

Exhibit D

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MINUTES

Carmel Highlands Land Use Advisory Committee Monday, September 15, 2014

1. Site visit at 3:00 PM at the entrance of PALO CORONA REGIONAL PARK AT HIGHWAY 1
[MONTEREY PENINSULA REGIONAL PARK DISTRICT]

ATTENDEES:

WALD, DAVIS, MAHEEN, LITTEL
~~Jim Jensen~~, Tim Jensen, R. PAVAN,
Christine Kemp, Rachel Sanders, JOANNA DEREKS

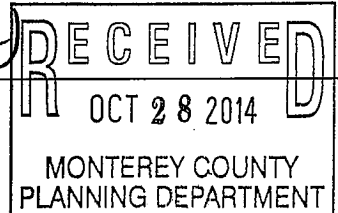
2. Meeting called to order by PEPE DAVIS at 3:15 pm

3. Roll Call

Members Present: WALD, MAHEEN, DAVIS, LITTEL (4)

Members Absent:

RAINER, JESSE NICK (2)



4. Approval of Minutes:

a. September 2, 2014 minutes

Motion: WALD (LUAC Member's Name)

Second: MAHEEN (LUAC Member's Name)

Ayes: 4 (WALD, MAHEEN, DAVIS, LITTEL)

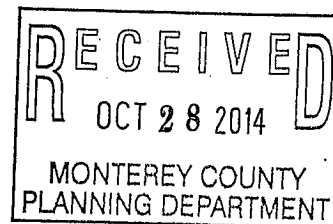
Noes: 0

Absent: R. J. RAINER, JESSE NICK (2)

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.

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6. **Scheduled Item(s)** – Refer to attached project referral sheet(s)

7. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

NONE

B) Announcements

NONE

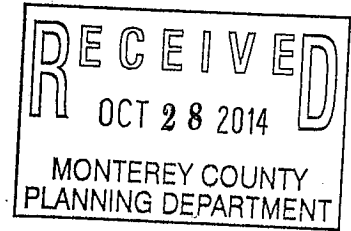
8. **Meeting Adjourned:** 6:30 pm

Minutes taken by: PETE DAVIS

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 Unincorporated/Highlands**

Please submit your recommendations for this application by: **September 15, 2014**

Project Title: MONTEREY PENINSULA REGIONAL PARK DISTRICT

Item continued from 9/2/ meeting

File Number: PLN130417

File Type: PC

Planner: SIDOR

Location: PALO CORONA REGIONAL PARK

Project Description:

Combined Development Permit including: 1) Coastal Development Permit for development on slopes in excess of 30% consisting of grading for the construction of turn-out areas in the existing road; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and 3) Design Approval for the construction of a 55-space public parking area and improvements to an existing access road to the Palo Corona Regional Park. The property is located at Palo Corona Regional Park, on State Highway 1 between Carmel River north and Ribera Road south, Carmel area (Assessor's Parcel Number 243-081-008-000), Carmel Area Land Use Plan, Coastal Zone.

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

Was a County Staff/Representative present at meeting? NONE PRESENT (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Christine Kemp	X		MVS Fish — see attached letter
Rachel Saunders	X		Support — fm CDP for proj lot

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)
VISUAL IMPACT FROM HWY 1	LEAST VISIBLE	RELOCATE TO BOTTOM OF HILL BEHIND BARNS

ADDITIONAL LUAC COMMENTS: 1. BETTER TO MOVE SITE TO OTHER SPOT BEHIND BARN & ABOVE.
2. BETTER TO CONSIDER (2) SEPERATE PKG. LOTS OF SMALLER SIZE.
3. VISIBILITY OF LOTS MORE IMPORTANT THAN NOT MOVING STAKES/CORRALS FOR ~~FEW~~ ACTIVITY 4 TIMES / YR.

RECOMMENDATION:

Motion by: MAHEEN (LUAC Member's Name)

Second by: LITTEL (LUAC Member's Name)

☐ Support Project as proposed

☒ Support Project with changes ^① STAY MOVING TO BACK LOCATION

☐ Continue the Item ^② (2) SEPERATE LOTS.

