

Exhibit L

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MINUTES
Toro Land Use Advisory Committee
Monday, July 24, 2023

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

2. Roll Call

Members Present: Mueller, Gobets, Weaver, Bean

Members Absent: McMurtrie, Keenan, Pyburn

3. Approval of Minutes:

A June 12,
2023

Motion: Bean (LUAC Member's Name)
Second: Weaver (LUAC Member's Name)
Ayes: (4) Mueller, Gobets, Weaver, Bean
Noes: 0
Absent: (3) Keenam, McMurtrie, Pyburn
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
[and public comment letter](#) (Refer to pages below)

B) Announcements

7. Meeting Adjourned: 5:50 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. Project Name:** ABALONE CREEK ESTATE LLC
- File Number:** PLN210202
- Project Location** 18000 CORRAL DEL CIELO, SALINAS, CA 93908

Project Planner: FIONNA JENSEN

Area Plan: Toro Area Plan

Project Description: An application for Combined Development Permit consisting of: 1) After-the-fact Use Permit to allow development on slopes exceeding 25%, 2) Use Permit to allow (new) development on slopes exceeding 25%; 3) Use Permit to allow installation of a 360 square foot agriculture processing facility; 3) Design Approval to allow the construction of a 7,452 square foot livestock barn, 2,400 storage shed, 7,200 equipment shed, 1,000 square foot livestock shed, 216 square foot potting shed, 417 square foot 300 KW photovoltaic panel array with energy storage system, and associated site improvements including 20,000 cubic yards of grading and an agriculture well.

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

(Please include the names of the those present)

Fionna Jensen, Project Planner: Ben and Tarin Christensen, applicants: David Haymore, party with applicant: Craig Holdren, architect for applicant: Jason Rederer, attorney for applicant.

Neighbors: Cass Antle; Karen Hitchcock; Bob and Sue Burnham; Dan Curran; Lisa Stewart; William Hobbes; Steve Dorrance; Bob Schnoor; Liz Grijalva; Mary Gerardo; Namita Bernstein; Kathy Mendelsohn; Eric Meyenberg.

Was a County Staff/Representative present at meeting? Yes. Fiona Jensen

Chair Mike Weaver read the staff's project description in the Toro LUAC Referral for the LUAC and those in attendance.

Project Description: An application for Combined Development Permit consisting of:

- 1) After-The-Fact Use Permit to Allow Development on Slopes exceeding 25%
 - 2) Use Permit To Allow (NEW) development On Slopes Exceeding 25%
 - 3) Use Permit To Allow Installation Of A 360 Sq.Ft. Agriculture Processing Facility
 - 4) Design Approval to allow the Construction Of A
 - 7,452 Sq. Ft. Livestock barn
 - 2,400 Storage Shed
 - 7,200 Equipment Shed
 - 1,000 Square Foot Livestock Shed
 - 216 Square Foot Potting Shed
 - 417 Square foot 300 KW Photovoltaic Panel Array With Energy Storage System
- Associated Site Improvements Including 20,000 Cubic Yards Of Grading And An Agricultural Well

Meeting protocol will be:

Applicants to present their project

Toro LUAC can then ask questions of applicants and staff Members of the public can make comments, ask questions Toro LUAC to sum up and make recommendation(s)

~~Owners~~ Architect (Craig Holdren) presented project plans to the Toro LUAC and others present:
(Staff brought small copies of what was online ACCELA)

Property was purchased, family moved here from elsewhere. They have been submitting plans and information to HC&D. Plans are primarily for establishment of a ran~~cha~~ chicken ranch, although other animals and activities too. ~~Originally they were thinking of 750 chickens at a time but scaled back after studying rules and regulations. Now T~~they plan on having up to 500 chickens at a time, ~~in lots of 250.~~

~~Some e~~Chickens are to be ~~slaughtered-processed~~ on site in a USDA approved facility, some prep, but then will be regularly trucked in containers; ~~250 at a time, south to a processing plant.~~ ~~This will then allow the acquisition of another 250 chickens.~~ The Christensen's purchased a house nearby to live in. There are a series of barn and other buildings planned for a farm operation.

Toro LUAC Chair Mike Weaver said it was regrettable there was no site visit as it had been scheduled in an email, but then cancelled in a second email. HCD staff clarifies that no site visit was requested by the LUAC members prior to distribution of the agenda and that the applicant did not agree to a site visit. Weaver visited the site adjacent to the public road that is Corral de! Cielo. There's no staking and flagging to envision the mass, heights, and siting of the various plans, no indications of extent of areas over 25% slope that were graded, nor areas over 25% that are in plans to be graded. Staff clarified that staking and flagging is available and the project plans detail the locations of development on slopes in excess of 25%.

Staff provided some color copies of the 1) 2010 General Plan Toro Area Land Use Map, and 2) copies of the areas designated Critical Viewshed in Toro, at Weaver's request. This property being reviewed today is described as having a VS, Visual Sensitivity Overlay, in documents received from staff; however the entire property we are reviewing is all Critical Viewshed. It is Permanent Grazing with a VS overlay and is designated Critical Viewshed. Weaver says he understands it was the applicants that objected to a site visit. Staff Jensen stated the applicants asked to cancel the site visit. The agenda mistakenly included a site visit item from a previous LUAC meeting. The applicants did not agree to a site visit. Staff distributed a corrected agenda indicating that there was no scheduled site visit.

Toro LUAC Secretary Beverly Bean asked what were the repercussions of the after-the-fact grading on slopes over 25%. Beverly stated, that it was a long hard process to get the prohibition against grading on slopes exceeding 25% into the 2010 General Plan. This application referral shows that not only has grading been done on slopes exceeding 25%, but the applicants want to do more. How can this be allowed to happen? Why are the standards not being applied and staff efforts being made to avoid them?

