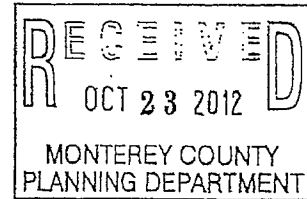


Attachment H
Carmel Valley LUAC Minutes

Amendments to the
2010 Monterey County
General Plan
(Carmel Valley Master Plan)
REF1200079

MINUTES
Carmel Valley Land Use Advisory Committee
Monday, October 15, 2012



1. Site visit at 4:00 PM at 31 TEHAMA CARMEL (BROWN)

ATTENDEES: John Anzini, Judy MacClelland, Neil Agron, Doug Pease, Jay Auburn, David Dunnigan

2. Meeting called to order by Janet Brennan at 6:30 pm

3. Roll Call

Members Present: Neil Agron, John Anzini, Janet Brennan, David Burbidge, Judy MacClelland, Doug Pease

Members Absent: Charles Franklin

4. Approval of Minutes:

A. September 17, 2012 minutes

Motion: Neil Agron (LUAC Member's Name)

Second: Doug Pease (LUAC Member's Name)

Ayes: 6 (Anzini, Agron, Brennan, Burbidge, MacClelland, Pease)

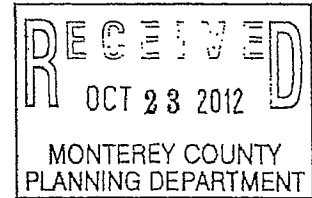
Noes: 0

Absent: 1 (Franklin)

Abstain: 0

5. **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



6. **Scheduled Item(s)**

7. **Other Items:**

- A) Consideration of amendments to the 2010 General Plan and Carmel Valley Master Plan to implement a litigation settlement with the Carmel Valley Association

Les Girard, Assistant County Counsel, spoke on issues stemming from the lawsuit settlement agreement. Ron DeHoff submitted paperwork to Janet Brennan for the record, and the presentation he was to deliver to the committee was omitted. Janet Brennan asked if the 190 new units included lots as well as units. Les Girard said the cap includes both units and lots. Janet requested that this be clarified to refer to 190 new units/lots. Mr. Girard agreed to that change.

A motion was moved, seconded and carried to recommend approval of the General Plan/Carmel Valley Master Plan Amendments and recommend that the settlement agreement be approved by the Board of Supervisors.

- B) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

- C) Announcements

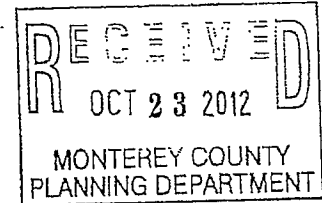
None

8. Meeting Adjourned: 7:04 pm

Minutes taken by: John Anzini

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025



Advisory Committee: Carmel Valley

Please submit your recommendations for this application by: **October 15, 2012**

Project Title: BROWN FREDERICK & CHRISTINE P TRS

File Number: PLN120538

File Type: PC

Planner: GONZALES

Location: 31 TEHAMA CARMEL

Project Description:

Combined Development Permit consisting of: 1) an Administrative Permit to allow for the construction of a 3,521 square foot one bedroom single family dwelling, 584 square foot attached garage, a 378 square foot mechanical room, a two bedroom, 1 bath 600 square foot detached guesthouse located in the "S" (Site) Zoning District; and 2) Use Permit for the removal of 11 Coast live oak trees (6 to 16 inches in diameter); and Design Approval; grading of approximately 720 cubic yards of cut & 500 cubic yards of fill. The property is located at 31 Tehama, Carmel (Assessor's Parcel Number 169-421-010-000), Carmel Valley Master Plan.

