

FINAL

**MONTEREY COUNTY PLANNING COMMISSION
September 8, 2004
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, Cosme Padilla, Keith Vandevere, Juan Sanchez,
Martha Diehl, Aurelio Salazar, John Wilmot
Absent: Don Rochester

B. COMMENT PERIOD

PUBLIC – Marjorie Kay requested Commissioner Padilla to talk about the Castroville area.

COMMISSION – Commissioner Padilla spoke of visitors coming in from Mexico. The Salinas Valley Memorial Hospital is dedicating medical supplies, donating towards the fountain that will go in the new Castroville Plaza, and assistance in completing the project.

Commissioner Errea has been visiting with Bradley/Parkfield area residents and compiling information for the Lockwood area. He requested that Lockwood-Bryson Hesperia be formed into a Land Use Advisory Committee.

Jeff Main, Planning and Building Inspection Department, requested the date of October 27th meeting to prepare the application. All Commissioners concurred to put the item on the agenda.

C. APPROVAL OF MINUTES

There were no Minutes scheduled for approval.

D. SCHEDULED ITEMS

1. CWN – PLN040477

Therese Schmidt, Senior Planner, presented the appeal of the Director's determination regarding application of the subdivision ordinance for the proposed lot reconfiguration with a recommendation for denial. Ms. Schmidt advised that the project is appealable to the Board of Supervisors and was corrected in the staff report.

Anthony Lombardo, representing the applicant, gave a brief overview of the issue and introduced a letter from Daniel Curtin, Jr., Land Use Attorney.

The Commission was concerned with total area of building lots, scenic easement boundaries, lot configuration exists today, level of environmental review, conformance to local ordinances and zoning, access roads, changing lot lines, and approved building envelopes.

Anthony Lombardo addressed the issues.

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

Marjorie Kay, Jan Mitchell, and Mark Sherman agree with staff recommendation for denial of appeal.

There was further Commission discussion on the issues.

Commissioner Sanchez called for a motion.

Commissioner Diehl moved to support staff's recommendation, with the correct appeal body, for denial, seconded by Commissioner Sanchez and passed by the following vote (Resolution #04040).

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

2. VARGAS MARIA TR – PLN040016

Timothy Johnston, Associate Planner, presented the project and recommended the Planning Commission adopt the Mitigated Negative Declaration and Mitigation Monitoring Reporting Plan, and approve the project.

Maria Vargas, applicant, stated she inherited the property and agrees with the staff report.

Marjorie Kay, Mark Sherman, Son-Kit Vargas, Julie Engle, and Jan Mitchell spoke on having a Planning Commission site visit, removal of tanks, maintenance, and code enforcement.

Mr. Johnston responded to public comment.

The Commission requested a site visit before final action be taken.

Jeff Main, Planning and Building Inspection Department, stated he would coordinate with North County Coastal and North County Non-Coastal LUAC for a convenient date and set a field trip.

Commissioner Sanchez moved to approve staff recommendation to adopt the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program and approve the Coastal Development Permit, seconded by Commissioner Errea and passed by the following vote (Resolution #04041).

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

3. PIETRO MICHAEL – PLN040176

Jeff Main, Planning and Building Inspection Department, stated Mr. Raynor withdrew his appeal.

Commissioner Sanchez moved to accept the withdrawal of the appeal by Mr. Raynor, seconded by Commissioner Hawkins and passed by the following vote

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

Break from 10:45 a.m. to 10:57 a.m.

4. RANCHO SAN JUAN – PC94025

Alana Knaster, Chief Assistant Director of Planning and Building Inspection Department, presented the sequence for presentation of the project. First, the Commission would look at the Environmental Impact Report for the Specific Plan, then Ordinance changes, Specific Plan, issues pertaining to the Tentative Map, including the Environmental Impact Report.

The Commission discussed presenting the project as a whole.

Commissioner Parsons returned at 11:00 a.m.

