

Exhibit D

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MINUTES
Toro Land Use Advisory Committee
Monday, October 24, 2022



1. Meeting called to order by: Mike Weaver at 4:03 pm

2. **Roll Call**

Members Present: Roy Gobets, Mike Weaver, Steve McMurtrie, Robert Rieger, Lauren Keenan,
Beverly Bean, Mike Mueller (arrived late)

Members Absent: William Pyburn (1)

3. **Approval of Minutes:**

A. May 9, 2022 minutes

Motion: Steve McMurtrie (LUAC Member's Name)

Second: Mike Weaver (LUAC Member's Name)

Ayes: Gobets, Weaver, McMurtrie, Keenan, Rieger, Bean (6)

Noes: 0

Absent: Pyburn, Mueller (2)

Abstain: 0

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

5. **Scheduled Item(s)**

6. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects (Refer to pages below)

None



B) Announcements

None

7. **Meeting Adjourned:** 5:45 pm

Minutes taken by: Beverly Bean

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Housing & Community Development
1441 Schilling Place 2nd Floor
Salinas CA 93901
(831) 755-5025



Advisory Committee: Toro

1. **Item Title:** AB 361 FINDING
Description: On September 16, 2021, Governor Newsom signed AB 361. This legislation amends the Brown Act to allow meeting bodies subject to the Brown Act to meet via teleconference during a proclaimed state of emergency in accordance with teleconference procedures established by AB 361. For the November 14th remote meeting, the LUAC must make the findings.

Staff recommends, pursuant to AB 361 and in order for the LUAC to continue to meet remotely via teleconference, the LUAC find: 1) that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; 2) that the Planning Commission has reconsidered the circumstances of the state of emergency; and 3) that the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies of local agencies.

RECOMMENDATION:

Motion by: Mike Weaver (LUAC Member's Name)

Second by: Lauren Keenan (LUAC Member's Name)

 Acceptance of the Finding
X Rejection the Finding

Note: prefer to return to in person meetings at the Monterey County Regional Fire District office, meeting room in Serra Village so that full size project plans can be easily viewed

Ayes: Gobets, Weaver, Keenan, Rieger, Bean (5)

Noes: McMurtrie (1)

Absent: Pyburn, Mueller (2)

Abstain: 0

Action by Land Use Advisory Committee

Project Referral Sheet

Monterey County Housing & Community Development
 1441 Schilling Place 2nd Floor
 Salinas CA 93901
 (831) 755-5025



Advisory Committee: Toro

2. **Project Name:** PHELPS ERIC C & EMILY D TRS
 File Number: PLN210148
 Project Location: 25800 PASEO DE LOSE ROBLES SALINAS
 Project Planner: 161-561-011-000
 Area Plan: FIONNA JENSEN
 Project Description: TORO AREA PLAN

Combined Development Permit consisting of: 1) Use Permit & Design Approval to allow construction of an approximately 5,010 square foot one-story single family dwelling, 485 square foot attached garage, 936 square foot detached garage and a 598 square foot detached guesthouse; and 2) Use Permit to allow ridgeline development.

Was the Owner/Applicant/Representative present at meeting? Yes X No _____

(Please include the names of the those present)

Eric Phelps, Owner

Jeff Crocket, Architect

Note: Site visits were held on 10/20 attended by Mike Weaver, Mike Mueller and Lauren Keenan and on Friday 10/21 attended by Roy Gobets and Beverly Bean. At both visits owner, Eric Phelps and planner, Fionna Jensen were present.

