

**FINAL
MONTEREY COUNTY PLANNING COMMISSION
MARCH 11, 2009
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, Mathew Ottone, Martha Diehl, Don Rochester, Steve Pessagno, Cosme Padilla,
Keith Vandevere (Chair), Aurelio Salazar, Jr.
Absent: Juan Sanchez, Nancy Isakson

II. PUBLIC COMMENT: NONE

III. APPROVAL OF MINUTES – JANUARY 28, 2009

It was moved by Commissioner Diehl, seconded by Commissioner Padilla and passed by the following vote to approve the minutes for January 28, 2009.

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

IV. AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

V. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

VI. CLOSED SESSION – Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: Number of cases - 1, regarding the consideration of the Carlsen Estates subdivision.

Wendy Strimling, Deputy County Counsel, advised that the item was on the agenda per the Planning Commission's last direction and counsel was not recommending a closed session at this time.

Commissioners requested that this item be on a future agenda only if County Counsel determines that there is a need.

VII. ACTION ITEMS

1. CARLSEN ESTATES (PLN000196)

STATUS REPORT RE: REVISED CARLSEN ESTATES SUBDIVISION PROPOSAL (FINAL REVISION DATED 08/19/08; FIVE PLAN SHEETS WITH REVISIONS 10, 13, 12, 10, AND 11 RESPECTIVELY). THE PROPOSAL IS A COMBINED DEVELOPMENT PERMIT REQUEST CONSISTING OF: 1) A STANDARD SUBDIVISION VESTING TENTATIVE MAP FOR THE DIVISION OF THREE PARCELS TOTALING APPROXIMATELY 95.5 ACRES INTO 33 RESIDENTIAL LOTS RANGING IN SIZE FROM 1.02 ACRES TO 13.29 ACRES; AND 2) USE PERMIT FOR REMOVAL OF APPROXIMATELY 302 OAKS OVER 6 INCHES IN DIAMETER FOR ROAD AND DRIVEWAY CONSTRUCTION AND ADDITIONAL OAKS FOR SEPTIC AND BUILDING ENVELOPE AREAS; AND 3) USE PERMIT FOR THE EXPANSION OF A PUBLIC WATER SYSTEM. DEVELOPMENT OF THE PROJECT WOULD REQUIRE APPROXIMATELY 8,600 CUBIC YARDS OF GRADING (4,300 CUBIC YARDS OF CUT AND 4,300 CUBIC YARDS OF FILL.) THE PROPERTY IS LOCATED SOUTHERLY OF BERTA CANYON ROAD,

EAST OF HIGHWAY 101, SALINAS (ASSESSORS PARCEL NUMBERS 125-051-005-000, 125-051-008-000 AND 125-051-017-000), PRUNEDALE AREA, NORTH COUNTY NON-COASTAL ZONE.

Project Planner Taven Kinison Brown provided a status report and requested that this item be continued.

The Commission discussed the number of continuances and when to bring it back for a hearing.

Public Comment: Ed Mitchell for the Prunedale Neighbors Group, Paula Lotz for Advocates for Code Compliance Jan Mitchell for the Prunedale Preservation Alliance, Lee Lotz, Sharon Joyce, David Dilworth for Helping Our Peninsula's Environment,. Molly Erickson.

The Commission asked questions related to the status of the number of continuances and who requested them, and discussed the procedures to clear violations.

It was moved by Commissioner Brown, seconded by Commissioner Salazar and passed by the following vote to continue the public hearing to a date uncertain and to a date when staff has determined that action can be taken on the project rather than returning with the project as only an informational item.

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

2. SJR LLC (PLN070631)

USE PERMIT AND GENERAL DEVELOPMENT PLAN TO RELOCATE A CONCRETE & ASPHALT RECYCLING OPERATION FROM 10735 OCEAN MIST PARKWAY IN CASTROVILLE TO THE A&S METAL RECYCLING FACILITY LOCATED ON COMMERCIAL PARKWAY.

