

EXHIBIT E

LUAC MINUTES

PLN140 158
FILE COPY

MINUTES
Toro Land Use Advisory Committee
Monday, October 27, 2014

1. **Site visit at 2:00 PM at TORO REGIONAL PARK; FIRST PARKING LOT TO THE RIGHT OF THE PARK KIOSK (BOLLENBACHER & KELTON [FERRINI RANCH])**

ATTENDEES: Mark Kennedy, Kerry Varney, Ron Vandergrift, Mike Weaver, Bob Rieger,
Lauren Keenan, David Mack, John Ford, Mark Kelton, Rav Harrod Jr., Candi Ingram, Bruce Kitchin,
Amy White, reporters from KION, reporter from Carmel paper, and approximately 5 unidentified people

2. **Meeting called to order by** Kerry Varney **at** 4:32 **pm**

3. **Roll Call**

Members Present: Bonnie Baker, Kerry Varney, Mike Mueller, Bob Rieger, Ron Vandergrift,
Lauren Keenan, Mark Kennedy (7)

Members Absent: Beverly Bean, Mike Weaver (2)

4. **Approval of Minutes:**

A. **October 13, 2014 minutes**

Varney was waiting to her back from the County on one of the references to Title 21-21.42.030 regarding setbacks and the discussion that took place at the last meeting.

The minutes were accepted subject to corrections for clarification on page 9 of the minutes.

Motion: Mark Kennedy (LUAC Member's Name)

Second: Bonnie Baker (LUAC Member's Name)

Ayes: Baker, Varney, Mueller, Rieger, Keenan, Kennedy (6)

Noes: 0

Absent: Bean, Weaver (2)

Abstain: Vandergrift (1)

5. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

6. **Scheduled Item(s)**

7. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects (Refer to pages below)

None

B) Announcements

Kerry Varney, Chair of LUAC, stated that he had been told by Monterey County staff that LUAC members Mike Weaver, Beverly Bean, and Lauren Keenan would not be allowed to participate in today's meeting regarding the Ferrini ranch because Weaver and Bean made public comments at the planning commission meeting against the Ferrini ranch.

Varney also communicated the frustration that Mike Weaver felt over the process. Weaver spoke at the Supervisors meeting because the Ferrini project never came before the LUAC committee. Weaver wanted to clarify that he did not speak as a member of the LUAC. Laura Keenan, LUAC member, who was in attendance was advised she would be not allowed to participate in the meeting either. She wanted to speak for the record.

Varney allowed Keenan to speak and she said she had made statements of her concern about WATER issues related to the project. She did not comment on design, visual sensitivity, or other LUAC areas. She also stressed that she spoke at the Supervisors meeting only because the Ferrini Project had not come to the LUAC committee. She was hurt that she was informed about not being able to participate at 4:15 p.m. after the site visit.

Varney acknowledged the applicant's representative who voiced concerns about Miss Keenan being allowed to speak at the meeting when she had been on the record at as speaking against the project.

Varney acknowledged Mr. John Ford from the County Planning Dept. and he explained that Keenan should not be allowed to speak on the record at today's meeting due to her previous comment at the Supervisors meeting.

LUAC member Vandergrift asked who had determined the three members could not participate and Mr. Ford said it was the opinion of County Counsel. LUAC Vandergrift asked for that in writing from County Counsel and be provided to the members of LUAC. Mr. Ford said he would provide the document.

Vandergrift stated "he was not happy with those that had been asked to not participate in the meeting today."

8. **Meeting Adjourned:** 6:48 pm

Minutes taken by: Mark Kennedy

Minutes received via email October 28, 2014

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: **October 27, 2014**

Project Title: BOLLENBACHER & KELTON INC (FERRINI RANCH)

File Number: PLN040758

Planner: MACK

Location: HWY 68 BETWEEN SAN BENANCIO & RIVER RD SALINAS

Project Description:

Combined Development Permit consisting of: 1) Standard Subdivision Vesting Tentative Map for the subdivision of approximately 870 acres to into 212 lots including 146 market rate single family residential lots, 23 clustered market rate residential lots & 43 lots for Inclusionary Housing units; three Open Space parcels of approximately 600 acres (Parcels A, B, & C), and one agricultural-industrial parcel (Parcel D) for the future development of winery related uses; 2) Use Permit for removal of up to 921 protected Oak trees; 3) Use Permit for development on slopes exceeding 30 percent; a General Plan Amendment to amend the land use designation of parcel (Parcel D) from Low Density Residential to Agricultural Industrial; and an amendment to the Zoning Ordinance changing Parcel D from LDR/2.5-VS (Low Density Residential, 2.5 acres/unit with Visual Sensitivity) to AI-VS (Agricultural Industrial with Visual Sensitivity).