Was the Owner/Applicant/Representative Present at Meeting? Yes No

Was a County Staff/Representative present at meeting? Liz Gonzales (Name)

PUBLIC COMMENT:

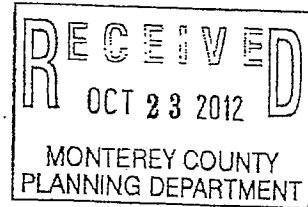
Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
None			

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)
That the sky light be shaded to reduce the night sky illumination		
That the site lighting have no up lighting and that the sign lighting be the color or hue closest to that of an incandescent bulb as approved by the Tehama review committee.		
The tha Oak trees removed be replaced two for one		

ADDITIONAL LUAC COMMENTS

None



RECOMMENDATION : Approve

Motion by: John Anzini (LUAC Member's Name)

Second by: Doug Pease (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

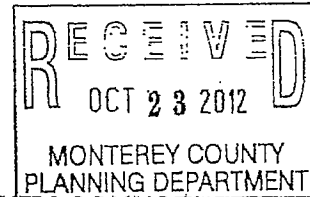
AYES: 6 (Anzini, Agron, Brennan, Burbidge, MacClelland, Pease)

NOES: 0

ABSENT: 1 (Franklin)

ABSTAIN: 0

REVISED
OCT 09 2012



MEMORANDUM

OFFICE OF THE COUNTY COUNSEL
COUNTY OF MONTEREY

DATE: October 8, 2012
TO: Carmel Valley Land Use Advisory Committee ("CVLUAC")
FROM: Leslie J. Girard, Chief Assistant County Counsel
SUBJECT: 2010 General Plan/Carmel Valley Master Plan Amendments

INTRODUCTION

Following the adoption of the 2010 Monterey County General Plan and the updated Carmel Valley Master Plan ("2010 CVMP") in the fall of 2010, four lawsuits were filed challenging the certification of the environmental impact report on various theories. One of those lawsuits was by the Carmel Valley Association ("CVA"), which challenged the environmental analysis of certain provisions of the 2010 CVMP, in particular those relating to traffic and the methodology for determining traffic counts and levels of service along Carmel Valley Road.

The County and CVA have reached a settlement of the litigation whereby the County will consider certain amendments to the 2010 CVMP. Pursuant to CVMP Section 1.28, we are informing the CVLUAC of the proposed amendments, and requesting its recommendation that the amendments be adopted. Some of the amendments refine language and are not substantive in nature; the discussion below sets forth the proposed substantive changes to the 2010 CVMP. An underline/strikeout version of the proposed amendments is enclosed for your review.

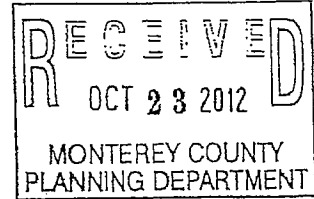
1. CV-1.6; NEW RESIDENTIAL SUBDIVISION CAP

Section CV-1.6 of the 2010 CVMP set a 266 unit cap on new residential subdivisions (the term "unit" is used to account for condominiums as well as lots). The settlement provides that the County will consider reducing that cap to 190 units.

2. CV-2.17; TRAFFIC METHODOLOGY

Prior to the adoption of the 2010 CVMP, traffic was counted along Carmel Valley Road using the Average Daily Trip ("ADT") method, which counted the volume of traffic along various segments of the road. Levels of Service ("LOS") were determined based upon historical data set forth in a report prepared by Keith Higgins.

The 2010 CVMP initially proposed changing the method for calculating LOS to "Percent Time Spent Following", although as adopted the data would be reported in both ADT and PTSF. LOS standards were set for each of 12 segments of the road, and traffic would be monitored twice a year at six of those segments. If traffic along any monitored



CVLUAC

Re: 2010 General Plan/Carmel Valley Master Plan Amendments

Page 2

segment was approaching its LOS standard, a public hearing would be held regarding traffic conditions. The 2010 CVMP also provided that the County would assess how rapidly changes in LOS are occurring, compared to predictions, and if changes were occurring more rapidly the County would consider changes to land use policies including the new subdivision unit cap in CV-1.6.

The settlement provides that the County will consider listing the ADT thresholds for each of 13 segments of the road (an additional segment on Rio Road from Val Verde to Carmel Rancho was added), and that the annual report will evaluate traffic along the six monitored segments using both ADT and PTSF. The plan would be clarified to provide for monitoring at least once while school is in session. A hearing, specifically before the Board of Supervisors, will be held if any segment, based on either PTSF or ADT, approaches its threshold.