Ms. Knaster addressed the order stating it would go before the Subdivision Committee and then the Planning Commission. The project is set for the September 30, 2004 Subdivision Committee meeting.

The Commission further discussed the relationship of the tentative map to the Specific Plan.

Julie Engle, Jan Mitchell, Marjorie Kay, Mark Sherman, and Hans Jongens spoke of having an evening meeting, number of residential units proposed, have EIR available for public, a site visit, traffic, noise, a five-minute comment period, and water supply.

The Commission supported an evening meeting, three-minute comment period, having the public submit comments in writing ahead of time for review, possible change of venue closer to the Rancho San Juan site, translation capability, and commented on special interest groups – not elected by County.

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

Jeff Main, Planning and Building Inspection Department, stated he would have dates for the special meetings at the next meeting.

Commissioner Errea moved to accept the report and come back with definite dates for the hearings, seconded by Commissioner Hawkins and passed by the following vote:

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

5. POTTER DOUG & MARALEE – PLN030547

Ramon Montano, Assistant Planner, described the project, passed out a letter from Anthony Lombardo, and recommended denial without prejudice.

Anthony Lombardo, representative for the applicant, gave an overview of the project and addressed ridgeline development.

The Commission was concerned with ridgeline development.

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

Commissioner Parsons moved for a Resolution of Intent to Approve and recommend staff to prepare Resolution, seconded by Commissioner Errea, and failed by the following vote:

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

There was further discussion on the height and trees not screening the visibility.

Commissioner Sanchez moved for approval of staff's recommendation for denial, seconded by Padilla, and passed by the following vote (Resolution #04042):

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

6. KITAJI JON & CHRIS – PLN020357

Commissioner Diehl reiterated her prior status as a member of the Board of the Rio Piedras Association and excused herself from Commission deliberation on this item due to potential conflict of interest issues.

Commissioner Sanchez was absent at the last meeting and excused himself from hearing the project.

The hearing was opened as a continued item and Eric Lee, Associate Planner, introduced Bill Dunn, Code Enforcement, who explained the violation.

Bill Dunn gave an overview of the violation and stated he has been working with Brian Patch, the previous and current owner of several of the parcels with violations and whose family was originally responsible for the violation prior to the sale to the Kitaji's.

Mr. Lee stated that the violations occurred on three properties owned by, Patch, Kitaji, and Burke. He clarified Conditions #12 and 16 and Mitigation Measures #1 and 2. In addition, he changed the fees charged for mitigation monitoring to \$5,223.32, based on 1-10 measures.

Commissioner Vandevere expressed his appreciation of the time and effort put into the Mitigation Monitoring and Reporting Program.

Robert Carver, architect for applicant, accepted the conditions.

Jeff Main, Planning and Building Inspection Service Manager, stated the well and septic system were left off the public notice, but the items could be approved through the Administrative Permit process.

Barbara James, Rio Piedras Club, spoke in favor of the project.

Jan Mitchell stated this project is an example where Code Enforcement needs to be supported with adequate resources.

Commissioner Vandevere moved staff's recommendation to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approve the Combined Development Permit, seconded by Commissioner Parsons and passed by the following vote (Resolution #04043).

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

Lunch break from 12:10 p.m. to 1:30 p.m.

Commissioner Parsons did not return.

7. DENA SALA dba ZEN'S FARM FRESH PRODUCE AND NURSERY (TERAJI) – PLN040458

Lynne Mounday, Planning and Building Services Manager, presented the project, recommended denial of the appeal of the Director's determination that the current use is illegal, and suggested an alternative of tabling the matter pending completion of the General Plan Update.

There was discussion regarding operation of the use while the appeal is pending.

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

Aaron Johnson, representative for Dena Sala, gave an overview of the project stating that it does not meet the definition of a convenience store as suggested by Mr. Mounday and that instead it operates as an outlet selling Monterey County produce, a destination site for tourists, and turned in Petition supporting the continued use.

