

Exhibit A

This page intentionally left blank.

EXHIBIT A DISCUSSION

PROPOSED PROJECT

Based on permitting thresholds, as established by the underlying zoning district and applicable goals, policies, and text of Title 21 and the 2010 General Plan, only certain components of the proposed agricultural operation (**Exhibit D**) require the granting of discretionary permits. As a reminder, “Abalone Creek Ranch” describes the entirety of Applicant/Owner’s proposed development and agricultural operations. In contrast, the “Proposed Project” describes only those components of the Abalone Creek Ranch that require discretionary permits. Per Title 21 section 21.76.050, the Planning Commission is the appropriate authority to consider Combined Development Permits, and thus only has authority over those parts of Abalone Creek Ranch that trigger the need for a Combined Development Permit (e.g. the proposed Use Permits and Design Approval).

The Proposed Project scope before the Planning Commission’s consideration is limited to:

1. after-the-fact development on slopes in excess of 25%;
2. new development on slopes in excess of 25%, and;
3. the construction of the proposed 7,452 square-foot livestock barn, a 2,400 square-foot storage shed, a 1,000 square-foot livestock shed, a 7,200 square-foot machine and equipment shed, a 216 square-foot potting shed, five portable chicken coops and horse shelters, and associated site improvements including perimeter and internal fencing, four 240 square foot concrete material bins, and five water tanks (above ground and below ground) totaling 152,400 gallons.

The remaining components of the Abalone Creek Ranch (drilling of a domestic well, creation of a 21,869 square-foot retention pond, installation of an on-site septic system, crop and tree farming, and the keeping, raising, and off-site sale of livestock) do not require the granting of a discretionary permit.

The purpose of this Discussion is to address the regulatory framework and public comments received through review of this application. As demonstrated above, the operation of Abalone Creek Ranch consists of both allowed uses, either by-right or subject to only ministerial approval, as well as components requiring discretionary approval. Many of the public’s concerns relate to Abalone Creek Ranch’s principally allowed uses that are not regulated by Monterey County Code and cannot be altered by the Planning Commission. Therefore, a detailed discussion on the regulatory framework is provided to ensure clarity in understanding of exercising governmental police powers granted when considering discretionary permits as well as review limitations of ministerial approvals and/or by-right uses. Following this discussion is staff’s response to comments addressing concerns relating to the Proposed Project, and addressing those comments which raise concerns about Abalone Creek Ranch’s principally allowed uses. Though not required to address the latter comments, Abalone Creek Ranch will be operated in a manner that addresses the public’s concerns, ensures protection of the environmental, will not be detrimental to the public’s health, safety, and general welfare, and therefore the second portion of this discussion is provided for transparency and informational purposes.

Lastly, Toro Land Use Advisory and Agriculture Advisory Committee meeting details are provided at the end of this document. Advisory meeting minutes are attached as **Exhibit K** and **M**.

REGULATORY FRAMEWORK

The operation of Abalone Creek Ranch and implementation of the Proposed Project subject to the policies contained in the 2010 Monterey County General Plan and supplemental policies of the Toro Area Plan as well as the applicable regulations contained in the Monterey County Code (MCC). The Project also falls under the Monterey County Code Chapter 16.40 (Right to Farm), which protects lawful and properly conducted agricultural operations from nuisance claims (i.e., complaints of noise, odors, etc.). Moreover, pursuant to the 2010 Monterey County General Plan, routine and ongoing agricultural activities are exempt from a number of policies meant to regulate development in Monterey County, including several policies pertaining to visual and scenic resources. Development and use of the property is also subject to Title 21 – Monterey County Zoning Ordinance, which establishes zoning districts, regulations, allowed uses, and uses that may be allowed subject to discretionary permit processes. Consistency with these planning documents and applicable regulations are discussed below.

Allowed Uses

The California Constitution gives local governments the authority to enact local planning and land use regulations to protect the public health, safety, and welfare of their residents. This is done by adopting and enforcing zoning regulations¹. The Toro Area Plan designates the project site as “Permanent Grazing 10-160 acre minimum” and the accompanying zoning is Permanent Grazing, 40-acre minimum with a Visual Sensitivity overlay district or “PG/40-VS”. Principally allowed uses (no discretionary permit required) in the PG district, as specified in Title 21 section 21.34.030, includes the first single-family dwelling, non-habitable accessory structures (barns, stables, workshops, storage structures, etc.), soil-dependent uses (crop and tree farming, livestock farming, etc.), on-site wells and water systems serving four or fewer connections, hunting and fishing, the sale of agricultural products (not requiring utilities), agricultural employee housing (less than 36 beds), and other low-intensity agricultural-related operations.

Title 21 section 21.06.880 defines a “Poultry Farm” as the “raising, keeping or raising and keeping of, in the aggregate, more than five hundred (500) chickens, turkeys, ducks, geese, pigeons, pheasants, peafowl, guinea fowl or other fowl.” Per the attached Agriculture Operations Plan, the Applicant/Owner will have less than 500 chickens on-site and therefore does not require the granting of a Use Permit to allow a Poultry Farm. A “Commercial Hog Ranch” is defined as “any premises on which hogs are raised or maintained and said hogs are fed by the purchase or import of swill, garbage, vegetables, or fruit.” As proposed, the 10 pigs will feed on the droppings of the fruit trees onsite and will not require the import of feed. Accordingly, a Use Permit is not required for the proposed keeping and raising of hogs.

The intent to allow the above agricultural uses as by-right is supported by the goal and vision of the 2010 Monterey County General Plan Agricultural Element, which establishes policies for

¹ California Government Code section 65850(a) allows the County to regulate the use of buildings, structures, and land as between industry, business, residences, open space, including agriculture, recreation, enjoyment of scenic beauty, use of natural resources through the adoption of ordinances.

enhancing and supporting long-term productivity and commercial viability of the County's agricultural industry.

Specifically, General Plan Policy AG-1.9 states the agricultural operations in accord with all applicable laws and regulations, and consistent with properly accepted customs and practices, shall be given increased protection from nuisance claims through strengthening the County's "Right-to Farm" ordinance. This policy is implemented through MCC Chapter 16.40 (Protection of Agricultural Activities) which increase awareness in the general public of the potential conditions that result from accepted agricultural practices in Monterey County and of the potential inconveniences or discomforts associated with living in and/or visiting a county with a strong rural character, a healthy agricultural sector, and with related "right to farm" protections, so long as the agricultural operations are conducted consistent with proper, accepted customs and standards. These potential inconveniences or discomforts may include but are not limited to, noises, odors, lights, fumes, insects, dust, chemicals, smoke, the operation of machinery (including aircraft), agricultural truck traffic, crop rotation, and impacts associated with the presence of a large labor force.

In addition, General Plan Policy AG-3.3 establishes the following activities as "Routine and On-Going Agricultural Activities":

- pasture and rangeland management;
- conversion of agricultural land to other agricultural uses;
- preparation of product for market, and delivery of product to market;
- planting, harvesting, cultivation, tillage, selection, rotation, irrigation, fallowing, and all soil preparation activities;
- raising of livestock, poultry, fur-bearing animals, dairying, or fish;
- maintenance of sediment basins, stock ponds, irrigation, and tail water return systems, stream bank and grade stabilization, water retention and pumping facilities, erosion control, and surface drainage activities;
- maintenance of farm access roads, trails, and parking facilities;
- fencing, corrals, animal handling facilities;
- greenhouses, sheds, storage, and outbuildings; and
- emergency activity that protects the health and safety of the general public.