Was a County Staff/Representative present at meeting? Fionna Jensen (Name)

PUBLIC COMMENT: None

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
Leach lines of septic system will be trenched on scenic easement. The eastern portion of the lot is dedicated scenic easement, over 30% slopes. Plans show a "septic tower" below the slope, in the scenic easement.	Planner Jensen says it is allowed.	Architect Crockett says the trenching on the slopes will be returned to previous condition and there will be no septic tower below the slope.
Side yard set-backs of the garage on one side of the property and the detached pool house on the other side. Garage is very close to neighboring property with a set back of 7 feet from lot line	Property has a B-8 zoning designation Under B-8 side yard set-backs are to be no less than for B-4 Regulations.	Architect Crockett says set back for non-habitable structures is 6 feet and for habitable structures it is 10 feet.
Landscape requirements for the Pattee Ranch development may not have been reviewed. Ridgeline views of the structure are visible from several areas on the dedicated public hiking trail bordering the Pattee Ranch in the oak woodland adjacent to Corral de Tierra Road	The Pattee Ranch subdivision (Monterey County Project SB00866) has 68 Conditions of Approval (COA). A landscape plan is required based on a pamphlet entitled "The Look of the Monterey Peninsula Landscape" COA say that the plan shall address the screening of structures from public viewing areas.	Planning should review the Pattee Ranch file, SB0866 and the COA and Mitigation Measures for compliance. Weaver stated that COA #36, 39, 41, 44, 56, 58, 61, 63, 64 & 66 are pertinent
Might the pool house on the plans be a guesthouse or a future ADU? (Question for applicant & architect)		Architect stated he asked and because the pool is some distance from the house, the intent is to have a small building for changing clothes and a bathroom.
Swimming pool is not part of the project description	Swimming pool would require an SC permit from the Planning Commission (SB00866)	Project is being referred to Planning Commission

ADDITIONAL LUAC COMMENTS

Owner planted a row of juniper trees along the ridgeline to block the view of the house from the walking trails along the Pattee and Markham Ranches and from cars along Corral de Tierra Road. These juniper trees were not in the preliminary landscape plan and Architect said he proposed them on the building plans. Juniper trees are not protected and so could be removed in future without restriction. Weaver suggested that an earthen berm be put behind the house for screening purposes and stated that it would not block the applicant's views and that berms are commonly used in Monterey County.

The architect stated that the house roofline will be 19.5 feet above grade. The pad is to be lowered by 18 inches. The height restriction is 20 feet. The application for a Use Permit to allow ridgeline development was suggested by the planner because the entire lot is on the ridgeline and this is a listed reason for an exception in the Toro Area Plan. The proposed Use Permit allows ridgeline development without screening.

RECOMMENDATION:

Motion by: Lauren Keenan (LUAC Member's Name)

Second by: Mike Mueller (LUAC Member's Name)

Support Project as proposed

Support Project with changes

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Gobets, Rieger, Keenan, Mueller, McMurtrie, Bean (6)

NOES: Weaver (1)

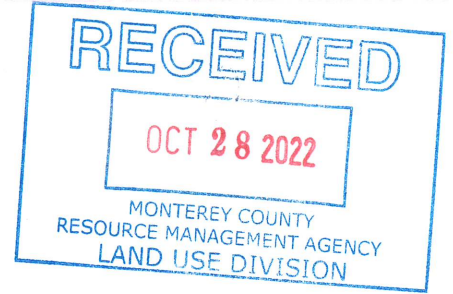
ABSENT: Pyburn (1)

ABSTAIN: 0



Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Housing & Community Development
1441 Schilling Place 2nd Floor
Salinas CA 93901
(831) 755-5025



Advisory Committee: Toro

3. **Project Name:** SARO RAYMUNDO & ANTONIA
File Number: PLN220037
Project Location: 334 SAN BENANCIO RD SALINAS
Project Planner: 416-444-023-000
Area Plan: KAYLA NELSON
Project Description: TORO AREA PLAN

Design Approval to allow construction of a 4,310 square foot single family dwelling with a 1,075 square foot attached four-car garage, 276 square foot covered porch, 1,161 square foot covered patio, 797 square foot detached accessory dwelling unit with an attached 380 square foot storage room, 441 square foot two-car garage, 1,800 square foot workshop and site improvements. Grading of approximately 997 cubic yards of cut and 997 cubic yards of fill.

