

**FINAL
MONTEREY COUNTY PLANNING COMMISSION
WEDNESDAY, OCTOBER 13, 2010
MINUTES**

PLEDGE OF ALLEGIANCE - 9:00 A.M

A. ROLL CALL

Present: Amy Roberts, Jay Brown, Chair, Paul Getzelman, Don Rochester, Keith Vandevere, Martha Diehl, Matthew Ottone, Vice-Chair, and Cosme Padilla.
Absent: Aurelio Salazar, Jr., Juan Sanchez.

B. PUBLIC COMMENTS - None

C. AGENDA ADDITIONS, DELETIONS AND CORRECTIONS - None

D. APPROVAL OF MINUTES: June 30, July 21, July 28, and August 11, 2010

Minutes of June 30: No public comment. It was moved by Commissioner Diehl, seconded by Commissioner Rochester, and passed by the following vote to approve the minutes of **June 30, 2010**:

AYES: Getzelman, Vandevere, Roberts, Rochester, Brown, Diehl, Padilla, Ottone
NOES: None
ABSENT: Salazar, Sanchez
ABSTAIN: None

Minutes of July 21: Commissioner Roberts suggested a correction. No public comment. It was moved by Commissioner Roberts, seconded by Commissioner Vandevere, and passed by the following vote to approve the minutes of **July 21, 2010** as corrected:

AYES: Getzelman, Vandevere, Roberts, Rochester, Brown, Padilla, Ottone
NOES: None
ABSENT: Salazar, Sanchez
ABSTAIN: Diehl

Minutes of July 28: No public comment. It was moved by Commissioner Diehl, seconded by Commissioner Padilla, and passed by the following vote to approve the minutes of **July 28, 2010**:

AYES: Getzelman, Vandevere, Roberts, Rochester, Brown, Diehl, Padilla, Ottone
NOES: None
ABSENT: Salazar, Sanchez
ABSTAIN: None

Minutes of August 11: No public comment. It was moved by Commissioner Diehl, seconded Commissioner Getzelman, and passed by the following vote to approve the minutes of **August 11, 2010**:

AYES: Getzelman, Vandever, Roberts, Brown, Diehl, Padilla, Ottone
NOES: None
ABSENT: Salazar, Sanchez
ABSTAIN: Rochester

E. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

Secretary Novo reported that the Planning Commission meets only once in November and December; which will be November 10th and December 8th.

F. SCHEDULED ITEMS

1. HARPER CANYON REALTY LLC - PLN000696

Planning Area: Toro. **Project Planner:** Taven M. Kinison Brown. **Environmental Status:** Environmental Impact Report Prepared. **Project Description:** Harper Canyon (Encina Hills) Subdivision Proposal. The Proposal is a Combined Development Permit Request Consisting of: 1) A Vesting Tentative Map for the subdivision of 344 acres into 17 residential lots ranging in size from 5.13 acres to 23.42 acres on 164 acres with one 180-acre remainder parcel; 2) Use Permit for the removal of approximately 79 coast live oak trees over six inches in diameter for road and driveway construction; 3) Use Permit for development on slopes in excess of 30 percent; 4) A Use Permit for the expansion of a public water system; 5) Grading for net cut and fill of approximately 2,000 cubic yards; and design approval. The project is located north of San Benancio Road, Salinas (Assessor's Parcel Numbers 416-611-001-000 and 416- 611-002-000), East of Highway 68, Toro Area.

Project Planner Taven Kinison Brown stated the applicant requested a continuance of the hearing to October 27, 2010.

It was noted in response to Commissioner questions that this was the applicant's first request for a continuance.

Public comment: None.

It was moved by Commissioner Vandever, seconded by Commissioner Diehl, and passed by the following vote to continue the public hearing to October 27, 2010:

AYES: Getzelman, Vandever, Roberts, Rochester, Brown, Diehl, Padilla, Ottone
NOES: None
ABSENT: Salazar, Sanchez
ABSTAIN: None

2. MORGADINHO FERNANDO M & MARILYN M TRS - PLN090006

Planning Area: Carmel Valley Master Plan. **Project Planner:** Anna Quenga.
Environmental Status: Exempt. **Project Description:** Combined Development Permit consisting of an Administrative Permit and Design Approval to allow an addition to a single family dwelling within a Site Plan review district and Use Permit to allow development within the Carmel Valley Floodplain. Development consists of partial demolition, remodel, and addition to a single family dwelling (a 703 square foot addition to the main level, demolition of the existing 609 square foot second story and construction of a new 1,234 square foot second story, and the construction of a 536 square foot attached garage, a 351 square foot covered front porch, and a 759 square foot rear deck). Materials and colors to consist of stucco and wood painted brown and taupe for the walls, green clad windows and metal guardrails, and grey asphalt shingles. The project includes the replacement of the existing septic system and approximately 200 cubic yards of grading (less than 100 cubic yards of cut and less than 100 cubic yards of fill). The property is located at 35 Paso Hondo, Carmel Valley (Assessor's Parcel Number 189-111-014-000), Carmel Valley Master Plan area

Secretary Novo requested continuance of the hearing on the project to October 27, 2010. The project is scheduled be heard by the LUAC prior to coming before the Planning Commission.

Public Comment: None.