The County will monitor all segments every five years, and a segment not annually monitored approaching its threshold would be added to the annual monitoring list. LOS standards would be indicated both in PTSF and ADT. The plan would also be clarified to require any EIR to evaluate traffic using ADT, and to assess cumulative traffic impacts outside the CVMP area from development occurring within the CVMP. Finally, the County may use PTSF, or any other methodology for the purpose of road or intersection design, and the policy will not apply to commercial development in the Light Commercial ("LC") zone designation under certain circumstances.

3. CV-2.18; CARMEL VALLEY ROAD COMMITTEE

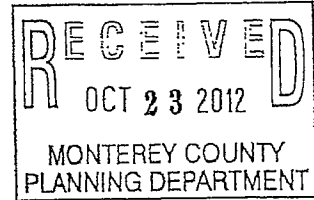
The 2010 CVMP calls for the creation by the Board of Supervisors, of a Carmel Valley Road Committee, that would have various functions related to the review of traffic conditions along Carmel Valley Road. The proposed amendments would provide that the Committee would specifically review and comment upon proposed projects in the Carmel Valley Traffic Improvement Program ("CVTIP"), review and comment on the annual traffic report described in CV-2.17 and discussed above; and comment on any Project Study Report ("PSR") for a traffic improvement project in the CVTIP prior to project design.

4. CV-3.11; TREE PROTECTION

The 2010 CVMP revised detailed language regarding the protection of oak, madrone, and redwood trees with more general language that called for the creation of an ordinance that would call-out specific protections. The proposed amendments would return the specific tree protection language that previously was in the plan.

5. CV-6.5/3.22; NON-AGRICULTURAL DEVELOPMENT ON SLOPES

While the 2010 CVMP set forth a policy limiting non-agricultural development on slopes in excess of 25% and on highly erodible soils (Policy CV-6.5), it was identified that the



CVLUAC
Re: 2010 General Plan/Carmel Valley Master Plan Amendments
Page 3

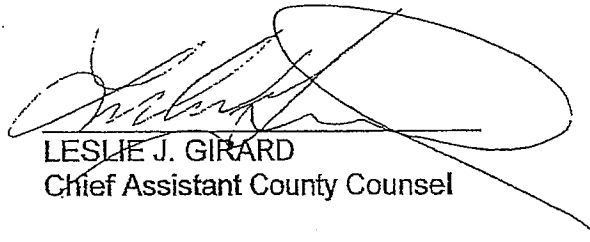
policy was in the wrong chapter of the plan (the "Agriculture" Chapter). For consistency, the proposed amendments would make clarifying language changes and relocate the policy to the "Conservation/Open Space" Chapter where it more logically belongs.

CONCLUSION

The County believes these proposed amendments to the 2010 CVMP represent a reasonable compromise over the issues raised in the litigation. The amendment process includes the preparation of an appropriate environmental analysis (currently underway); a hearing before the Planning Commission, which will make a recommendation to the Board of Supervisors; and, finally consideration by the Board of Supervisors.

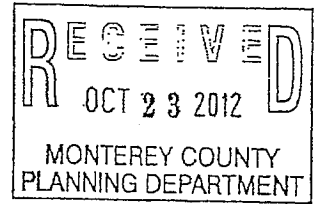
Staff recommends that the CVLUAC both approves the proposed amendments and recommends to the Planning Commission and Board of Supervisors that the County adopt them.

