

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
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HEARING IMPAIRED: (415) 904-5200

*W15a*

July 21, 1997

TO: Commissioners and Interested Persons

FROM: Tami Grove, District Director
Rick Hyman, Coastal Program Analyst

SUBJECT: **MONTEREY COUNTY: LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 1-96.** For public hearing and Commission action at its meeting of August 12-15, 1997 to be held at the Crowne Plaza - Holiday Inn - LAX, Los Angeles.

SUMMARY OF STAFF REPORT**DESCRIPTION OF AMENDMENT REQUEST**

Monterey County is proposing to amend the Land Use and Implementation portions of its Local Coastal Program to redesignate a 59.9 acre portion of the Azevedo Ranch parcel in North Monterey County from "Agricultural Conservation" to "Resource Conservation." These amendments are to facilitate an ownership transfer and minor lot line adjustment of this parcel to support a wetland buffer demonstration project. The standard of review of the Land Use Plan amendment is consistency of the Coastal Act. The standard for the Implementation Plan amendment is that it must be consistent with and adequate to carry out the policies of the certified Coastal Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the proposed amendments as submitted by the County for the reasons given in this report. The proposal is consistent with Coastal Act agricultural and wetland protection policies.

SUMMARY OF ISSUES AND COMMENTS

There are no known unresolved issues with the proposed amendments. The participants in the local process supported the amendments.

ADDITIONAL INFORMATION

For further information about this report or the amendment process, please contact Rick Hyman or Lee Otter, Coastal Commission, 725 Front Street, Suite 300, Santa Cruz, CA 95060; Tel. (408) 427-4863.

EXHIBITS

1. Proposed Land Use Plan Amendment
2. Proposed Implementation Plan Amendment

I. STAFF RECOMMENDATION**MOTIONS AND RESOLUTIONS****1. APPROVAL OF LAND USE PLAN AMENDMENT #1-96 AS SUBMITTED****MOTION:**

"I move that the Commission certify amendment # 1-96 to the North County Land Use Plan of Monterey County's Local Coastal Program as submitted by the County."

Staff recommends a "YES" vote. An affirmative vote by a majority of the appointed commissioners is needed to pass the motion.

RESOLUTION:

The Commission hereby certifies the amendment to the North County Land Use Plan of Monterey County's Local Coastal Program as submitted for the specific reasons discussed in the following findings on the grounds that, as submitted, the amendment and the LUP as thereby amended meet the requirements of the Coastal Act. The amendment is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) and approval will not have significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

2. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT #1-96 AS SUBMITTED**MOTION:**

"I move that the Commission reject Major Amendment #1-96 to the Monterey County Local Coastal Program Implementation Plan as submitted by the County."

Staff recommends a "NO" vote which would result in **approval** of this amendment as submitted. Only an affirmative (yes) vote on the motion by a majority of the Commissioners present can result in rejection of the amendment.

RESOLUTION:

The Commission hereby certifies Major Amendment #1-96 to the Implementation Plan of the Monterey County LCP, for the specific reasons discussed in the following findings, on the grounds that, as modified, the amendment conforms with and is adequate to carry out the certified Land Use Plan; and approval of the amendment will not cause significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

II. RECOMMENDED FINDINGS

The Commission finds and declares for the following parts of Major Amendment # 1-96:

1. Redesignate a 59.9 acre portion of the Azavedo Ranch parcel (AP# 181-011-002) from "Agricultural Conservation" to "Resource Conservation" in *North County Land Use Plan* (Figure 1 Land Use Plan map).

A. BACKGROUND

The subject parcel (AP# 181-011-002) is a 150 acre strawberry farm in North Monterey County. It also contains three pocket marshes within the Elkhorn Slough complex. It is jointly owned by the Nature Conservancy and the Monterey County Agricultural and Historic Land Conservancy. Its current designation is "Agricultural Conservation." This designation allows agriculture related uses and residential use at one unit per 40 acres. 59.9 acres (comprised of four separate areas) are proposed to be redesignated as "Resource Conservation" (see Exhibit 1). This designation allows very low intensity recreation, education, research, and aquaculture. The remaining 90 acres stay designated "Agricultural Conservation."