It was moved by Commissioner Diehl, seconded by Commissioner Padilla, and passed by the following vote to continue the public hearing to October 27, 2010:

AYES: Getzelman, Vandevere, Roberts, Rochester, Brown, Diehl, Padilla, Ottone
NOES: None
ABSENT: Salazar, Sanchez
ABSTAIN: None

The Department Report was taken up next.

H. DEPARTMENT REPORT

Secretary Novo reported on the Board of Supervisors' tentative changes to the General Plan.

Break 9:17 a.m. - Reconvene at 9:31 a.m.

3. URIBE DON A - PLN040707

Planning Area: Cachagua Area Plan. **Project Planner:** Craig Spencer.
Environmental Status: Mitigated Negative Declaration. **Project Description:** **Continued from August 25, 2010.** Use Permit to: 1) Clear a violation (CE040207) involving the removal of 47 protected trees; and 2) To allow new development including the removal of an addition 20 protected trees for the construction of a new 2,700 square foot one-story single family dwelling with a 1,349 square foot attached garage, a 720 square foot detached pole barn, a new 5,000 gallon tank, a new septic system, and approximately 2,000 cubic yards of grading. The property is located at 39007 Tassajara Road, Carmel Valley (Assessor's Parcel Number: 418-311-007-000) Cachagua Area.

Project planner Craig Spencer presented the project.

Public Comment: Don Uribe, owner agreed with the new conditions and all changes proposed by staff; Nancy Sky; Don Gruber.

It was moved by Commissioner Vandevere, seconded by Commissioner Diehl, and passed by the following vote to approve the project with the Pole Barn in alternate location number 2, with the changes recommended by staff and changes to conditions to require planting of native shrubs in the open area and to retain the requirement of a conservation easement along with the requirement for payment of an oak woodlands fee.

AYES: Getzelman, Vandevere, Roberts, Rochester, Brown, Diehl, Padilla, Ottone

NOES: None

ABSENT: Salazar, Sanchez

ABSTAIN: None

4. AGRICULTURE & LAND-BASED TRAINING ASSOCIATION - PLN090095

Planning Area: North County Area, Coastal. **Project Planner:** Liz Gonzales.

Environmental Status: Mitigated Negative Declaration. **Project Description:** Coastal Development Permit to allow a voluntary wetland restoration project on approximately 40 acres of a 195 acre parcel. The restoration consists of restoring, improving and maintaining native plant and endangered habitat while reconnecting the Carneros Creek to its historic floodplain. Grading consists of 4,130 cubic yards of cut and 4,130 cubic yards of fill, all to be balanced on site. The property is located east of Sill Road at 420 Hall Road in the Elkhorn Slough Watershed, Royal Oak (Assessor's Parcel Numbers 181-251-001-000 & 181-251-003-000), North County area, Coastal Zone.

Project Planner Liz Gonzales presented the project and suggested a correction to finding 3. Tom Moss, Water Resources Agency, stated a hydrological report was done by the applicant, and the project design complies with County Code requirements.

Public Comment: Kaley Grimland, applicant; Brian Largay, hydrologist; Brett Malone, Executive Director of ALBA.

It was moved by Commissioner Padilla, seconded by Commissioner Rochester, and passed by the following vote to adopt the Mitigated Negative Declaration, approve the project with the change to finding 3 recommended by staff, and adopt the Mitigation Monitoring and Reporting Program:

AYES: Getzelman, Vandevere, Roberts, Rochester, Brown, Diehl, Padilla, Ottone

NOES: None

ABSENT: Salazar, Sanchez

ABSTAIN: None

Break 10:22 a.m. Reconvene 10:35 a.m.

5. COUNTY OF MONTEREY (ROOSTER ORDINANCE) - PD070731

Project Location: RDR, LDR, MDR, and A inland Zoning Districts. **Planning Areas:** Inland Unincorporated County. **Environmental Status:** Negative Declaration. **Project**

Description: (BOS Referral No. 2007-02) Ordinance to amend Chapter 21.06 and portions of Chapters 21.12, 21.14, 21.16, 21.48 and 21.64 of Title 21 (Zoning) of the Monterey County Code to regulate the keeping of roosters in the Medium Residential District (MDR), Low Density Residential District (LDR), Rural Density Residential District (RDR), and the Limited Agricultural District (A).

Project Planner Taven Kinison Brown presented the draft ordinance. Deputy County Counsel Strimling suggested attaching the draft Ordinance to Resolution and adding wording to Recital 7.

Discussion ensued regarding the enforcement of the ordinance and the purpose.

Public Comment: Ann Marie Tresh, Concerned Citizens of MOCO; Karen Silveira; Jan Mitchell, Prunedale Neighbors Group and Prunedale Preservation Alliance; Lisa Hefler, SPCA

It was moved by Commissioner Rochester, seconded by Commissioner Padilla, and passed by the following vote to adopt the proposed resolution, including the revisions suggested, recommending that the Board of Supervisors adopt the Negative Declaration and the ordinance:

AYES: Getzelman, Roberts, Rochester, Brown, Padilla, Ottone
NOES: Vandevere, Diehl
ABSENT: Salazar, Sanchez
ABSTAIN: None

G. OTHER MATTERS: NONE

I. ADJOURNMENT - 11:55 a.m.

Date Adopted: December 8, 2010

ATTEST



Mike Novo, Secretary

MN/ca