Reason for Continuance: ^③ LANDSCAPING IMPORTANT FOR TOTAL SCREENING OF CARS

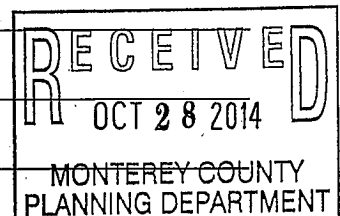
Continued to what date:

AYES: 4 (Davis, Meheen, Waid, Littell) FROM HWY 1

NOES: 0

ABSENT: 2 (Rainer, Jeselnick)

ABSTAIN: 0

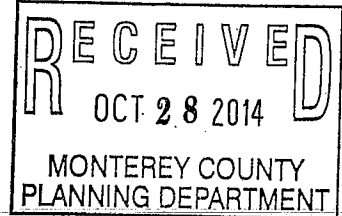


Action by Land Use Advisory Committee Project Referral Sheet

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

Advisory Committee: Carmel Unincorporated/Highlands

Please submit your recommendations for this application by: **September 15, 2014**



Project Title: COLLINS JAMES G & SOOK

File Number: PLN130339

File Type: PC

Planner: MACK

Location: 83 MT DEVON RD CARMEL

Project Description:

Combined Development Permit consisting of: 1) a Rezone request to change a portion of the property currently zoned Resource Conservation [RC(CZ)] to Watershed and Scenic Conservation [WSC(CZ)] to allow residential development within the specific portion of the property; 2) Coastal Administrative Permit to allow the construction of a 2,397 square foot single family dwelling; 3) Coastal Administrative Permit to allow the establishment of a new well; 4) Coastal Development Permit to allow development on slopes in excess of 30%; and 5) Design Approval. The property is located at 83 Mt Devon Road, Carmel (Assessor's Parcel Number 241-021-007-000), Carmel Area Land Use Plan, Coastal Zone.

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

Was a County Staff/Representative present at meeting? NONE PRESENT (Name)

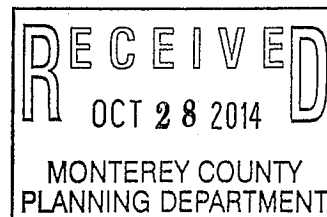
PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Frank Raab	X		drainage, erosion control zoning change, well permit
MARC DAVIDIAN	X		SET BACK DRAINAGE 30% SLOPE VARIANCE QUESTION SOIL EXPORT AMOUNT

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
<p>• VERIFY WHY THIS LOT HAD SPECIAL ZONING TO START.</p> <p>• MUST BE REASON - RESEARCH TO ORIGINAL SUBDIVISION & CERTIFIED LAR. TO FIND OUT WHY DIFFERENT FROM OTHERS. NOT JUST TPO. MUST HAVE BEEN REASON.</p>		

ADDITIONAL LUAC COMMENTS



RECOMMENDATION:

Motion by: DAVIS (LUAC Member's Name)

Second by: MEHEEN (LUAC Member's Name)

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

Reason for Continuance: _____

Continued to what date: _____

AYES: 4 (Davis, Meheen, Wald, Little)

NOES: 0

ABSENT: 2 (Rainer, Jeselnick)

ABSTAIN: 0

NOLAND
HAMERLY
ETIENNE
HOSS

Attorneys at Law A PROFESSIONAL CORPORATION

James D. Schwefel, Jr.

Stephen W. Pearson

Lloyd W. Lowrey, Jr.

Anne K. Secker

Randy Meyenberg

Michael Masuda

Christine G. Kemp

* Jo Marie Ometer

Terrence R. O'Connor

Timothy J. Baldwin

* Leslie E. Finnegan

* Charles Des Roches

Stephen F. Wagner

Ana C. Toledo

Retired

Myron E. Etienne, Jr.

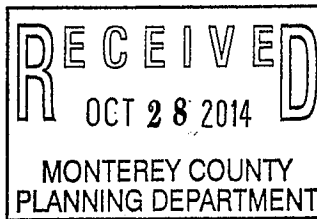
Peter T. Hoss

Martin J. May

Harry L. Noland
(1904-1991)

Paul M. Hamerly
(1920-2000)

* CERTIFIED SPECIALIST IN
PROBATE, ESTATE PLANNING,
AND TRUST LAW BY
THE CALIFORNIA BOARD OF
LEGAL SPECIALIZATION
STATE BAR OF CALIFORNIA



Submitted at
Carmel Highlands
WAC 9/15/14 mtg

WWW.NHEH.COM
E-MAIL CKEMP@NHEH.COM
831-424-1414 EXT. 271
CLIENT NO. 03452.014

August 27, 2014

VIA E-MAIL DELIVERY
sidorj@co.monterey.ca.us

Mr. Joseph Sidor
Monterey County Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Re: PLN130417 – Monterey Peninsula Regional Park District
Palo Corona Regional Park Parking Project

Dear Mr. Sidor:

I am writing on behalf of Diana Fish, owner of the 93-acre in-holding within the Monterey Peninsula Regional Park District's ("District") Palo Corona Regional Park ("Park").