All components of the Proposed Project and Abalone Creek Ranch are considered "Routine and On-Going Agricultural Activities." According to 2010 Monterey County General Plan Policy AG-3.3, "Routine and On-Going Agricultural Activities" are exempt from certain General Plan policies, including Policies C-5.3 (Scenic Highway Corridors), C-5.4 (Scenic Highway Corridors), OS-1.9 (Views), OS-1.12 (Scenic Routes), OS-5.5 (Native Vegetation), OS-6.3 (Archaeological Sites), OS-7.3 (Paleontological Sites), OS-8.3 (Burial Sites), OS-10.8 (Air Quality), and S-2.3 (Floodplain). Therefore, these policies do not apply to the Proposed Project. However, due to certain project components and the VS overlay district, the Proposed Project, as discussed in the subsequent section below, requires discretionary approval and design review.

In accordance with the PG zoning, the following components of the Abalone Creek Ranch do not require the granting of a discretionary permit:

- drilling of an agricultural well,

- creation of a 21,869 square-foot retention pond,
- installation of an on-site septic system,
- crop and tree farming,
- the keeping, raising, and off-site sale of livestock; and
- the keeping of pets [dogs, llamas and donkey]).

Uses Allowed Subject to Discretionary Approval

As previously discussed, the proposed project includes two Use Permits to address the unpermitted grading that occurred on slopes in excess of 25%, as well as the proposed (additional) grading on steeper slopes to improve an internal ranch road. In addition, the subject property has a Visual Sensitivity Zoning District Overlay. The purpose of Title 21 Chapter 21.46 (Regulations for Visual Sensitivity Zoning Districts) is to provide regulations for development in those areas of the County of Monterey in which such development could potentially create adverse visual impacts when viewed from a common public viewing area. Typically, a Use Permit is required if the development is located within the VS district and has the potential to create a substantial adverse visual impact. However, Title 21 section 21.46.030(F) establishes an exception to this permitting requirement: “New structures and additions to existing structures which are accessory to agricultural operations in the Farmlands (F), Permanent Grazing (PG) or Rural Grazing (RG) zoning districts shall only require Design Approval.” Accordingly, a Design Approval is required for the construction of the proposed structural improvements: barn, storage shed, livestock shed, machine and equipment shed, potting shed, portable chicken coops and horse shelters, perimeter and internal fencing, concrete material bins, and water tanks.

Based on the above breakdown of permitting requirements and thresholds, the Proposed Project scope for the consideration before the Planning Commission, is limited to:

- after-the-fact development on slopes in excess of 25%;
- new development on slopes in excess of 25%; and
- the construction of the proposed 7,452 square-foot livestock barn, a 2,400 square-foot storage shed, a 1,000 square-foot livestock shed, a 7,200 square-foot machine and equipment shed, a 216 square-foot potting shed, five portable chicken coops and horse shelters, and associated site improvements including perimeter and internal fencing, four 240 square foot concrete material bins, and five water tanks (above ground and below ground) totaling 152,400 gallons.

Title 10

The County’s Noise Ordinance, as described in Chapter 10.60 of the Monterey County Code, applies to “any machine, mechanism, device, or contrivance” within 2,500 feet of any occupied dwelling unit and limits the noise generated to 70 dBA, when measures 50 feet therefrom. The nearest sensitive receptor is located approximately 150 feet from the northern property line and approximately 250 feet from any proposed development (including improving of Ranch Roads and constructing the machine and storage sheds). Construction of the infrastructure-related components of the project would generate temporary airborne noise in the Project vicinity due to the use of construction equipment (e.g., trucks, tractors, excavators). Construction activities associated with the Proposed Project are required to comply with Chapter 10.60. Noise-generating construction activities would be limited to the hours between 7AM and 5PM, Monday through Saturday. No construction would occur on Sundays or holidays.

Operation of the Abalone Creek Ranch would result in a permanent increase in ambient noise. However, as described above, the County's Noise Ordinance only applies to "any machine, mechanism, device, or contrivance." Therefore, the keeping and raising of livestock and other animals, including 499 chickens, are not considered machines, mechanisms, devices, or contrivances, and therefore are exempt from the requirements of Title 10, including the 70 dbA daytime threshold and the prohibition on loud and unreasonable sound any day of the week from 9:00 p.m. to 7:00 a.m. the following morning (nighttime regulation). It should be noted that Monterey County Code section 10.60.040.C.4 also specially exempts commercial agriculture operations from the County's nighttime noise regulations.

Except for the keeping of livestock and poultry, the on-going daytime operation of the Abalone Creek Ranch and Proposed Project are required to adhere to the County Noise Ordinance. These daytime operations are however generally protected from nuisances complaints, such as noise complaints, per Chapter 16.40 (see above discussion on Chapter 16.40).

As demonstrated in the attached Draft IS/MND (**Exhibit C**), the Proposed Project would not exceed noise level standards established in the local general plan or noise ordinance and would not significantly contribute to a cumulative noise impact.

PUBLIC COMMENT

Staff received numerous comment letters from the public, some of which were expressing their support and others listed concerns with the operation of Abalone Creek Ranch. The discussion below addresses concerns relative to allowed uses and the Proposed Project scope before the Commission's consideration, potential visual impacts, air quality, development on slopes in excess of 25%, potential impacts to archaeological and tribal resources, traffic impacts and road conditions, noise, odor and disease, groundwater and impacts to nearby wells, and the right to farm disclosure requirements.

Allowed Uses and Proposed Project Scope

Members of the public commented that only cattle grazing is allowed on Permanent Grazing zoned property, and thus the Proposed Project and Abalone Creek Ranch are not allowed uses. As described in the September 12, 2024 Planning Commission staff report, the preceding Regulatory Framework discussion above, and Draft Resolution (**Exhibit B**), the construction of accessory structures, keeping of livestock and poultry, drilling of a well, and off-site commercial sale of products are allowed uses in the subject Zoning District and are compatible with the requirements of the subject property's Williamson Act Contract (**Exhibit O**)

The original scope of work included a Use Permit to allow a 360 square foot on-site poultry processing facility. Many of the submitted public comment letters, including those submitted in response to the prepared Draft IS/MND, raise concerns about on-site processing of poultry. Members of the public raised concern about the processing facility's noise, odors, and waste, and expressed their collective dislike of an on-site slaughterhouse. In response to these concerns, the Applicant/Owner decided in June 2024 to remove the on-site processing facility from the proposed scope of work and informed staff that all processing would occur off-site, at existing USDA approved processing facility. Accordingly, the Draft IS/MND and the Proposed Project do not

contemplate a Use Permit to allow an on-site poultry processing facility. However, numerous comments letters received in response to the Draft IS/MND continue to raise opposition to the processing facility.

Visual Resources and Design

The Proposed Project site is surrounded by existing grazing land and Resource Conservation zoned land developed with single-family residences. The Project site is in an area designated as visually sensitive, including a critical viewshed as defined by the Toro Area Plan of the Monterey County General Plan.

Corral De Tierra Road

The Proposed Project is located approximately 0.35 miles from Corral De Tierra Road, a locally designated scenic route. The higher elevations of the subject property would be visible from Corral de Tierra. However, due to changes in topography and existing vegetation, the proposed development would not be visible from Corral de Tierra Road.

San Benancio Road and Corral Del Cielo Road

The 2010 General Plan identifies San Benancio Road as a designated scenic route and Corral Del Cielo Road as a proposed scenic route, which has yet to be officially designated. A majority of the subject property is visible from a 220-foot segment of San Benancio Road that overlooks the property. The proposed retention pond, livestock barn, equipment storage sheds, portable chicken coops, portable horse shelters, and Roadway D improvements would be visible from this location (0.3 to 0.6 miles west).

The Project site is directly adjacent to, and accessed by, Corral Del Cielo Road. Accordingly, the proposed retention pond, livestock barn, equipment storage sheds, two portable chicken coops, and at least one portable horse shelter would be visible from Corral Del Cielo Road and adjacent properties. Although not anticipated, all three portable 288-square-foot horse shelters could be visible from Corral Del Cielo depending on placement. Ranch Road E and the southeastern extension of Ranch Road D would not be visible from Corral Del Cielo Road or neighboring properties. The existing ranch roads proposed to be improved are currently visible from Corral Del Cielo Road, and will thus maintain similar visibility once improved. Fruit trees along the northeastern edge of the property would further limit views of the proposed livestock barn and chicken coops from Corral Del Cielo Road and nearby residences.

