

Exhibit G

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MINUTES
Toro Land Use Advisory Committee
Monday, August 28, 2017

1. Site visit at 3:00 PM at 26735 Laureles Grade, Carmel Valley

Project Name: CLIFTON HEATHER JOY & WOLSKE RUSSELL D

File Number: PLN160849

Project Planner: JAMIE S GUTHRIE

Area Plan: Toro Area Plan

Project Description: : Combined Development Permit consisting of : 1) Administrative Permit to allow construction of a 2,792 square foot single story single family dwelling, a 600 square foot attached guesthouse, and a 414 square foot attached carport in a Visually Sensitive Zoning district; 2) Use Permit to allow the removal of 33 Oak trees; 3) Use Permit to allow construction on slopes greater than 25%; and 4) Use Permit to allow construction of guesthouse higher than 15 feet or more than single story; and 5) Design Approval. The property is located at 26735 Laureles Grade, Carmel Valley (Assessor's Parcel Number 416-361-043-000), Toro Area Plan.

ATTENDEES: LUAC members Pyburn, Rieger, Weaver; Bill Foster, project architect; David Mack, County Senior Planner; Neighbors: Craig and Vicki Phillips, James Pfeiffer, Joy and Mel Pritchard, Mr. Bonifas; Roy and Debbie Poss; Bruce Britton, Realtor/Broker.

Attendees parked on Rinconada Road and walked downhill on the existing private road from Rinconada to visit the site selected by the applicant.

Bill Foster, project architect, presented locational plans for parts of the house, the swimming pool, and a guesthouse over a carport. Red flagging was up indicating locations and heights above average grade. Attendees then drove downhill on the nearby private road to the bottom of the hillside and across, and then partly uphill to a cul de sac to look at the project area from down below as well as the location proposed for another road on the site, a new access road across 25% slope. Also identified approximately where VS dedicated Scenic Easement is.

The site visit showed the 27+ acre parcel that is largely a steep hillside adjacent to and resting slightly across from, and below Laureles Grade.

The parcel is bounded by Rinconada Road at the top and a steep downhill and then curving around and partially back up, private road outlining one side and the bottom of the parcel.

ADJOURN TO REGULAR SCHEDULED MEETING

2. Meeting called to order by Weaver at 4:10 p.m.

3. Roll Call

Members Present: Pyburn, Rieger, Gobetz, Muller, Weaver, Bean

Members Absent: Baker, Vandergrift, Keenan, Kennedy

4. Approval of Minutes:

A. May 22, 2017 and **June 12, 2017** minutes

Motion: Pyburn (LUAC Member's Name)

Second: Bean (LUAC Member's Name)

Ayes: 5 Rieger, Gobetz, Mueller, Weaver, Bean

Noes: 0

Absent: 4 Baker, Vandergrift, Keenan, Kennedy

Abstain: 1 Pyburn (Not there June 12, 2017)

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.

6. Scheduled Item(s)

7. Other Items:

8. Meeting Adjourned: 6:10 p.m.

Minutes taken by: Bean

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: **Toro**

Please submit your recommendations for this application by: **September 3, 2017**

Continued item from June 12, 2017 TORO LUAC Meeting

- Project Name:** CLIFTON HEATHER JOY & WOLSKE
RUSSELL D

File Number: PLN160849

Project Location: 26735 LAURELES GRADE CARMEL VALLEY

Project Planner: JAIME S GUTHRIE

Area Plan: Toro Area Plan

Project Description: Combined Development Permit consisting of: 1) Administrative Permit to allow construction of a 2,792 square foot single story single family dwelling, a 600 square foot attached guesthouse, and a 414 square foot attached carport in a Visually Sensitive Zoning district; 2) Use Permit to allow the removal of 33 Oak trees; 3) Use Permit to allow construction on slopes greater than 25%; and 4) Use Permit to allow construction of guesthouse higher than 15 feet or more than single story; and 5) Design Approval. The property is located at 26735 Laureles Grade, Carmel Valley (Assessor's Parcel Number 416-361-043-000), Toro Area Plan.

Recommendation To: Planning Commission

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

Representative: Bill Foster, Architect

Was a County Staff/Representative present at meeting? David Mack, Planner

Chair Mike Weaver opened the meeting by welcoming everyone. LUAC members introduced themselves as did the neighbors.

Mike Weaver read the project description for the record. Mike Weaver also read aloud the Memorandum dated July 26, 2017 to the Toro LUAC from the County project planner, Jaime Guthrie.

Project architect, Bill Foster, explained project building plans and features

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Craig Phillips	X		<p>He has lived in Woodside Estates over 30 ears and is familiar with soil conditions. He is a contractor and solves soil issues regularly. He is concerned with the impact of removing so many trees in one area, leading to erosion, run-off and destabilization of the hillside which affect the neighbors and the private road. Runoff will lead to excessive weed growth the following spring. He showed a number of photos taken from Laureles Grade to demonstrate the visual impact. The flagging is hardly visible due to the trees which will be removed. He says the references to the trimming of trees in the Woodland are in reality, logging the Woodland.</p> <p>He penned in the rooflines and the large footprint of the trees to be removed on a photo which will be visible from Laureles Grade. It is approximately a 300-ft by 300-ft. area to be cut out of the central portion of the Woodland.</p>

			<p>Craig has personally kept up the private road. He says this project construction will likely devastate the road. He submitted photos of alternative sites for the project, one of which he explained offers very good views.</p>
Vicki Phillips	X		<p>Adjacent neighbor: She presented a document recorded in Monterey County in 1979 regarding the Woodside Subdivision. It shows a recorded easement for access to Parcel #1 (now the Clifton/Wolske parcel) from the private road. This access easement avoids the property's dedicated Scenic Easement.</p> <p>Vicki also showed Scenic Easement and showed (Pritchard ownership) of the property that the proposed project's new road access would cross.</p> <p>Vicki expressed concern about the proposed swimming pool at the front of the house because it is closest to the steep hill. The Phillips live below. This pool location could slide down, as a neighbors house did on Rinconada, (the Nielsen's pool). Vicki says the Nielsen's likely had an engineer for their pool. It slid anyway, one wet Winter.</p> <p>Vicki Phillips submitted a letter to the Toro LUAC for the County record with attached 1979 recorded document showing access easement spot for Parcel #1.</p>