Mrs. Fish is not opposed to expanded public use of the Park, as she recognizes what a unique and wonderful asset it is, but in doing so, the parking lot must be the right location and proper Park management must be put in place to address the expanded use.

Unfortunately, there are serious and significant problems with the District's proposed 55-space (57 or 58 space¹) parking project ("Project") at the Palo Corona Regional Park which have not been addressed². The proposed Project will impact the public viewshed, will impact traffic along Highway 1, and will result in a substantial increase in Park usage with no management plan in place.

¹ The Park District's CEQA Project Description states the "Project includes a new 57 parking space area on approximately 2.25 acre area and four pull-outs along existing driveway" and the traffic study describes the Project as 58 spaces (56 general and 2 accessible).

² It is our position that the District's adoption of the Mitigated Negative Declaration and proposed findings for approval of the Project are legally inadequate. Rather than file her lawsuit against the District following their adoption of the Negative Declaration and Project approval, Mrs. Fish and the District entered into a Tolling Agreement to extend the time in which she has to file her CEQA lawsuit, to be deferred while the District attempts to address these issues.

PHONE 831-424-1414

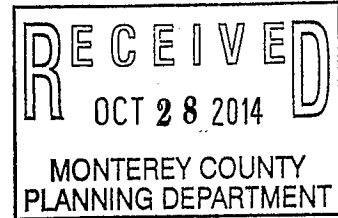
FROM MONTEREY 831-372-7525

FAX 831-424-1975

333 SALINAS STREET POST OFFICE BOX 2510 SALINAS, CA 93902-2510

03452016566341.1:82714

Joseph Sidor
Monterey County Planning Dept.
August 27, 2014
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While we understand the District is motivated by grant funding and increasing public access to the Park, these desires cannot override the need to adequately address the impacts and issues associated with this Project.

The Application will Result in a Substantial Increase in Visitors and Traffic, with No Management Plan in Place to Address the Increased Usage

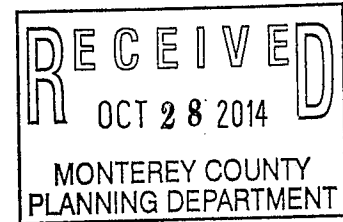
The current Interim Public Access Plan ("Interim Plan"), approved by the County, for use through April 26, 2016, was to remain in place until the District completed its required long term Management Plan for the entire 4300-acre regional Park. This Application revokes the Interim Plan and increases Park usage 10 fold, with no long-term Management Plan in place. In doing this, the District has avoided the detailed work and specific information that is needed in the long-term Management Plan and, instead, is piecemealing the Project.

The purpose of the Interim Plan for the 680-acre Palo Corona Regional Park was to enable public access and use of the property as soon as possible. The Interim Plan was to govern public use of the Park for up to a five-year interim period until the Monterey Peninsula Regional Park District (the Park District) has completed a long-term management plan for the entire 4300-acre regional park. The long-term Management Plan was to be consistent with the County's General Plan, Local Coastal Plan (LCP), Big Sur Land Use Advisory Committee Plan, zoning, State Coastal Conservancy access guidelines and American Disabilities Act Standards to the extent feasible.

Under the Interim Plan, access Permits are limited to 13 per day with each permit accommodating up to 5 persons for a total number of up to 65 persons per day. A dashboard placard is included with the Permit and assigned a daily code to assist Ranger patrol in identifying legitimate park users' cars along Highway 1. The Park entrance is controlled with a locked gate. This gate and the Park identification sign clearly state that access is by Permit only. The combination for the pedestrian access is provided on the Permit, but changed regularly to prevent unpermitted access.

Accordingly, under the current Interim Plan a maximum of 73 persons per day (13 permits/5 people per vehicle permit and 8 pedestrians from the south Bank Trail) use the Park. This low volume of usage is manageable, as those obtaining Permits plan head, and are self-policing. This will change dramatically with an open entrance gate, unlimited and unrestricted access to the Park, and inadequate ranger staffing.

Based on five (5) persons per vehicle, for 55 parking spaces, entering the Park two times a day, daily usage could swell from the current 73 persons/day to potentially 550 persons/day and this does not address people still parking along the Highway 1.