Additionally, because Corral Del Cielo Road and a portion of San Benancio Road are at a higher elevation than the Project site, the Proposed Project would not significantly impair views of distant mountain ranges located southwest, south and southeast of the Project site. Although private views (i.e., views from private property or residences) are not protected or regulated by Monterey County Code, views from private residences of distant mountains to the south and east of the Project site would not be substantially obstructed by the Proposed Project because the highest point of the proposed structures would be below the ridgeline of mountains to the south and east. Though views of the Project site from adjacent residences would be altered by new development, the vast majority (over 99%) of the Project site would remain undeveloped. In summary, due to the proposed size and massing of the development and the distance at which these improvements would be visible, the Proposed Project would be subordinate to the surrounding natural environment and topography.

Additionally, the introduction of livestock and small fowl is not out of keeping with a Permanent Grazing zoned property and contribute to the rural character.



Figure 1. View of Project site from Corral Del Cielo Road (staking and flagging of barn outlined in red).

The subject property is located within a Visual Sensitivity zoning overlay district, which requires the granting of a Design Approval for new structures that are accessory to agricultural operations in the Permanent Grazing zoning district. Per the Visual Sensitivity zoning overlay district, the required Design Approval is subject to the standards and requirements of Title 21 Chapter 21.44 . To approve development within the Design Control district, or in this case, the Visual Sensitivity zoning overlay district, the Planning Commission must find that the size, configuration, materials, and colors of structures assure protection of the public viewshed, neighborhood character, and the visual integrity without imposing undue restrictions on private property. Further, Toro Area Plan Policy T-3.1 and the 2010 Monterey County General Plan Policy OS-1.2 require that new development be designed to enhance the scenic value of the surrounding rural area and be subordinate to the surrounding natural features of the area. Accordingly, the Proposed Project incorporates a rustic and ranch architectural style with vertical redwood siding, dark bronze non-reflective metal standing seam roofing, and copper gutters. The proposed colors and materials would blend in with the surrounding natural environment, not detract from the local scenic beauty, and be compatible with the rustic and rural area. As described above, the proposed development would not significantly impair views of distant mountain ranges located southwest, south, and southeast of the Project site.

The most visible development from Corral Del Cielo Road and neighboring residences would be the proposed barn, which would be constructed with a maximum height of 30 feet 2 inches above average natural grade and would not protrude above the distant mountain ridgelines. A portion of the barn would be set partially below grade (approximately 5 feet), thus minimizing the visible bulk and mass of the structure. All other proposed development would be constructed at heights above average natural grade of 16.5 feet (storage shed), 15 feet (livestock shed), 13 feet 7 inches (potting shed), and 22 feet (machine shed), all of which would not distract from the distant

mountain ridgelines. **Figure 2** has been prepared by the Project Architect to provide a visual representation of the proposed livestock barn, equipment storage sheds, and two potable chicken coops, when viewed from Corral Del Cielo Road. Members of the public have commented that the below visual representation is inaccurate and misleading, however the bulk and mass of the illustrated barn is comparable to the barn's staking and flagging (**Figure 1**).



Figure 2. Photo taken along Corral Del Cielo Road (near 17755 and 18355 Corral Del Cielo Road), and enhanced with visual representations of the proposed livestock barn, equipment storage sheds, and two potable chicken coops. Prepared by Holdren & Lietzke Architecture, June 2024.

Operation of the Project would increase lighting beyond existing conditions. However, all exterior lighting would be required to comply the design standards set forth by the Toro Area Plan, Monterey County General Plan, and Title 21, all of which require that lighting be shielded or directed to illuminate only the intended area. Therefore, all exterior lighting would be adequately located and designed to minimize light sources to preserve the quality of darkness in the area.

Archaeological and Cultural Resources

Based on the site-specific Cultural Resources Assessment (Monterey County Library No. LIB230072), the Project site is located within one mile of eight prehistoric and historic archaeological sites. However, no historic or prehistoric archaeological sites are located within the Project parcel. Additionally, based on their research and field surveys, the Project Archaeologist concluded that it was unlikely that any prehistoric or historic settlement occurred at the Project site. Condition No. 3 has been applied and requires that work halt in the event of the discovery of any cultural, archaeological, historical, or paleontological resources which would further ensure that impacts would be less than significant.

The submitted comment letters consistently refer to the subject property as the “Pastures of Heaven”, as described in John Steinbeck’s short-fiction book, and therefore consider the site to be of historical importance. *Pastures of Heaven* (1932) consists of 10 short stories set in the Corral De Tierra valley. There is no evidence tying the subject property to the book’s setting.

Development on Slopes in Excess of 25%

In 2021, the Applicant/Owner re-graded and improved an existing ranch road (Ranch Road D), which contained slopes in excess of 25%, to address its narrow width, failing drainage culvert, and localized erosion. Per General Plan Policy OS-3.5, non-agricultural development on slopes in excess of 25% is prohibited unless a Use Permit is first obtained and the Appropriate Authority make the finding that there is no alternative to allow development on less steep slopes and/or the development on slopes better meets the resource protection policies of the General plan and accompany Area Plan. Although this work was done to support an agricultural operation, the HCD Director determined a Use Permit was appropriate given the subject property’s location within a Visual Sensitivity Zoning overlay and Toro Area Plan policies supporting the protection of hillsides. HCD-Planning staff was in the early stages of reviewing the Applicant/Owner’s Design Approval request and informed them that the grading work was done without the benefit of a Use Permit.

Title 21 section 21.84.130 requires that restoration shall be sought to abate the land disturbing violation, unless restoration would endanger the public health or safety, or that restoration is unfeasible. The pre-graded ascending slope adjacent to the existing ranch road varied between 19 and 42 percent and the pre-graded descending slopes exceeded 50 percent in gradient. The prepared Geotechnical Report describes the unpermitted work as “natural irregularities in the slopes have been removed to allow for a continuous, effective and practical application of erosion control improvements.” Per the Project Soils Engineer, restoring Ranch Road D to its pre-violation state would require a key and bench system (see **Exhibit H**). To recreate the prior grade, fill materials would be placed on the ascending and descending adjacent slopes. However, this fill material cannot be placed directly onto the slope without causing soil movement and therefore additional benching into the adjacent existing slopes would be needed. The Project Soils Engineer did not recommend restoration due to the gradients of adjacent slopes, increase in land disturbance on these steep slopes, and the increase in the potential of soil movement, erosion, and slope failures. HCD-Planning staff concur with this recommendation. In addition, as demonstrated in the draft resolution (**Exhibit B**), the necessary findings, supported by evidence, to approve a Use Permit for development on slopes have been made.

Numerous informal and formal ranch roads exist on the subject property. Many of the more informal ranch roads have only been established through use of various equipment along a singular path and have not been graded or contoured to the desired width or pitch. The Proposed Project involves additional development on slopes in excess of 25% to improve (regrade, widen, and extend) an existing informal ranch road on the southern portion of the property, which based on Google Earth imagery, appears to be informal and only established through limited vehicle use. This ranch road, identified on the attached project plans as “Ranch Road E” traverses over a gully to access the southern-most portion of the subject property. Improving this ranch road would require additional development on slopes in excess of 25%. Besides the upper and lower pasture areas, the majority of the subject property contains slopes in excess of 25% (see **Figure 3**). To

access the entirety of the subject property, the Applicant/Owner proposes to use existing single track ranch roads. However, the Applicant/Owner propose to improve these interior ranch roads by re-contouring them to allow for proper water runoff, widening them to a minimum of 12 feet, re-surfacing them with gravel to alleviate erosion concerns, and installing erosion control measures. Widening the ranch roads to 12 feet, which is required to meet local fire code, would require cut into the adjacent hillsides that are in excess 25 percent.

