

Exhibit K

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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) Keenan, 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
(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
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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)

Fiona 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 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 a 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 they plan on 500 chickens at a time, in lots of 250.

Some chickens are to be slaughtered on site, 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. Weaver visited the site adjacent to the public road that is Corral del 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 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.

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 supports the request for more, explaining that 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. 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 Rederer, project attorney			Says the process has been followed and they simply need a use permit.
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 "no feasible alternative".

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: _____

EXHIBIT A

ABALONE CREEK Trademark

Trademark Overview

On Tuesday, April 27, 2021, a trademark application was filed for ABALONE CREEK with the United States Patent and Trademark Office. The USPTO has given the ABALONE CREEK trademark a serial number of 90675584. The federal status of this trademark filing is NEW APPLICATION - RECORD INITIALIZED NOT ASSIGNED TO EXAMINER as of Monday, August 2, 2021. This trademark is owned by Abalone Creek Ranch. The ABALONE CREEK trademark is filed in the Meat & Processed Food Products, Staple Food Products, and Natural Agricultural Products categories with the following description:

Meat, namely, poultry and game; jellies, jams; and edible oils and fats

Barbecue sauce, marinade, chili sauce, pepper spice and barbecue spice

Fresh fruit and vegetables

General Information

Serial Number	90675584
Word Mark	ABALONE CREEK
Filing Date	<u>Tuesday, April 27, 2021</u>
Status	630 - NEW APPLICATION - RECORD INITIALIZED NOT ASSIGNED TO EXAMINER
Status Date	Monday, August 2, 2021
Registration Number	0000000
Registration Date	NOT AVAILABLE
Mark Drawing	4000 - Illustration: Drawing with word(s) / letter(s) / number(s) in Block form
Published for Opposition Date	NOT AVAILABLE
Attorney Name	Nelson T. Rivera
Law Office Location Code	NOT AVAILABLE
Employee Name	NOT AVAILABLE
Correspondent	NELSON T. RIVERA JRG ATTORNEYS AT LAW SALINAS, CA 93901

Trademark Statements

Goods and Services	Meat, namely, poultry and game; jellies, jams; and edible oils and fats
Goods and Services	Barbecue sauce, marinade, chili sauce, pepper spice and barbecue spice
Goods and Services	Fresh fruit and vegetables

