulations for the existing cottage industry/micro-winery located on Parcel B.

Kurt Hunter spoke in opposition of the project.

Tom Russell, applicant, responded to Kurt Hunter's comments and addressed the two access roads and addresses, exterior building colors, cottage industry/micro-winery, ABC & ATF requirements, the article in the paper and fictitious business name for the micro-winery and existing deed restrictions.

There was discussion regarding the scenic easement over 30% slopes and the micro-winery. It was noted that the current property owner or any subsequent owner of Parcel B, where the existing cottage industry/micro-winery is located, is required to comply with conditions of the Use Permit until such time as the permit expires, at which time the property owner is required obtain approval of a new Use Permit to continue the cottage industry/micro-winery use. Until such time as the Use Permit expires, the only permit required is Parcel B is sold is an ABC license obtained through ATF. It was suggested that condition #2 be amended to state that as long as there is common ownership of both of the proposed parcels or until the Use Permit expires, the permit conditions for the micro-winery would apply to both Parcels A and B. It was clarified that the vineyards are located in a flat area on the property and are not on steep slopes. In addition, all of the grapes processed in the micro-winery are grown on site; no grapes are imported to the site for processing.

Laura Lawrence, Environmental Health, addressed the water issue. She also stated that if the micro winery were to have public wine tasting events on either that property or another property, the micro-winery would be in violation of conditions of the Use Permit.

Bryce Hori, Public Works, addressed Mr. Weaver's letter regarding compliance with policies of the Toro Area Plan. The two applicable policies are 39.1.1.1 (improvements to Highway 68) and 39.2.2.2 (requirements for safety improvements to Corral De Tierra Road). He recommended adding a condition stating that if the Department of Public Works completes a traffic study prior to recordation of the parcel map, the applicant would be required, as a condition of permit approval, to comply with any recommendations of that study including payment of the appropriate fees.

Laura Lawrence, Environmental Health, addressed Mr. Weaver's comment about the poor quality of water at the Washington Union School. She added that this is not due to the quality of ground water in the area, but is the result of a problem with the well. The Environmental Health Division, when reviewing this application for a minor subdivision, did not require preparation of an hydrogeologic report, which is usually required for most new subdivisions within the County, because if the applicant were to construct a house on the property vineyards would be taken out of production to balance water use.

Ann Towner commented that the Initial Study prepared by staff, attached to the report, includes mitigation(s). However, staff's recommendation refers to adoption of a Negative Declaration, as opposed to a Mitigated Negative Declaration and the Mitigation Monitoring Program was not attached to the staff report. She also added that a condition should be included that requires the applicant to record a Mitigation Monitoring Agreement and pay the appropriate fees.

Patrick Kelly explained that there was only one mitigation measure identified in the Initial Study which would be cleared prior to recordation of the parcel map. He described the components of the proposed mitigation monitoring program and explained that the single mitigation requires the applicant to pay his/her fair share of fees to the Department of Public Works, which total approximately \$10,629, for improvements to the Highway 68 corridor. Clearance of this mitigation is subject to the approval of the Public Works Department.

Christine Gianascol-Kemp, representing the applicant, agreed to the amended conditions and the additional Public Works condition.

Following discussion, Hawkins moved, seconded by McPharlin, and passed by the following vote to approve staff's recommendation for PLN020329 and adopt Resolution #04001 subject to the following changes: 1) adopt the proposed Mitigated Negative Declaration and the Mitigation Monitoring Reporting Program as described by staff during the public hearing; 2) include a condition that requires the applicant to pay the appropriate Mitigation Monitoring fees and record a Mitigation Monitoring Agreement; 3) incorporate the mitigation measures in the Initial Study in the conditions of permit approval; 4) revise Condition #2 to state that both parcels in the subdivision are subject to conditions of the Use Permit for the cottage industry/micro-winery while under common ownership; and 5) add the condition recommended by the Public Works Department which states that if a traffic study is completed for County roads in this area prior to recordation of the parcel map, the applicant would be required to comply with recommendations of that study, including payment of additional fees.