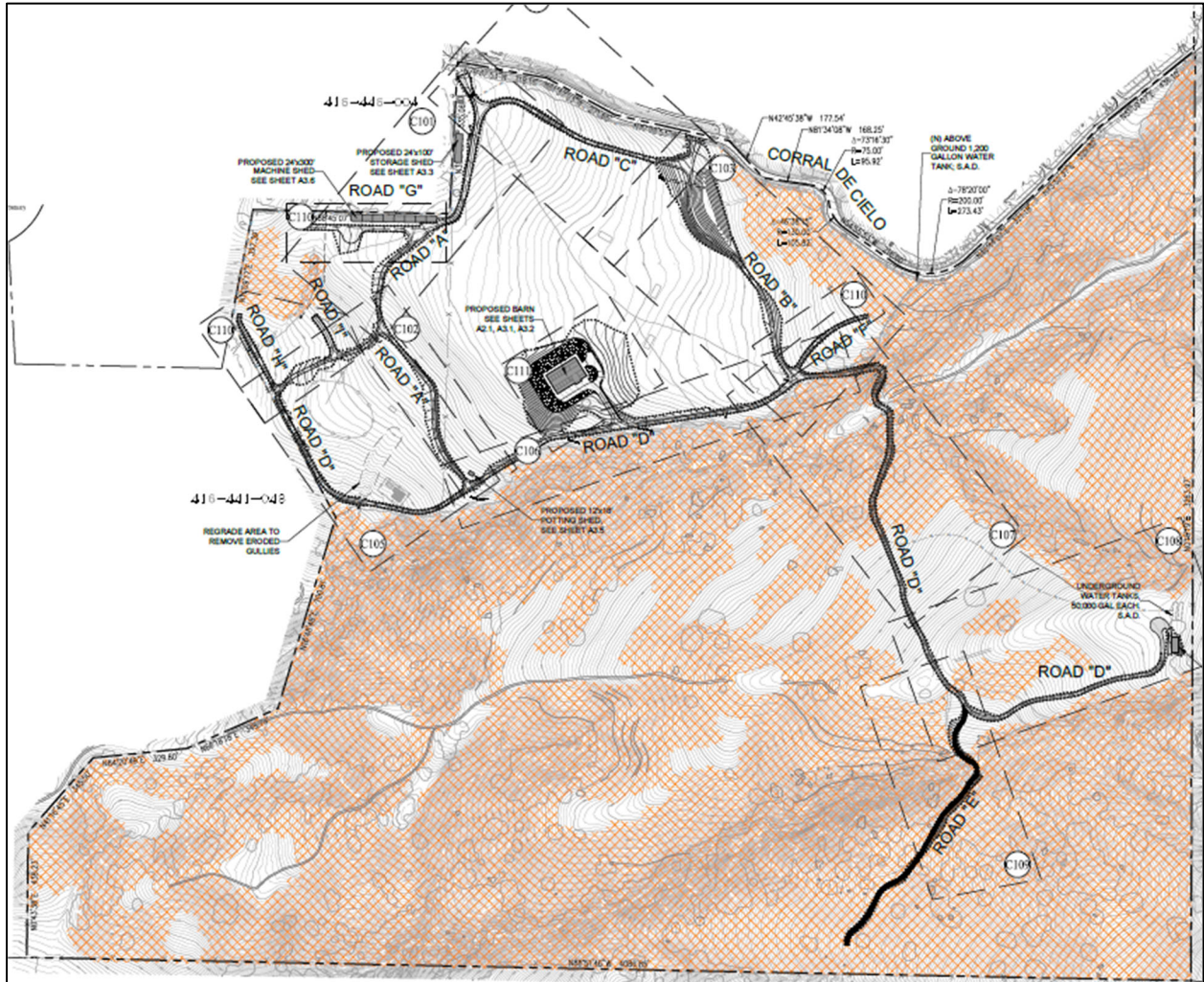


Figure 3. Proposed site improvements plan, with slopes in excess of 25% highlighted in orange crosshatch.

General Plan Policy OS-5.5 encourages landowners to preserve the existing terrain and native vegetation in visually sensitive areas, such as hillsides. Ranch Road D, Ranch Road E, and the surrounding hillsides, are in areas considered visually sensitive, as illustrated by the Toro Area Plan. Although Route and On-Going Agriculture Activities (such as improving ranch roads) are exempt from this policy, the Proposed Project meets the intent of this policy. Improving existing ranch roads, rather than grading new ranch road routes, limits the amount of required land disturbance and consequently controls alteration of a visually sensitive hillside. Further, Toro Area Plan Policy 3.6 states, “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.” In accordance with this policy, the Proposed Project limits development on the property’s higher elevations to only

improved ranch roads and a livestock barn that would support the existing and proposed (expanded) cattle grazing operation. Ensuring safe access to the entirety of the subject property enhances the property's agricultural operation. While not proposing improvements or only proposing limited improvements to interior roads may avoid the property's steeper slopes, there is no alternative that would allow the Applicant/Owner to implement with proposed improvements without impacting steeper slopes. Additionally, the Proposed Project better meets visual and agricultural resource protection policies identified in the 2010 General Plan (Policy OS-5.5) and Toro Area Plan (T-3.6) by utilizing existing ranch road roads and installing erosion control measures.

Members of the public and members of the Toro LUAC have commented that development on slopes in excess of 25% is prohibited and there are no exceptions to allow such development. Other concerned citizens have stated that the development on slopes in excess of 15% is prohibited. As demonstrated above, General Plan Policy OS-3.5 regulates development on slopes in excess of 25%, not 15%.

Dust Control

Construction of the Proposed Project would require 20,300 cubic yards (cy) of cut and 20,300 cy of fill, with no material imported or exported as all grading would be balanced on-site. The total estimated area of disturbance for construction of the Proposed Project would be 9.75 acres. Construction would require equipment such as tractors, backhoes, compactors, excavators, rollers, dump trucks and pickup trucks. However, grading and excavation-related activities would occur over several weeks and would not exceed Monterey Bay Air Resources District's (MBARD) daily ground disturbing thresholds for excavation (2.2 acres per day) or grading (8.1 acres per day). The Applicant would be required to implement erosion control measures in accordance with the County's Grading and Erosion Control Ordinances, Chapters 16.08 and 16.12. Monterey County Code Title 16 section 16.08.340 specifically requires that dust from grading activities be controlled. In addition, all grading activities associated with the construction of the Proposed Project must comply with Monterey County Code Title 16 section 16.12.80, Land Clearing. Condition No. 5 has been applied to require that the Applicant/Owner prepare and adhere to a Construction Management Plan that incorporates MBARD fugitive dust control measures.

Traffic

Members of the public have cited the conditions of San Benancio Road and other local roadways as a reason why the commercial component of Abalone Creek Ranch is not suitable for the Project site.

The Proposed Project (development on slopes and structural improvements) would not generate any permanent daily traffic trips. However, Abalone Creek Ranch's principally allowed uses would generate daily trips. Delivery of cattle, sheep, and pigs for off-site processing would occur once every three months, while delivery of poultry would occur twice per month. Operation of the Abalone Creek Ranch also includes hosting education tour groups (up to 25 people per yearly quarter; 6 cars total). Infrequently, consultants, contractors, and veterinarians would visit the project site. If all traffic-generating activities proposed in the draft Agriculture Operations Plan were to occur on a single day (delivery of cattle, sheep, pigs, poultry, contractors or veterinarians, education tour groups, four employees plus Abalone Creek Ranch family members, and

miscellaneous other agricultural operations), approximately 24 daily trips would be generated. This represents the worst-case scenario. However, these activities are unlikely to occur on the same day. Therefore, on an annualized basis, the Traffic Report calculates that operation of the Abalone Creek Ranch would generate approximately 9 daily trips, with 0.20 daily trips being associated with the delivery of animals, 0.4 daily trips being associated with customer visits, 6 daily trips being associated with employees, 2 trips being associated with consultants, contractors or veterinarians, and 0.13 trips being associated with education tour groups (**Exhibit F**).