Featured Names



Joverly.com

\$4,500



VetZero.com

\$2,288



Zuclu.com

\$2,999



CadFi.com

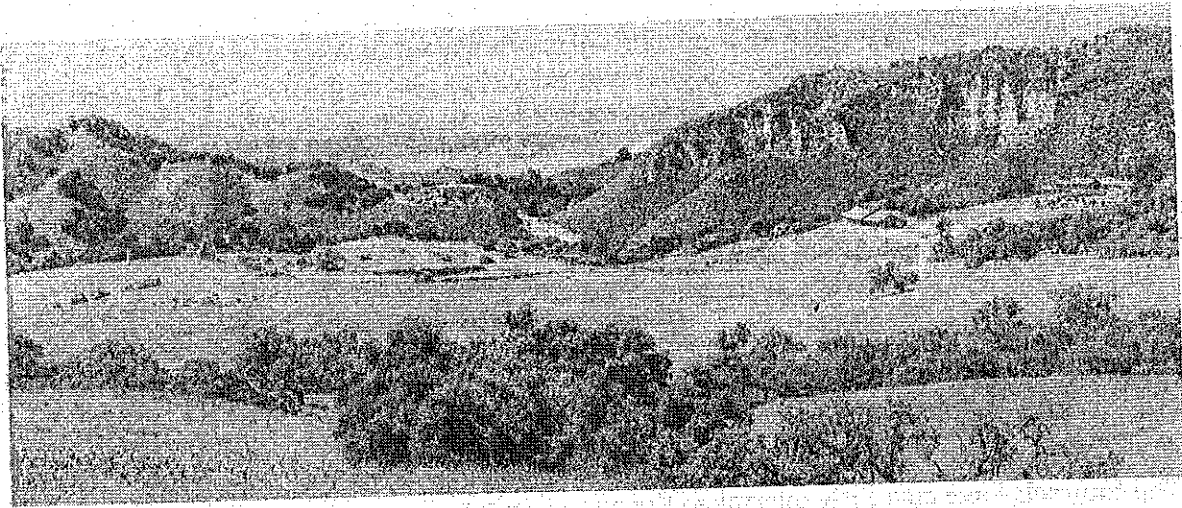
\$4,899



Vecir.com

\$3,599





Hello neighbors! My name is Jordan Christensen and my family moved to 26485 Tierra Vista Ln this March. My wife Laurel, two kids Brooke (girl age 4) and Ellis (boy age 2). If we haven't met you yet, we very much look forward to making your acquaintance. I will be working on various agricultural endeavors at 18000 Corral Del Cielo. We are a family run business including my brother's family that lives in San Jose. You may see them here on weekends, or my sister-in-law helping occasionally during the week. Their names are Ben, Tarin, Cooper (girl age 13), Kenley (girl age 10), and Hayes (boy age 8).

We decided to call our farm the "Abalone Creek Ranch" in respect of the historical context of abalone shell fragments discovered in one of the creek beds. These shells would have been brought to this property from the ocean shore years ago by members of the Esselen tribe. We also found further evidence of such a presence in the boulders strewn around the property. These facts have been confirmed through our close work and relationship with the current chairman and president of the Esselen tribe. We wanted our farm name to recognize the history of this property that we are the current custodians of.

Over the next few months there will be more agricultural activity in the lower pasture area. We are currently improving the interior access ranch roads. Specifically at this moment our permit was recently approved for a new well to be drilled on the first ridge, at the guidance of a local hydrologist, and we are working hard and fast with the drilling company to ensure accessibility for the drilling equipment to not miss our long awaited window.

You may have also noticed the story poles for a large structure on the lower pasture. We are working with architects to plan a large barn, in an effort to reduce the clutter of multiple structures, seeking to not be an eyesore on such a scenic view, but instead a beautiful traditionally styled redwood exterior barn common to the area that we hope will be a welcome place to many in the years to come who visit our farm and our animals.

We will be using regenerative agriculture practices to revitalize the land and promote a thriving ecosystem. We are working closely with a variety of experts including geologists and biologists as we are establishing ourselves and our business. Making sure we take the

approved steps in this process is important to us as we want to respect this beautiful environment and our neighbors. Our goal is to raise chickens on pasture. The chickens will be within mobile enclosures that would be moved everyday onto new ground. To avoid anti-predator practices that would or can be harmful to the environment, we will utilize herd dogs that would live with our animals on pasture. We envision a traditional small family farm with the typical mixture of animals. A new fence is being installed in the next few weeks that will effectively contain the lower pasture from inside and out, with specific intention given to the feral pigs. We are working with a local contractor to make the fence safe and appealing. The remainder of the property will continue to be leased for cow grazing.

The lower pasture has the worst squirrel damage that has been observed in the county by the official who came out to provide some direction on squirrel control and pasture health. The squirrels have currently overtaken the entire pasture in an uncommon manner and have created an unbalanced environment. We are preparing to rip, till and re-seed the pasture with a carefully chosen variety of seed to maximise biodiversity and soil health for our climate. This will go a long way towards kickstarting the repair of the damaged soil structure of the pasture and returning it to a healthier and more diverse ecology.

We would encourage you to look into regenerative agriculture if you are further interested in our vision and motivation. Water is of utmost importance to the cycle of our ecology, and we seek to follow the example of slowing, sinking and spreading water into the ground soil to benefit plant and wildlife in the area to the greatest extent possible with improved land management practices. We are looking forward to getting to know you and we are thankful to be part of your community.