Was the Owner/Applicant/Representative present at meeting? Yes No

(Please include the names of the those present)

Ray Saro, Owner

Walt Hamilton (Neighbor), Barbara Cole (Neighbor), Russel Hays (Neighbor),

Jim & Donna Benson (Neighbors)

Was a County Staff/Representative present at meeting? Kayla Nelson (Name)

PUBLIC COMMENT:

***Refer to attached letters received by Planning Division from neighbors**

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Russel Hays	X		The shared well (which this project will join) is on his property and is shared with 2 other neighbors and #334. He says there is a deed restriction against ADUs. The project at #332 was potentially to join the shared water system but there was not enough water so #332 had to drill a well. Planner Nelson explained the plans are incomplete but she wanted feedback from LUAC and neighbors. She said there is not enough water in the existing system for an ADU and to have an ADU Mr. Saro may need to drill a well. Bean pointed out this might negatively impact the existing neighboring wells and the area is in overdraft. This decision is up to Environmental Health. A bathroom in the workshop was allowed by Environmental Health.
Walt Hamilton	X		He asked about the height of the main house. It is 25 feet, 9 inches and is one story. The ADU is 15 feet, 10 inches and the workshop is 15 feet. He expressed concerns about noise and operation of a construction business in a residential neighborhood in several e-mails.
Barbara Cole	X		Restated her concerns (in her letter) about noise, excessive number of buildings, possible operation of a contracting business at the site, trucks on the narrow road causing excessive wear and tear, noise and light pollution. Mr. Saro stated that he will be storing a bobcat for home use and his personal truck and other supplies. There will be no job deliveries and no employees coming in and out.



LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
LUAC voiced similar concerns as neighbors regarding the extensive coverage of the site by buildings, the compatibility with the residential neighborhood, the visual impact, the potential for noise and light pollution.		Planner said there will be a lighting plan and that Monterey County has a noise ordinance. She stated that operating a contracting business is forbidden in residential zoning.

ADDITIONAL LUAC COMMENTS

Bean stated that the application is incomplete in a number of critical areas and moved to postpone the LUAC discussion until the application is complete. According to the stated process in the Permit Guide, incomplete applications must return to the LUAC when complete and then can go on to the next steps.

RECOMMENDATION:

Motion by: Bean (LUAC Member's Name)

Second by: Weaver (LUAC Member's Name)

Support Project as proposed

Support Project with changes

Continue the Item



Reason for Continuance: Incomplete application in a number of critical areas

Continued to what date: When application is "complete"

AYES: Gobets, Keenan, Mueller, McMurtrie, Rieger, Weaver, Bean (7)

NOES: 0

ABSENT: Pyburn (1)

ABSTAIN: 0

Action by Land Use Advisory Committee

Project Referral Sheet

Monterey County Housing & Community Development
 1441 Schilling Place 2nd Floor
 Salinas CA 93901
 (831) 755-5025



Advisory Committee: Toro

4. **Project Name:** BRADSHAW JR STEPHEN SCOTT & BRADSHAW JESSICA
File Number: PLN220140
Project Location: 332 SAN BENANCIO RD SALINAS
Project Planner: 416-444-013-000
Area Plan: CHRISTINA VU
Project Description: TORO AREA PLAN
 Design Approval to allow the construction of a 1,703 square foot single family dwelling, 968 square foot attached garage, two (2) water tanks and associated site improvements.

Was the Owner/Applicant/Representative present at meeting? Yes X No _____

(Please include the names of the those present)

Scott Bradshaw, Owner

Angie Phares, Designer

Was a County Staff/Representative present at meeting? Christina Vu (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Russel Hays	X		He noted the Bradshaws had to drill their own well because the shared system did not have enough water.

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
Earthtone colors are required by the Toro Area Plan but this house is partially white.	Toro Area Plan	Owner said they want a white house but were willing to choose an off-white color instead.
The house is nicely placed on the site and surrounded by Oak trees. One branch impinges on the bedroom wall and will need to be trimmed.		