The proposed amended land use designations will facilitate a minor land division along the new designation boundaries, i.e., the proposed parcel lines will be coterminous with the proposed new boundaries between designations. The agricultural parcel is slated to go to the Monterey County Agricultural and Historic Land Conservancy. The wetland parcel (area designated "Resource Conservation") is slated to go to the Nature Conservancy. Restoration is planned to occur in accordance with the "Azavedo Marshes Restoration Plan" component of the *Elkhorn Slough Wetland Management Plan*. Both the lot line adjustment and the wetland restoration will be separately evaluated under subsequent coastal development permits issued by Monterey County.

Monterey County has structured this amendment to take effect upon recording of the final parcel map. If for any reason, the lot line adjustment were not to occur, there would be no effect on this amendment. It would simply result in a parcel with a dual designation: part "Agricultural" and part "Resource Conservation," which other parcels in the area have as well. It would result in an allowable density of one less unit, since there would be no density credit (at one unit per 40 acres) for the 59.9 acre Resource Conservation portion of the parcel.

This amendment was first filed last year and included a residential component and less "Resource Protection" acreage. The Commission's public hearing was postponed and time limits were waived in order for the parties to reexamine the proposed boundaries. On July 1, 1997, the County amended the request to be more protective of the resources as desired by the parties involved. The residential component was deleted. Final Commission action must occur by August 15, 1997 under Coastal Act time limits.

B. WETLAND PROTECTION

The following excerpted policies from the Coastal Act are applicable:

Section 30230. *Marine resources shall be maintained, enhanced, and where feasible, restored....*

Section 30231. *The biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organism and for the protection of human health shall be maintained . . .*

Section 30233. *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:...*

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

Section 30240. *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The area to be designated "Resource Conservation" includes at least the LCP-required 100 foot wetland setback. As noted, this designation allows very low intensity recreation, education, research, and aquaculture, consistent with Section 30233. This designation is the one that the County applies to wetland areas to help ensure their protection; the adjacent wetland areas are already so designated. Therefore, the amendment can be approved as being consistent with the cited Coastal Act sections.

C. AGRICULTURAL LAND PROTECTION

The following excerpted policies from the Coastal Act are applicable:

Section 30241. *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:...*

Section 30001.5 *The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:*

(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

Section 30007.5. *The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources...*

