

FINAL

**MONTEREY COUNTY PLANNING COMMISSION
January 12, 2005
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 Vandevere, Juan Sanchez, Aurelio Salazar,
Don Rochester, John Wilmot
Absent: Cosme Padilla, Martha Diehl

B. COMMENT PERIOD

PUBLIC – Paula Lotz spoke on the Community General Plan Update.

Discussion on Community General Plan and General Plan.

COMMISSION – Commissioner Errea requested when meeting adjourned, be in the honor of the memory of Tom Glau, from San Ardo, who passed away December 15, 2004. Tom served for many years on the Commission and Commissioner Errea took his place.

C. APPROVAL OF MINUTES

Commissioner Vandevere moved to approve the minutes of October 13, 2004, seconded by Commissioner Errea, and passed by the following vote:

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

Commissioner Vandevere moved to approve the minutes of October 27, 2004, seconded by Commissioner Errea, and passed by the following vote:

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

D. SCHEDULED ITEMS

1. GENERAL CODE ENFORCEMENT (PD040936)

Alana Knaster gave an overview of the changes to the proposal and examples of code violations being investigated.

The Commission discussed professionals being penalized more than a regular person because they should know the laws, instead of formalization of compliance agreements have formal contracts, how complaints are received, and review in another year.

Alana Knaster responded to the issues.

Public Comment

Paula Lotz and Carolyn Anderson spoke.

Wendy Strimling, County Counsel, advised the Commission on the recommendation to the Board of Supervisors.

Public Comment closed.

Further discussion by Commission on significant fines, contractors charges and should pay fine, comments from public speakers be forwarded to the Board of Supervisors, contract instead of condition compliance, giving notice before entering property, restoration plan, proposal back in bill form, and change “Agreement” to “Contract.”

Alana Knaster addressed issues.

Brian Washko, Building Official for Monterey County, addressed the “giving notice” issue.

Wendy Strimling, County Counsel, advised Commission on proposed options.

Commissioner Parsons moved to accept report, to include annual report, change compliance agreement to contract, special sanctions against contractors, incorporate public comments, and document to District Attorney before taking forward to Board of Supervisors, seconded by Commissioner Errea and passed by the following vote:

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

2. SPRECKELS LAND WEST INC & TANI (PLN040121) (GP00078) (PD041288)

Paul Mugan presented the project and recommended the Planning Commission defer consideration of the General Plan until a judgment by the Monterey County Superior Court n the County’s Parcel Legality Status Determination.

The Commission discussed small lots next to farmlands, agricultural buffers, Historical and Spreckels Design Review Committee, delegation to Board of Supervisors for Design Approvals, change farmlands/40 acres be zoned residential lots, and legal lots of record.

Paul Mugan responded to the issues.

Wendy Strimling, County Counsel, advised the Commission on legal issues.

Further discussion by Commission focused on inclusionary housing, final approval on Design Approval to go before HHRB.

Marti Noel, Housing and Redevelopment Agency, responded to the issues.

Michael Cling, on behalf of the Tanimura family, clarified issues on lots and zoning, inclusionary housing, and Grading Permit that is before the Commission today.

Break 10:35 a.m. – 10:45 a.m.

John Hodges, Environmental Health, arrived at 10:40 a.m.

Public Comment

Mike Meuter, Hans Jongens, Elizabeth Panetta, Tim Riley, and Jim Riley spoke in opposition of the project.

Tom Carvey, Common Ground, spoke in favor of the project.

Michael Cling spoke on rebuttal.

Public Comment closed.

The Commission discussed the taking out of 16 acres of farmland, no provision for low cost rentals or residences, forwarding recommendation of zone change to Board of Supervisors, legal problems granting Grading Permit, and legality of 1906 map.

Wendy Strimling advised the Commission on procedural issues and invested rights issues.

Paul Mugan recommended conditions to include Indemnification Agreement, Planning Commission directing project be reviewed by Historical Review Board, Design Approval, Water Resources Agency conditions, change times for construction to 8:30 a.m. to 4:30 p.m. in Construction Management Plan, and land be placed in scenic or agricultural easement.

Commissioner Sanchez moved, to support staff recommendation with amendments, seconded by Commissioner Errea and passed by the following vote: (Resolution #05001).

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

Motion passed.

3. ARGICULTURAL REVIEW CRITERIA FOR DISCRETIONARY PERMIT APPLICATIONS (PD041208)

Jeff Main introduced the proposed permit application review process by the Agricultural Commissioner.

Eric Lauritzen, Agricultural Commissioner, concurred with recommended review criteria referral process.

Public Comment – None

The Commission discussed changing Section 1 #5 and Section 2 #4.5, and delete Section 2 #4.

Wendy Strimling, County Counsel, advised the Commission in the wording.

