



MINUTES

Thursday, February 6, 2014

6:30 P.M.

**SPECIAL MEETING
PLANNING COMMISSION**

**Council Chambers
211 Hillcrest Avenue
Marina, California**

1. CALL TO ORDER

Chair Burnett called the meeting to order at 6:30 p.m.

2. ROLL CALL & ESTABLISHMENT OF QUORUM

Planning Commission Members:

Margaret Davis, Eugene Doherty, Greg Furey, Virgil Piper, Vice-Chair Ken Turgen, Chair David Burnett

Members Absent: Debra Daniels (excused)

3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

4. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR: None.

5. CONSENT AGENDA:

- a. Minutes for the January 23, 2014 Planning Commission meeting.

Vice-Chair Turgen moved for approval. The motion was seconded by Commissioner Piper and passed by a 5-0-1(Daniels)-1 (Doherty) vote.

Chair Burnett called for a fifteen minute recess to allow the Commissioners time to review a large volume of correspondence received for their action item tonight.

6. PUBLIC HEARINGS:

- a. None

7. OTHER ACTION ITEMS:

a. It is requested that the Planning Commission:

Provide an interpretation of Marina Municipal Code (MMC) Section 17.41.260, Surface Mining and Reclamation Standards, pursuant to a request by City Staff in accordance with MMC Section 17.56.020. Specifically, the Commission is asked whether or not the exploratory extraction of water for the purpose of determining its mineral content is a “surface mining operation” under MMC Section 17.41.260.B.

Katherine M. Jenson, City of Marina CEQA/Land Use Counsel gave a staff report.

Ms. Jenson provided background for the request that The City of Marina had received two separate requests by representatives of California American Water and the California Public Utilities to drill a total of five exploratory boreholes at the CEMEX mining site for the purpose of gathering information for the preparation of the Environmental Impact Report for the Monterey Peninsula Water Supply Project. The first three boreholes were for soil exploration only, and were treated by City Staff as an activity that is part of on-going “surface mining operations” of the CEMEX site. These boreholes have been drilled and refilled. The final two proposed boreholes would involve not only soil boring, but also the extraction of water to determine its mineral content.

She further advised that the Planning Commission’s interpretation would guide the City’s process for examining the final two proposed exploratory boreholes. If the Planning Commission agrees with the proposed interpretation of “surface mining operation,” then no permit or approval from the City would be needed for the two final boreholes

Following questions and clarification by the Commission, Chair Burnett opened the floor for public comments.

Public Comments:

- Don Freeman, Counsel for the Monterey Peninsula Regional Water Authority, addressed economic impacts on the hospitality industry and workers
- Eric Lawson, Monterey Bay Central Labor Council, supported moving forward with the request
- Frank Emerson, Carmel River Steelhead Association, spoke in support of staff’s recommendation
- George Riley, Citizens for Public Water
- Bill Hood, Retired Environmental Attorney, disagreed with staff’s interpretation and cautioned to be careful with the language
- Brian LaNeve, Carmel River Steelhead Association addressed impacts on the Carmel River
- Paul Bruno, Marina Business Owner, urged moving forward with the item to allow the sampling
- Norm Groot, Executive Director, Monterey County Farm Bureau, supported collection of water quality information
- Nelson Vega, Monterey Commercial Property Owners Association, spoke to impact

- on residents and jobs
- Nancy Isackson, Salinas Valley Water Coalition urged the Commission to move forward with their interpretation
- Tom Raley, Monterey Peninsula Tax Payers Association supports the development of a regional water supply project as being vital for the economy
- John Narigi, Co-Chair Coalition of Peninsula Businesses and VP/ /GM Monterey Plaza Hotel and spa encouraged accepting staff's recommendation to allow the water sampling
- Kevin Stone, Monterey County Association of Realtors expressed support and urged approval of the water sampling
- Brian Lee, General Manager, Marina Coast Water District, made a request that data be shared with the public and the aquifers be protected
- Jan Shriner, MCWD Board member addressed issues of money spent on the regional desalination project and suggested declining the interpretation
- Sam Teel, Chairman, Monterey County Hospitality Association, addressed the economic impacts of a reduced water supply and supported moving forward with the request
- Ron Cheshire, Monterey County Trades and Construction Council, supported the resolution before the Commission urged them to move forward
- Eric Zigas, CPUC Energy Division, described the process of determining the content of the water samples for the EIR, and read a letter of support
- Anna Shimko, Sedgewick Law, clarified issues of water rights and impacts and supported the Commission's interpretation of the City's Zoning Code
- Jim Cullem, Executive Director Monterey Peninsula Regional Water Authority, read definitions of mining and exploration from the City's code and urged the Commission to make that their focus
- Ron Weitzman, President, Water Plus, urged the Commission to follow the letter of the law but supported any decision
- Paula Pelot, Preston/Abrams Park Tenants Association, addressed water rates and the resolving the monetary dispute between Cal-Am and Marina Coast Water District
- Rich Svindland, VP of engineering, Cal Am, spoke as to the choice of location of the proposed boreholes at the CEMEX site

The floor was closed for public comment and discussion returned to the dais.

Commissioner Davis made a motion to deny the interpretation. The motion was seconded by Commissioner Piper and passed by a 4-2(Burnett, Turgen)-1(Daniels)-1 vote.

8. COMMISSIONERS AND STAFF INFORMATIONAL REPORTS:

- a. City Council, Design Review Board, Tree Committee and other meetings of note.
- b. Upcoming items scheduled for future meetings.
- c. Ad Hoc Committee

9. CORRESPONDENCE:

a. None

10. ADJOURNMENT

The meeting was adjourned at 8:55 p.m.

ATTEST:

David Burnett, Chair

Judy Paterson, Administrative Assistant II

DATE