This represents a **substantial and significant increase in the level of usage as approved by the County under the currently Interim Plan, yet there is no Management Plan in place to address this increased usage.**

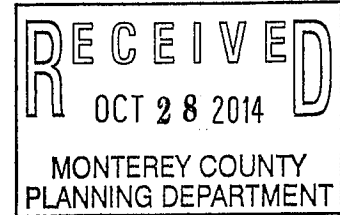
- There is no ranger staffing information provided – no information on number/days/hours/duties;
- There is no plan for security - who controls persons in/out of Park, who operates entrance gates and how entrance gates are opened and closed, how trespassers and unpermitted people will be controlled, and natural resources protected on the large Palo Corona acreage owned by the Park District – acreage not presently open to the public, how homeless, fencing, emergencies, etc. are handled without adequate ranger staffing;
- There is no plan for fire protection – what is plan for water supply; brush clearing; more adaptive cattle management rotations; mowing fuel load/fire breaks;
- There is no plan for monitoring the entrance gate – what if there are electronic gate problems;
- There is no ranger at an entrance kiosk to check in cars, control dogs, tell people the lot is full, or control unauthorized parking;
- ? • There is no plan for bathroom facilities/trash facilities;
- ? • There is no plan regarding continued parking on Highway 1.

How can this Project be approved without these issues being addressed up front?
This is a fundamental flaw of this Project.

Docents and the cattle lessee cannot manage the Park. The safety and security of the Park and the Fish Ranch are major concerns. Volunteer docents may help, but they are not Park employees. The cattle lessee who runs cattle on the ranch has other day-time jobs and cannot be counted as a Park employee or ranger--which he is not.

Garland Park is not an equivalent model. With the recent BSLT/District/State Park/Pt. Lobos Foundation MOU, and the far-flung connections between the areas it envisions, there will be even further increased visitor use, as the Park becomes a major tourist destination for both locals and out-of-towners, with easy access from different points, including Highway 1.

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Without permits, anyone can drive in to Palo Corona Park. Visitor makeup will be different from Garland Park, nestled miles away from Highway 1 in Carmel Valley, attracting locals and their dogs. Located along Highway 1, a major tourist route, many more out-of-towners than locals ^{could} would be expected at the Palo Corona than at Garland.

Additionally, it is not surprising that there have been few problems at Garland as that is where that is where the Rangers are stationed. There have been few citations on the Palo Corona Ranch up to now because most people have had to sign in for permits and furnish identification (and so are self-regulating), and also there have been few rangers around daily to give citations, if they had been needed.

Dogs - The District can post "no dogs" as much as it wants, but unless there are rangers to enforce this, you will have dogs--and off-leash dogs. Loose dogs harm ground-nesting birds and can worry cattle.

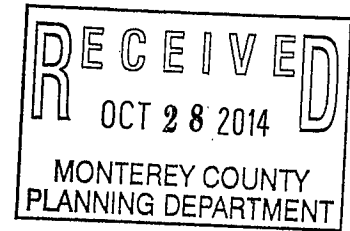
Parking Management - There is no ^{discussion} discuss about whether parking be still allowed along Highway 1 for overflow parking? Pt. Lobos has a gate ranger that posts one car in-one car out when the parking lots are full. They do not rely on letting people wander in to see if a space is available or not.

Moreover, when Pt. Lobos is full, patrons park outside the park, along both sides of Highway 1. What is to prevent that from happening at Palo Corona, where the parking along Highway 1 is even more constrained? CalTrans indicates there is space for only 13 cars along the Highway. This was regulated by the issuance of 13 permits. Without the issuance of limited permits, the parking along Highway 1 will be uncontrolled.

Fire Danger - The District can post for no campfires and no smoking, but it needs Rangers to supervise the Park to assure that this does not occur. While the Park District says it does adaptive management, up to now there has been only minor alteration to the grazing rotation. This means that at the height of the fire season, the grass in the front has not been grazed (and last year was over shoulder height in the middle field). The grazing rotation needs to be fixed so that the front areas of the Palo Corona Ranch are grazed before the fire season.

People Management - There is a homeless problem in the area. Obviously no homeless person is going to gather near a ranger or choose to sleep in an open area, but the trees and dense shrub offer attractive places to find shelter. One of the concerns mentioned to Mrs. Fish by Fire Department officials was fire danger causes by campfires/stoves of homeless people living in natural areas. With automatic electric gates, the will be no one on site to assure people have left the Park before the gates close.

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The overall impact of this substantial increase in Park attendance has not been addressed in a comprehensive management plan for the Park's operation. Without this overall Management Plan, significant issues are being created without proper oversight or management.