Please contact me or Tarin with any questions or concerns:

Jordan Christensen

831-512-0726

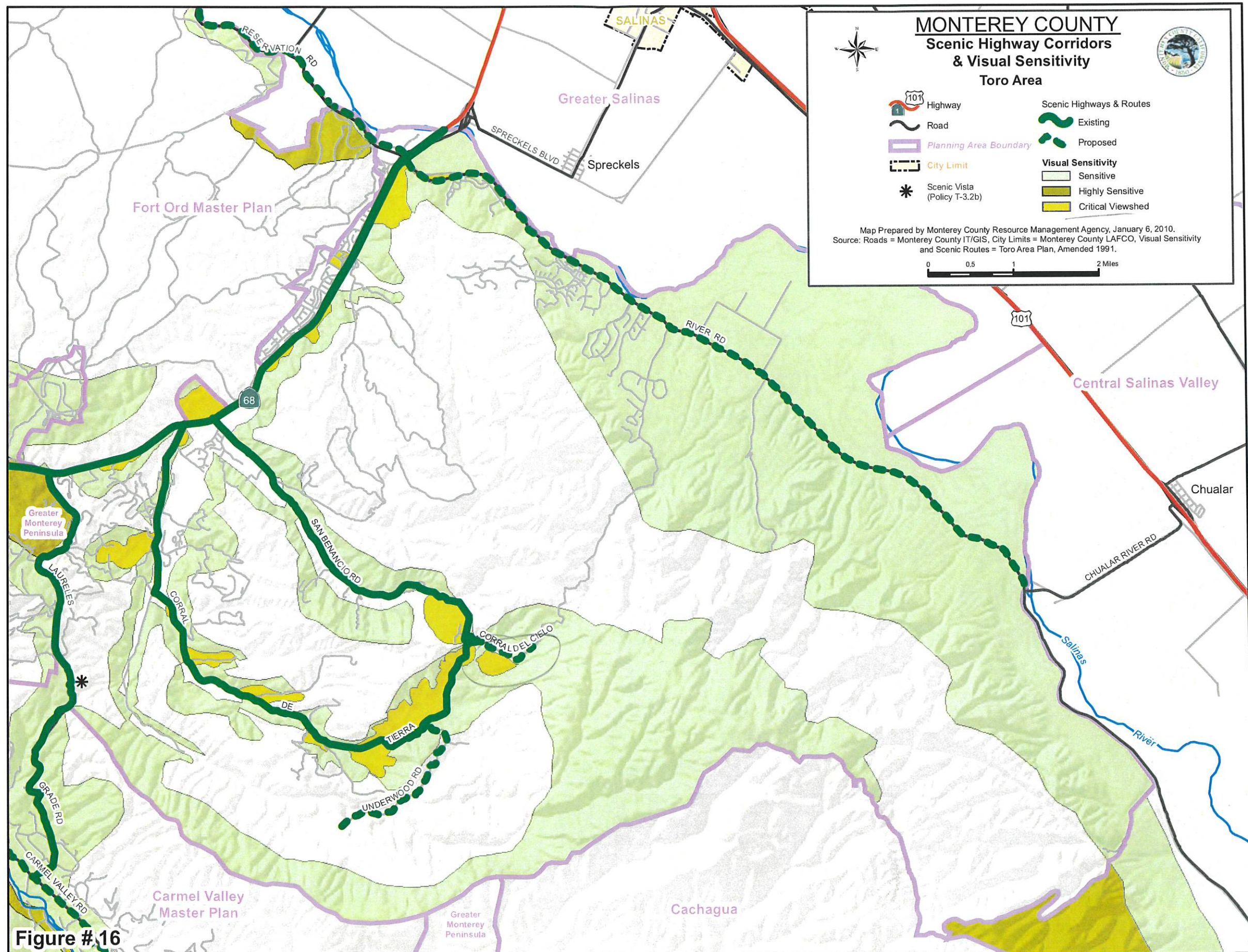
jordan@abalonecreekranch.com

Tarin Christensen

310-951-6682

tarin@abalonecreekranch.com

Don't hesitate to flag me down on the road or when I am down by the gate to ask questions and make introductions. I very much look forward to meeting you but be forewarned that I am horrible with names!



