

**DRAFT
MONTEREY COUNTY PLANNING COMMISSION
WEDNESDAY, MARCH 30, 2016
MINUTES**

PLEDGE OF ALLEGIANCE – 9:03 am

A. ROLL CALL

Present: Marth Diehl, Melissa Duflock, Paul Getzelman, Cosme Padilla, Amy Roberts, Don Rochester, Keith Vandevere

Absent: Ana Ambriz, Luther Hert, Jose Mendez

B. PUBLIC COMMENTS - None

C. AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

Commission Clerk Jackie Nickerson informed the Commissioners of:

- Comment Letters distributed on the dais regarding Item No. 3; and
- Deletion of March 9, 2016 approval of minutes. Minutes will be provided at the next Planning Commission hearing.

D. APPROVAL OF MINUTES: February 24, 2016

It was moved by Commissioner Vandevere, seconded by Commissioner Getzelman, and passed by the following vote to approve the February 24, 2016 minutes:

AYES: Diehl, Duflock, Getzelman, Padilla, Roberts, Rochester, Vandevere

NOES: None

ABSENT: Ambriz, Hert, Mendez

ABSTAIN: None

E. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS - None

F. SCHEDULED ITEMS

1. 9:00 A.M. - HILLTOP RANCH & VINEYARD LLC ET AL - PLN140234

Project Planner: Liz Gonzales. **Project Location:** 62 East Carmel Valley Road.

Assessor's Parcel No(s): 197-011-015-000 & 197-011-012-000. **Permit Type:** Use Permit. **Planning Area:** Carmel Valley Master Plan. **Environmental Status:** Statutory Exemption. **Project Description:** Use Permit to allow assemblages of people including corporate wine educational dinners and social events for up to 250 people at a time, not exceeding ten events per year located both within an existing 2,400 square foot barn and outdoors on existing lawn areas and within the vineyard. Planning Commission determination of what constitutes an allowed ancillary use within a vineyard. The site is

located at 62 East Carmel Valley Road, Carmel Valley (Assessor's Parcel Numbers 197-011-012-000, 197-011-013-000, 197-011-014-000 and 197-011-015-000), Carmel Valley Master Plan Area.

Project Planner Liz Gonzales requested a continuance to a date uncertain.

Secretary Holm clarified that the Statutory Exemption is relative to the continuance action only.

Planner Gonzalez noted that staff is working with the applicant in regards to traffic issues and will re-notice the project once staff has prepared the Environmental Review.

Public Comment: None

It was moved by Commissioner Diehl, seconded by Commissioner Rochester, and passed by the following vote to continue the Use Permit to a date uncertain:

AYES: Diehl, Duflock, Getzelman, Padilla, Roberts, Rochester, Vandever
NOES: None
ABSENT: Ambriz, Hert, Mendez
ABSTAIN: None

- 2. 9:00 A.M. - COUNTY OF MONTEREY (MEDICAL MARIJUANA) - REF150048**
Project Planner: Craig Spencer. **Permit Type:** Ordinances. **Planning Area:** County-wide. **Environmental Status:** under preparation. **Project Description:** Workshop before the Planning Commission to consider development of regulations for permitting medical marijuana operations, consistent with state law, in the unincorporated area of the County. **Recommended Action:** Conduct Workshop and provide direction to staff

Commissioner Roberts recused herself for this item.

Project Planner Craig Spencer accompanied with Resource Management Agency Planning Director Mike Novo and Deputy County Counsel Kelly Donlon presented the item.

Deputy County Counsel Wendy Strimling commented that the draft ordinances are still preliminary and are not existing regulations.

Public Commenters: Mike Linder, Big Sur Area; Heidi Park; Marilyn Rose; Parker Moran; Kevin Saunders; Gavin Kogan; Aram Stoney; Kate Daniels; Jeffrey Lind; Terry Upton.

These Public Commenters expressed support for Ordinances allowing Medical Marijuana grows and operations and requested: expanding the Pilot Program by increasing the number of permits allowed, allowing outdoor cultivation, and expediting the permitting process.

Secretary Holm noted that a GIS presentation would be very helpful to visualize affects of the proposed ordinance.

Break 10:08 am to set up a different computer to run the GIS program – Reconvene 10:23 am.

Staff was not able to get the GIS presentation to work so tried to verbally represent what it displayed and to respond to comments.

Commissioners provided comments for staff to further research and consider:

- Do we need a Business License with a Business permit?
- How does draft ordinance differ from State regulations? Justify where there is variation in the local ordinance.
- How are proposed regulations consistent with General Plan policies and Right to Farm regulations?
- Request further information on outdoor cultivation (pros and cons)
- Proposed setbacks do not seem feasible
- Question need to restrict signage
- Design regulations based upon the land use variances and outcomes to dictate where and how many, then let market decide.
- Identify desired outcomes. Include incentives (e.g.; levels of review) that encourage desired outcome (direct where appropriate)

Comments reflect thoughts of individual Commissioners; there was no discussion or vote for consensus.

