

**DRAFT
MONTEREY COUNTY PLANNING COMMISSION
WEDNESDAY, JANUARY 25, 2012
MINUTES**

PLEDGE OF ALLEGIANCE - 9:00 A.M.

A. ROLL CALL

Present: Commissioners Jay Brown; Keith Vandevere; Amy Roberts, (Vice-Chair); Don Rochester; Paul Getzelman (Chair); Jose Mendez; Martha Diehl; Cosme Padilla; Luther Hert

Absent: Aurelio Salazar, Jr.

B. PUBLIC COMMENTS - None

C. AGENDA ADDITIONS, DELETIONS AND CORRECTIONS - None

D. APPROVAL OF MINUTES - None

E. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

Commissioner Brown commented on the desalinization project.

F. SCHEDULED ITEMS

1. CHEVRON USA INC - PLN110406

Project Planner: Taven Kinison Brown. **Environmental Status:** Addendum to previously certified EIR for the Chevron San Ardo to Coalinga Heated Oil Pipeline. **Project Description:** **CONTINUED FROM JANUARY 12, 2012.** Amendment and Extension to a previously approved permit (PLN030507) to modify Condition of Approval #9 eliminating the number of truck trips and adhering to the established emissions threshold and request a three-year extension of the Use Permit from its present expiration. The pipeline project commences at Assessor's Parcel Number 237-101-002-000), San Ardo area, South County Area Plan.

Project planner Taven Kinison Brown requested a continuance to February 8, 2012.

Public Comment: Mike Stafford, Chevron Pipeline Company

It was moved by Commissioner Brown, seconded by Commissioner Rochester, and passed by the following vote to continue the hearing on the project to February 8, 2012:

AYES: Brown, Vandevere, Roberts, Rochester, Getzelman, Mendez, Diehl, Padilla, Hert

NOES: None

ABSENT: Salazar

ABSTAIN: None

2. HORSLEY ANDREW P TR ET AL - PLN110426

Project Planner: Daniel Lister. Environmental Status: Exempt. Project Description: Use Permit to allow the storage and distribution of petroleum products on an existing heavy commercial site. The project includes the installation of seven (7) above-ground petroleum holding tanks with concrete containment wall near the existing 6,000 square foot building. Associated improvements include a new oil/water separator and fencing modifications. The property is located at 1083 Madison Lane, Salinas (Assessor's Parcel Numbers 261-052-008-000, 261-052-002-000, 261-052-003-000, 261-052-006-000, and 261-052-009-000), Greater Salinas Area Plan.

Project planner Dan Lister began a presentation on the project. Commissioners questioned why the hearing was being held in light of a staff memo requesting a continuance. Commissioners identified issues for staff to address when the project returns for hearing..

It was moved by Commissioner Diehl, seconded by Commissioner Mendez, and passed by the following vote to continue the hearing on the project to March 14, 2012:

AYES: Brown, Vandever, Roberts, Rochester, Getzelman, Mendez, Diehl, Padilla, Hert
NOES: None
ABSENT: Salazar
ABSTAIN: None

3. **POPPY HOLDINGS INC. - PLN100655**

Project Planner: Delinda Robinson. **Environmental Status:** Mitigated Negative Declaration. **Project Description:** Combined Development Permit consisting of: 1) a Coastal Development Permit to allow the renovation of the Poppy Hills Golf Course to include: removal of the existing irrigation system and installation of a new irrigation system including new irrigation lines, new programming/timing devices and new controllers with current technology in conjunction with sand-capping the existing golf course, driving range and practice putting green to improve water conservation and drainage; and changes to the alignment of specific holes to reduce irrigation and improve play. The project will include approximately 61,000 cubic yards of grading which will be balanced on site and the import of approximately 55,000 cubic yards of sand for the sand-capping component; 2) a Coastal Administrative Permit to allow the demolition of the existing snack bar and construction of a new 336 square foot snack bar and 1,000 square foot dining patio; 3) a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat; 4) a Coastal Development Permit to allow the removal of 533 trees; 5) Design Approval; and 6) a General Development Plan. The property is located at 3200 Lopez Road, Pebble Beach (Assessor's Parcel Numbers 008-031-016-000 & 008-032-003-000), Del Monte Forest Land Use Plan, Coastal Zone.

Project planner Delinda Robinson presented the project and proposed modifications to findings, evidence and conditions provided in an errata provided by staff.

Public Comment: Joel Panzer, applicant's representative; Lynn Nelson, Northern California Golf Association; Bruce Charleton, Chief Designer; Maureen Hamb, project arborist; Darryl Biddy; Mark Stilwell, Executive Vice-President of Pebble Beach Company.