ADDITIONAL LUAC COMMENTS

LUAC members complimented the modest size of the house and how well it was “sited” on the lot.

RECOMMENDATION:

Motion by: Bean (LUAC Member's Name)

Second by: McMurtrie (LUAC Member's Name)

- Support Project as proposed
- Support Project with changes
- Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: McMurtrie, Rieger, Keenan, Mueller, Gobets, Bean (6)

NOES: Weaver [cannot approve a white house] (1)

ABSENT: Pyburn (1)

ABSTAIN: 0



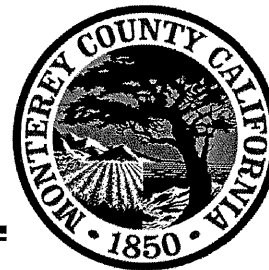
MONTEREY COUNTY

HOUSING AND COMMUNITY DEVELOPMENT

Erik V. Lundquist, AICP, Director

HOUSING, PLANNING, BUILDING, ENGINEERING, ENVIRONMENTAL SERVICES

1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527



(831)755-5025
www.co.monterey.ca.us

MEMORANDUM

Date: October 21, 2022

To: Michael Weaver, Toro LUAC Chair

From: Kayla Nelson, Project Planner

Subject: PLN220037 (Saro) – Public Comments

cc: PLN220037

Dear Mr. Weaver,

I have received numerous public comments regarding my project located at 334 San Benancio Road, Salinas. The project proposes construction of a 4,310 square foot single family dwelling with a 1,075 square foot attached four-car garage, 276 square foot covered porch, 1,161 square foot covered patio, 797 square foot detached accessory dwelling unit with an attached 380 square foot storage room, 441 square foot two-car garage, 1,800 square foot workshop and site improvements. Please see the below comments received in anticipation of the upcoming meeting on October 24, 2022.

Should you have any other questions, please feel free to contact me at (831) 796-6408 or Nelsonk@co.monterey.us.ca.

Sincerely,

Kayla Nelson

Kayla Nelson, Associate Planner
HCD – Planning Services

From: [Robert Wiley](#)
To: [Nelson, Kayla](#)
Subject: Re: Question on File PLN220037
Date: Tuesday, October 18, 2022 8:05:36 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

I apologize, i put the wrong number in the original email's subject line...

Hi there -

Regarding the 1800 sq foot workshop: Will this be a professional workshop? Workshops can bring continuous music playing and loud power-tools. Even moderate noise carries very far in the San Benancio Canyon, so neighbors could be impacted both on weekdays and weekends. Is there a plan for noise control?

Thank You.

File Number: PLN220037

Parcel Number: 416-444-023-000

From: [Eric O](#)
To: [Nelson, Kayla](#)
Subject: File #PLN220037 Public Comment
Date: Thursday, October 20, 2022 6:46:48 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Hi!

We have some friendly concerns about the new construction at 334 San Benancio Rd.

1. Will construction take place on the weekends? If so, can it maybe NOT?
2. Will weekday construction take place into the evenings? If so, how early can it stop?
3. There seem to be multiple buildings listed...is one of them a woodshop? What does that mean? (we are really worried about noise!)
4. Will the woodshop have large rollup, or garage style, or barn-type doors that might stay open during business hours (again, worried about noise...a little noise goes a long way)

Thank You!

Regards,

E & D

From: [Steve McNulty](#)
To: [Nelson, Kayla](#)
Subject: File PLN220037
Date: Wednesday, October 19, 2022 10:55:08 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Concern about a workshop on that property? I believe the new owner is a contractor. Does that mean this is a business? 1800 sq feet is pretty big. If it's not a business, does that mean heavy noise on the weekends?

Is the 797 sq ft "detached accessory dwelling unit" and storage room also a shop? This could be really noisy and annoying.