AYES: McPharlin, Lawrence, Mulholland, Brandau, Hori, Hawkins, Towner
NOES: None
ABSENT: None
ABSTAIN: None

2. ANDERSON, JOHN & LESLEY (PLN020422)

Patrick Kelly, project planner, described the project and clarified existing acreage for the Minor Subdivision Tentative Parcel Map. The applicant proposes to divide two existing lots of record (11.58 and 28.47 acres in size) and a well lot which is .057 acres in size (total acreage is approximately 40.12) into 3 lots and one remainder parcel of 10 acres each. The parcels are located at 384 Corral de Tierra Road (Assessor's Parcel Numbers 151-081-001-000 and 151-081-004-000) in the Toro area. Mr. Kelly also described the concerns raised in correspondence from the general public regarding the project, including the diversion of Watson Creek, water source for the project and potential impacts additional water use may have on water quality and quantity for the nearby school. He described the Mitigation Monitoring Program and indicated when monitoring would occur and who would be responsible for ensuring compliance.

Laura Lawrence, Environmental Health, recommended adding a standard condition stating that: "Concurrently with filing the final map, the applicant shall record a deed notification with the Monterey County Recorder for Parcels A & C indicating that: 'An approved septic system design be on file at the Division of Environmental Health, File No. PLN020422, and any future development or expansions on this property be in compliance with the design and Chapter 15.20 of the Monterey County Code unless otherwise approved by the Director of Environmental Health.' Submit proposed wording and forms to be recorded to Environmental Health and Planning and Building Inspection for review and approval." Issues raised in correspondence from Dennis Plink pertaining to trailers on the property were addressed by Environmental Health staff, noting that it is a legal unit and the connection to the septic system to the other residence is also legal. Additionally, Ms. Lawrence stated in response to the concern about Washington Union School District's water, that the problem is not due to the quality of ground water in the aquifer, but is a result of a problem with the well.

Ann Towner, Planning and Building Inspection, commented that the Initial Study prepared by staff, attached to the report, includes mitigation measures. However, staff's recommendation refers to adoption of a Negative Declaration, as opposed to a Mitigated Negative Declaration and the Mitigation Monitoring Program was not

attached to the staff report. She added that a condition should be included that requires the applicant to record a Mitigation Monitoring Agreement and pay the appropriate fees. Staff's recommendation should also be amended to require adoption of the Mitigation Monitoring Program as verbally described by the project planner at the onset of the public hearing for this project. It was noted that mitigation measures should be incorporated and cross-referenced numerically in the proposed conditions. She questioned comments in a letter by Phil Wood regarding moving several hundred yards of earth with no permit. Staff clarified that the applicant did have a streambed alteration agreement from the State Department of Fish and Game and that there were no grading violations on the property noted in the County's data base/permit system. In addition, Patrick Kelly informed the Committee that Code Enforcement staff recently inspected the site and did not report any violations.

Bryce Hori, Public Works Department, recommended adding a condition, similar to the previous project, stating that if the Department of Public Works completes a traffic study of County roads in the Toro area prior to recordation of the parcel map, the applicant would be required, as a condition of permit approval, to comply with any recommendations of that study, including payment of the appropriate fees.

Richard Brandau, Parks Department, recommended deletion of Condition #7 which requires payment of the "in-lieu recreation fee" because the proposed parcels are for estate planning purposes and would not be sold on the open market.

Lloyd Lowery, representing the Anderson family, agreed to the amended conditions.

Phil Wood, a neighbor, stated in the past Mr. Anderson has complained about rainwater running from his property to the Anderson property and he requested that the Committee add a condition requiring dedication of a natural drainage easement through the property to Watson Creek

Marit Evans, a resident of the Toro area, commented on the water report, stating that more investigation of the two-connection water system for four new lots is necessary. Lloyd Lowery, representing the applicant, stated on rebuttal, that the pump and water quality tests were previously submitted for this project and the buildings existed prior to Mr. Anderson's ownership. Laura Lawrence, Environmental Health, noted that the two-connection water system was already established and tests indicate that the amount and quality of the water is adequate.

Bryce Hori, Public Works Department, requested that Mr. Lowery respond to Irene Cole's concerns in her letter regarding the access road to the proposed subdivision which goes directly across her property. While an easement exists for this road and provides access to an existing building site owned by Mr. Anderson, she questioned if the new lots also had rights to use the access easement. Mr. Lowery stated there is a recommended permit condition proposed that requires verification and maintenance of existing access easements. The access road maintenance agreement is required by the Water Resources Agency pursuant to Condition #14.