UNDER THE GENERAL DEVELOPMENT PLAN, THE FACILITY WILL BE USED TO RECYCLE CONCRETE AND ASPHALT INTO BUILDING/CONSTRUCTION MATERIALS. CRUSHING EQUIPMENT WILL BE USED TO PROCESS THE CONCRETE AND ASPHALT INTO BASE ROCK. THE PRODUCT WILL BE SOLD AND THEN TRANSPORTED OFF SITE. HOURS OF OPERATION TO BE FROM 7:00 AM TO 5:00 PM, SIX DAYS A WEEK. THERE WILL BE A TOTAL OF EIGHT EMPLOYEES ON SITE. 10 STANDARD PARKING SPACES WILL BE PROVIDED. ONE SPECIAL NEEDS PARKING SPACE WILL BE PROVIDED. APPROXIMATELY 300 GALLONS OF WATER WILL BE USED PER DAY FOR THE DEVELOPMENT. THE PROJECT IS LOCATED ON COMMERCIAL PARKWAY, CASTROVILLE (ASSESSOR'S PARCEL NUMBERS 133-491-045-000 & 133-491-017-000), NORTH COUNTY NON-COASTAL AREA.

Project Planner Brittany Nicholson presented the project and provided an errata memo with additional conditions.

The Commission asked about the Land Use Advisory Committee review, water source, and whether the use would be intensified over the level at the old location.

Public Comment: John Silva, project representative.

It was moved by Commissioner Padilla, seconded by Commissioner Rochester and passed by the following vote to approve the Use Permit and General Development Plan subject to the findings and conditions recommended by staff, inclusive of the conditions on the errata memo.

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

NOES: None
ABSENT: Isakson, Sanchez

3. MOHSIN-SAMOSKE SUBDIVISION (PLN980516)

CONTINUED FROM 1/28/09. PUBLIC HEARING TO CONSIDER MAKING RECOMMENDATIONS TO THE BOARD OF SUPERVISORS TO CERTIFY AN ENVIRONMENTAL IMPACT REPORT AND APPROVE THE FOLLOWING PROJECT:

- 1) LOT LINE ADJUSTMENT OF 3.47 ACRES BETWEEN TWO PARCELS REDUCING APN: 167-061-032-000/RIEHL FROM 52.0 ACRES TO 48.53 ACRES AND INCREASING APN: 167-061-033-000/MOHSIN FROM 245.51 ACRES TO 249.0 ACRES.
- 2) GENERAL PLAN/TORO AREA PLAN AMENDMENT: A) AMEND LAND USE MAP FOR 17-ACRES (APN 167-061-029-000/SAMOSKE) FROM FARMLAND/40 ACRE MINIMUM (F/40) TO LOW DENSITY RESIDENTIAL WITH A SPECIAL TREATMENT AREA (STA) OVERLAY; AND B) AMEND LAND USE MAP FOR THE LOWER 55 ACRES OF A 249-ACRE PARCEL (APN 167-061-033-000/MOHSIN) FROM PERMANENT GRAZING/40 ACRE MINIMUM (PG/40) TO LOW DENSITY RESIDENTIAL WITH A STA OVERLAY; C) DESIGNATE THE ENTIRE 266 ACRES OF LAND AS A STA; AND D) ADOPT TORO AREA PLAN POLICY 30.1.1.2(T), ESTABLISHING LANGUAGE FOR A STA OVERLAY THAT WOULD GENERALLY ALLOW A MAXIMUM OF 14 NEW SINGLE-FAMILY RESIDENTIAL LOTS ON THE LOWER 72 ACRES WITH AGRICULTURAL BUFFERS AND THE UPPER 194 ACRES WOULD REMAIN PERMANENT GRAZING.
- 3) ZONE CHANGE: A) CHANGE THE UNDERLYING ZONING DESIGNATION OF 17 ACRE PARCEL (APN 167-061-029-000/SAMOSKE) FROM F/40-D TO LDR/5-VS; AND B) CHANGE THE UNDERLYING ZONING DESIGNATION OF THE LOWER 55 ACRES OF A 249-ACRE PARCEL (APN 167-061-033-000/MOHSIN) FROM PG/40-D TO LDR/5-VS WITH 194 ACRES REMAINING PG/40.
- 4) COMBINED DEVELOPMENT PERMIT CONSISTING OF: A) STANDARD SUBDIVISION TO SUBDIVIDE ONE 17-ACRE PARCEL (APN 167-061-029-000/SAMOSKE INTO THREE PARCELS CONSISTING OF 5.8 ACRES (PARCEL A), 5.0 ACRES (PARCEL B) AND 6.0 ACRES (PARCEL C) AND SUBDIVIDE ONE 249.0 ACRE PARCEL (APN 167-061-033-000/MOHSIN) INTO 11, 5-ACRE PARCELS (LDR/5) PLUS ONE REMAINDER PARCEL TOTALING 194 ACRES (PG/40). THE PROPOSED SUBDIVISION INCLUDES AGRICULTURAL BUFFER PLANS FOR REDUCED AGRICULTURAL BUFFERS; AND B) ADMINISTRATIVE PERMIT PURSUANT TO SECTION 21.14.040.G TO ALLOW A SMALL WATER SYSTEM WITH 14 CONNECTIONS.