From: [Barbara Cole](#)
To: [Nelson, Kayla](#)
Subject: PLN220037 334 San Benancio, Salinas
Date: Friday, October 21, 2022 10:16:37 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

To: Kayla Nelson, Planner Planner
Project File Number: PLN220037
Assessor Parcel Number: 416-444-023-000
Project Location: 336 San Benancio, Salinas, CA 93908

October 18, 2022

As a more than three decades owner of property (336 San Benancio) directly north above 334, I write to express concern about the proposed plans.

While through the years, many houses nearby have been built, none appear to be the scale of what is proposed here. While the orange lines suggest that some of my view will be altered, I have even greater concern about the property usage in this specific setting.

The square footage requested is for a 4310 square footage main house, an attached four car garage, a detached nearly 800 square foot accessory building, plus another 380 square foot storage room, a two car garage plus yet another 1800 square foot workshop. Another more than one thousand sixteen hundred square feet will be taken up with a covered patio. Nothing indicates the workshop building height or accessibility doors to it.

it appears that this property is being built to house several large vehicles, likely related to the owner's construction business. Looking down on a lot filled with numerous trucks and equipment as part of a construction business would not only be unpleasant to see in this pastoral environment, but will create noise pollution, vastly and negatively affecting my property values. Space for this many vehicles means increased wear and tear on the lane which affects my property and that of the residents at 340 San Benancio.

Noise pollution to the area is another significant concern given the number of potential vehicles and persons on the property.

Furthermore, as you know, light pollution is a significant issue around the world. In only one other location throughout the world have I found stargazing to be as spectacular as at my property here. I do not want to lose that. Any addition as large as this one will only add greatly to the light pollution in the area.

This has been a rural setting and while I am aware that change happens, I urge you to assure that significant modifications are made to the proposal plans, keeping the property more in line with those properties nearby.

In advance, thank you.

Barbara Cole, Ph.D., 336 San Benancio Road, Salinas, CA 93908

Mailing address:484 Washington Street, B139 Monterey, CA 93940

From: [Avon Wallace](#)
To: [Nelson, Kayla](#)
Subject: PLN220037 COncern
Date: Thursday, October 20, 2022 12:13:57 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

We received a notice about new construction of homes and structures at the empty lot at 334 San Benancio Rd. We can see the flags and poles presumably showing where the structures will be. I'm not sure which flags represent which structures to be built, but the descriptions of some of the structures are worrisome, if I understand them correctly. What is the accessory dwelling unit, and what is the workshop and site improvements? Are they barns, or mechanic shops or for carpentry? I understand the house but not this part. They seem big...will there be a lot of activity in the long term? Neighbors out here aren't always aware how far even small noises travel so active work will be even worse. Even low volume music can be heard for easily half mile.

From: 49ersf8hful
To: Nelson, Kayla
Cc: Shelly Etter
Subject: PLN220037
Date: Thursday, October 20, 2022 5:32:34 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Hello,

My name is John Etter, my wife Shelly and I live at 338-A San Benancio Road. I'm contacting you regarding a letter we received from the Toro Land Use Advisory Committee's meeting on Monday, October 24, 2022. We'll be out of town on the day of the meeting and will not be able to attend by phone or ZOOM Meeting, so I wanted to comment on the proposed development of the neighboring property at 334 San Benancio Road.

Our concern with the proposed development is the number of proposed structures that will be directly across from my home and backyard.

- 1) Where will the well for this property be located and how much water will all these structures require? Our well, the third well we've had to drill, is located in the Northwest corner of our property and I'm not sure if or how the drilling of a new well for this property and all of the proposed structures will affect our well's water output.
- 2) How much outdoor lighting will be required or installed on this many structures? Homes that I've worked on in the past, in rural areas such as where we live, with multiple structures on the property generally have a lot of outdoor lighting on and between structures. If there is too much light in an area that has always been dark, this could adversely affect our home as well as our neighbor's home, who is directly behind our property and who looks onto the proposed development.
- 3) What is the purpose of the accessory house with storage room, additional two car garage and workshop? It is our understanding that the owner of the property is a General Contractor, is he planning on operating his business from his property, such as material delivery, storage of materials and equipment, employees driving in and out on the single lane access road and/or any other aspects of operating a construction company. If there is an increase in non-residential traffic, especially large delivery trucks, this could also adversely affect our property, our neighbor's property and the single lane access road from San Benancio Road that's used by all the other homes above and below his property.