From: [Dan Bowman](#)
To: [Jensen, Fionna](#)
Subject: Abalone Creek Ranch Application
Date: Wednesday, July 19, 2023 9:20:41 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.]

Fionna Jensen
Senior Planner
County of Monterey

Re: Abalone Creek Ranch Application
18000 Corral Del Cielo, Salinas CA 93908

Dear Ms. Jensen:

This email is sent in support of the family ranch application by the Abalone Creek Ranch. As long-term residents (27 years) off of Corral de Tierra Road, we understand the concerns of some of our neighbors in opposing the approval of this proposal. There are many who generally support the ability of landowners to pursue agricultural and farming activities on their own property until it (in terms of their vested & sometimes selfish motivational reasons) becomes a NIMBY issue. Just like those who support the construction of low income housing, housing for the homeless, the installation of solar arrays or wind turbines for green energy initiatives, they often become ardent objectors to it being done in their backyards or line of sight.

Having both toured and being informed of the plans for the Abalone Creek Ranch, we wish to let you know we fully support their application. They seem to have gone above and beyond in addressing nearby resident concerns both in terms of county/state regulations, noise, and actual location of their operations so as to minimize or even eliminate rural landscape view concerns expressed by an outspoken few.

Thank you for your consideration of their proposal at the Land Use Advisory Committee meeting scheduled for this coming Tuesday. Do not hesitate to contact us should you have any questions or if we may be of any assistance.

Sincerely,
Dan & Mary Bowman
27000 Paseo de Los Robles
Salinas, CA 93908
(831) 484-6614

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Dan Bowman

From: [Rose Evers](#)
To: [Jensen, Fiona](#)
Subject: Toro Land Use Advisory Committee meeting 7-24-23 - Abalone Creek Ranch
Date: Wednesday, July 19, 2023 3:19:09 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!

We are the Evers Family residing at 18355 Corral Del Cielo Rd, Salinas, CA 93908. We may have the most expansive view of the proposed project as we can scan all the way from the hills to the east above Watson's Creek where cattle graze and wild pig roam, clear over to the west to the old Diaz place and its irrigation pond.

If the work that the Christiansen family has already put into this long neglected property is any indication, their small working farm will be a fine addition to the neighborhood. Their fields, once pock-marked by numerous squirrel holes and filled with weeds, are now plowed, planted and pretty with grasses. The ramshackle barbed wire fence has been replaced by a handsome and I imagine quite pricey metal alternative.

It gets pretty emotional when change comes to a neighborhood but it is the present zoning and codes that need to dictate decisions for what property owners can do. This is not a large scale agricultural production operation and it is fitting for the uses under the Williamson Act.

The Christiansens deserve to enjoy their property as they see fit within the scope of county codes as we all do up here.

Best Regards,

Rose Evers
Jeff Evers
18355 Corral Del Cielo Road, Salinas CA 93908
(831)484-1625

From: [WILLIAM L HOBBS](#)
To: [Jensen, Fiona](#)
Subject: Support for Abalone Creek Ranch Development
Date: Friday, July 21, 2023 1:49:37 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 live at 26500 Tierra Vista Ln, overlooking the pasture and the proposed building site of the barn for the Abalone Creek Ranch. We are in support of the continued agricultural use of the land as proposed by the owners of the Abalone Creek Ranch.
Bill and Sue Hobbs

From: [Mike Ross](#)
To: [Jensen, Fiona](#)
Subject: Family ranch/farm at 18000 Corral Del Cielo, Salinas, CA, 93908
Date: Tuesday, July 18, 2023 1:19:26 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.]

I would just like to state that all is in order with local zoning regulations and approvals. We support this endeavor and hope it meets with approval on July 24 2023

Mike Ross
A Neighbor of this project who lives in
Corral de Tierra

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