Daily trips associated with operation of Abalone Creek Ranch would be generated from its principally allowed components (e.g. raising and off-site commercial sale of cattle, pigs, chickens, and sheep, agriculture employees, etc.) and thus the County does not have the authority to shape or influence the trip-generating uses. However, per the Abalone Creek Ranch Draft Agricultural Operations Plan, all deliveries of livestock and poultry would occur during off-peak hours (before 7 AM, between 9 AM-4 PM, and after 6 PM) to avoid peak periods along Highway 68. Further, because the Proposed Project includes structural components, the County does have discretion to require payment of traffic impact fees. Accordingly, the Proposed Project would be required to pay the TAMC Regional Development Impact Fee and Monterey County Traffic Impact Fee per General Plan Policy C-1.3 (applied as Condition Nos. 4 and 11). This fee represents the Proposed Project's fair share contribution toward Highway 68 improvements and improvements to other regional facilities.

Corral De Cielo, San Benancio Road, Corral de Tierra Road Intersection

Corral De Cielo is controlled by a Yield sign at its 'T' intersection with Corral De Tierra and San Benancio Road. Though these roadways do have curves and infrequent uneven pavement, HCD-Engineering Services staff found these roadways to have adequate stripping and width, and in acceptable conditions. The Project Engineer observed traffic at the Corral De Cielo Road / San Benancio Road / Corral de Tierra Road intersection during the PM peak hour and found that there was minimal traffic with no delays and "[the 9-weekday trips associated with operation of the Abalone Creek Ranch] will be almost imperceptible at this intersection and will not result in traffic operational issues" (excerpt from **Exhibit F**). Based on the estimated daily trip generation, the project would not result in conditions that would degrade Corral de Tierra Road or San Benancio Road, to an unacceptable level of service.

Site Access

Corral Del Cielo is a paved road that includes about 20 feet to 22 feet of pavement with no parking or sidewalks/pedestrian facilities and is in general conformance with the County of Monterey Loop Sidehill typical street section.

The existing gated driveway in the northwest corner of the Project site will serve as the main access and egress for the Proposed Project and provides direct access to Corral Del Cielo Road. The gate is 18 feet wide and thus two lanes of traffic can be accommodated. The existing driveway provides 80 feet of clearance between the Corral Del Cielo Road edge of the pavement and the gate, as required by the County of Monterey – Public Works, Facilities, and Parks. This clearance would accommodate vehicles that exceed the length of any legal transport vehicle, including semi-trailer trucks, the longest of which are about 74 feet. The vehicle planned to exclusively be used for hauling materials to the Project site or livestock from the site is a livestock trailer pulled by a

pickup truck, which has a total length of about 50 feet. The gate clearance also exceeds the Caltrans Highway Design Manual Figure 205.1 standard for access driveways. The Project Traffic Engineer also evaluated site distance from the existing driveway and determined that adequate line of sight exists to accommodate typical speeds along this road, with visibility of approximately 240 to 250 feet (looking left and right of the driveway, respectively) (**Exhibit F**).

A second driveway is proposed approximately 900 feet east of the existing driveway and would be used on a minimal or emergency basis for ingress and egress to Corral Del Cielo Road. The second driveway is proposed on a straight section of Corral Del Cielo Road with adequate sight distance. The proposed gate at the second driveway would be located 30 feet from the edge of pavement. This would be adequate to accommodate cars, pickup trucks, and single-unit trucks without encroaching onto the Corral Del Cielo Road pavement surface. Larger vehicles would utilize the main driveway (discussed above).

The County's standard Condition of Approval for the preparation and implementation of a Construction Management Plan would require that larger construction vehicles utilize the existing driveway. Utilizing the existing driveway for construction-related vehicles would minimize the amount of traffic that could interfere with the various private residential driveways on north side of Corral Del Cielo.

Water Demand and Impact on Nearby Wells

Six private wells exist on the subject property. Five of them have been reported to produce less than 1 gallon per minute (gpm), with one producing less than 0.05gpm. These wells are generally inactive due to the little water production. Well #1 produces approximately 3gpm but does not meet Monterey County Code water quality standards. Condition No. 8 requires that these wells either be proven to be in use and function (including meeting water quality standards) or destroyed in accordance with State of California Bulletin 74 and Chapter 15.08 of the Monterey County Code.

To establish Abalone Creek Ranch, the Applicant/Owner proposes to drill a new domestic well, which would be used to supply potable water to the entirety of the Ranch. Drilling of a new domestic or agricultural well is a principal allowed use and only requires the issuance of a ministerial permit from the Environmental Health Bureau. Members of the public are concerned that the proposed well and Project's water demand will decrease the groundwater supply and consequently have a negative impact to water supply relied on by the Z-Ranch Mutual Water Company (Z-Ranch MWC), which operates five wells and supplies potable water to the adjacent subdivision (27 residences). Therefore, staff has provided this discussion to ensure comments were addressed. To determine potential impacts associated with the Ranch's water demand, including potential influence on nearby wells and private water systems, a project specific Hydrogeological Report (Monterey County Library No. LIB230180; **Exhibit G**) was prepared. An independent well impact assessment was also prepared by the Monterey County Water Resources Agency (**Exhibit N**). The following discussion is based on the conclusions of these reports.

Water Demand

The Hydrogeological Report determined that historical water demand on-site ranged from 1.5 to 3-acre feet per year (AFY), while the current (baseline) water demand is approximately 2 to 3

AFY. The Project Hydrologist calculated that the proposed water demand for operation of Abalone Creek Ranch and the Proposed Project would be approximately 5.96 AFY. Water supply for the Proposed Project and operation of the Abalone Creek Ranch would be provided by a proposed new on-site domestic well. The Proposed Project would also include placement of five water storage tanks totaling 152,400 gallons. At its current location and with its proposed design (800 feet deep with 130-to-800-foot screening intervals) and pumping rate (7.95 gallons per minute), the Project Hydrologist calculated that the proposed well, accounting for system and treatment losses, could generate approximately 6.41 AF of water per year. Based Monterey County Water Resources Agency data, groundwater levels beneath the Project site have not changed significantly in almost 50 years and groundwater elevation data for two nearby monitoring wells indicate that historical groundwater elevations have an increasing trend in groundwater elevations in more recent years, with some oscillation in the groundwater elevation that correlates with drought periods. Therefore, the Project Hydrologist concluded that the Abalone Creek Ranch and Proposed Project would have a sustainable long-term water supply.

Hydrological Setting

The El Toro Planning Area, a watershed-based planning area, includes five designated planning subareas based on local topographic drainage divides: Calera Creek, Watson Creek, Corral de Tierra, San Benancio Gulch, and El Toro Creek. Water supply for the El Toro Planning Area is derived entirely from groundwater and only those portions of the El Toro Planning Area subareas that are classified as having 'good' groundwater production potential make up the larger Primary Aquifer System. The primary use of groundwater from the El Toro Primary Aquifer System is urban (municipal and domestic), with minimal agricultural supply. The Primary Aquifer System considered to be in overdraft, though a previous El Toro Groundwater Study prepared for the Monterey County Water Resource Agency, found that current and increasing rates of pumping in the area could be sustained for decades because of the aquifer's suitable saturated thickness. Per the El Toro Groundwater Study, although the Project site is within the Watson Creek Subbasin it is not within the El Toro Primary Aquifer System. Therefore, the proposed water demand will not directly contribute to overdraft of the Primary Aquifer System.

