

**FINAL
MONTEREY COUNTY PLANNING COMMISSION
MARCH 26, 2008
MINUTES**

The Planning Commission met at 9:00 a.m. in the Board of Supervisors Chambers of the Courthouse, 168 West Alisal Street, Salinas, California.

I. ROLL CALL

Present: Jay Brown, Steve Pessagno, Martha Diehl, Don Rochester, Nancy Isakson, Aurelio Salazar, Jr. (Chairman), Mathew Ottone, Juan Sanchez, Cosme Padilla, Keith Vandevere (Vice Chair)

Absent: None

II. COMMENT PERIOD:

PUBLIC – None

COMMISSION – The Chairman relayed that speaker forms may be used if there are a lot of people wishing to speak on a project.

III. APPROVAL OF MINUTES – FEBRUARY 27, 2008

It was moved by Commissioner Vandevere, seconded by Commissioner Diehl and passed by the following vote to approve the minutes of February 27, 2008.

AYES: Brown, Pessagno, Diehl, Rochester, Isakson, Salazar, Ottone, Sanchez, Padilla, Vandevere

NOES: None

ABSENT: None

IV. AGENDA ADDITIONS, DELETIONS AND CORRECTIONS – NONE

V. COMMISSIONER COMMENTS, REQUESTS & REFERRALS – Commissioner Padilla reported that the Castroville Plaza and fountain project was near completion.

D. SCHEDULED ITEMS

1. YUKI FARMS LIMITED PARTNERSHIP (PLN070646)

APPEAL OF ADMINISTRATIVE DETERMINATION OF THE DIRECTOR OF PLANNING TO GRANT TWO (2) CERTIFICATES OF COMPLIANCE ON THE YUKI FARMS LIMITED PARTNERSHIP III LP REQUEST FOR THREE (3) CERTIFICATES OF COMPLIANCE (PLANNING FILES CC060024, CC060025 AND CC060026). THE PROPERTY IS LOCATED WEST OF HWY 183, AT THE INTERSECTION OF HWY 183 AND SAN JON ROAD, SALINAS (ASSESSOR'S PARCEL NUMBER 414-011-011-000) GREATER SALINAS AREA PLAN.

Laura Lawrence presented the project. Commissioners asked questions concerning the creation of and merger of legal lots prior to requirements for subdivision and various factual issues .

Tim Baldwin, representative, presented the appeal, including argument regarding the provisions of the Subdivision Map Act and the Civil Code, how to define intent, the specific facts of this appeal, and requested a refund of the appeal fees.

Public Comment: Christopher Bunn, Jr. (owner), Bob Gortz, Brian Finegan, Michael Cling, and Chris Bunn.

Planner Laura Lawrence and Secretary Novo responded to comments. Counsel explained Civil Code section 1093.

Commissioner Brown moved to deny staff's recommendation and issue three Certificates of Compliance for Parcels 1, 2, and 3. Commissioner Isakson seconded the motion.

Commissioner Isakson suggested a Resolution of Intent. Commissioner Diehl thanked staff for the thorough report and presentation and voiced agreement with the the motion on the floor. Commissioner Rochester agreed with the motion but could not support refund of fees. Commissioner Sanchez expressed his appreciation for staff's work but also agreed with his fellow commissioners. Commissioner Padilla also agreed with the motion.

Commissioner Brown revised his motion, with the concurrence of seconder Commissioner Isakson, and it was passed by the following vote to adopt a Resolution of Intent to deny the appeal and issue three Certificates of Compliance and continue the project to April 9, 2008 to allow staff time to prepare a Resolution to issue three separate Certificates of Compliances for Parcels 1, 2 and 3 and to deny a refund of the appeal fee.

AYES: Pessagno, Brown, Isakson, Padilla, Ottone, Rochester, Diehl, Sanchez, Salazar, Vandever
NOES: None
ABSENT: None

BREAK – 10:15 a.m. RECONVENED – 10:33 a.m.

2. McGOVERN DONALD A & IRENE S (PLN070158)

COMBINED DEVELOPMENT PERMIT CONSISTING OF AN ADMINISTRATIVE PERMIT FOR DEVELOPMENT WITHIN AN "S" DISTRICT TO ALLOW THE CONSTRUCTION OF A TWO-STORY SINGLE FAMILY DWELLING COMPRISING OF A 4,534 SQUARE FOOT FIRST FLOOR AND 1,148 SQUARE FOOT RECREATION ROOM ON THE SECOND FLOOR WITH A 1,409 SQUARE FOOT THREE-CAR GARAGE UNDERNEATH; AND USE PERMIT TO ALLOW THE REMOVAL OF 11 COAST LIVE OAK TREES (3 TO BE RELOCATED). CUT 970 CUBIC YARDS AND FILL OF 160 CUBIC YARDS AND 245 LINEAR SQUARE FEET OF RETAINING WALLS. THE PROPERTY IS LOCATED AT 13 ARROYO SEQUOIA ROAD, CARMEL (ASSESSOR'S PARCEL NUMBER 239-091-027-000), GREATER MONTEREY PENNINSULA AREA.