There was discussion regarding proposed Parcel A and the access to the building envelope which crosses an existing scenic easement. The applicant agreed to delineate two building envelopes on the final parcel map; one as proposed and the other located in the flat area of the parcel so access over the scenic easement to the building site would not be necessary. This would also ensure that development would not be allowed to cross steep slopes and consistency with the existing deed restriction which may not allow a driveway access road within a scenic easement. In addition to the alternate building envelope, the applicant also agreed to delineate on the final parcel map the approved septic systems on Parcels A and C, the width of the existing road to the site and the two lane bridge on the main access road that serves the property

Following discussion, Mulholland moved, seconded by Hori, and passed by the following vote to approve staff's recommendation for PLN020422 and adopt Resolution #04002 subject to the following changes: 1) adopt the proposed Mitigated Negative Declaration and the Mitigation Monitoring Reporting Program as verbally described by staff during the public hearing; 2) include a condition that requires the applicant to pay the appropriate Mitigation Monitoring fees and record a Mitigation Monitoring Agreement; 3) incorporate the mitigation measures in the Initial Study in the conditions of permit approval; 4) add the condition recommended by the Public Works Department which states that if a traffic study is completed for County roads in this area prior to recordation of the parcel map, the applicant would be required to comply with recommendations of that study, including payment of additional fees; 5) add the condition recommended by Environmental Health regarding the septic design as submitted in memo dated 1/8/04 and read into the record; 5) delete Condition # 7 as recommended by the Parks Department; 6) delineate an alternate building envelope on the final parcel map prior to recordation on Parcel A which shows the development site located on the flat area of the parcel so access to the site would not cross an existing scenic easement; 7) delineate on the final parcel map the approved septic systems on Parcels A and C, the width of the existing road to the site and the two lane bridge on the main access road that serves the property; and 8) correct the acreage of the existing parcels, as clarified by staff at the onset of the public hearing, in the project description.

AYES: McPharlin, Brandau, Hawkins, Lawrence, Towner, Hori, Mulholland
 NOES: None
 ABSENT: None
 ABSTAIN: None

3. WILLIS GLORIA (PLN030598)

Bob Schubert described the project which is a two-year extension to a previously approved Minor Subdivision (PLN980024) to divide 2 parcels into 4 with one remainder parcel. The parcels are located at 19449 Pesante Road in the North County (Inland) area. He also recommended several modifications to the original conditions of permit approval including Condition #42 which, if modified as recommended by staff, would state: "Prior to the recordation of the parcel map the applicant shall construct all access roads in accordance with North County Fire District standards. In lieu of construction the applicant shall bond for required improvements subject to the approval of the Department of Public Works." He added that Conditions #18, 21 and 22 which, according to Mr. Schubert, were not part of the original approval should be deleted since they reference mitigation measures which may not have been part of the original Initial Study prepared for the project.

Anthony Lombardo, on behalf of the applicant, concurred with staff's recommendation to delete the three conditions and he also requested that the Committee delete Conditions #23 and 24 since he did not find a nexus for requiring dedication of scenic or conservation easements. In response to questions, Mr. Lombardo clarified that the Woodland Heights Mutual Water Company would serve the applicant's subdivision.

Discussion by Committee members ensued regarding the mitigations in the Initial Study and the adopted conditions of permit approval. Staff concluded that additional time was necessary to research the matter. Anthony Lombardo, on behalf of the applicant, concurred with staff's recommendation to continue the public hearing.

Following discussion, Towner made a motion, which was seconded by Hawkins, to continue the Willis application for a 2-year extension (PLN030598) to the previously approved Minor Subdivision to the Committee's next meeting on January 29, 2004, to allow time for staff to revise the staff report and determine which conditions, if any, should be changed. The motion for a continuance passed by the following vote:

AYES: McPharlin, Brandau, Hawkins, Lawrence, Towner, Hori, Mulholland
NOES: None
ABSENT: None
ABSTAIN: None

F. OTHER ITEMS

COUNTY OF MONTEREY (PD030270)

Adoption of a policy relating to the continuance of public hearings by the Subdivision/Minor Subdivision Committee.

Ann Towner gave a brief presentation regarding the adoption of a policy for *Continuance of Public Hearings* and explained that the item was continued from the last public hearing since additional comments were received. She recommended that the Subdivision Committee adopt the resolution, as amended, attached as Exhibit A to the staff report.

Mulholland moved, seconded by McPharlin, and passed by the following vote to approve Resolution # 04003 as amended:

AYES: McPharlin, Brandau, Hawkins, Lawrence, Towner, Hori, Mulholland
NOES: None
ABSENT: None
ABSTAIN: None

G. ADJOURNMENT

The meeting was adjourned at 10:50 a.m.

ATTEST:

ANN S. TOWNER, Secretary

/mr