James Pfeifer	X	<p>Adjacent neighbor: He wants the project driveway to come directly off Rinconada since his property is directly below the applicants current plans for a new road that could cause erosion and mud sliding on the steep hillside. James Pfeifer said he supports the current proposed location for a new house.</p>
Bruce Britton	X	<p>He is the Realtor/Broker who sold Pfeiffer his property. He said the existing road to the cul-de-sac cannot support construction vehicles in its current condition. The road is 10-12 feet wide and is currently used by 3 houses. The current property owners of Parcel #1 were sent a bill for improvements done to this private road and they responded with a letter saying they declined to pay as they would never use that road. He has questions about the soils report. He said 16 large oak trees were illegally removed from the site by the project owner in 2013. He said you can see the difference on Google Earth using the history function. He said he heard chain saws going for a week "up there" at the proposed project site, while he was visiting at Pfeifer's place. He said he drove his Jeep up there one day and drove into the middle of the oak tree cutting activity and asked what was going on?! He said access to this proposed project should be from Rinconada Road. Bruce Britton also expressed</p>

			<p>concerns about the two-story feature called a guesthouse. Because it is towards the rear of the proposed house structures, and the 16-foot proposed height is based on height above average grade, he said it will appear obtrusive. He said access to this project should be from Rinconada Road.</p>
Mel and Joy Prtichard	X		<p>They have lived nearby for 42 years and own 144 acres in the area. The current access to the dirt path/road is on their property. It was never a road, more like a trail. Neighbors verbally concur. The Pritchard's gave a portion of the property for purposes of access across it. They then dedicated the portion as Scenic Easement to the County for purposes of a private roadway going through it and he wants the easement enforced (does not want the proposed new access road built from it). Joy Pritchard read a letter from she and Mel submitted regarding the proposed project and some issues and submitted this letter to the Toro LUAC for the County record.</p> <p>They wonder how a new sign post with a new address got put on their property?</p>
David Mack, planner		X	<p>He said his reading of the the scenic easement deed allows private roads under #4 and the Planning Commission will make the decision.</p>

Project Architect Bill Foster		X	<p>He said visual sensitivity is their concern and the remaining oak trees will screen the house. The CCRs recommend that the house be unobtrusive and this is the best site for that. The owner is willing to replace the oak trees at a ratio that the LUAC suggests. He showed the problems with the alternative building sites: one is too close to Laureles Grade, which can be seen and heard from it and the other is on a bare area and would be more obtrusive and have worse views.</p> <p>As the project architect, he denies knowing anything about previous oak tree cutting on the property. He denies knowing anything about who installed a new sign post with a new address at the bottom of the private road on the Pritchard property.</p>
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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 of structures, especially after tree removal and the height of the guest house. It is two stories and is 16 ft high	Visually sensitive Zone B-8 Chapter 21.46	Reduce height to within County Regulations for Guest Houses 21.64.020 of one story and maximum height of 15 ft (The proposed Guest House does conform to the maximum 600-feet of livable floor area)

Visual impact. Biological impact. Geological impact: Removal of additional 33 Oak trees on top of those previously removed. CalFire requirements for access and defensible space around residential homes. It is a high fire hazard area.	Oak woodlands are protected by State Law and County Ordinance, Toro Area. 21.64.260D Preservation of Oak and other Protected Trees	Add a forest management plan with a replacement ratio of at east 3;1 and using one gallon size replacement oak trees.
Visual impact, Geological impact: Construction on slopes over 25%	Chapter 21.46 Regulations for Visual Sensitivity Zoning or “VS” Districts	Avoid construction on slopes over 25%, (generally those slopes that are designated Scenic Easement) Use existing Rinconada Road OR previously approved 1979 access easement on private road for access.

ADDITIONAL LUAC COMMENTS:

The arborist report does not even mention all the stumps of the landmark oaks that were removed to create much of the clearing. Recent photographs of some of the stumps were shown. Nor does the Arborist report say it seems that the large Oaks were removed, leaving smaller Oaks on the property.

LUAC’s Mike Weaver asked the architect, Bill Foster if he knows the amount of cubic yards of soil to be removed for the proposed applicant’s access road that crosses 25% slopes?

Bill Foster did not know at this time. It has not yet been calculated by an engineer.

Mike Weaver asked Bill Foster if he knew how many cubic yards of soil might need to be moved if the Rinconada Road above the proposed site was used for access, and if modified to comply with Fire Dept. standards?

Bill Foster did not know at this time. He opined it would take more.

Mike Weaver wondered how much soil might need to be removed if the 1979 recorded access spot outside of the Scenic Easement was utilized across and up to to the applicant’s proposed building site? It did not seem to be as steep on the site visit.

Bill Foster opined that it would necessitate far more soil to be moved. How much more was unknown at this time.

Mike Weaver said a previous application to Toro LUAC several years ago involved a road up and across a steep hill. Crossing a 25% slope and achieving a rise of no more

than a 15% Grade for vehicles (Fire Dept. Maximum steepness grade for vehicles is a 15% grade) can cause the movement of a LOT of soil. And this is a VS Zone.

Mike Weaver said he is bringing this up because the Toro LUAC is being asked to make a recommendation for construction on 25% slopes. He said he thinks what this planning process needs is a Civil Engineer, a road engineer to do a comparison between possible access roads. This comparison can identify amounts of cubic yards of soil that would have to be moved...and where, as well as soil stability issues.

A new biologist report says that this thinning has reduced the fire danger and made it healthier for the remaining trees. This report was questioned by LUAC members.

LUAC's Bill Pyburn stated that at some point CalFire will get involved because they make visits to residential properties, including his own home in San Benancio, for purposes of access and requiring the clearing of vegetation for defensible space to protect houses from wild fire. This proposed project is in a high fire danger area and is being proposed to be located inside an oak woodland.

Bill Pyburn said he has concerns that the applicant's portrayal of oak trees remaining in front of the proposed project to shield public visibility will need to be removed for fire protection because of their close proximity to the house. Other trees too, surround the house. He wonders if this analysis for ultimate tree cutting for fire protection purposes has been, or will be done in this planning process?

Mike Weaver suggested since there are many aspects to this project that they be visited for recommendation one at a time. There is consensus among the Toro LUAC members present to review the project this way.

- 1) Re: Oak trees. Toro LUAC deliberated and recommends a replacement ratio of 3 to 1, using one-gallon oak "starters" with a Forest Management mitigation follow-up plan to ensure survival of a decent amount of trees. There is unanimous agreement among the LUAC members present.
- 2) Re: Construction on slopes greater than 25%. Toro LUAC deliberated and recommends no construction be allowed on slopes greater than 25%. There is unanimous agreement among the LUAC members present.
- 3) Re: Construction of a guesthouse higher than 15-feet and more than a single story. Toro LUAC deliberated and determines the County guidelines should be upheld. There is unanimous agreement among the LUAC members present to recommend limiting the guesthouse to one-story and no higher than 15-feet.
- 4) Re: The house style and colors submitted for the structures. This was unanimously approved by the Toro LUAC members present.