The Project Creates Significant Traffic Impacts Along Highway 1

The addition of 266 more daily trips on Highway 1 in an area that is already designated as having an unacceptable level of service during PM peak times is a significant impact.

The Project traffic analysis underestimates the traffic impact by failing to calculate vehicle trips on Saturdays, Sundays and holidays, which are peak periods for locals and tourists. The traffic study only looked at weekday peak hour trips Monday-Friday.

A CalTrans sign near the entrance gate that Mrs. Fish shares with the Park District acknowledges the problem: "Watch for Stopped Traffic" (See attached photo) -- and this is now, not after more trips are added, going from 13 permitted vehicles to an estimated 266 daily vehicular trips.

A new southbound left turn lane is envisioned to queue 6 vehicles. On peak hours of traffic, or with more than 6 vehicles waiting to turn left into the Park, there will be major traffic issues, difficulties for emergency vehicles, and problems for joggers and bicyclists.

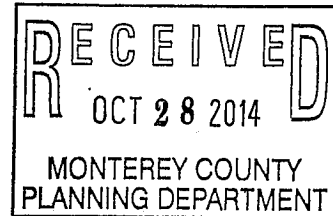
The Project Impacts the Public Viewshed

The view from Inspiration Point inside the Park is a public viewshed. The proposed parking lot is in the direct view from Inspiration Point (See attached photos).

Placing the parking lot in the middle of the view from Inspiration Point reflects the tragedy of a public entity-- the Park District-- knowingly destroying the viewshed and scenic values for which it stands (See District's website photos and attached photo of Bill Leahy, former Executive Director of the Big Sur Land Trust, standing at Inspiration Point for the press release of the BSLT/District/State Parks/Pt. Lobos Foundation MOU).

Once the parking lot is constructed, the public view that has been touted and repeatedly publicized by the District as encapsulating the breath-taking beauty of the Palo Corona Ranch, will be forever marred.

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While there are other parking lots in the nearby Crossroads and Barnyard north of the Carmel River, these are in commercial developments, not an historic agricultural and scenic area dedicated to the preservation of open space.

The recent four (4) party MOU between the BSLT/District/State Park/Pt. Lobos Foundation was established for the purpose of memorializing the intent of each of the parties to work together to undertake a coordinated effort for the benefit of the public and the preservation of the landscape in respect to the management of the lands described as the "Lobos-Corona Parklands Project" ("LCPP"); and to coordinate the development, management, promotion, sustainability, preservation and stewardship of the LCCP lands and their natural and cultural resources, as outlined in the accompanying "Vision Statement".

Expediency and rushing to get grant money should not dictate the location and destroy long term goals to protect and conserve this public treasure. The District, along with its MOU partners, should continue to search for better alternate locations for a parking lot.

* The Big Sur Land Trust (BSLT) grant funds which the District is using to construct the parking lot were allocated for a parking lot on the "Odello East" property ("BSLT farm property") owned by the BSLT. How was the parking lot and parking lot grant money allowed to be moved from the BSLT property and BSLT?

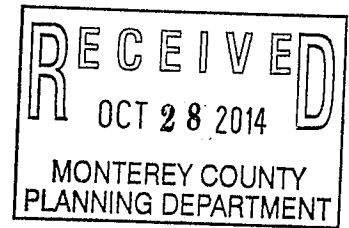
Unless the parking lot is moved to an alternate location out of the public viewshed from Inspiration Point, the iconic view from Inspiration Point will be forever damaged.

The Project Impacts the On-Site Cattle Operation

Cattle have grazed on the Palo Corona Ranch since Mission times, the Palo Corona Ranch has been a working cattle ranch since 1929, and the Ranch/Park continues to be part of a working agricultural landscape. The corals and weigh scale are historic – dating back to 1930s. The proposed parking lot is planned right next to these corrals, in the middle of the working cattle operation. (See attached historic and cattle grazing photos)

The CC&Rs between Mrs. Fish and the District stipulate that, to reduce the fuel load of grasses and the hazard of fire, the Park District is to "conduct cattle grazing during the appropriate months of each year as needed, consistent with conservation objectives and historic practice, or provide similar fuel load reducing activities."

The parking lot and increased public usage will have a direct impact on the cattle operation. Cattle graze in the pastures through which people walk. Branding, inoculating and working cattle occurs in the corrals. There needs to be a long-term



operational plan that deals with the increased numbers of park visitors and potential impacts to the cattle operation.