Section 30200(b) *Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.*

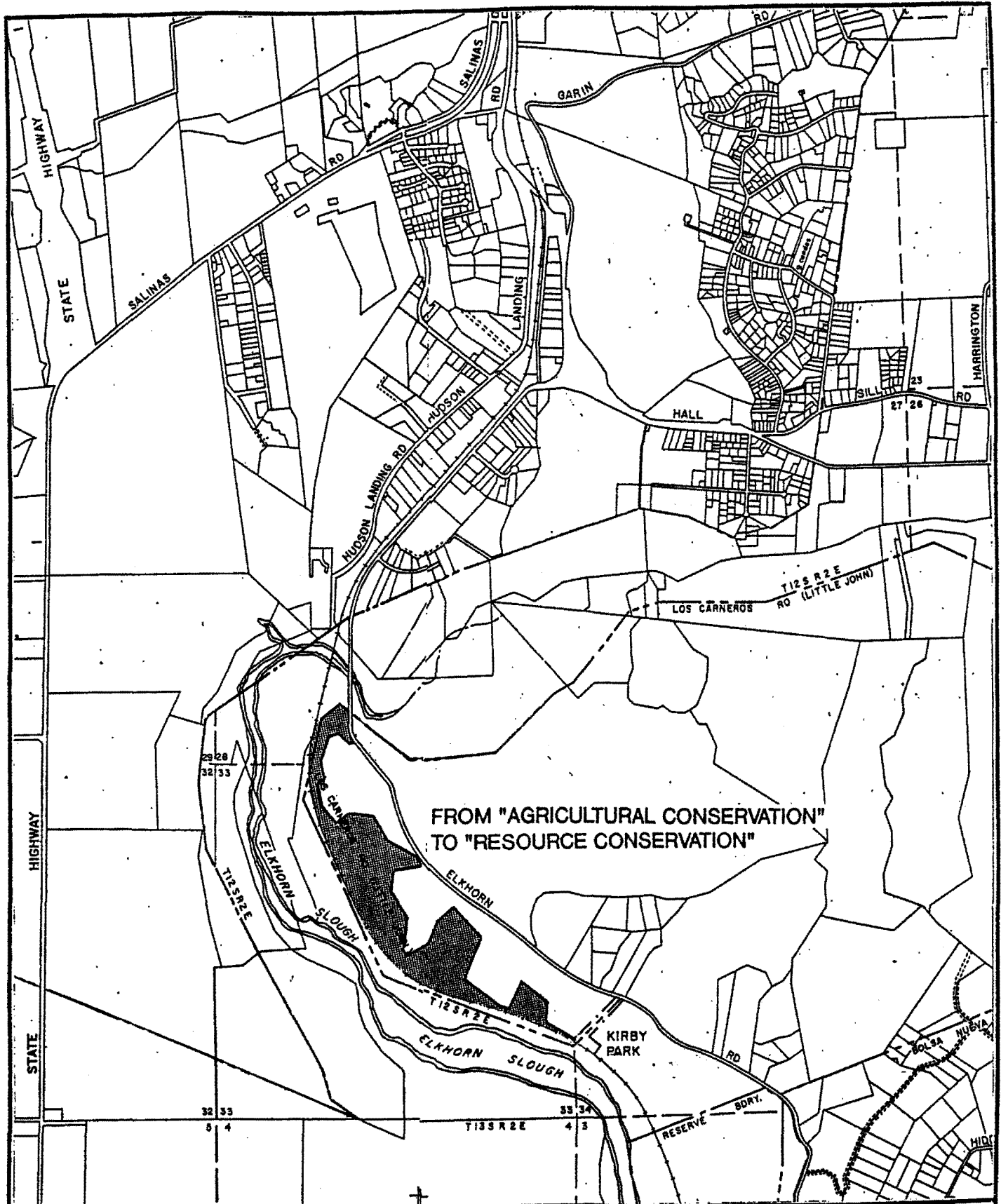
The proposed Land Use Plan amendment will result in 59.9 fewer acres of land in North Monterey County being designated for "Agriculture." This will instead be designated as "Resource Conservation." This is a more appropriate designation under the Coastal Act because the area is "wetland," or desirable wetland buffer as discussed in the previous finding. The wetlands proper already are not being farmed. They are part of the Elkhorn Slough estuarine complex, which is one of the largest and most important wetland systems in California. Thus, since the proposed redesignations will not compromise the objectives of cited policy 30241, the amendment can be approved.

2. Rezone portion of the Azavedo Ranch parcel (AP# 181-011-002) from "AC(CZ)" Agricultural Conservation to five acres of "LDR/2.5(CZ)" Low Density Residential and 40.7 acres of "RC(CZ)" Resource Conservation (Zoning Map Sheets # 1 & 2).

The proposed amendment to the Implementation Plan mirrors the proposed Land Use Plan amendment (see Exhibit 2). The "RC(CZ)" zoning district corresponds to the proposed "Resource Conservation" Land Use Plan designations in terms of allowed uses and densities. The proposed Implementation Plan amendment is approvable, since the resultant amended Zoning Map will be consistent with and adequate to carry out the revised Land Use Plan as it applies to the subject site.

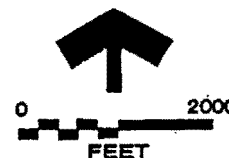
3. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does utilize any environmental information that the local government has developed. In this case the County approved a Negative Declaration for the amendment finding that it did not generate any significant environmental impacts. The findings in this report are consistent with the County's environmental analysis. Approval of the amendment changing the land use will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.