The LUAC strongly recommends that the project road should stay within the county rules that prohibit construction on slopes greater than 25%

Mike Weaver suggested that the project's overall footprint needs to be reduced

because of the impacts to the oak woodland. The house style and colors are very attractive however, the overall footprint of impermeable surface areas surrounding the physical house structure create a large footprint creating runoff, drainage, and oak tree removal issues. He opines that this would probably not fly in the Big Sur (planning area). The LUAC did not agree to support this recommendation.

RECOMMENDATION:

Motion by: Bean (LUAC Member's Name)

Second by: Mueller (LUAC Member's Name)

 Support Project as proposed

X Support Project with changes (as expressed in LUAC areas of concern and LUAC additional comments)

 Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: 5 Rieger, Mueller, Goetz, Bean, Pyburn

NOES: 1 Weaver

ABSENT: 4 Baker, Vandergrift, Keenan, Kennedy

ABSTAIN: _____

Attachments - Toro LUAC meeting of August 28, 2017

- 4) EXHIBIT A: Locational map of Parcel #1, Woodside Estates subdivision, APN 416-361-043-000 from Monterey County Assessor's website (highlighted in yellow)
- 5) EXHIBIT B: Locational map - Parcel #1 - 27.871 Ac. - Scenic easement portions highlighted in yellow. Lower triangular area belongs to Pritchards. Map from Monterey County Assessor's website
- 6) EXHIBIT C: Letter submitted by neighbor Vicki Phillips at Toro LUAC meeting. Attached to this letter is a copy of a portion of a recorded document filed June 19, 1979 showing 20' wide Driveway Easement to Parcel #1

- 7) EXHIBIT D: Letter submitted by neighbors Mel and Joy Pritchard
- 8) EXHIBIT E: 13 photographs of some oak tree stumps cut to ground level with tape measure diameters and photos of cleared areas covered largely in cut oak mulch.
- EXHIBIT F: 8'X10" color photographs of private road, width, Oak area of proposed building site, views of property from Laureles Grade

RE-VALUED
PL N160849

Steve Vagnini , County Assessor

General Information

APN: 416-361-043-000 [Open Map](#)
Situs Address:
CARMEL VALLEY CA 93924
Mailing Address:
250 N 10TH ST #638
BROOKLYN NY 11211
Legal Description:

Use Type:
VACANT
Tax Rate Area: 139-001
Assessment
Year Ascd: 2017
Land: \$476,405
Structure(s):
Other:
Total Land and Improv: \$476,405
HO Exempt?: N
Exemption Amt:

Property Characteristics

Bedrooms:
Baths (Full):
Baths (Half):
Bldg/Liv Area:
Year Built:
Lot Acres: 27.870
Lot SqFt: 1,214,017

Recent Sale History

Recording Date: 12/04/2012
Document #: 2012074537
Transfer Amount: \$449,000

[View More History](#)



Natural Hazard Package



[Add to Cart](#)

\$ 19.95

[View Sample](#)

Full Property Detail



[Add to Cart](#)

\$ 4.95

[View Sample](#)