Valerie Negrete, Project Planner, presented the project. Two corrections were made toto the chart in recommended finding 4. A discussion ensued regarding the Environmental Impact Report for the Santa Lucia Preserve (EIR 94-005) and its applicability to today. The Commission asked that a cumulative tree count be provided with each application.

Richard Beard, architect, gave a presentation. Don McGovern, owner, discussed the tree removal.

Public Comment: None.

Secretary Novo stated that the tree chart, requested by the Planning Commission in the past, requires quite a bit of research. It may be ready by April 30th.

It was moved by Commissioner Isakson, seconded by Commissioner Rochester and passed by the following vote to consider the Addendum to the Environmental Impact Report for the Santa Lucia Preserve (EIR 94-005) and approve the Combined Development Permit based on the findings and evidence and subject to the recommended conditions of approval, including the corrections to finding 4.

AYES: Pessagno, Brown, Isakson, Padilla, Ottone, Rochester, Diehl, Sanchez, Salazar, Vandevere
NOES: None
ABSENT: None

3. R & O MALL PROPERTIES LLC (PLN050545)

CONTINUED FROM 2/27/08. PROPOSED STANDARD SUBDIVISION OF THREE PROPERTIES OF 1.20, 1.38 AND 1.38 ACRES IN AREA (172,498 SQ. FT.), INTO 10 PARCELS IN THE HC-UR ZONING DISTRICT (EIGHT LOTS AT 15,000 SQ. FT, ONE AT 15,860 SQ. FT. AND ONE AT 19,644 SQ. FT.); AND A GENERAL DEVELOPMENT PLAN. THE PROPERTIES ARE LOCATED ON THE NORTHEASTERN CORNER OF MADISON LANE AND BORONDA ROAD, SALINAS (ASSESSOR'S PARCEL NUMBERS 261-041-024-000, 261-041-025-000 AND 261-041-026-000), GREATER SALINAS AREA.

Taven Kinison Brown, Project Planner, presented this project. It was continued from February 27th on a motion of intent to approve the project to allow time for staff to address issues raised by the Commission and incorporate clarifications into the recommended findings and conditions.. Auto repair facilities were added to the list of permitted uses, among other recommended changes.

Michael Cling, representative, clarified questions from the Commission.

Jerry Hernandez, Housing and Redevelopment, addressed uses consistent with redevelopment goals for the area.

Chairman Salazar reminded the Commissioners that they needed to have attended the previous hearing on this matter or listened to or watched it in order to vote.

It was moved by Commissioner Rochester, seconded by Commissioner Sanchez and passed by the following vote to adopt the Mitigated Negative Declaration with the Mitigation Monitoring and Reporting Program and approve the Standard Subdivision Tentative Map and General Development Plan for the Massolo Industrial Park based on the findings and evidence and subject to the recommended conditions.

AYES: Pessagno, Brown, Isakson, Padilla, Rochester, Diehl, Sanchez, Salazar, Vandevere
NOES: None
ABSENT: None
ABSTAIN: Ottone

5. CALTRANS (HWY 1 & SALINAS RD) (PLN070600) (OUT OF ORDER)

COMBINED DEVELOPMENT PERMIT CONSISTING OF: COASTAL DEVELOPMENT PERMIT TO CONSTRUCT HIGHWAY AND INTERSECTION IMPROVEMENTS AT HIGHWAY ONE AND SALINAS ROAD; AMENDMENT TO CHAPTER 20.144.080 (AGRICULTURAL DEVELOPMENT STANDARDS) OF THE NORTH COUNTY COASTAL IMPLEMENTATION PLAN; COASTAL DEVELOPMENT PERMIT TO ALLOW DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT, COASTAL DEVELOPMENT PERMIT TO ALLOW DEVELOPMENT ON SLOPES EXCEEDING 25%. THE PROJECT SITE INCLUDES APPROXIMATELY A 1.6-MILE STRETCH OF

STATE HIGHWAY ONE BETWEEN JENSEN ROAD TO TRAFTON ROAD (POST MILE 99.9/R101.5), NORTH COUNTY, COASTAL ZONE.

It was moved by Commissioner Brown, seconded by Commissioner Vandevere and passed by the following vote to continue this item to April 9, 2008 to allow additional time to prepare the report.