Dated: October 8, 2012



LESLIE J. GIRARD
Chief Assistant County Counsel

LJG:ljj:so
Enclosure

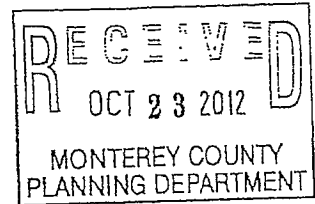


Amend CV-1.6

- CV-1.6 New residential subdivision in Carmel Valley shall be limited to creation of ~~266~~ 190 new units as follows:
- a. There shall be preference to projects including at least 50% affordable housing units.
 - b. Lots developed with affordable housing under the Inclusionary Housing Ordinance or an Affordable Housing Overlay (Policy LU-2.12) may have more than one unit per lot. Each unit counts as part of the total unit cap.
 - c. Existing lots with five (5) acres or more may have the first single family dwelling plus one auxiliary unit. Units added on qualifying existing lots shall not count as part of the total unit cap. New auxiliary units shall be prohibited on lots with less than five (5) acres, except that this provision shall not apply to projects that have already been approved, environmental review for auxiliary units has already been conducted, and in which traffic mitigation fees have been paid for such auxiliary units prior to adoption of this Carmel Valley Master Plan.
 - d. New lots shall be limited to the first single family dwelling. Auxiliary units shall be prohibited.
 - e. Of the ~~266~~ 190 new units, 24 are reserved for consideration of the Delfino property (30 acres consisting of APN: 187-521-014-000, 187-521-015-000, 187-512-016-000, 187-512-017-000, 187-512-018-000, and 187-502-001-000) in Carmel Valley Village (former Carmel Valley Airport site) to enable subdivision of the property into 18 single family residential lots and one lot dedicated for six affordable/inclusionary units, provided the design of the subdivision includes at least 14 acres available for community open space use subject to also being used for subdivision related water, wastewater, and other infrastructure facilities.
 - f. New units or lots shall be debited from the unit count when an entitlement is granted or a building permit is issued, whichever occurs first.
 - g. At five year intervals, the County shall also examine any other factors that might warrant a downward adjustment to the residential unit cap.
- The County shall develop a tracking system and shall present, before the Planning Commission, an annual report of units remaining ~~before the Planning Commission~~.

Amend CV-2.17

- CV-2.17 To implement traffic standards to provide adequate streets and highways in Carmel Valley, the County shall conduct and implement the following:
- a) Twice yearly monitoring by Public Works (in June and October) of peak hour traffic volumes and daily traffic volumes at the following six (6) locations indicated in bold (at least one of the yearly monitoring periods will occur when local schools are in session) in the following list noted in bold type:

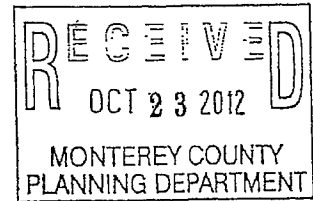


	<i>Carmel Valley Road</i>	<i>ADT threshold</i>
1.	Holman Road to CVMP boundary	8487
2.	Holman Road to Esquiline Road	6835
3.	Esquiline Road to Ford Road	9065
4.	Ford Road to Laureles Grade	11,600
5.	Laureles Grade to Robinson Canyon Road	12,752
6.	Robinson Canyon Road to Schulte Road	15,499
7.	Schulte Road to Rancho San Carlos Road	16,340
8.	Rancho San Carlos Road to Rio Road	48,487
9.	Rio Road to Carmel Rancho Boulevard	51,401
10.	Carmel Rancho Boulevard to SR1	27,839
	<i>Other Locations</i>	
11.	Carmel Rancho Boulevard between Carmel Valley Road and Rio Road	33,495
12.	Rio Road between its eastern terminus at Val Verde Drive and Carmel Rancho Boulevard SR1	6,416
13.	<u>Rio Road between Carmel Rancho Boulevard and SR1</u>	<u>33,928</u>

b) A yearly evaluation report shall be prepared jointly by the Public Works Department in December to evaluate the peak hour level of service (LOS) for that shall report on traffic along the six (6) monitoring locations and determine if any of these segments are approaching a peak hour traffic volume that would lower levels of service below the LOS standards established below under Policy CV 2-17(e) indicated segments. The report shall evaluate traffic using the PTSF methodology (or such other methodology as may be appropriate for a given segment in the opinion of the Public Works Department), and the ADT methodology. ADT thresholds for each segment are listed above, and The Public Works Department shall annually establish appropriate PTSF or other methodology thresholds for each of the six (6) segments listed above will summarize peak hour data and Percent Time Following (PTSF) analysis in an Average Daily Trips (ADT) format.

c) A public hearings before the Board of Supervisors shall be held in January immediately following the December report when only 100 or fewer ADT 10 or less peak hour trips remain before the ADT count for a segment will equal or exceed the indicated threshold, or where the PTSF for a segment exceeds or is within one percent (1%) of the value that would cause a decrease in the LOS an unacceptable level of service (as defined by Policy CV 2-17(c)) would be reached for any of the six (6) segments described above.