[Property Reports](#) ▶

**The information provided here is deemed reliable, but is not guaranteed.

EXHIBIT A

Arr: 416 361 - 043 - 000

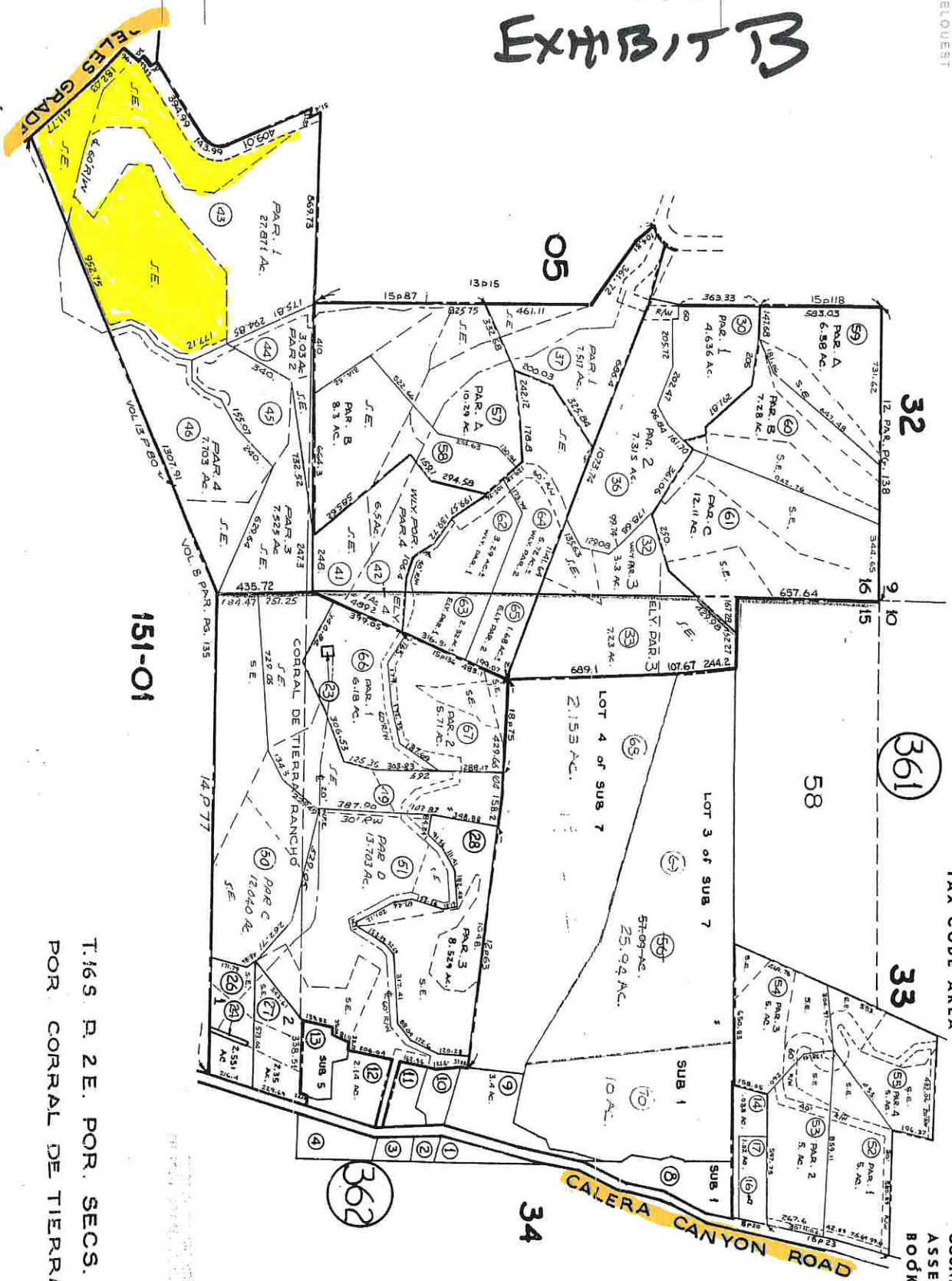
Provided by

PARCELOQUEST

TAX CODE AREA

COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 416 PAGE 36

RE: N.S. VIDEOS
5, 8 -
EXHIBIT B



151-01

T. 16S R. 2E. POR. SECS. 15 & 16
POR CORRAL DE TIERRA RANCHO

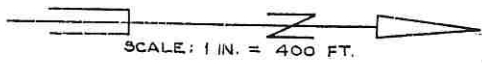


EXHIBIT C

To: Toro Land Use Advisory Committee

From: Vicki Phillips

Re: The Wolske-Clifton Project

File # PLN 160849

Date: August 26, 2017

As you know, I am not in favor of this project due to their proposal to cut down another 33 oak trees. However, I am going to focus on another problem with the project as presented—its proposed egress.

The Wolske's have driven a stake with their 26735 address on it on Joy and Mel Pritchard's property. I am attaching a copy of the 1979 four parcel plot plan to this message. The Wolske's plot is Parcel 1. Our Parcel is # 3, and we built our house 30 years ago, in 1987. The Pritchards own the ranch adjacent to the Wolske's, on the other side of the common driveway from Laureles Grade down to the four parcels.

If you consult the attached map and look at the highlighted upside-down triangle with S66°49'55"W at the top of this highlighted triangle, you will see a small part of the Pritchard's 140 acre property which they've owned for over 40 years. In fact, they donated land for the driveway to the four parcels and to their own gate to their property. (Their house is on additional acreage directly across Laureles Grade Road.) Joy Pritchard has told me they have no interest in granting an easement to the Wolske's since she values the 16 acres of Scenic Easement which would be violated by using as an egress the part of the Pritchard property upon which the Wolske's have staked their address.

The plot map which was recorded by the County in 1979 did provide an egress for the Wolske's Plot 1 property. I have highlighted in yellow the "Center of the 60' diameter turn around", which wasn't built when the map was drawn, but had been built in that spot when we purchased Parcel 3. Also highlighted in yellow is the 20' Driveway Easement for Parcel 1. I think that the planners must have assumed that whoever purchased Parcel 1 would build in that location. But the Wolskes could use this egress, and once they were on their own property, they could build a driveway which would take them to whatever building site is finally approved. The Scenic Easement would not be violated!

Thank you.



Vicki Phillips

Par D, 9-Par-132
Reel 511 P. 666

588°35'20"E 869.73

20' wide Utilities
Easement

3.030 Acres
1.064 Ac. in SE.

Vol. 13-Par-15

Vol. 13-Par-15

N 24°30'W
51.40

1322.30

247.30

R2 Corral L
Par. 4, Vol. 12-
Homelanc
Reel 1310, P.

PARCEL 1
27.871 Acres
16.032 Ac. in SE.

20' wide Driveway
Easement

Center of 60' Dia.
turn around
@ 30.00

- ① Found 3/4" pi
- ② Set 3/4" pipe,
- ③ Found 1 1/2" ca
- ④ Found 3/4" pif
- ⑤ Found 2x3" p

Scenic Easement lines shown a
ceeding 39% ground slope. No
are an exact and definitive boi
exceeds 30%.