AYES: Pessagno, Brown, Isakson, Padilla, Ottone, Rochester, Diehl, Sanchez, Salazar, Vandevere
NOES: None
ABSENT: None

BREAK – 11:55 a.m. RECONVENED – 1:30 p.m. Commissioner Pessagno did not return for the afternoon session. Commissioner Ottone returned at 1:32 p.m.

4. CHEVRON PIPE LINE COMPANY (PLN030507)

A COMBINED DEVELOPMENT PERMIT TO ALLOW THE INSTALLATION AND OPERATION OF A 57.7 MILE, UNDERGROUND, 10.75 INCH DIAMETER HEATED OIL PIPELINE COMMENCING AT THE SAN ARDO OIL FIELD IN MONTEREY COUNTY AND TRAVERSING APPROXIMATELY 19 MILES EASTWARD TO THE FRESNO COUNTY LINE. THE PIPELINE WILL CONTINUE APPROXIMATELY 38 MILES INTO FRESNO COUNTY, TYING INTO AN EXISTING PIPELINE SOUTHEAST OF COALINGA AND EAST OF INTERSTATE HIGHWAY 5. THE ROUTE INCLUDES ABOUT 154 STREAM, DRAINAGE, OR WETLAND CROSSINGS, 18 PAVED ROAD CROSSINGS, THE SAN ANDREAS FAULT ZONE, AGRICULTURAL FIELDS AND INCLUDES ABOVE-GROUND FACILITIES IN MONTEREY COUNTY CONSISTING OF OIL STORAGE TANKS AND A PUMPING STATION. THE PROJECT IS FURTHER CLARIFIED AND DESCRIBED IN DETAIL IN THE DRAFT ENVIRONMENTAL IMPACT REPORT ON FILE WITH THE MONTEREY COUNTY PLANNING DEPARTMENT (PLN030507). THE COMPONENTS OF THE COMBINED DEVELOPMENT PERMIT INCLUDE: 1) A USE PERMIT TO CONSTRUCT, OPERATE, MAINTAIN, AND EVENTUALLY DECOMMISSION AN UNDERGROUND, HEATED CRUDE OIL PIPELINE AND ANCILLARY FACILITIES IN THE HEAVY INDUSTRIAL (HI), FARMLAND (F), PERMANENT GRAZING (PG), AND RESOURCE CONSERVATION (RC) ZONING DISTRICTS; 2) A USE PERMIT FOR DEVELOPMENT ON SLOPES IN EXCESS OF 30%; 3) A USE PERMIT FOR REMOVAL OF PROTECTED TREES; AND GRADING AS NECESSARY ALONG THE ENTIRE ROUTE. THE PIPELINE COMMENCES AT ASSESSOR'S PARCEL NUMBER 237-101-002-000 IN THE SAN ARDO AREA, SOUTH COUNTY AREA PLAN.

Taven Kinison Brown, project planner, Bruce Steubing, of County's consultant Resource Design Technology, and Alana Knaster, RMA - Deputy Director presented the project. The Commission asked for clarification regarding project alternatives, including rail transport, project design, and the action by Monterey County.

BREAK – 2:40 p.m. RECONVENED – 2:52 p.m.

Mike Stafford, representing applicant Chevron Pipe Line Company, gave a presentation, including the identification of sites for mitigating vegetation and San Joaquin kit fox impacts. In response to questions, he explained that the trains are unreliable.

Maureen Wruck, representative, stated that the family offering off-site mitigation site was present, but that the letter of intent has not yet arrived. It has been signed and will be sent to the Planner.

Public Comment: None

It was moved by Commissioner Brown, seconded by Commissioner Rochester and passed by the following vote to certify the Final Environmental Impact Report; adopt the Mitigation Monitoring and Reporting Program and approve the Combined Development Permit for the Chevron San Ardo to Coalinga Heated Oil Pipeline Project, incorporating Alternative 3 (Parkfield Grade Alternative) and Alternative 4 (Warthan Creek Alternative), based on the findings and evidence and subject to the recommended conditions, including corrections and additions in the errata distributed by staff, clarification of Condition 1 relating to Monterey County's and Fresno County's jurisdiction, a new condition relating to Fresno County's action, an addition to the statement of overriding considerations, corrections recommended by Commissioner Vandevere, and correction to Evidence 11(b)..

AYES: Brown, Isakson, Padilla, Ottone, Rochester, Diehl, Sanchez, Salazar, Vandevere
NOES: None
ABSENT: Pessagno

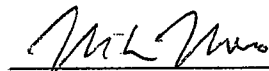
VII. ACTION/INFORMATION ITEMS – NONE

VIII. OTHER MATTERS – NONE

IX. DEPARTMENT REPORT – Items covered in the Secretary's report included: Approved boundaries for South County LUAC and Board action on covered parking.

X. ADJOURNMENT – 3:25 p.m.

ATTEST



MIKE NOVO, SECRETARY

MN:kb/ca