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

Ray Harrod Jr., Mark Kelton & Candi Ingram

Varney invited Mark Kelton and Ray Harrod (Applicants) to make a brief introduction of the Ferrini project. Mr. Kelton explained the project history. His company, Bollenbacher & Kelton, Inc., developed Toro park estates in the 60's. During this time they purchased the Ferrini Ranch. They put 130 acres into an AG easement and sold them to Huntington Farms who still farms the ground today on River Rd. & HWY 68.

In 1994 they submitted an application to build lots on the Ferrini Ranch project. The County accepted the application. In 2004 they began the process of reevaluating the project and started with a clean slate. They spent time with the local home owner associations, interested parties, and getting feedback as to what they want the project to look like. Mr. Kelton stated the project was redesigned based upon the feedback from the various participants. Most suggestions related to the visual impacts of the project. Mr. Kelton then asked his partner and builder Ray Harrod to explain the latest version, Alternate 5, which he described as the "environmentally superior" alternative.

Mr. Harrod stated that the highlights of alternative 5 included:

- San Benancio has no lots that will turn onto San Benancio Rd.
- Reduced lot size and counts.
- Lupine field still visible with no lots to be seen.
- Highway 68 4-lane extension with a light and entrance to project at Torero Dr. Toro Park estates
- Addition of a walking trail from San Benancio to River Rd.
- Burming along River Rd. as needed to insure no visual of lots on the east end of project.

Vandergrift asked applicants for clarification on inclusionary units. Mr. Harrod stated that 17 units were included in the project and fees were being paid in lieu of other units that may have been required. (20% of the total units)

Rieger asked County staff "what are the criteria of low income units?" Mr. Ford gave a brief description.

Varney asked County staff for clarification on definition of visual sensitivity as to where is the point of measurement. Mr. Ford gave a brief description as to "common viewing area."

Vandergrift asked how the project would affect water concerns in our area, specifically mentioning his own personal well which has seen a reduction in productivity. Varney reminded Mr. Vandergrift of the issues before this committee which do not include water. Vandergrift was unhappy that the water issue was not going to be discussed as he felt it was the main concern of those in attendance. He then said he was not able to participate if those issues could not be discussed and he left the meeting.

Was a County Staff/Representative present at meeting? John Ford & David Mack (Name)

PUBLIC COMMENT:

| Name | Site Neighbor? | | Issues / Concerns (suggested changes) |
|---|----------------|----|--|
| | YES | NO | |
| Hetty Eddy | | | Citizen Hetty Eddy resident of Toro Park for 37 years stated "the County is wrong and should be concerned with the view and view impairment from the new national monument. She urged the committee and County to re-evaluate their criteria for the definition of Visual Sensitivity and Critical View Shed. |
| Don King | | | Citizen Don King, a San Benancio resident, expressed concern over the number of Oak trees that would be cut down. Mr. Kelton answered that the property has approximately 29,000 Oak trees and only 600-900 trees had been identified as potential cuttings. He felt that Alternative 5, without the Toro Park entrance, would bring the number closer to the bottom of the estimation or 600. |
| Amy White, Executive Director of Land Watch | | X | Amy White, executive director of LandWatch, stated: -Project violates the view shed -The national park view shed should be addressed and preserved -16 mitigation measures that were identified in the EIR should be dealt with separately -Entire project needed to be re-done incorporating the 16 mitigating measures |
| Bill Farrell | | | Citizen Bill Ferrell, member of the Toro Park homeowner association, stated: -View shed in the EIR is insufficient and too narrow. -Bullfield should be evaluated as an option and should not affect the view shed along Highway 68. -Concerned about the amount of cuts and fills on the steep terrain that would give it look like Pasadera. |