Based on the 2007 Geosyntec report, the Project Hydrologist concluded that groundwater levels beneath the Project site have not changed significantly in almost 50 years. Further, groundwater elevation data provided by MCWRA for the two closest monitoring wells (16S/03E-17F01 and 16S/03E-17F02) to the subject Project site indicate that historical groundwater elevations have an increasing trend in groundwater elevations in more recent years, with some oscillation in the groundwater elevation that correlates with drought periods. Thus, the Project Hydrologist determined that the Project site and surrounding area has sufficient saturated thickness to support existing development (i.e., developed supported by the Z-Ranch MWC) and the Proposed Project.

Impacts on Neighboring Wells

The Project Hydrologist determined that the proposed domestic well would not result in any adverse impacts to creeks, springs, existing offsite wells (including the wells utilized by the Z-Ranch MWC), or groundwater quality. The two closest neighboring wells are 515-ft and 535-ft from the proposed well location. Wells managed by the Z-Ranch MWC are approximately 2,900 feet from the proposed well location. All nearby wells are not within the proposed well's radius of influence, which was calculated to be 400 feet after 1-year of pumping. After 50-years of pumping,

the proposed well's radius of influence would increase to 1,000 feet. With a 1,000-foot radius of influence, the Project Hydrologist determined that impacts to nearby wells would be negligible as water levels could decrease 0.58 feet for wells at 500 feet or 0.04 feet for wells at 1,000 feet. There would be no drawdown at wells relied on by the Z-Ranch MWC as they are located further than 1,000 feet. Therefore, there would be no cumulatively significant impacts to any offsite wells, including the Z-Ranch MWC well-field. Further, given the difference in depths of each off-site well, the horizontal distance between these wells and the Hydrogeological Report concluded that there would be no hydrogeologic interference between the proposed well and offsite wells and no cumulative significant impacts to either the El Toro Primary Aquifer System or Marine Sandstone or Fractured Granite Aquifer.

The MCWRA reviewed and agreed with the conclusions of the Hydrogeological Report. Further, MCWRA prepared an independent Well Impact Assessment dated November 15, 2023 (**Exhibit N**) and concluded that the proposed well would not have a significant adverse impact on existing domestic wells, water system wells, or in-stream flows. MCWRA found that the prepared hydrogeological report meets the criteria of Policy PS-3.3 of the 2010 Monterey County General Plan and the proposed well meets the requirements set forth in Governor's Executive Order N-7-22, which aims to address California's "extreme and expanding drought conditions" and requires that new wells do not interfere with or damage nearby wells or their infrastructure.

In summary, the prepared technical reports have concluded that there is a long-term water supply able to support the Proposed Project, and the proposed domestic well and projected water demand of Abalone Creek Ranch and the Proposed Project would not impact the Z-Ranch MWC, or any other nearby well. The water-related concerns raised by the neighbors have been addressed.

Odors and Disease

Operation of Abalone Creek Ranch, specifically the keeping and raising of livestock and chickens, may generate objectionable odors. However, the keeping of livestock and less than 499 chickens is principally allowed and therefore related inconveniences or discomforts that are caused by the agricultural operations are not regulated. However, staff has included this discussion to ensure the Commission and members of the public are aware of the steps taken by the operator for property management of manure.

The project site has historically been used for cattle grazing and currently supports a limited number of livestock and poultry. The introduction of 499 or fewer poultry, approximately 200 sheep, 30 cattle (in addition to the 30 cattle that occupy the site currently), 10 pigs, four horses, up to six llamas, up to four dogs, and one donkey, will increase the likelihood of objectionable odors. Local residents are concerned about the odors produced by the proposed keeping of livestock and small fowl, and the spread of diseases, including Avian Flu.

Although agricultural odors emanating from the raising of fowl or animals are exempt from Monterey Bay Air Resource District regulations (California Health and Safety Code § 41705), the Applicant/Owner has obtained a project-specific Manure Management Plan (MMP), see **Exhibit E**, that seeks to control odors and manage agricultural waste in a manner that protects the air, soil, water, vegetation, and animal resources. The MMP makes recommendations for the three areas of

the Project site that animals and livestock would occupy: Lower Pasture, Upper Pasture, Rangeland (Figure 4).



Figure 4. Project site and pasture/grazing land areas.

Lower Pasture Manure Management

A total of four horses, six llamas (two of which are already on site), and one donkey would occupy the subject property's lower-seeded pasture, which is approximately 5 acres and situated in the northwest portion of the property. These animals would generate approximately 45 tons of annual manure. The lower pasture is situated approximately 500 feet to 1,600 feet from the nearest residence. The MMP's recommendations for this area include transferring horse manure to a manure storage area (12 feet x 20 feet foot concrete covered bins) and cleaning out these bins twice per week. Cleaning of the bins and off-site hauling of the manure twice per week exceeds the guidelines set by the State Water Resource Control Board, which calls for the hauling of manure once every two weeks. The horse manure would also be spread onto the lower pasture as needed to meet the nutrient needs of the seeded pasture. Additionally, as recommended, the llama manure, also known as llama "beans", would be collected twice weekly and may be packaged for off-site sale or used onsite as fertilizer. Consistent with the MMP recommendations, as well as the recommendation from the Monterey County Environmental Health Director, the use of manure as fertilizer for the property's fruit trees would not be applied during precipitation events to minimize any nutrient runoff to nearby intermittent streams. As recommended by the MMP, a monthly manure tracking report would be completed each month for the horses and llamas and saved on-

site. Records shall be made available to HCD-Planning Services and the Environmental Health Bureau upon request.

To address potential odors generated by the llamas, horses, and a donkey, the MMP recommends the application of lime either before a rainy period or after aerating the pasture by harrow. Adherence to the MMP condition of approval would require that a maximum of 0.4 lbs per acre of lime be applied to the lower pasture twice a year. Per the MMP, the biological waste odors would not just be masked but rather eliminated with the application of lime.

Upper Pasture Manure Management

As detailed in the prepared Agricultural Operations Plan, up to 499 chickens and 10 pigs would occupy the subject property's upper pasture. The upper pasture is approximately 22 acres and is directly adjacent to Corral Del Cielo Road. Rotational grazing would be utilized on this pasture; grazing of swine would be followed by grazing of the chickens. Allowing the pigs to graze ahead of the chickens would offer predatory control, lower the grass height, break down grass seed for poultry feed, and leave behind manure containing grubs for proteins. Chicks would be raised in two PastureTek portable chicken coops (20 foot by 48 feet, or 960 square feet each) that would be moved daily to avoid overgrazing, limit animal disease, and to allow only a small daily volume of manure (0.2 pounds/square foot) to be distributed. Per the MMP, based on an average of six weeks to maturity, approximately nine flocks could be maintained annually. However, it should be noted that the proposed keeping of 499 chickens would not occur right away, but the Applicant/Owner would gradually increase to a larger flock (estimated to be a few years from now).

Although the upper pasture is approximately 22 acres (958,320 square-feet), only 8 acres (350,400 square-feet) would be required to maintain the flock if rotated daily. Subsequently, only 36.5% of the upper pasture's acreage would be utilized on an annual basis. This would allow the seeded rain-fed pasture to remain healthy. As recommended by the MMP, the subject property's upper pasture (approximately 22 acres) would spread manure via a pull chain-harrow. The harrow would break up the waste and evenly distribute the nutrients from the manure into the pasture, providing beneficial nutrient cycles and soil organic matter. Dispersing manure piles would also help control parasites and pest insects, which prefer fresh manure for egg laying. Breaking apart manure piles would reduce disease by exposing bacteria to sunlight, which is essential for the health of the pasture. Additionally, harrowing would also facilitate drainage, helping to minimize muddy areas and standing water. Harrowing of the subject property's upper pasture would not be completed during times of precipitation or when the ground is saturated to avoid compaction of the soil and would only be completed when calm (0-2 mph) or light (2-5 mph) winds are occurring to avoid dust or odors from drifting.