Staff Fionna Jensen agreed that grading was done on slopes exceeding 25% and that the county staff supports the request for more, explaining that the required findings to allow grading on slopes exceeding 25% can be made in this case given ~~exceeding a slope limitation can be done if~~ there is no other option on the site.

PUBLIC COMMENT:

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

Dan Curran	X		<p>Light and noise pollution- "would you want to live next door to a chicken ranch?" He wants peer review on hydrology report- fears their new well will impact neighbors' wells.</p> <p>Photovoltaic system is industrial strength and inappropriate for the neighborhood. States that project owner killed off indigenous animals on the ranch. He requests a continuance of the meeting until all plans can be shown on overhead so all can see them.</p>
Kathy Mendelsohn	X		<p>Values the peaceful neighborhood and is concerned that increased commercial traffic and heavy equipment associated with the building of the project will further degrade the road.</p>

Sue Burnham	X		Presented the prospectus from the project and provided copies to pass around. (Attached to the minutes as Exhibit A.) It is a large commercial enterprise. She wants the entire Corral de Tierra and San Benancio area alerted to the project which may have long range impacts, not just to those within 300 ft. She objects to damage already done on the site including grading in the creek and scarring the hillsides with unpermitted roads. She states that the ranch well is dry and that is why they want a new well permit. Chickens will be trucked in, not kept in at night and butchered on site. This will lead to objectionable noise. The livestock guard dogs bark all day and night.
Lisa Stewart	X		Concerns about validity of water and traffic studies paid for by project owner. Concerned about ruining sensitive viewshed.
Steve Dorrance	X		Supports the project as a valid agricultural use.

Mary Gerardo	X		Wants to know if chickens will be slaughtered on site? She states that ag processing is different than raising crops or animals.
David Haymoor, applicant's father			Responding to questions: plans are available at Accela. Says 500 chickens will be raised in pasture-tek cages and moved each day to fertilize pasture. Every 4-8 weeks new chickens will arrive as others mature. Slaughter will be both off and on site (using special boxes). Livestock guard dogs were replaced by guardian llamas due to barking. In answer to question about how many employees coming and going- he says 2-3 employees most days. Owners will not allow a site visit. They say flagging can be seen from multiple places on the road.
Eric Meyenberg			Former neighbor, supports project. He says San Benancio Rd has already been bad for a long time.
Ben Schnoor	X		Asks why site visit not allowed?

Liz Grijalva, previous owner of this property and now a next door neighbor	X		She hopes for civility among neighbors and says that applicants are within their legal rights to do this project. She supports it 100%
Karen Hitchcock,next door neighbor	X		She is not against the project but is concerned about her property values due to issues of water, traffic, noise, views, etc. She hopes for civility among neighbors.
Jason Retterer,project attorney			Says the process has been followed and they simply need a use permit <u>for the project component and development on slopes exceeding 25%.- The proposed uses are consistent with the property's Williamson Act contract.</u>
Namita Bernstein	X		Mistakes made already by applicants reduces her confidence in the outcome of this project. She could not view the operations plan on Acela. She asks what happens to offal and waste on site? Haymoor answers that there is a 172 page Manure Management Plan on Accela.
William Hobbs	X		Supports project

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)
<p>Weaver: critical viewshed 2010 General Plan prohibits building in Critical Viewshed.</p> <p>General Plan Toro Area Policy T-3.6 "Large acreages in higher elevations and on steeper slopes shall be preserved and enhanced for grazing, where grazing is found to be a viable use.</p>	<p>2010 Monterey County General Plan, applicable Toro Area Plan Policies T-1.1 T-1.2 T-1.5 T-1.6 T-2.8 T-3.1 T-3.6</p> <p>General Plan Toro Area Policy T-3.6</p>	<p>This property was in the Diaz Family since Spanish Land Grant days. It has been used as Permanent Grazing until recently. It is zoned as Permanent Grazing with a Critical Viewshed Overlay. Had a Site Visit been allowed, the views from the top of Corral de Tierra on this part of Corral del Cielo Road looking out over the Corral de Tierra Valley are wonderful. Weaver is disappointed to learn that the huge barn in the plans is to be in the center of the Critical Viewshed. Monterey County General Plan, Toro Area Plan Figure16 (Attached as Exhibit B)</p>

Bean: development on slopes greater than 25% prohibited by 2010 General Plan. Use permit after the fact encourages others to break the rules; intensification of use threatens impacted roads and water resources.	2010 General Plan	
Gobets and Mueller?		

ADDITIONAL LUAC COMMENTS

Gobets: Asked whether the 25 degree slope limitation is discretionary or mandatory?
Jensen's answer ~~was unconvincing when she~~ cited that the General Plan allows for development on slopes in excess of 25%, subject to the granting of a Use Permit, if the appropriate authority can make the finding that there is "no feasible alternative" or that the development better meets the goals, text and policies of the 2010 General Plan.;
Gobets responded that a developer could ALWAYS claim that their business model is not flexible enough to incorporate a <25 degree alternative.

RECOMMENDATION:

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

Second by: Bean _____ (LUAC Member's Name)

Do not support the project because it is incompatible with the location due to critical viewshed restrictions; intensification of uses and lack of infrastructure to support it.

___ Support Project as proposed

___ Support Project with changes

___ Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: (3) Gobets,, Weaver, Bean. _____

NOES: (1) Mueller _____

ABSENT: (3) Keenan, McMurtrie and Pyburn. _____

ABSTAIN: ____