Commissioner Errea moved to adopt criteria into Planning Review Process with amended changes, seconded by Commissioner Parsons and passed by the following vote to:

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

Lunch Break 12:00 p.m. to 1:30 p.m. Commissioner Padilla was present for the afternoon meeting.

4. COELHO PHILIP (PLN010252)

Paul Mugan presented the project and reviewed errata sheet.

Wendy Strimling, County Counsel, arrived at 1:45 p.m.

Joel Panzer, representative for Coelho, gave an overview of the project, requested Condition #20 reflect “no access other than emergency vehicles,” delete Mitigation Monitoring #18, record CC&R’s as condition.

The Commission discussed deleting MM#18, visible and ridgeline development, Initial Study, San Francisco Collinsia, and traffic impacts.

Paul Mugan responded to the issues.

Philip Coelho, applicant, had no issues with the conditions.

Joel Panzer responded to the recordation of CC&R’s.

Public Comment

Karen Parker spoke in favor of the project.

Public Comment closed.

Joel Panzer accepted the conditions.

Commissioner Errea moved to approve staff recommendation with errata sheet, Indemnification Agreement, and deletion of MM#18, seconded by Commissioner Hawkins and passed by the following vote: (Resolution #05002).

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

Philip Coelho said “Thank You” to Paul Mugan and Marti Noel for there assistance.

5. WHISLER PATRICK (PLN040104)

Brett Becker presented the project.

Patrick Whisler, owner, gave background on project and accepted conditions.

The Commission thanked Mr. Whisler for his good planning for the property.

Public Comment – None – Closed

Commissioner Parsons moved staff recommendation to approve the Combined Development Permit, seconded by Commissioner Salazar and passed by the following vote: (Resolution #05003).

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

6. CYPRESS COMMUNITY CHURCH (PLN040308)

Therese Schmidt presented the project, made changes to staff report, and discussed issues raised.

Anthony Lombardo, on behalf of the Cypress Community Church, gave overview of project..

Therese Schmidt responded to the issues.

Public Comment

Mike Weaver, Myron Seres, Wayne Adams, and Marti Evans spoke in opposition of the project.

Bill Coffey, James Story, Eric Phelps, Jenny Coffey, and Dick Bryan spoke in favor of the project.

Anthony Lombardo spoke on rebuttal and agreed to the amended conditions.

Public Comment closed.

Commissioner Rochester moved to adopt Negative Declaration and Mitigation Monitoring Reporting Program and approve the Administrative Permit with amended conditions, seconded by Commissioner Salazar and passed by the following vote: (Resolution #05004).

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

Jeff Main stated that the staff report for the Pebble Beach Company project were available.

Recess from 2:58 to 3:10 p.m.

Agenda Item #8 was moved up at this time.

8. ISHII DEAN & MASAMI (PLN040432)

Jeff Main stated staff received a continuance request from the applicant to January 26, 2005. It was noted that January 26, 2005, has been reserved for Pebble Beach Company project. Staff recommended project be continued to February 9, 2005.

Public Comment

Jerry Grady stated he would be out of town and requested continuance to February 23, 2005.

Applicant was not present.

Public Comment closed.

Commissioner Vandevere moved to continue project to February 23, 2005, seconded by Commissioner Sanchez and passed by the following vote:

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

7. HARPER CANYON REALTY LLC (PLN000696)

Paul Muga presented the project and recommended adopt Mitigated Negative Declaration and Mitigation Monitoring Reporting Program and approve project based on Findings and Evidence and Conditions of Approval.

Richard LeWarne, Environmental Health Division, addressed the regulatory issue over the waste water system.

There was discussion by the Commission regarding determining legal lots of record on aquifer and waste water issues.

Richard LeWarne, Environmental Health Division, responded to the issues.

Wendy Strimling, County Counsel, stated an Indemnification Agreement condition needs to be added.

Michael Wilson, part owner of Encina Hills project, introduced project, ownership history, view of property, subdivision proposal and tentative vesting map.

Michael Cling, representative for applicant, discussed the project status, independent environmental analysis reports, Findings and Mitigations.

There was discussion on building envelopes, water tank on remainder parcel, the 14 legal adjacent lots, and dedication of remainder parcel.

Public Comment

Richard Rosenthal stated there were about 21 people who wished to speak and would narrow it down to six speakers with six minutes.

Elizabeth Lindsey spoke in favor of the project.

Richard Rosenthal spoke in opposition of the project.

Many of the people present wishing to speak conceded their time to another person.

Wendy Strimling, County Counsel, advised the Commission on time frame.

Chair Wilmot stated it was 4:05 p.m. and public comment would end at 4:15 p.m.

Susan Clark spoke in opposition of the project along with Barbara Schwefel, and Lowell Webster.