d) At five year intervals the County shall monitor all segments listed in Policy CV-2.17(a) and the annual report described in Policy CV-2.17(b) shall include a report on all segments. If such periodic monitoring and reporting shows that any segment not previously part of the annual report is within twenty percent (20%) of the listed ADT threshold, that segment shall thereafter be subject to the



annual monitoring and reporting.

e) Also At five year intervals the County shall examine the degree to which estimates of changes in Levels of Service ("LOS") in the Carmel Valley Master Plan Area may be occurring earlier than predicted in the General Plan Environmental Impact Report. If the examination indicates that LOS are likely to fall to a lower letter grade than predicted for 2030, then the County shall consider adjustments to the cap on new residential units established in Policy CV-1.6 and/or the cap on new visitor serving units established in Policy CV-1.15 or other measures that may reduce the impacts, including, but not limited to, deferral of development that would seriously impact traffic conditions.

- f) The traffic LOS standards (LOS as measured by peak hour conditions) for the CVMP Area shall be as follows:
- 1) Signalized Intersections – LOS of "C" is the acceptable condition.
 - 2) Unsignalized Intersections – LOS of "F" or meeting of any traffic signal warrant are defined as unacceptable conditions.
 - 3) Carmel Valley Road Segment Operations:
 - a) LOS of "C" and ADT below its threshold specified in Policy CV-2.17(a) for Segments 1, 2, 8, 9, and 10, 11, 12 and 13 is an acceptable condition;
 - b) LOS of "D" and ADT below its threshold specified in Policy CV-2.17(a) for Segments 3, 4, 5, 6, and 7 is an acceptable condition.

During review of development applications that require a discretionary permit, if traffic analysis of the proposed project indicates that the project would result in traffic conditions that would exceed the standards described above in Policy CV 2-17(fe), after the analysis takes into consideration the Carmel Valley Traffic Improvement Program to be funded by the Carmel Valley Road Traffic Mitigation Fee, then approval of the project shall be conditioned on the prior (e.g., prior to project-generated traffic) construction of additional roadway improvements or an Environmental Impact Report shall be prepared for the project, which will include evaluation of traffic impacts based on the ADT methodology. Such additional roadway improvements must be sufficient, when combined with the projects programmed for completion prior to the project-generated traffic in the Carmel Valley Traffic Improvement Program, to allow County to find that the affected roadway segments or intersections would meet the acceptable standard upon completion of the programmed plus additional improvements. Any EIR required by this policy shall assess cumulative traffic impacts outside the CVMP area arising from development within the CVMP area.

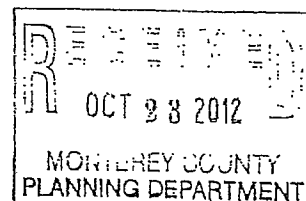
This policy does not apply to the first single family residence on a legal lot of record. The use of the ADT methodology as set forth in this Policy CV-2.17 shall be limited to the purposes described in the Policy, and the County may utilize any traffic evaluation methodology it deems appropriate for other purposes, including

but not limited to, road and intersection design. This policy shall also not apply to commercial development in any Light Commercial Zoning ("LC") district within the CVMP area where the Director of Planning has determined that the requirement for a General Development Plan, or amendment to a General Development Plan, may be waived pursuant to Monterey County Code section 21.18.030 (E).

