

BOARD OF SUPERVISORS

Fernando Armenta	1 st District	Lew C. Bauman
Louis R. Calcagno	2 nd District	County Administrative Officer
W. B. "Butch" Lindley	3 rd District	
Jerry Smith	4 th District (Chair)	Charles J. McKee
Dave Potter	5 th District (Vice Chair)	County Counsel

Darlene Drain	Phone: (831) 755-5066
Clerk of the Board	FAX: (831) 755-5888
P. O. Box 1728	Home Page: www.co.monterey.ca.us
Salinas, CA 93902	

ACTION MINUTES

NOTICE OF CONTINUANCE OF PUBLIC HEARING AND CLOSED SESSION AND ADJOURNMENT OF MEETING OF MONTEREY COUNTY BOARD OF SUPERVISORS WEDNESDAY, DECEMBER 6, 2006 11:30 A.M.

11:30a.m.:

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- 6300.000 S-1 Closed Session under Government Code section 54950, relating to the following items:
- Pursuant to Government Code section 54956.9 (a), the Board will confer with legal counsel regarding the following existing litigation:
 - Water World Resorts, Inc. vs. County of Monterey, et al.
 - San Antonio Resorts, Inc. vs. County of Monterey, et al.

BOARD ACTION: The Board gave direction to counsel on how to resolve these matters.

- Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of significant exposure to litigation.

BOARD ACTION: The Board gave direction on how to resolve this matter.

SCHEDULED MATTERS:

1:00p.m.:

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- 1350.000 S-2 Continue Consideration of 2006 General Plan Update.

BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Calcagno, the Board gave tentative approval of the following:

L.U.- 2.12; L.U.- 2.18; C-1.8; AG 1.3; AG- 1.7; AG 3.3; P.S.- 2.8; P.S.- 2.9; P.S.- 3.5; P.S.- 3.12; OS-10.2; CV-1.27 and POR-94.

Public Comment:

- Christine Kemp: Addressed the Board on 2.12 and 2.13
- John Bridges: Addressed the Board on AG-1.7 – would like to see Mike Novo's suggestion implemented.

- c. Chris Bunn, Jr.: Addressed the Board on Ground water re-charge. Mr. Bunn inquired whether or not staff was able to speak to Mr. Weeks.
- d. Tom Carvey: Addressed the Board on LU-2.12 advising that this was an artificial request for affordable housing because it does not allow affordable housing to be built. Mr. Carvey would like to see a letter “j” added – project that can achieve higher than the County’s minimum would be given a credit. Mr. Carvey would like to see the 50% mandatory minimum be changed to become an incentive instead.
- e. Brian Finnegan: Addressed the Board on L.U.-2.12 stating that the Board had three (3) choices. The Board could entertain what the Planning Commission has recommended, what Mr. Carvey has recommended or go back to the original language from August 2006.
- f. Don Chapin: Addressed the Board on L.U. -2.12 to advise that the 50% mandatory affordable housing would stop everything...that 50% of nothing is still nothing. Mr. Chapin argued that making this a requirement is not realistic.

BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Calcagno, and carried, the Board directed staff to incorporate changes and gave tentative approval for the following: O.S.-5.16; O.S.-3.5; C.V.-1.26; CSV-1.7; O.S. 10.10; and A.G.-1.12.

Public Comment:

- a. Mike Caplan: Addressed the Board on O.S.-5.16 advising that he supports most of the changes made by staff.
- b. April Wooden: City of Gonzales: Addressed the Board on A.G.- 1.12 inquiring about the City’s General Plan.
- c. Michael Ortiz: Mayor – addressed the Board on issues of affordable housing.
- d. Don Flemming: Addressed the Board reading a letter from the City Manager of the city of Soledad.
- e. Tom Carvey: Addressed the Board on A.G.-1.12 using CHOMP as an example to support the issues of affordable housing for those who both live and work in the county of Monterey.
- f. John Bridges: Addressed the Board on C.V.- 1.26- and the Gardner Tennis Ranch – would like special treatment consideration given.
- g. Chris Bunn, Jr.: Addressed the Board on A.G. Land Loss Mitigation. Mr. Bunn, Jr. advised the Board that the Farm Bureau is not in favor of this.

BOARD ACTION: Supervisor Calcagno requested that L.U.-9.3 be brought back at the December 12, 2006 meeting. Supervisor Calcagno also requested Trails to continue. Supervisor Lindley also advised that he would require further clarification on Trails. Supervisor Armenta was in agreement with Supervisor Calcagno’s request. Supervisor Potter requested that an outline be submitted regarding any changes on the Carmel Valley Properties. He would also like to see trails brought back. It was further requested that S-7.8 be brought back before the Board as well.

This portion of the meeting was then adjourned and continued to Tuesday December 12, 2006.

Public Comment:

- a. Brian Finnegan: Addressed the Board referencing a letter dated November 17, 2006. Mr. Finnegan advised of issues over 5.11 and S-6.3.
- b. Christine Kemp: Addressed the Board on behalf of her clients the Jeffersons.
- c. April Wooden: Addressed the Board regarding the Sphere of Influence for the City of Greenfield and that it did not seem to be included.
- d. John Bridges: Addressed the Board on the Zechentmayer parcel, the Hattens, and to advise that he disagrees with staff on L.U.-9.3.
- e. Chris Bunn, Jr.: Addressed the Board to state that Trails should be strictly voluntary because it is a fundamental issue of basic property rights.
- f. Don Chapin: Addressed the Board on L.U.- 9.3 – the specific language. Mr. Chapin argued that this must be a more specific process because the “deemed complete” is a lengthy and unpredictable process.
- g. Mike Caplan: Addressed the Board on O.S.- 1.10 the Trails policy.

- h. Paula Lotz: Addressed the Board on behalf of the Carmel Valley Association. Mr. Lotz advised that they would like to see Trails kept in. Further that the Carmel Valley Association has always been supportive of an area that provides more affordable housing.
- i. Chris Fitz: Addressed the Board on Property owner requests that seek approval for subdivisions. Mr. Fitz refers to a letter dated October 23, 2006 sent to the Planning Commission.

**ORDER FOR ADJOURNMENT
THE MEETING WAS THEN CONTINUED TO TUESDAY
DECEMBER 12, 2006**

APPROVED:

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Chair

ATTEST:

LEW C. BAUMAN, Clerk of the Board

By: _____
Deputy