Planning Services Manager Laura Lawrence responded to questions regarding the stockpiling of the sand. Staff recommended deleting the additional language that had been recommended for conditions 9, 10, and 12.

It was moved by Commissioner Diehl, seconded by Commissioner Padilla, and passed by the following vote to adopt the Mitigated Negative Declaration with the Mitigation Monitoring Reporting Plan and approve the project with changes as shown in the errata memorandum and as recommended by staff:

AYES: Brown, Vandever, Roberts, Rochester, Getzelman, Mendez, Diehl, Padilla, Hert
NOES: None
ABSENT: Salazar
ABSTAIN: None

Wendy Strimling, Senior Deputy County Counsel, introduced Jesse Avila, an attorney who has joined the County Counsel staff.

Break 10:30 a.m. - Reconvene - 10:45 a.m.

4. CARMEL RIO ROAD LLC - GPZ090004

Project Planner: Bob Schubert. **Environmental Status:** Exempt. **Project**

Description: Consider denial of a Combined Development Permit consisting of: a) Standard Subdivision of a 7.92 acre property into 31 Market Rate lots and one Inclusionary Housing lot containing 11 Inclusionary units (2 very low, 5 low and 4 moderate); and b) Administrative Permit and Design Approval for development in the "D" (Design Control) and "S" (Site Review) Zoning Districts. The property is located at 15 and 26500 Val Verde Drive, Carmel (Assessor's Parcel Numbers 015-021-020-000, 015-021-021-000 and 015-021-015-000), Carmel Valley Master Plan

Project planner Bob Schubert presented the project.

Public Comment: Brian Clark, applicant; Dee Anne Howe; Richard Stott; Margaret Robbins; Pam Silkwood, attorney for the applicant.

It was moved by Commissioner Brown and seconded by Commissioner Mendez to deny staff's recommendation of denial and give the applicant opportunity to address the remaining project deficiencies. The motion failed by the following vote:

AYES: Brown, Mendez
NOES: Vandever, Roberts, Rochester, Getzelman, Diehl, Padilla, Hert
ABSENT: Salazar
ABSTAIN: None

It was moved by Commissioner Vandever, seconded by Commissioner Diehl, and passed by the following vote to accept staff's recommendation to adopt a resolution to deny the application.:

AYES: Vandever, Roberts, Rochester, Getzelman, Mendez, Diehl, Padilla, Hert
NOES: Brown
ABSENT: Salazar
ABSTAIN: None

Lunch Break – 11:55 a.m. – Reconvened 1:01 p.m.

5. PROOF OF ACCESS ORDINANCE - PLN060127

Project Planner: Carl Holm. **Project Description:** CONTINUED FROM DECEMBER 14, 2011. Consider regulations for new development that would intensify use of a private road or access easement (“Proof of Access”).

RMA Deputy Director Carl Holm presented the various conceptual approaches set out in the staff report.. Assistant County Counsel Les Girard advised the Commission concerning the issue of which party bears the burden of proving access..

Public Comment: Dee Anne Howe; Margaret Robbins; John Anzini; Patricia Bernardi.

Commissioner Vandevere suggested an approach. His approach, in concept was as follows: all discretionary permits that will utilize the private road for access require two things before the application is deemed complete: 1) applicant must provide documentation to the satisfaction to the Director of Planning and sufficient to make a prima facie showing that access for the purpose proposed exists, and 2) applicant must provide notification of the proposed use to everyone within 300 feet and everyone who uses that private road for access and/or has abutting property. When the application is before the hearing body, if the decision-making body finds based on substantial evidence that a substantive dispute as to the access exists, the decision-making body may condition the project to requires either a judicial resolution or settlement establishing access.

The Commission agreed by consensus to direct staff to draft an ordinance based on Commissioner Vandevere’s suggested approach.

G. OTHER MATTERS - None

H. DEPARTMENT REPORT

Secretary Novo gave an overview of the projects heard by the Board of Supervisors on Tuesday, January 24, 2012 (Merrill/Wayland, OMNI, MST/Whispering Oaks; Kehring Appeal; 2 rezonings approved; Pebble Beach Company Local Coastal Program, and that the Board adopted the new Mitigation Monitoring and Condition Compliance reporting procedures). He also explained that staff is working on revisions to the Rules for the Transaction of Business for the Planning Commission, that Citizens Advisory Committees are being eliminated along with the Redevelopment Agencies. He asked which Commissioners would like 2012 CEQA books and stated that a memorandum would be distributed on the Barnyard shopping center signs.

I. ADJOURNMENT - 1:56 p.m.

Date Adopted:

ATTEST

Mike Novo, Secretary

MN/ca

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