Amend CV-2.18

- CV-2.18 The County shall adopt a Carmel Valley Traffic Improvement Program (CVTIP) that:
- a. Evaluates the conditions of Carmel Valley Road and identifies projects designed to maintain the adopted LOS standards for this roadway as follows:
 1. In order to preserve the rural character of Carmel Valley, improvements shall be designed to avoid creating more than three through lanes along Carmel Valley Road.
 2. Higher priority shall be given to projects that address safety issues and manage congestion.
 3. The project list may include projects previously identified for inclusion in the CVTIP or their functional equivalent.
 4. Priorities shall be established through community input via a Carmel Valley Road Committee, which shall be established by the Board of Supervisors and shall review and comment on proposed projects in the CVTIP, and review and comment on the annual report described in Policy CV-2.17 (b).
 5. At a minimum, the project list shall be updated every five years unless a subsequent traffic analysis identifies that different projects are necessary.
 - b. Validates and refines the specific scope of all projects proposed by the CVTIP through preparation of a Project Study Report (PSR). The PSR will be reviewed and commented on by the Carmel Valley Road Committee prior to commencement of project design.
 - c. Establishes a fee program to fund the CVTIP. All projects within the Carmel Valley Master Plan (CVMP) area, and within the "Expanded Area" that contribute to traffic within the CVMP area, shall contribute a fair-share traffic impact fee to fund necessary improvements identified in the CVTIP, as updated at the time of building permit issuance. Fees will be updated annually as specified by the CVTIP to account for changes in construction costs and land values. The County shall adopt a CVTIP within one year of approval of the 2010 General Plan. The CVTIP does not apply to any roadways (including SR1) that are located outside the CVMP area.

Amend CV-3.11



CV-3.11 The County shall discourage the removal of healthy native oak and madrone and redwood trees in the Carmel Valley Master Plan Area. A permit shall be required for the removal of any of these trees with a trunk diameter in excess of six inches, measured two feet above ground level. Where feasible, trees removed will be replaced by nursery-grown trees of the same species and not less than one gallon in size. A minimum fine, equivalent to the retail value of the wood removed, shall be imposed for each violation. In the case of emergency caused by the hazardous or dangerous condition of a tree and requiring immediate action for the safety of life or property, a tree may be removed without the above permit, provided the County is notified of the action within ten working days. Exemptions to the above permit requirement shall include tree removal by public utilities, as specified in the California Public Utility Commission's General Order 95, and by governmental agencies. Removal of healthy, native oak, madrone, and redwood trees in the Carmel Valley Planning Area shall be discouraged. An ordinance shall be developed to identify required procedures for removal of these trees. Said ordinance shall take into account fuel modification needed for fire prevention in the vicinity of structures and shall include:

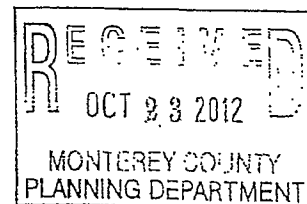
- a. Permit requirements.
- b. Replacement criteria
- c. Exceptions for emergencies and governmental agencies

Add CV-3.22

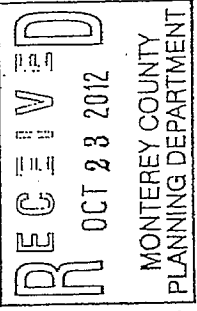
CV-3.22 Notwithstanding policy OS-3.5(1), non-agricultural development that is both on slopes in excess of twenty five percent (25%) and on highly erodible soils shall be prohibited. Non-agricultural development on slopes in excess of twenty five (25%) percent that is not on highly erodible soils shall be subject to Policy OS-3.5(1).

Delete CV-6.5

CV-6.5 Notwithstanding Policy OS 3.5, new development shall be prohibited on slopes: 1) with highly erodible soils, and 2) in excess of twenty five percent (25%).



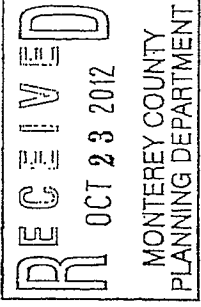
Submitted to Carmel Valley
WAC by Ron DeHoff @ 10/15/12
mtd



Proposed Amendments to the 2010 General Plan Update (2010 GPU)

Carmel Valley Master Plan

Background

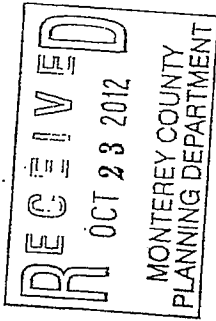


- 1982 General Plan adopted September 30, 1982
- Carmel Valley Master Plan (December 16, 1986 and November 5, 1996)
- 2010 General Plan Update (2010 GPU) and Final Environmental Impact Report (FEIR) certified October 26, 2010
- Carmel Valley Association ("CVA") filed Petition for Writ of Mandate on November 24, 2010 in Case Number M109442
- Settlement discussions between County and CVA – January 2011 through September 2012
- Proposed settlement and revisions to 2010 GPU (CVMMP) – September 24, 2012