Operations odors would also be controlled through application of lime to the soil by a pull spreader. Based on the MMP, the property's soil pH is moderately acidic (6.0). A soil amendment of 0.4 pounds/acre of lime (100% calcium carbonate) was recommended to adjust soil pH to 6.5. The application of lime is known to reduce odors, particularly hydrogen sulfide. In addition to raising soil pH, lime provides free calcium ions, which react and form complexes with odorous sulfur species. Per the MMP, the biological waste odors would not just be masked but rather eliminated with application of lime. Lime applications would be applied when precipitation is forecasted so that the lime may be incorporated into the soil.

Rangeland and Grazing Manure Management

Operation of the Abalone Creek Ranch would introduce 200 sheep and an additional 30 cattle to the remaining acreage of the subject property. These animals would generate approximately 598 tons of annual manure. For the subject property's rangeland and grazing area, the MMP focused on conditions that may impair the sustainability or intended use of its natural resources. Desirable plant species for feed, live plant cover, plant diversity, plant residues as soil cover, grazing utilization, livestock concentration, soil compaction, plant vigor, and erosion were identified in the MMP as conventional causes of degradation in rangelands. The Natural Resources Conservation Service has developed a Pasture Conditions Scorecard (PCS) that is used to assess overall rangeland conditions to determine if improvements are needed that could benefit productivity and the environment. The MMP recommends that the PCS be completed annually to determine if any management activities changes are required to improve production and natural resource conditions. Adherence to the County's MMP non-standard condition of approval would ensure the grazing activities are conducted in a manner that promotes sustainable agriculture and protects the property's natural resources.

While it is recognized by HCD-Planning staff that the keeping of livestock and poultry is a by-right use that may contribute to objectionable odors and the neighbor's concerns are understandable, the prepared Agriculture Operations Plan requires that manure management be conducted in a manner consistent with the recommendations contained in the project-specific Manure Management Plan (Monterey County Library No. LIB230181; **Exhibit E**). As demonstrated above, the recommendations of this report adequately address the raised odor concerns. To ensure the recommendations of the Manure Management Plan are implemented, the Applicant/Owner has agreed to a non-standard condition of approval (Condition No. 19). Application of this condition is not intended to control or shape establishment of Abalone Creek Ranch, but rather ensure the Applicant/Owner proposed measure is implemented. As proposed, and with implementation of non-standard Condition No. 19, odors associated with the operation of Abalone Creek Ranch would be minimized to the maximum extent possible. Further, the County's Protection of Agricultural Activities Ordinance (Chapter 16.40) protects agricultural operations from nuisance claims related to potential inconveniences or discomforts like odors, fumes, dust, and the operation of machinery.

The Monterey County Environmental Health Director (Bureau Chief) and California Department of Food and Agriculture (CDFA) have confirmed that the proposed keeping of livestock and small fowl raised within an open pasture would not pose a public health risk, including the spreading of disease, because of the scale of the operation and provided Abalone Creek Ranch adheres to the prepared Manure Management Plan. CDFA also confirmed that Avian Flu is not anticipated to be present as the poultry would be raised on-site from a young age, rather than being transported to the site as adults, and would be housed in portable coops so interactions with other animals or wildlife are limited. Further, the Agricultural Advisory Committee has considered the Proposed Project and operation of Abalone Creek Ranch and raised no concerns relative to the introduction of disease.

Noise

Members of the public have raised concerns about the noise that the various on-site animals and livestock, specifically chickens and dogs, would produce. The primary sources of existing noise in the Project vicinity are from vehicle traffic along Corral Del Cielo Road, neighboring residences, and neighboring agriculture operations, which include livestock farming. The nearest sensitive receptor (single-family dwelling) is located approximately 150 feet from the northern property line.

The proposed Project's construction would increase the area's ambient noise levels, however such impacts would only be temporary. Permanent sources of noise from the Project site would primarily include sounds associated with raising livestock (e.g., mooing, clucking, and whinnying) – a principally allowed use. Other noises associated with operation of the Ranch may include routine maintenance and use (e.g., equipment repair and occasional noises associated with small group tours or workshops on the property). The proposed chicken coops would be moved throughout the upper pasture area (250 to 1,100 feet from the nearest residence).

The County's Noise Ordinance, as described in Chapter 10.60 of the Monterey County Code, applies to "any machine, mechanism, device, or contrivance" within 2,500 feet of any occupied dwelling unit and limits the noise generated to 70 dBA, when measures 50 feet therefrom. Accordingly, Chapter 10.60 does not apply to the keeping of animals and livestock. While activities associated with the keeping and raising of livestock and poultry are exempt from Title 10 requirements, due to known concerns and opposition regarding noise, specifically with the keeping of dogs and the raising of 499 chickens, the following discussions are provided:

Poultry

Chicks would be purchased off-site and transported to the subject property to be raised in portable chicken coops that would be moved daily to avoid overgrazing/foraging. No on-site processing of chickens would occur. It is difficult to determine the sex of a chick until six to eight weeks old. Therefore, although the Abalone Creek Ranch intends to only purchase female chicks (hens), male chicks (roosters) may be inadvertently purchased. On average, roosters generally begin crowing around the age of four to five months but this can vary depending on the breed. In this case, most chicks would be purchased at the age of two to four weeks old and then sold for off-site processing at the age of eight to 12 weeks (two to three months old). Thus, if a male chick is purchased, it would be sold and/or processed off-site before it begins crowing. A permit from the Monterey County Animal Control office is required if more than five roosters are kept on-site. However, as proposed, Abalone Creek Ranch would not permanently keep a rooster on-site.

Hens are most vocal during specific times and for various reasons:

- Morning: Chickens tend to be more vocal in the morning, especially when they are waking up and getting ready for the day. This can include general clucking as they become active.
- Egg Laying: Hens might be particularly noisy when they are laying eggs. This can vary among individuals, with some hens noticeably louder than others.
- Feeding Times: Chickens may become vocal when they are hungry or anticipating feeding times. They may cluck and make noise to get attention for food. Feeding would occur near dawn and dusk or on an as-needed basis.

- Disturbances or Predators: If they sense danger or are disturbed by something, chickens can become more vocal as a warning to the flock or as an alarm call.
- Social Interaction: Chickens are social animals, and they communicate through vocalizations. They may make noise during social interactions to establish a pecking order or for regular communication.

The noise level produced by chickens (hens) can vary widely depending on factors such as their breed, age, environmental conditions, and behavior. A single hen's clucking can range from around 60 to 70 decibels (dB) on average. When considering up to 499 chickens, the combined noise is anticipated to reach higher decibel levels. Poultry farms, which can vary by size, can generate between 70-90 decibels, according to a 2022 study analyzing intensive poultry farming. As described above, noise produced by chickens would vary throughout the day and should not be considered a constant noise generating source. Hens typically make less noise at night compared to the daytime. Once they settle down on their roosts for the night, they usually become quiet. Chickens, including hens, are diurnal animals, meaning they are most active during the day and rest at night. While occasional clucking or soft murmurs might occur, especially if disturbed by a predator or other external factors, generally, hens are relatively quiet during the night.

Noise levels reduce as the observer moves farther away from the source due to the dispersion and absorption of sound waves by the surrounding environment. This reduction in noise with distance is known as the inverse square law. In simple terms, for every doubling of the distance from the noise source (starting at 50 feet therefrom), the sound intensity decreases by approximately 6 dB. However, this reduction is not consistent and can be affected by various factors like obstacles, terrain, and atmospheric conditions. For instance, if the observer standing 50 feet away from the proposed chicken coop moves to 100 feet away, it is presumed that the observer would experience a reduction in noise by about 6 dB. Moving from 100 feet to 200 feet would result in an additional 6 dB reduction, and so on.