There is No Limitation on Use of the Historic Barn

Under the Interim Plan, the Park District requested, and the County approved, the listing the Barn on the site as a County historic resource. As an historic structure, the District was to have the Barn assessed for repairs appropriate to its designation. ?

Under the Interim Plan, Park District was allowed to use the Barn to house interpretive exhibits, display information, and provide a point of contact between District staff/docents and hikers. The Barn could also be used as a gathering area for school-group check-in, distributing literature, or presenting audio/visual information on the Park's many natural and cultural resources. And minor improvements to the Barn area, including fencing repairs and the installation of a portable composting or chemical toilet behind the barn and out of view was allowed.

The proposed 55-space parking lot adjacent to the Barn is not consistent with the historical setting of the Barn, nor a "minor" improvement.

There has been no information provided regarding the District's proposed uses of the Barn, yet Special Events have been held there. The District should obtain a Use Permit for use of the Barn and describe, in detail, its intended uses, including:

- Number of events per year;
- Time of day or night in which they will occur;
- Proposed interior and exterior lighting;
- Proposed sound amplification or live music;
- Is the Barn up to code for special events;

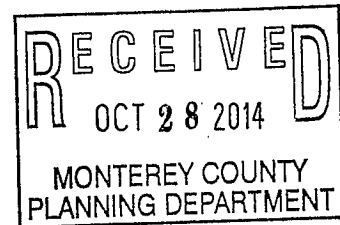
and all the other issues the County regulates with Special Events permits.

The Project Conflicts with the Carmel Area Land Use Plan ("LUP")

LUP Policy 2.2.4.10

b. Where clustering of new residential or visitor-serving development will preserve desirable scenic and open space areas or enable structures to be sited out of the viewshed, it shall be preferred to more dispersed building site plans.

- * c. Structures located in the viewshed shall be designed so that they blend into the site and surroundings.
- d. Exterior lighting shall be adequately shielded or shall be designed at near-ground level and directed downwards to reduce its long-range visibility.



e. Existing trees and other native vegetation should be retained to the maximum extent possible both during the construction process and after the development is completed. Landscape screening may be used wherever a moderate extension of native forested and chaparral areas is appropriate.

12. Public highway facilities including signs, guardrails, and restrooms shall be of a design complementary to the scenic character of the Carmel area, with preference materials. Private driveway entrances, gates, roadside fences, mailboxes, and signs along Highway 1 should reflect the same design concept. Protective barrier by Caltrans should utilize boulders or walls or rock construction.

LUP Policy 3.1.1

The LUP requires that State Highway 1 be maintained as a scenic two-lane road in rural areas such as the portion of the Carmel area south of the Carmel River. The Coastal Act also requires that remaining highway capacity be reserved for priority uses.

The limited capacity of Highway 1 to accommodate local and recreation traffic at a level that affords reasonable service and emergency use as well as an enjoyable scenic recreational experience is a major concern. Traffic volumes along sections of Highway 1 are at or approaching capacity during peak use periods, and future demand is expected to exceed the capacity of Highway 1. The ultimate capacity will be a major constraint on the long-range development of the Carmel area south of the Carmel River. Highway capacity north of the river may be increased through improvements or alternate alignments such as the proposed Hatton Canyon Freeway. *not happening?*

LUP - 4.3 Goals

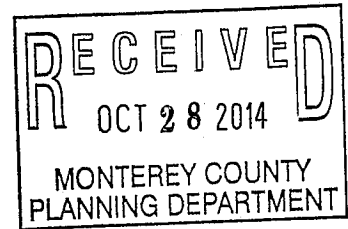
At the heart of the California Coastal Act is a basic theme which the Carmel Area Local Coastal Program must address. This theme is to provide and encourage public recreational use and enjoyment of the California coast, while, at the same time, ensuring that such use does not damage or degrade the very resources which render the coast so value for human enjoyment.

The common goal for the Carmel area must be that any future development blend with and be clearly subordinate to the area's natural scenic character.

Conclusion

The District's proposed 55-space parking lot on the Palo Corona Park, with the accompanying open and unrestricted public access, will create numerous significant unmitigated impacts, including impact to the public viewshed and traffic along Highway 1, and will result in unmanaged activities occurring within the Park.

Joseph Sidor
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The County should not approve this Application until the required comprehensive long-range management plan for the Park is adopted and comprehensive review is done to address the significant environmental, safety and management issues that will be created by this Project.

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS
A Professional Corporation


Christine G. Kemp

CGK:aac

Encls.

cc: Mrs. Diana Fish

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