R.U.E. = Road & Utilit

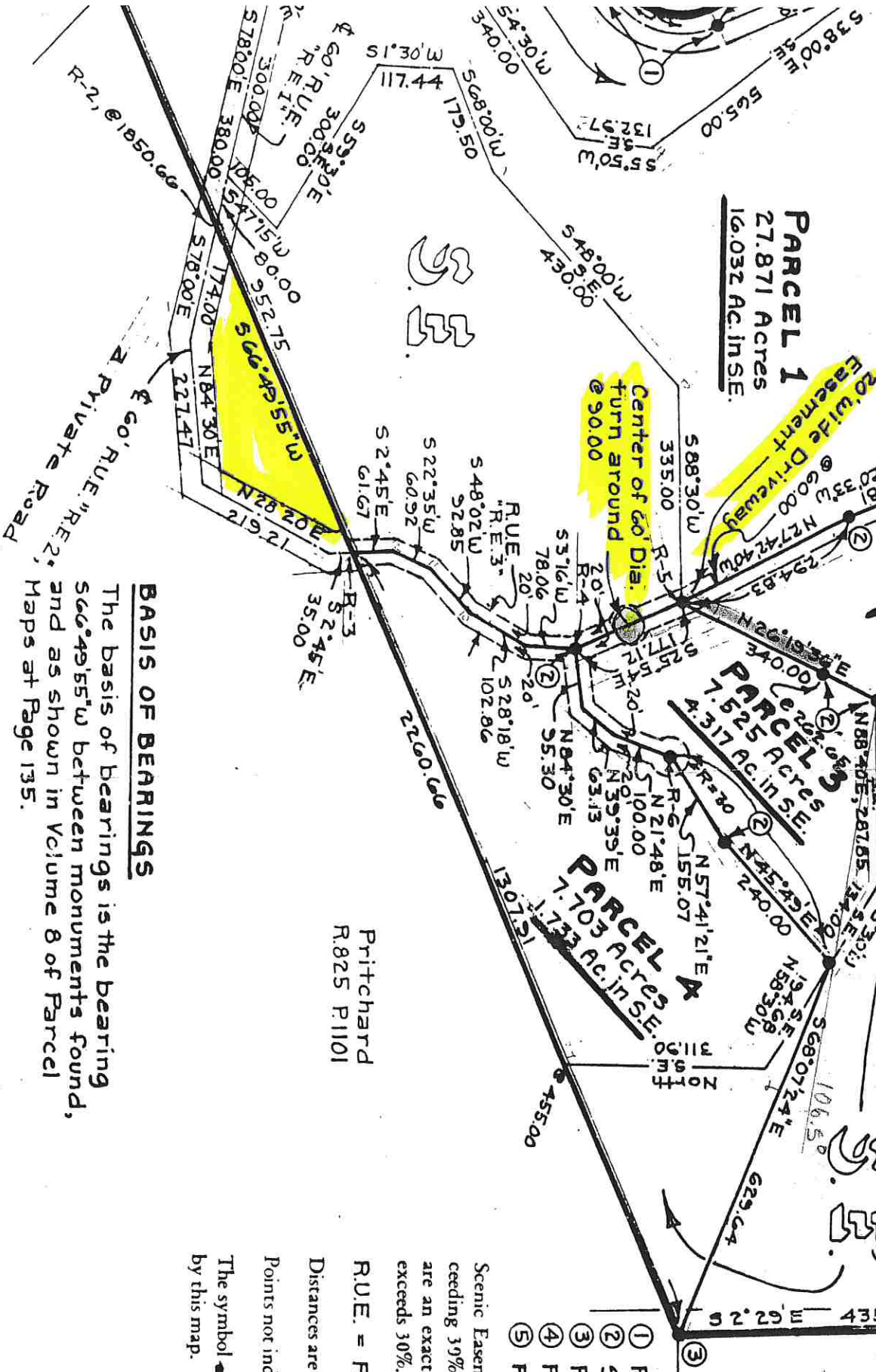
Distances are stated in feet and d

Points not indicated as found or ;

The symbol — indicates it
by this map.

BASIS OF BEARINGS

The basis of bearings is the bearing
S 66°49'55"W between monuments found,
and as shown in Volume 8 of Parcel
Maps at Page 135.



RECORDER'S CERTIFICATE

DATE

ments of the Subdivision Map Act

Filed this 1974 day of JUNE, 1979 at 11:04 in Book

MS. 7
PARCE

Showing division
shown in Vol. 8 of Par
Corral De Tierra & Sei

Monte...

EXHIBIT D

To: Toro Land Use Advisory Committee
Attn: Michael Weaver, Chairperson of Toro LUAC
Jaime Guthrie, Monterey County Planner

From: Mel and Joy Pritchard
27130 Laureles Grade Rd.
Carmel Valley, CA 93924
831-659-2533

Re: Project of Clifton, Heather Joy and Wolske, Russell D.
File #: PLN 160849
26735 Laureles Grade Rd.
Carmel Valley, CA 93924

Date: August 25, 2017

Dear Sirs:

We own the land adjoining the above parcel whose owners are requesting a development permit. Our APN is 416-051-005-000. We have owned our property here for 42 years and treasure the rural nature of the area.

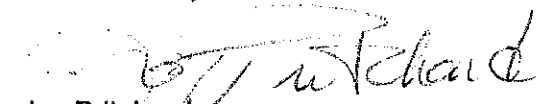
We are especially concerned with any alteration to the scenic easement that exists on Parcel 1, which Wolske-Clifton have submitted plans to develop. The ingress-egress shown on their plans crosses a piece of our property before crossing the 16.032 acres of scenic easement which was protected by the County when the Four Parcel Development was approved by the County in 1979. Our property line intersects the existing road that Parcels 2, 3, and 4 use for ingress and egress. We share this road with them and all pay to keep the road in satisfactory condition.

The address sign recently placed on our property by Wolske-Clifton was a surprise to us. The scenic easement land to the west was designated many years ago and was not meant to be a driveway to a buildable part of the parcel in question. That parcel has access from Rinconada Drive at the top. There is also a twenty foot wide driveway easement onto Parcel 1 which starts at the 60' diameter turn-around shown on the 1979 Four Parcel Development map (See the attached copy) where a cul-de-sac has since been built. Either choice would allow access onto Wolske-Clifton property without crossing our property or the protected scenic easement. In contrast, if a road were to be built going directly through the middle of the scenic easement, it would violate the very purpose of a scenic easement, i.e., an area undeveloped by roads or buildings.

We would appreciate the opportunity to discuss this issue with anyone involved to further clarify the scenic easement matter.

Sincerely,


Mel Pritchard

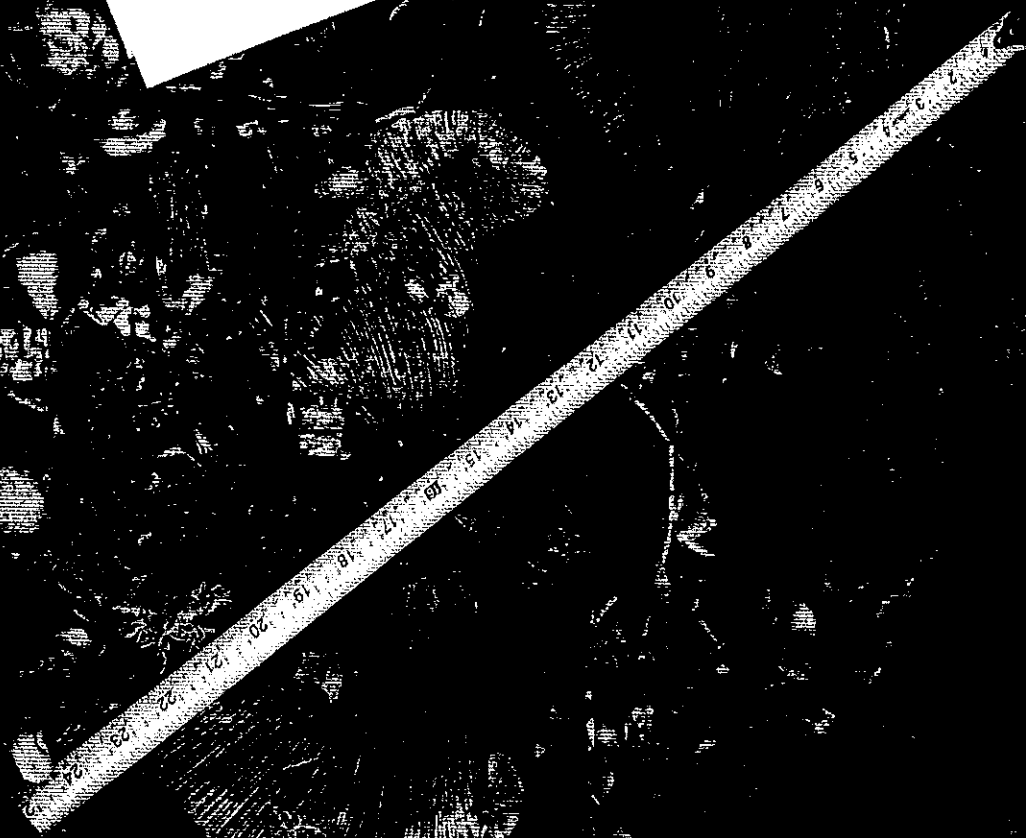
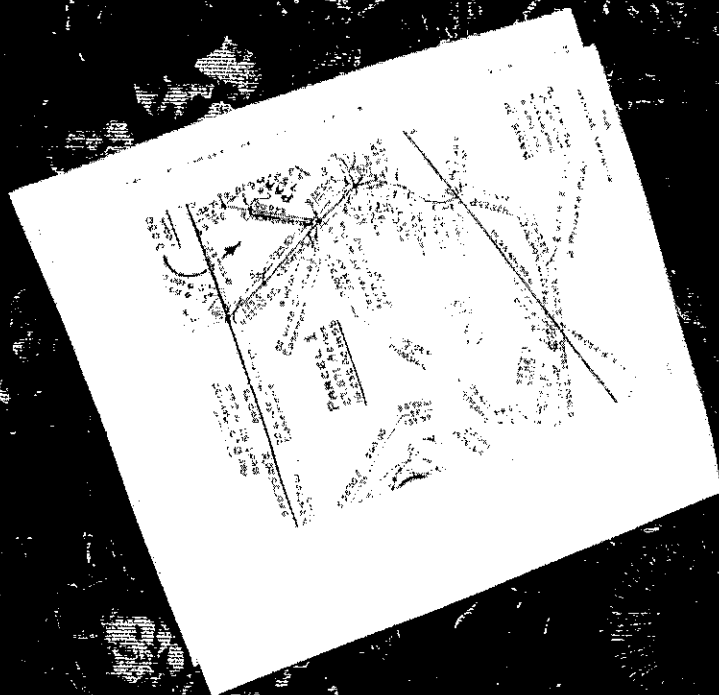