In closing, Shelly and I moved to San Benancio Canyon from Monterey and built our home 34 years ago. We love this area for many reasons, the weather, the views, quiet days and nights, having animals and birds walk and fly across our front yard and seeing the stars on a dark, clear night. We're not against anyone else wanting to build their home and live in this beautiful area, we just want to ensure that the approval to any new development to this area come as purposeful decision, where it's footprint will make a positive impact for our San Benancio Canyon community.

Thank you,

John Etter

From: [Walt Hamilton](#)
To: [Nelson, Kayla](#)
Subject: Re: File PLN220037
Date: Friday, October 21, 2022 6:09:53 AM
Attachments: [image001.jpg](#)

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Thanks for the response. No way that huge workshop isn't a business though? Its bigger than most houses. this sounds fishy...I'd bet he'll his construction crew twill be here working every day, and probably storing a bunch of materials. (there's already a 40ft metal container thats been plopped there for about 4 months).

Does your team ask about this during the hearing?

Appreciate the feedback

Walt

From: Nelson, Kayla <NelsonK@co.monterey.ca.us>
Sent: Thursday, October 20, 2022 5:28 PM
To: Walt Hamilton <Sportsbuff49@outlook.com>
Subject: RE: File PLN220037

Hello Mr. Hamilton,

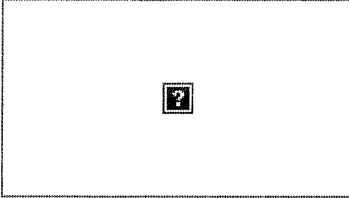
The proposed workshop is for the homeowner's personal use only. A professional workshop would not be allowed as a use within the low density residential zoning district. This type of use requires a use permit within a heavy commercial zoning district. I also confirmed the "workshop" will function more like a storage facility for the homeowner's tools and supplies than an actual workshop.

Additionally, noise is controlled through our noise ordinance within the Mouny County Code. I've attached the various sections of the code that address your concerns. Regarding the hours of operation during construction, the submitted construction management plan indicates Monday through Saturday from 8am-5pm. Please let me know if you have additional questions.

Respectfully,

Kayla Nelson | Associate Planner
Housing and Community Development
County of Monterey – Planning Division

1441 Schilling Place, South 2nd Floor, Salinas, CA 93901
Direct Line: (831) 796-6408
Email: NelsonK@co.monterey.ca.us



The Monterey County Housing and Community Development Department is currently operating with limited in-office staff to reduce risk of COVID-19 transfer to and between its workforce and our customers. During this time, responses may be delayed, but staff is checking email and will respond to you. If you have an urgent issue that requires immediate attention, please contact our main line at: [831-755-5025](tel:831-755-5025).

From: Walt Hamilton <Sportsbuff49@outlook.com>
Sent: Thursday, October 20, 2022 1:39 PM
To: Nelson, Kayla <NelsonK@co.monterey.ca.us>
Subject: File PLN220037

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

To whoever is in charge of reading this:

I'm old and grumpy and tired, but I can still hear. Not looking forward to hearing daily construction for the 5 years it takes to build all this.

And after that, if I have to listen to what sounds like a huge working construction shop day-in and day-out, I might fully become Walter Matthau. Should this neighborhood have that activity going on? I don't want a 7-11, or a dentists office, or any sort of official or "unofficial" business buzzing around all day! I dont have the details, but it doesn't seem fair to the others in the area.

Walt

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