Project Planner Bob Schubert and Assistant Planning Director Carl Holm presented the project and provided an errata memo to the Commission. Bob Roach, Deputy Agricultural Commissioner, discussed the agricultural viability study for the site and the analysis of that report by the Agricultural Commissioner's Office. Assistant Planning Director Holm stated that the Agricultural Advisory Commission had confirmed the Agricultural Viability Report and recommended the proposed agricultural buffer plan be approved.

The Commission asked about the right to farm ordinance, buffers and related land use limitations, uses adjacent to the project site, and buffer requirements.

Public Comment: Sheri Damon, representative.

The Planning Commission took a break from 10:35 to 10:50 a.m. and returned to item VII.3.

Public Comment (continued): Hans Jongens, Jan Mitchell, Virginia Jameson, representing the Ag Land Trust, Dale Hillard, Gary Knott, Jim Price, Barbara Joachim, Manuel Amaral.

It was moved by Commissioner Brown, seconded by Commissioner Rochester and passed by the following vote to approve staff recommendation with errata (consisting of approval of the draft resolutions recommending that the Board of Supervisors certify the EIR, approve the lot line adjustment, amend the General Plan/Toro Area Plan, approve zone changes, and approve the Combined Development Permit subject to the findings and conditions recommended by staff) and including adding a right-to-farm disclosure condition of approval.

AYES: Brown, Rochester, Salazar, Pessagno, Padilla
NOES: Diehl, Vandever
ABSTAIN: Ottone
ABSENT: Isakson, Sanchez

Commissioner Pessagno left at 11:24 a.m.

4. PROPOSED ORDINANCE TO AUTHORIZE PROPERTY TAX REDUCTIONS FOR QUALIFIED HISTORIC PROPERTIES (PLN080298)

ORDINANCE IMPLEMENTING CALIFORNIA GOVERNMENT CODE SECTION 50280 ET SEQ., AUTHORIZING REAL PROPERTY TAX REDUCTIONS FOR OWNERS OF CERTAIN QUALIFIED HISTORIC PROPERTIES WITHIN THE UNINCORPORATED AREAS OF MONTEREY COUNTY. REFERRED TO AS THE MILLS ACT ORDINANCE

Secretary Novo requested that this item be continued to April 8, 2009.

Public Comment: None.

It was moved by Commissioner Rochester, seconded by Commissioner Brown and passed by the following vote to continue the item to April 8, 2009.

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

5. ROAD ABANDONMENT (PD080767)

REPORT TO BOARD OF SUPERVISORS RE: CONFORMITY WITH GENERAL PLAN OF PROPOSED ABANDONMENT OF 2.152 SQ. FT. OF THE NORTHEAST CORNER OF HATTON ROAD AND MOUNTAIN VIEW AVENUE.

Chad Alinio, Public Works, presented the proposed abandonment.

Public Comment: Brian Finegan, representing the petitioners for abandonment.

It was moved by Commissioner Diehl, seconded by Commissioner Padilla and passed by the following vote to approve the resolution attached as exhibit E to the staff report recommending to the Board of Supervisors that the proposed abandonment of the portion of the northeast corner of Hatton Road and Mountain View Avenue is not inconsistent with the Monterey County General Plan and Carmel Land Use Plan and is categorically exempt under CEQA.

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

VIII. OTHER MATTERS: Commission Brown made a referral for staff to return with a discussion on deed restrictions, the right-to-farm ordinance, and agricultural buffers. He asked that staff explain how those work, their intent, and how they affect property owners.

IX. DEPARTMENT REPORT:

X. ADJOURNMENT: 11:33 a.m.

The Commission adjourned to a Special Meeting, the annual joint meeting of the Planning Commission and Land Use Advisory Committees, held at 1:30 p.m. on March 11 in the Monterey Room, Second Floor, 168 W. Alisal Street, Salinas.

(See Minutes for the Special Meeting.)

Date adopted: April 29, 2009

ATTEST:



MIKE NOVO, SECRETARY