The proposed portable chicken coops would be placed on the property's "upper pasture", approximately 22 acres and adjacent to Corral Del Cielo Road, and moved throughout the day in accordance with the Agriculture Operations Plan and prepared Manure Management Plan (**Exhibit E**). Although the proposed quantity of chickens (499 or fewer) does not constitute a Poultry Farm, as defined by Title 21 section 21.06.880 ("the raising, keeping or raising and keeping of, in the aggregate, more than 500 chickens, turkeys, ducks, geese, pigeons, pheasants, peafowl"), staff relied on data from a 2022 commercial poultry farming study to determine noise levels of the proposed keeping of poultry. This study found that a commercial poultry farm could generate noise inside the poultry house ranging from 50 dB to 90 dB during the daytime. Therefore, it is conservatively assumed for this discussion that, at the source, 499 chickens could generate up to 90 dBs during the day. The PastureTreks (portable coops) and chickens would be between 250 feet (including a 100-foot setback on either side of Corral Del Cielo Road) and 1,100 feet from the nearest residence. Thus, when observing from a nearby residence, the daytime noise generated by the chickens on the subject property could range between approximately 64 dB (at 1,100 feet) and 77 dB (at 200 feet). The highest projected noise level associated with the raising of chickens is consistent and appropriate with noises provided on other agriculturally zoned properties.

Noise generated by livestock and the poultry are protected under Chapter 16.40 and will not pose a nuisance so long that livestock operations conform to proper and accepted customs. The Proposed Project includes the planting of various fruit trees along Corral Del Cielo. While these trees would not effectively reduce noise levels as they typically do not have dense canopies, the trees would provide visual screening of the property, which may reduce the perception of noise from livestock and ongoing agricultural activities.

Dogs

Two livestock guardian dogs occupied the site in 2022 to protect the livestock and limited poultry on-site. Guardian livestock dogs instinctively bark at wildlife or humans that they perceive as a threat to the animals or property they are guarding. Numerous complaints alleging excessive barking and animal neglect were made to HCD-Planning, Code Enforcement staff, the Agricultural Commissioner's Office, and the Monterey County Animal Control. After an investigation, Monterey County Animal Control determined that the claims had no merit, and the barking of the dogs was found not to be a nuisance. The complainants were then advised to participate in a voluntary dispute resolution process, as established by the Protection of Agricultural Activities Ordinance (Chapter 16.40). This process designates the Monterey County Agricultural Commissioner as the County official to hear and mediate disputes relating to inconveniences or discomforts associated with adjacency to agricultural operations. Unfortunately, no resolution was found. The Applicant/Owner ultimately re-homed the dogs and has since added guardian llamas to the Project site.

Right to Farm Notice

Residents of the neighboring subdivision have submitted comment letters stating that it was their understanding that the subject property could only be used for grazing of cattle, and could not be developed with a commercial agricultural operation. Members of the public claim the County of Monterey did not adequately provide adequate transparency and noticing regarding the subject property's allowed uses.

Chapter 16.40 of the Monterey County Code (Protection of Agricultural Activities) aims to increase awareness with the general public of the potential conditions that result from accepted agricultural practices in Monterey County and of the potential inconveniences or discomforts associated with living in a county with a strong rural character and healthy agricultural sector. This Chapter requires that the agent or a seller of a property in the County of Monterey provide a "Right to Farm" notice to the potential purchaser of said real property. The "Right to Farm" Notice informs property owners that the County of Monterey has adopted Chapter 16.40 to protect agricultural resources and agricultural operations from nuisance claims and that as a resident of Monterey County, they must be prepared to accept certain inconveniences or discomforts that are caused by agricultural operations.

Neighbors of the subject property have complained that this disclosure notice was not provided to them at the time of purchase. As detailed in Title 16 section 16.40.040.A, this disclosure notice is a requirement of the seller and/or authorized agent, not the County of Monterey. HCD-Planning has provided factual, transparent information about the Proposed Project, operation of the Abalone Creek Ranch, and the allowed uses of the property project throughout the discretionary permit

process. Multiple public meetings have occurred since filing of this application, at which all persons had the opportunity to be heard.

LUAC

The Proposed Project was referred to the Toro Land Use Advisory Committee (LUAC) for review on July 24, 2023. At this meeting, the project scope included a Use Permit to allow installation of an agricultural poultry processing facility. The project scope has subsequently been revised to remove the processing facility components. During this meeting, members of the LUAC raised concerns about the project's consistency with the underlying zoning district and applicable goals and policies of the General Plan and Toro Area Plan, including those relating to development on slopes in excess of 25% and the Critical Viewshed. Members of the public raised concerns relating to the proposed project's potential to create light and noise pollution, increase commercial traffic and heavy equipment along local roadways, impact sensitive viewsheds, waterways, and hillsides, and decrease property values. Members of the public objected to the unpermitted development on steeper slopes and on-site processing facility, and requested a peer review of the prepared hydrogeological and traffic reports. Other members of the public commented on the project's consistency with the property's Williamson Act Contract and underlying zoning district designation. After public testimony, the LUAC voted 3 to 1 to oppose the project as proposed.

The meeting minutes cite incompatibility with the Toro Area Plan's Critical Viewshed restrictions, intensification of uses, and lack of infrastructure as reasons to not support the project. Though not reflected in the meeting minutes, the LUAC Chair's motion to not support the project included informing the public that the subject property was within a "Critical Viewshed Overlay", that the proposed development conflicted with Toro Area Plan's Critical Viewshed, that development on slopes in excess of 25% is prohibited and there are no exceptions, and Permanent Grazing zoning properties only allow for grazing of livestock. These comments made by the LUAC Chair are incorrect. In attempt to correct the public record and provide the LUAC with correct information, County staff informed the LUAC and members of the property that the subject property is within a "Visual Sensitivity Zoning Overlay", which required the granting of a Design Approval; the proposed development complies with Toro Area Plan's Critical Viewshed policy (T-3.3), which requires a 100-foot front setback; development on slopes in excess of 25% is allowed if the Appropriate Authority makes the findings identified in General Plan Policy OS-3.5, and that the proposed project, including all uses contemplated by Abalone Creek Ranch, are principally allowed uses. The LUAC Chair continued to object to HCD-Planning staff's reading of applicable regulations. Prior to adoption of the July 24, 2023 meeting, staff presented the Toro LUAC with revisions to the meeting minutes to better capture the discussion that occurred on July 24, 2023. However, the LUAC rejected HCD-Planning staff's revisions. Copies of the approved meeting minutes and staff's revised meeting minutes are attached as **Exhibits K** and **L**, respectively.

AAC

The Proposed Project was referred to the AAC for review on August 24, 2023, consistent with General Plan Policy AG-1.8. During this meeting, members of the public raised concerns relating to consistency with the subject zoning district, property value, noise, odors, water use, traffic, intensity of use, and visual impacts. Following consideration of staff's oral testimony and public comment, the AAC voted six to zero in support of the application and recommended the Planning

Commission find the project consistent with commercial agricultural uses and compatible with the property's existing Williamson Act contract. Further, the AAC raised no concerns about Abalone Creek Ranch's potential to generate objectionable odors and noise or introduce diseases. At the time of August 2023 AAC meeting, the environmental document analyzing the project's potential environmental impacts had not been prepared. Consequently, the AAC could not consider the environmental document pursuant to CEQA Guidelines section 15074(a). Therefore, on June 27, 2024, the Proposed Project and associated environmental document was referred to the AAC for consideration. The AAC considered the Proposed Project, together with the Draft IS/MND, and voted to recommend approval of the Proposed Project to the Planning Commission. The AAC meeting minutes are attached as **Exhibit M**.

This page intentionally left blank