Tom Carvey supports industry, tourist and agricultural and encourages local business.

John Hinrichs, Doris Wilmot, Sam Jenkinson, Don McKinley, and Dave Freeman spoke in favor of keeping the stand open, stating it utilizes the building on Highway 68, that it is great for the community and an asset for Monterey County, and great for tourism.

Mr. Mounday read letter from the Chamber of Commerce into record supporting the existing use.

The Commission discussed recommending a subcommittee of the Planning Commission to address appropriate activities at produce stands in Monterey County and other issues related to the approval of such uses related to the current appeal.

Commissioner Diehl suggested looking at the fact that this particular case is different in that no new development is proposed on farmlands. She advised that it is an existing building that has already been used as a commercial development.

Commissioner Diehl moved to affirm the appeal, find that the current agricultural produce stand is consistent with the character density and intensity as stated in Section 20.30.040 D, and allow the use as approved within the existing Use Permit granted for the nursery that was operating previously. Affirm the appeal and go on forward to say we would direct the applicant to apply for an amendment to the Use Permit. In addition, to add with the Motion that a Use Permit, if granted, would be for a limited period of time to allow for any future General Plan updates addressing agricultural uses, should that happen.

Commissioner Sanchez seconded the motion and stated that motion is unique to this produce stand. He asked whether the Commission could make the motion apply to other produce stands also, so there aren't violations on them, until the General Plan Update or does it have to be unique to just this produce stand?

Wendy Strimling, County Counsel, advised the Commission on the issues by suggesting a Resolution of Intent and that what the Commission has before them is an appeal of an administrative interrepetition that was specific to this property.

Lynne Mounday, Planning and Building Inspection, stated that it is unknown which fruit stands actually do have permits or perhaps instead are legal nonconforming uses.

There was discussion about the two motions..

Wendy Strimling, County Counsel, stated that this appeal could be continued to a date certain and then in the interim the Commission could work towards amending the Zoning Ordinance so that there is language in the Farmland 40 that would allow a use related to produce stands selling produce not grown onsite and have a subcommittee, including a planner, articulate the wording for the amendment.

Commissioner Errea, in a substitute motion, moved for a Resolution of Intent to be brought back at the next Commission meeting directing continuance of the appeal until a maximum of one year while the Zoning Ordinance is amended to address issue of farm stands selling produce grown off site and to recommend Director of Planning and Building Inspection hold Code Enforcement action in abeyance, seconded by Commissioner Vandevere, and passed by the following vote:

AYES: Errea, Hawkins, Padilla, Vandevere, Salazar, Wilmot, Diehl, Sanchez

NOES: None

ABSENT: Rochester, Parsons

ABSTAIN: None

Planning Commission

9/8/04

Jeff Main formally directed staff to place on the next Agenda a Resolution of Intent.

Commissioner Diehl stated they have other issues that are being considered in the same manner and requested a status report on all of them at one of the upcoming Planning Commission meetings.

E. OTHER MATTERS

Advisory Committee Appointments

It was moved by Commissioner Diehl, seconded by Commissioner Vandevere, and passed by the following vote to reappoint Barbara Rainer to the Carmel Unincorporated/Carmel Highlands Land Use Advisory Committee.

AYES: Errea, Sanchez, Hawkins, Padilla, Vandevere, Diehl, Salazar, Wilmot

NOES: None

ABSENT: Rochester, Parsons

Department Report

Jeff Main, Secretary to the Commission, stated there are possible resources available to support the Planning Commissioners to attend the California County Planning Commissioners Association State Conference being held November 11-14, 2004, in Alameda County.

Commissioner Hawkins has registered to attend and will fill out a claim for reimbursement after the conference.

F. ADJOURNMENT

The meeting was adjourned at 2:50 p.m.

ATTEST

Jeff Main, Secretary

JM/lmr