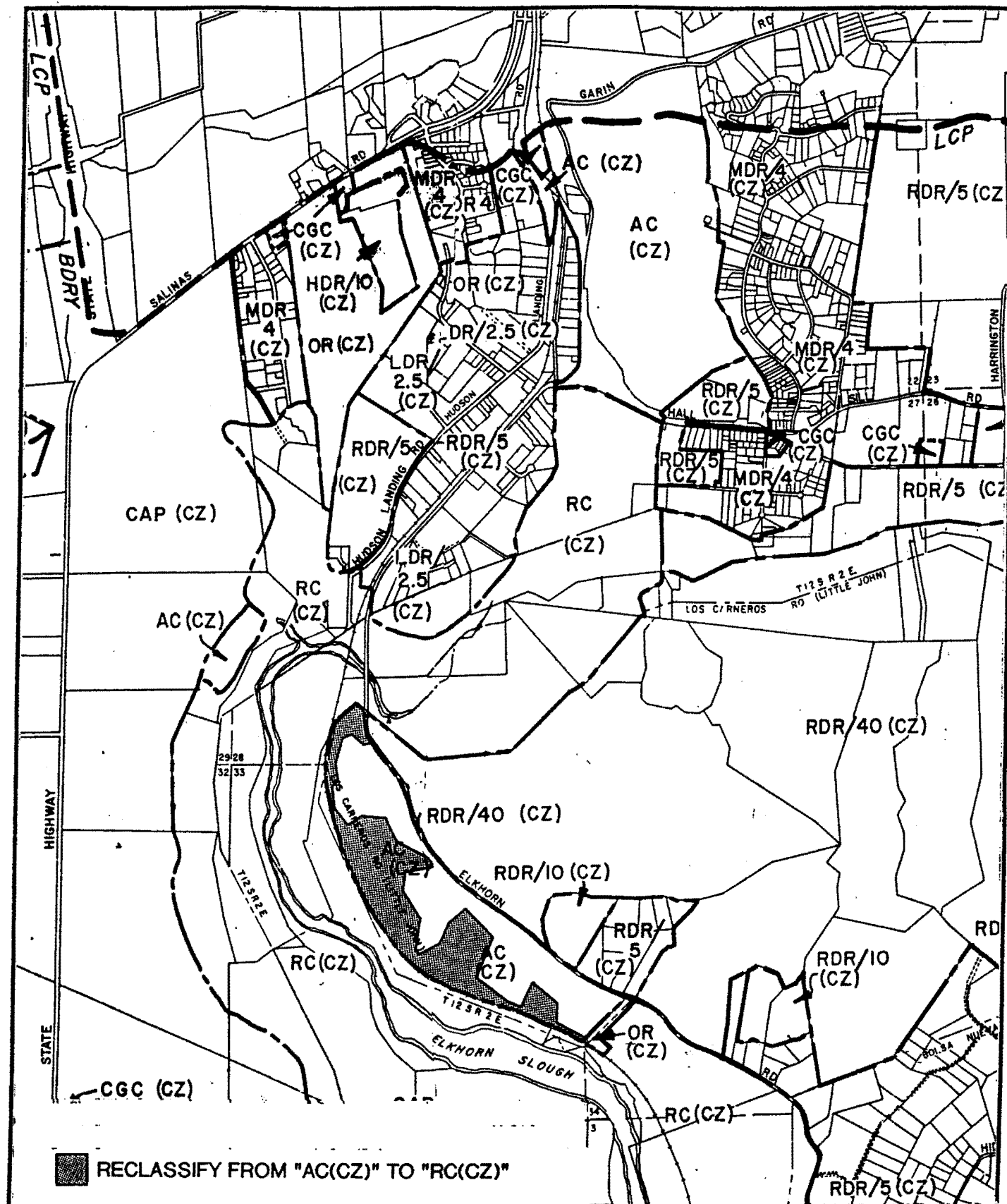
NORTH COUNTY LAND USE PLAN.

AMENDMENT
PC 94037



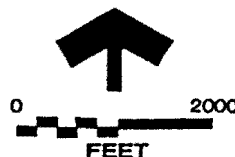
Monterey County
Planning and
Development

EXHIBIT NO. 1
APPLICATION NO.
MONTEREY COUNTY
LAND USE PLAN
AMENDMENT #1-96



NORTH COUNTY

RECLASSIFICATION (REZONING)
PC 94037



Monterey County

EXHIBIT NO. 2

APPLICATION NO.
MONTEREY COUNTY

IMPLEMENTATION PLAN

AMENDMENT #1-96