3. **10:00 A.M. – STATUS REPORT ON SHORT TERM RENTALS ORDINANCE AND EVENTS ORDINANCE EFFORTS**
Project Planner: Melanie Beretti. **Planning Area:** County-wide. **Environmental Status:** Under Preparation. **Project Description:** Status Report on Developing Short Term Rental Regulations and Event Regulations **Recommended Action:** Receive report.

Commissioner Roberts returned to the dais at 11:19 a.m..

Special Program Manager Melanie Beretti accompanied with Resource Management Agency Planning Director Mike Novo provide a status report on Short Term Rental (STR) ordinance and events ordinance. Staff clarified that this item is just a status report on process and timing for the ordinance. STR and events are being treated separately with STR being handled first and then events following. Beretti informed the Commission of the STR Workgroup to help provide guidance for staff to help development the STR ordinance. The next step in development of STR ordinance is to bring forward a recommendations paper to discuss the range of alternatives of what the ordinance can look like through public workshops than Planning Commission and Board of Supervisors. Given other priorities, staff anticipates focusing attention on the STR ordinance this summer and having an ordinance in place by Spring. Staff would address events and STRs.

Public Commenters: Annie Martin, Board Member of Monterey County Vacation Rentals Alliance (MCVRA); Maren Elwood, Representing MCVRA; Chuck Stein; Cory; Lorrie

Meeting went into Lunch Recess at 12:01 pm – Reconvene 1:34 pm.

Chair Padilla continues to open up the public comment.

Public Commenters: Sylvia Savage; Linda Marin, MCVRA; Richard Matthews; Dale Ellis, Monterey County Hospitality Association (MCHA) and represents clients of Anthony & Lombardo Associates; Susan Bradley; Sofanya White; Sean Ward.

Most Public Commenters addressed concerns for speeding up the process of the STR ordinance and while the ordinance is being developed to stop citations and courtesy notices. A couple commenters addressed concerns particularly in facilities that are zoned and permitted for events such as resorts or hotels, and whether the policies being drafted would be going back and undoing events that have been occurring at those kinds of facilities. Hospitality industry relies upon special events and how a special event is defined.

The Board of Supervisors set staff priorities. However, the Commission supported moving the STR ordinance forward as expeditiously as possible.

4. 10:00 A.M. - PLANNING COMMISSION RULES FOR THE TRANSACTION OF BUSINESS – PD070880

Project Planner: Mike Novo. **Planning Area:** County-wide. **Environmental Status:** Not Applicable. **Project Description:** Workshop before the Planning Commission to consider modifications to the Monterey County Planning Commission Rules for the Transaction of Business. **Recommended Action:** Conduct Workshop and provide direction to staff on any modifications.

Resource Management Agency Planning Director Mike Novo presented this item.

Deliberation occurred between the Commission, Director Mike Novo and Counsel Strimling for further clarification and corrections to the following rules:

- Rule #1: No change
- Rule #2: Direction to state language similar to “Robert’s Rules of Order, as may be periodically revised...”
- Rule #3 & 4: No change
- Rule #5: Direction to make the language more concise; change reference to “unincorporated” County to just “County”; no need to address evening meetings specifically.
- Rule #6 & 7: No Change
- Rule #8: Direction to state language similar to “for documents submitted in the past 48 hours, Planning Commission may not have sufficient time to fully consider the document or may continue the hearing...”
- Rule #9: Addition to state language similar to “...may solicit input...”
- Rule X: Follow Board of Supervisors.
- Rule #10: Do not require disclosure of all ex parte conclusions ahead of hearing, but add language re sharing information obtained outside the hearing if part of evidence that is not presented during hearing in order to ensure fair and impartial hearing of permit applications.
- Rule #10.1: Suggestion to change language for abstentions and votes; omit disclosure of ex parte communications from order of actions.
- Rule #10.2: Direction to make more language more concise
- Rule #11: Deletion of No. 2

- Rule #12 & 13: No Change
- Consent Agenda: Staff to be prepared to present project if project is pulled

Staff will continue to work on revision to the Planning Commission Rules and bring the Rules back before the Commission.

G. OTHER MATTERS: NONE

H. DEPARTMENT REPORT

Secretary Carl P. Holm informed the Commission of only one item being scheduled for the April 13, 2016 Planning Commission hearing, which can be moved to the following hearing. The decision has been made that the April 13, 2016 Planning Commission hearing will be cancelled.

Resource Management Agency Planning Director Mike Novo is retiring effective April 1, 2016. Secretary Holm provided a brief statement of what all Mr. Novo has done for Monterey County.

The Commissioners thanked Mr. Novo for his service.

I. ADJOURNMENT – 3:31 pm

Date Adopted:

ATTEST

Carl P. Holm, Secretary

CPH/jn