Joy Pritchard

EXHIBITS

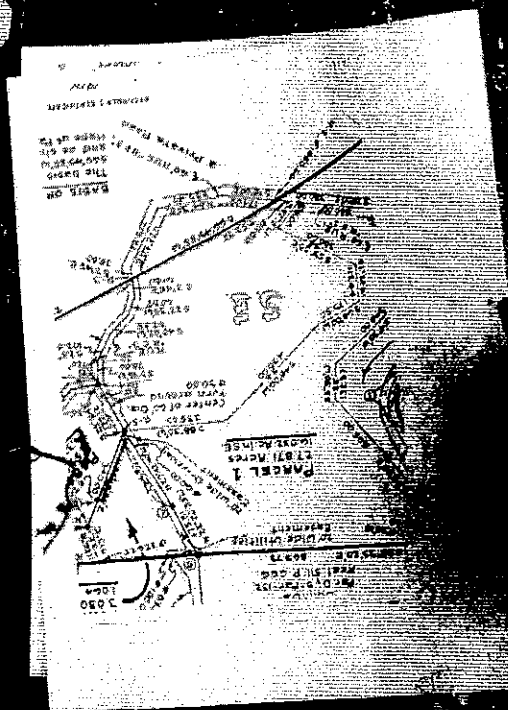
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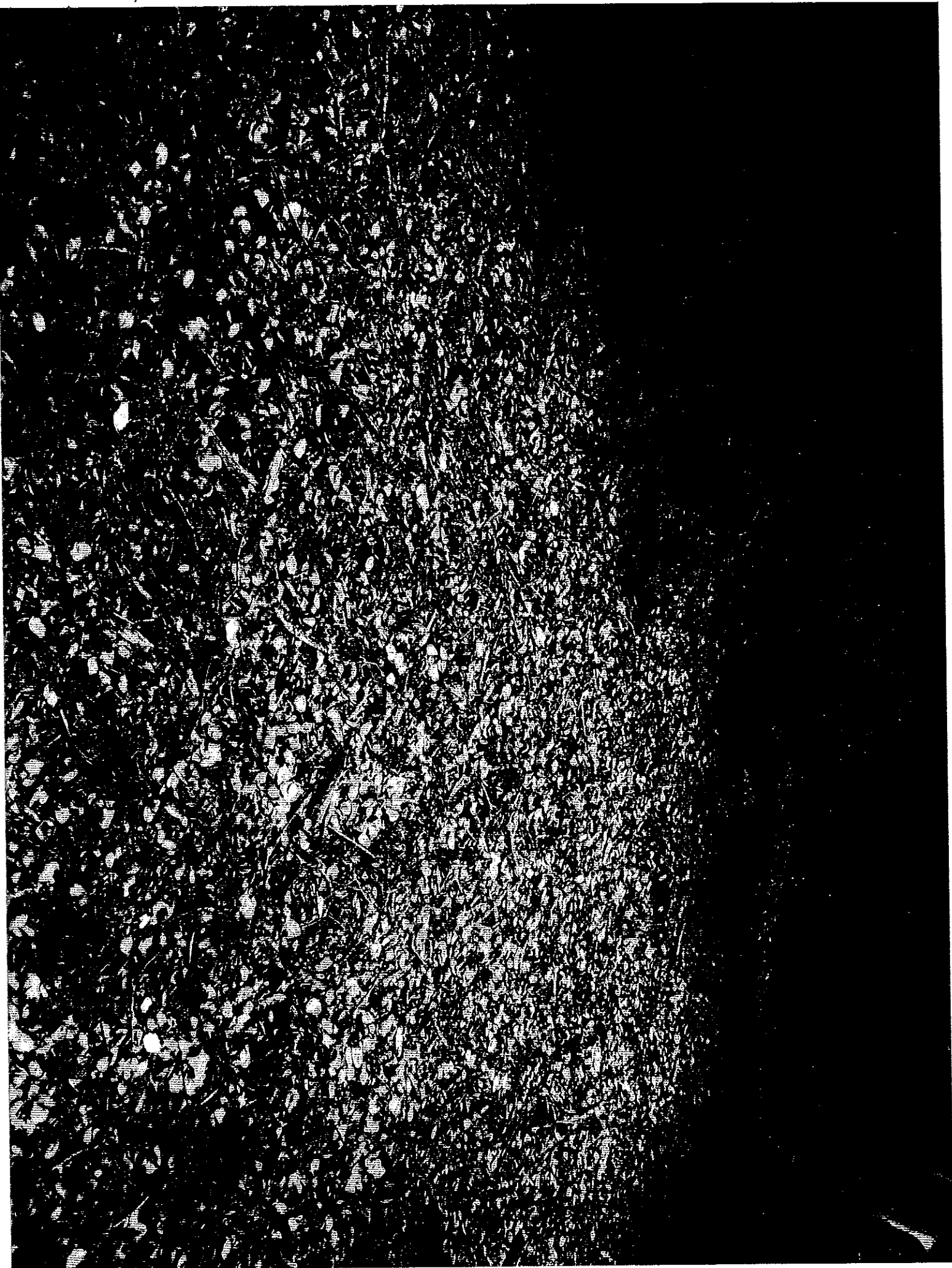
PLN160849