Disputed Issues with 2010 GPU (CVMP)

- Traffic Monitoring & Mitigation
 - Changed method for calculating Level of Service (“LOS”)
 - Little EIR consideration of impact of proposed changes
 - Rare Tree Species
 - Replace specific permit requirements with an ordinance to be determined later
 - Non-Ag Development on Slopes
 - No special restriction on non-ag development on slopes > 25% and non-highly erodible soils
-

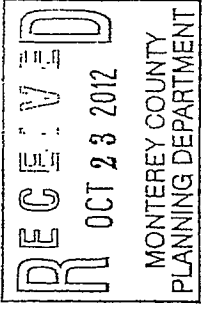
Traffic Monitoring



- CV-2.17 - Changes
- Update Carmel Valley Road (CVR) segments for monitoring
 - Add one segment – Split Rio Road into two sections
- Added Average Daily Trips (ADT) threshold for each segment
 - Based upon traffic studies and CVA input
- Traffic Triggers – Annual Study of Six Impacted Segments
 - If measured ADT within 100 trips of threshold OR PTSF with 1% of maximum
- Annually, if traffic thresholds exceeded:
 - Public hearing before the Board of Supervisors
- 5-Year Monitoring
 - Identify Impacted Segments if within 20% of ADT threshold
 - Mitigation possibilities if conditions worse than expected
 - Adjustments to cap on residential or visitor units
 - Deferral of development impacting traffic
- ADT shall be used in mitigation planning for new development

Proposed Monitoring Process

- Twice annually – traffic measured on Impacted Segments
- Public Works issues annual report (December)
 - ADT calculation and PW's LOS calculation
 - Identify if ADT or LOS thresholds exceeded
- If traffic thresholds exceeded
 - Hearing held before Bos (January)
 - Road Committee reviews report & provide input to Bos
- If traffic analysis of discretionary project indicates that traffic will be impacted (as measured by ADT or LOS)
 - Approval conditioned on prior roadway improvement and prior completed CVTIP projects mitigating traffic impact OR
 - EIR including evaluation of impacts based on ADT



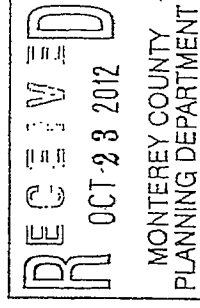
Proposed Monitoring Process

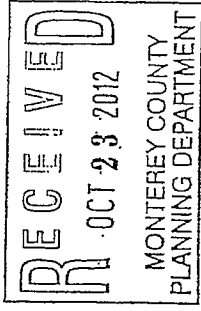
(Continued)

- Full Segment Monitoring (Every 5 years)
 - All 13 segments measured and included in annual report
 - New Impacted Segments designated for annual measurement
 - With 20% of ADT threshold or 1% of PTSF limit (LOS)
- Evaluation of Traffic Trends (Every 5 years)
 - Level of Service degrading faster than envisioned
 - County (with Road Committee input) will consider:
 - Lower caps on new residential or visitor units
 - Deferral of development or other measures

Road Committee / Development Caps

- CV-2.18 – Changes
 - Road Committee will review and comment on proposed projects in the CVTIP
 - Road Committee will review and comment on the annual report described in Policy CV-2.17.
- CV-1.6 Changes
 - Creation of new residential subdivisions in Carmel Valley reduced to 190 new units from 266





Steep Slope & Rare Species

- CV-3.22 Changes
 - Non-agricultural development on slopes in excess of twenty five percent that is not on highly erodible soils shall be subject to Policy OS 3.5(1).
- CV-3.11 Changes (Back to 1982 language)
 - A permit for trees with a trunk diameter in excess of six inches, measured two feet above ground level.
 - Trees removed will be replaced by nursery-grown trees of the same species and not less than one gallon in size.
 - A minimum fine, equivalent to the retail value of the wood removed, shall be imposed for each violation.