Commissioner Vandevere moved to continue the project until an Environmental Impact Report was prepared for the project.

Wendy Strimling, County Counsel, advised the Commission.

Michael Cling spoke on rebuttal and requested continuance to address issues.

Chair Wilmot closed Public Comment.

Commissioner Vandevere moved to direct staff to proceed with Environmental Impact Report, seconded by Commissioner Rochester and passed by the following vote:

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

8. ISHII DEAN & MASAMI (PLN040432)

This item was heard after Agenda Item #6.

- 9. PICK-N-PULL SAN JOSE AUTO (PLN030498) Parcel B**
- 10. CUTLER GERALD & DEBORAH (PLN030501) Parcel C**
- 11. DOLAN DEVELOPMENT PARTNERS LTD (PLN030504) Parcel D**
- 12. S&S LAND DEVELOPMENT CO (PLN030510) Parcel A**

Eric Lee presented the project for the four continued items and said there were outstanding issues on all four applications at time of staff report, but some have been resolved. Parcels B & C have adequately addressed the requirement for the water system permit application and results from the water quality testing are being rushed to Environmental Health for review. Parcel A as provided sufficient information addressing Environmental Health hazardous waste violations. Parcel D has provided necessary fire access, but its water system permit application remains incomplete and insufficient. Staff recommended continuance of PLN030498, PLN030501, and PLN030510 and denial of PLN030504.

There was discussion regarding the overall water system required by fire department, well outside industrial area, and two wells competing on water.

Anthony Lombardo, on behalf of Pick-N-Pull and Cutler, gave an overview of the project.

Russ Hatch, Dolan Development Partner LTD, addressed developing a mutual water company.

Cheryl Sandoval, Environmental Health Division, stated there are two proposed wells for the industrial park but said that no paperwork has been submitted for the Parcel D water system to evaluate it and that it casts serious doubts over the ability of the operator to file necessary reports and maintain the system even if it were feasible. EH has been trying to get the information for 10 years. She said two separate systems are proposed, but Fire states they only need one.

Russ Hatch spoke on rebuttal.

Scott Hennessy, Planning and Building Inspection, reiterated that today's hearing was the drop dead date to submit all the necessary information and that the applicants were informed that failure to do so would result in a denial.

Jeff Vezzolo, S&S Land Development Co., addressed arrangement with Pick-N-Pull and entered into it on a gentlemen's agreement, but a formal agreement is being written up.

Jeff Main stated that consistent with prior testimony, that the S & S Land Development should be shown as being attached to the water system of Pick-N-Pull and that the project description should be amended to reflect it.

Ken Tunstall, engineer, state that he designed both water systems with Pick-N-Pull as backup.

Jim Nelson, Dolan Industrial Park, Dolan Development Partners, LTD, stated tenants renting from Bill Wright.

William Wright, General Development Dolan Development Partners, spoke on well issue.

Cheryl Sandoval went by Mr. Hatch on rebuttal and gave deadlines for today's date to comply with the requirements.

Public Hearing closed.

Commissioner Rochester moved staff recommendation to continue to date uncertain (table) PLN030498, Pick -N-Pull San Jose Auto, seconded by Commissioner Hawkins and passed by the following vote:

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

Commissioner Rochester moved staff recommendation to continue to date uncertain (table) PLN030501, Gerald and Deborah Cutler, seconded by Commissioner Hawkins and passed by the following vote:

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

Commissioner Rochester moved to deny PLN030504, Dolan Development Partners Ltd, seconded by Commissioner Hawkins and passed by the following vote: (Resolution #05005)

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

Commissioner Rochester moved to continue to date uncertain (table) PLN030510, S&S Land Development Co., seconded by Commissioner Hawkins and passed by the following vote:

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

E. OTHER MATTERS

Advisory Committee Appointments

It was moved by Commissioner Vandevere to reappoint James R. Riley and Barbara Tempalski to the Spreckels Neighborhood Design Review Committee, seconded by Commissioner Hawkins, and passed by the following vote:

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

It was moved by Commissioner Vandevere to accept termination request of Paul Jensen from the Spreckels Neighborhood Design Review Committee, seconded by Commissioner Hawkins, and passed by the following vote:

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

It was moved by Commissioner Vandevere to accept resignation of Joseph Hotz from the Toro Land Use Advisory Committee, seconded by Commissioner Hawkins, and passed by the following vote:

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

It was moved by Commissioner Vandevere to accept resignation of Karyl Hall from the Carmel Unincorporated/Carmel Highlands Land Use Advisory Committee, seconded by Commissioner Hawkins, and passed by the following vote:

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

Department Report

Jeff Main, Secretary to the Commission, reminded the Commission of the field trip to the Catey project on February 2, 2005.

F. ADJOURNMENT

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

ATTEST

Jeff Main, Secretary

JM/lmr