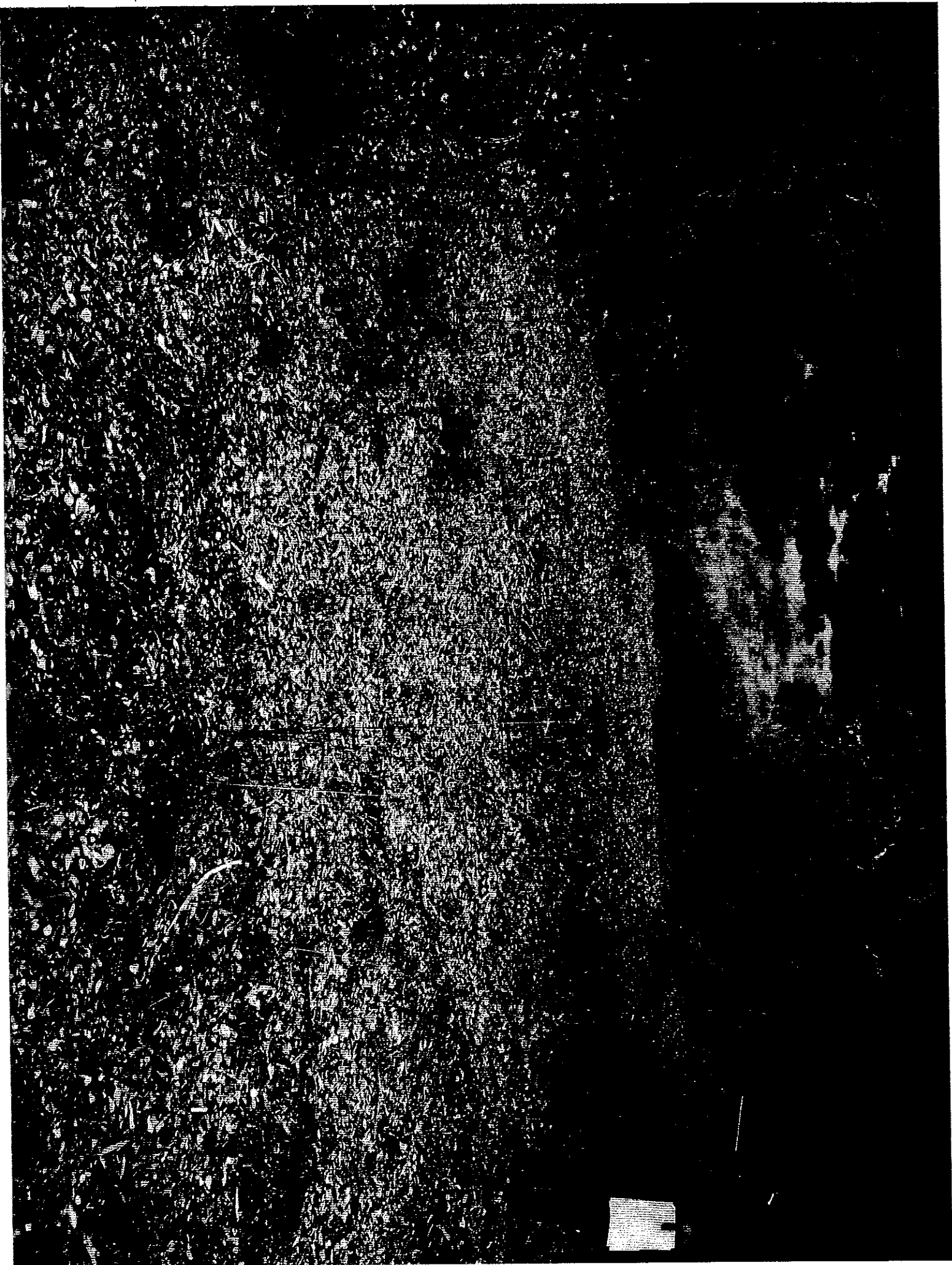


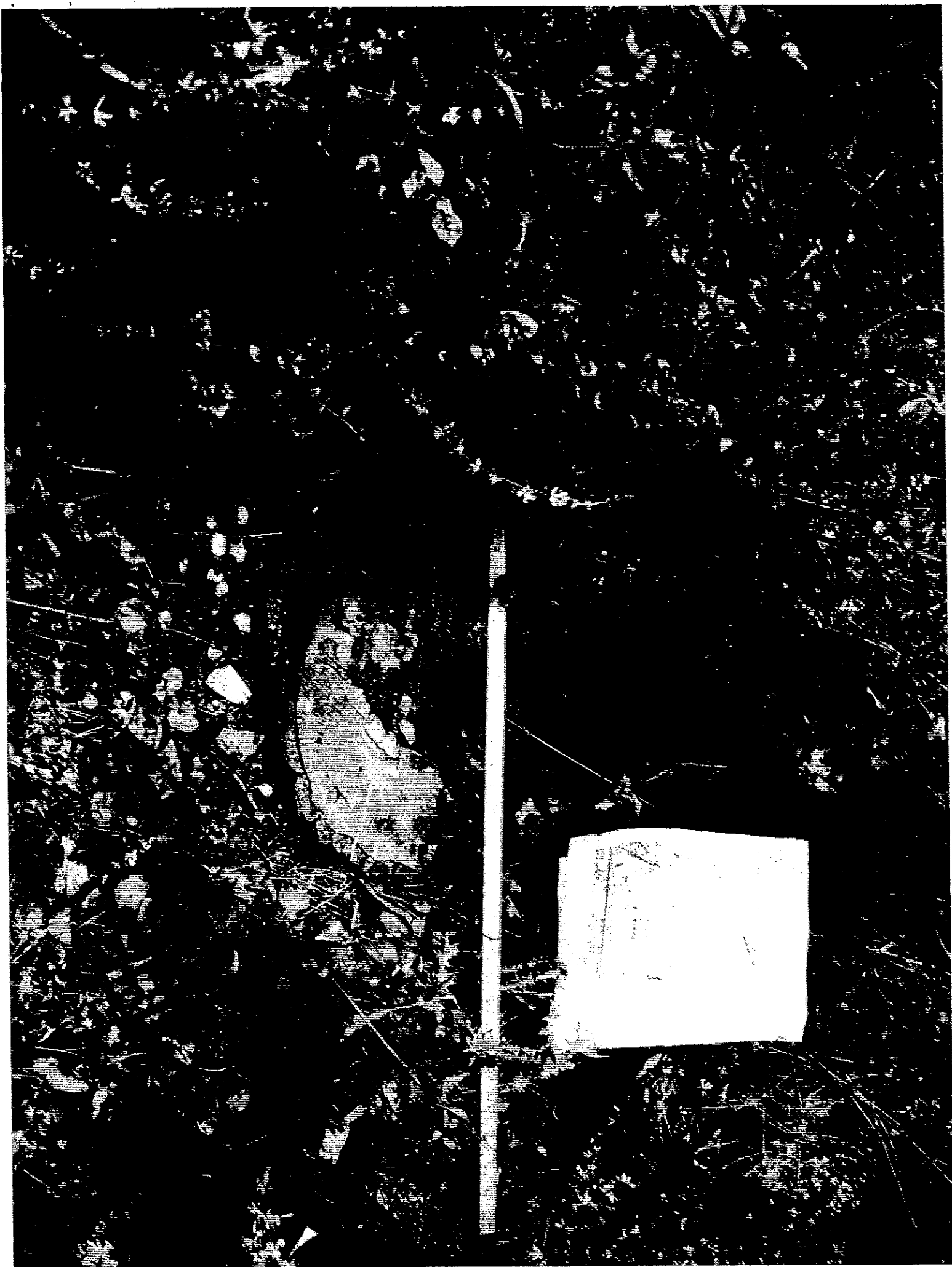
















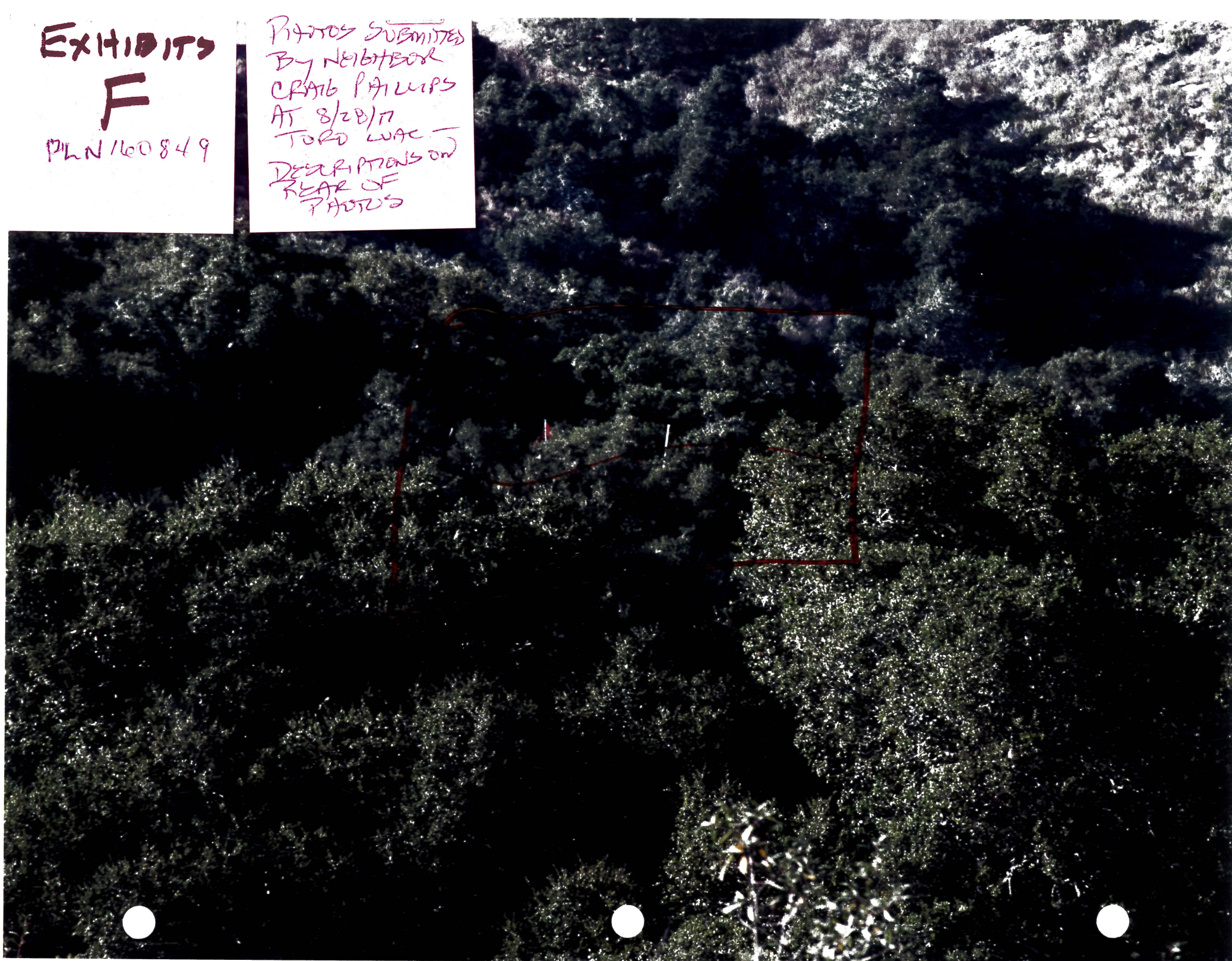




EXHIBITS
F

PLN 160849

PHOTOS SUBMITTED
BY NEIGHBOR
CRAIG PHILLIPS
AT 8/28/11
TODD WAC -
DESCRIPTIONS ON
REAR OF
PHOTOS



Existing Proposed Building
Site Has Same View
as Alt. Sit 1 & 2
But is in Oak wood Land
and Laureles grade View shed



Road way @ Proposed Site
10 Feet wide



Proposed Road Through SE
would not support fire truck
without Paving



ALTERNATIVE BUILDING SITE ON ^{MUCH} LESS THAN
25% GRADE -

NOTE: THE 1979 PLOT MAP SHOWS A 20' WIDE
DRIVEWAY EASEMENT LEADING TO THIS
SITE FROM THE EXISTING CUL-DE-SAC.
(SEE 4 PARCEL PLOT MAP.)

Alternative Site 1



ALTERNATIVE BUILDING SITE ON MUCH LESS
THAN 25% GRADE

NOTE: THE 1979 PLOT MAP SHOWS A 20'
WIDE DRIVEWAY EASEMENT LEADING
TO THIS SITE FROM THE EXISTING
CUL-DE-SAC. (SEE 4 PARCEL PLOT MAP.)

Alternative Site 2



VIEW FROM ALTERNATIVE SITE ~~ON~~ LESS
THAN 25% GRADE.

from site 1 ¹/₂ 2



VIEW FROM ALTERNATIVE SITE ON LESS
THAN 25% GRADE.

from Site 1 & 2



Steep grade @ Proposed

Encroachment No fire access