PUBLIC COMMENT CONTINUED:

| Name | Site Neighbor? | | Issues / Concerns (suggested changes) |
|--|----------------|----|--|
| | YES | NO | |
| Bruce Kitchin | | | Citizen Bruce Kitchin voiced his concern about traffic on Highway 68 and the visual impact of more traffic on Highway 68. |
| Jacqui Turner | | | Resident Jacqui Turner voiced her concerns and asked about the building of a winery on the east end of the project close to River Rd. Mr. Harrod & Mr. Kelton responded to her concern that Alternative 4 had removed. Also the size of the commercial property was reduced and would not include a winery. |
| Ida Nishimura | | | Citizen Ida Nishimura voiced her concerns on wildlife. She also was concerned that the builder should have to build all inclusionary housing units and not be able to purchase their way out. |
| Rachel Saunders, from the Big Sur Land Trust | | | Rachel Saunders, from the Big Sur land trust who owns the Marks Ranch, stated: -Worked with County parks department to expand Toro Regional park into Marks ranch -Expressed her concerned with wild life tracking and impact on wildlife corridor that exist to allow wildlife to cross under the freeway. -Mitigation effort to insure that wildlife has corridor. -Expressed her appreciation on the changes that have been made to lot, feels more needs to be done to protect wildlife. |
| Susan Hilinski | | | Citizen Susan Hilinski stated the EIR to protect the scenic vista does not address the 4 lane extension and its impact on the view shed. Also expressed that the counties view is too narrow and the lots will be seen from the Fort Ord National Monument's view should be protected. She felt viable alternatives will be to cluster development and work to avoid the 4 lane extension and turn signal. |

Chairman Varney ended the public comment and brought the meeting back to the LUAC

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) |
|---|--|---|
| | | |

ADDITIONAL LUAC COMMENTS:

LUAC member Baker voiced her concerns with architectural designs and how they would blend in with Toro highway 68 corridors.

Chairman Varney asked for clarification from County on visual sensitivity. John Ford responded that visual sensitivity is described as where the public has access. Under the EIR, the Fort Ord National Monument was not included in the view shed because of the small amount of people that would be viewing from the area. Mr. Kelton also responded to Varney's questions and said the National monument was taken out from the project.

Varney asked for clarification on critical view shed versus visual sensitive view shed. Project planner Ford pulled up pictures from the EIR and showed different view point that were considered under the EIR.

Varney referenced letter submitted by the Toro Park homeowner association specifically a letter from 2012. The letter was written to the County Planning Department and was concerned with the visual view shed. The letter stated if the project was approved that mitigation effort to protect the view shed such as berms and screening should be part of the project.

The LUAC members felt that Alternative 5 had done a good job of addressing many of the concerns that had been brought to the attention of the developer.

Varney appreciated the collaboration that had taken place between the applicant and the interested parties concerning the view shed.

Rieger voiced concerns that we needed flagging on the lots before a decision could be made. County planner Ford stated that we do not have flagging but that we needed to move forward and make a recommendation based on our field trip and information to this point.

Baker voiced her concerns about wildlife and avoid cutting down oak trees. Mr. Kelton again related to the 3% of the trees of the 29,000 on this property were in question. County planning department confirmed that any trees that were cut down would have to be replaced and a 5 year monitoring and success criteria to confirm that the new planting were successful.

RECOMMENDATION:

Mark Kennedy made a motion approve project. Chairman Varney asked for a second.

Mueller asked if this was the time to amend the motion.

Chairman Varney asked for a second and then we would go to discussion on the motion.

Muller seconded the motion

John Ford County Planner gave insight as to how our committee could help the Planning Commission by adding specifics to our concerns and opinions to make their decision.

Muller asked questions to staff on how make sure that the LUAC was able to review all lots requiring flagging.

Rieger felt that all lots should be staked and come back to LUAC committee

County Planner Ford made some comments and recommendations to the committee as to how we could formulate a motion to address our concerns as a committee concerning the lots with the highest likelihood of being seen from Hwy 68.

Motion by: Mark Kennedy (LUAC Member's Name)

Approval of the map as shown in Alternative 5 of the REIR with the recommendation that the site be zoned to include a VS overlay and that lots 81-84 be subject to use permit and reviewed by the Toro LUAC that all structures within subdivision have an Architectural theme consistent with the area. With respect to the tree permit avoidance of any unnecessary cutting down of mature trees as a condition of Use Permit.

Second by: Mike Mueller (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Kennedy, Mueller, Baker, Varney (4)

NOES: Rieger (1)

ABSENT: Bean, Weaver, Vandergrift, Keenan (4)

ABSTAIN: 0

TORO LUAC MEETING

OCTOBER 27, 2014

SIGN IN

RACHEL SAUNDERS

Ida Nishimura

RAY HARROD JR.

Candace Ingram

Bue Fassel

Bruce Kitchin

Jacqui Turner

David Swanson

Amy White

Don King

Hedy Eddy

Jusan Hluski