

## CALIFORNIA COASTAL COMMISSION

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TH10C



## RECORD PACKET COPY

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STAFF REPORT: APPEALSUBSTANTIAL ISSUE DETERMINATION & DE NOVO COASTAL PERMIT

**Local government**.....Monterey County

**Local decision**.....Approved with Conditions (see Exhibit 2)

**Appeal number**.....A-3-MCO-99-097

**Applicants**..... John & Corinne Handy

**Appellants**.....Commissioners Sara Wan and Cecilia Estolano

**Project location**.....Fronting on and easterly of Highway 1, one mile north of Gorda, Big Sur Coast, Monterey County (see Exhibit 1)

**Project description**..... Treebones Campground Project. Construct a recreational campground, including: 18 yurts; 3,386 sq. ft. bath house building with deck and swimming pool, three employee houses, 24 space parking lot; well and 32,000 gallon water tank; septic system; propane, diesel generator and wind generator; exterior lighting, golf cart system, trails, site grading and driveway (see Exhibit 3).

A revised project is recommended for approval consisting of 16 yurts and five conventional tent sites; 29 parking spaces, including two public spaces.

**Substantive file documents**.....Monterey County certified Local Coastal Program (LCP) consisting of *Big Sur Coast Land Use Plan* (LUP) and portions of *Monterey County Coastal Implementation Plan*; local Coastal Development Permit 980363 to Handy.

SUMMARY OF STAFF RECOMMENDATION

This Staff recommendation is in two parts. First, staff recommends that the Commission determine that a **substantial issue** exists with respect to some of the grounds on which the

appeal has been filed, because the coastal permit approved by Monterey County does not fully conform to the provisions of its certified Local Coastal Program (LCP). Second, staff recommends that the Commission **approve a coastal permit** for the proposed campground with a modified design and General Development Plan to make it consistent with the LCP.

The proposed project is for a "campground" consisting of yurts, a guest center, and employee housing, on a privately-owned site ("Treebones") near Gorda in the southern part of the Big Sur Coast. The foremost issue raised is whether the proposal meets the density standards of the *Big Sur Coast Land Use Plan*. The LCP allows higher densities for rustic campgrounds than for other visitor-serving developments such as hotels or inns. This is because hotel or inn developments typically entail greater coastal resource impacts than do rustic campgrounds. If the proposed project can be considered a "rustic campground," the LCP density standard is met. If it is not considered a rustic campground, it would be four times greater than the maximum allowed density.

The appellants have pointed out numerous features of the proposal which run counter to the definition of a "rustic campground." These features include: wooden decks, fireplaces, hot and cold water plumbing with wash basins, propane stoves, utility connections, luggage transported by motorized carts, maid service, and costs \$65 to \$120/night for the yurts; 720 sq. feet size of two of the yurts; and kitchen that will allow the manager to prepare food to serve the guests, space for retreats or meetings, a store, and a swimming pool as part of the overall facility. These features are characteristic of lodgings at a resort or inn, but many are not the type of facilities found at a typical "rustic" campground. As proposed, the project does not qualify for the increased density accorded to "rustic" campgrounds by the local coastal program. Thus, since the project approved by the County significantly exceeds the correct density standard, staff recommends that a substantial issue exists.

The second part of this recommendation is for a conditional approval of a modified campground project. There are three ways that the applicants can respond to the substantial issue finding and devise an approvable project. One way is to reduce the density to four yurt units. The second is to acquire additional land and/or density credits to equate to the proposed density. The third is to change the facility to be truly "rustic." Discussion with the applicants has resulted in their choosing the last option. They have suggested a modified campground as follows: five campsites for tents (that visitors would bring); five yurts with 4 bunk beds and one futon (guests would bring own linens, no running water); nine furnished yurts with one queen bed and one futon (guests would be provided linens; hot and cold water spigots); two larger furnished yurts with one queen bed and two futons (guests would be provided linens; hot and cold water spigots), one of which is handicapped-accessible. Staff believes that this overall mix would allow the campground to be properly characterized as "rustic." Rustic attributes would include: no private bathrooms, no running water to ten units, no linens provided at ten sites, no electricity to the five tent sites, common parking lot with unpaved paths to the units, no "RV" spaces, canvas exteriors of the yurt units and rural character associated with yurts. Tipping the balance in favor of recommending approval of such a project are the following factors:

- Most importantly, the project, as conditioned, will result in no significant resource impacts.
- The project provides a unique type of overnight accommodation in the Big Sur Coast area, and increases and broadens the available mix of accommodations, consistent with the overall innovative and artistic attributes often associated with the Big Sur community;

- The project will provide public amenities in the form of parking and trails; and community use of the pool and meeting room;
- The project will provide lower-cost facilities compared to inns; the applicant indicates that the approximate price range will be \$15 to \$20 per night for camp sites and \$40 to \$80 per night for yurts.
- There is a need for overnight accommodations in the Big Sur Coast area.

The additional issues raised by the appellants also have to be addressed in any de novo coastal permit approval. These would include clarifying ambiguities in the General Development Plan with regard to non-visitor-serving uses, reducing the size of the residential portion of the managers' quarters to the maximum allowed 850 square feet per person; ensuring that the scenic viewshed is protected, and not allowing the widening of the access road. Staff is recommending conditions to address all of these issues. Additionally, other issues raised by this project not in contention are addressed by the conditions that the County applied in its approval of this project. The substantive aspects of these County conditions will remain in effect.

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**EXHIBITS**

1. LOCATION MAPS
2. COUNTY PERMIT FINDINGS AND CONDITIONS
3. SITE PLANS AND ELEVATIONS
4. BIG SUR COAST LAND USE PLAN TABLE 1
5. COUNTY EXPLANATORY LETTER
6. REVISED PROJECT PLANS
7. VISUAL ASSESSMENT PHOTOS
8. FULL TEXT OF APPELLANTS' CONTENTIONS

**I. SUMMARY OF APPELLANTS' CONTENTIONS**

There are two Commissioner appellants who raise six topics of contention: density, employee housing, non-visitor serving components, visual impacts, widened access road, and ponding. The full text of their identical contentions is found in Exhibit 8.

First, the appellants contend that the approved project exceeds the density standards of the *Big Sur Coast Land Use Plan* Table 1. Rustic campgrounds are allowed at 2 spaces per acre, while the density for Inns and RV campgrounds is 1 unit per net developable acre.. Under the relevant definition, "RV campgrounds are distinguished from Rustic Campgrounds by utility connections, paved surfaces, etc. at each site." The appellants contend that since the yurts will have wooden decks, fireplaces, hot and cold water plumbing with wash basins, propane stoves, utility connections, luggage transported to them by motorized carts, maid service, and will cost \$65 to \$120/night; since two of the yurts will be 720 sq. feet, which is almost the size of a small house; and since the site as a whole will have a kitchen that will allow the manager to prepare food to serve the guests, space for retreats or meetings, a store, and a swimming pool, the project much more closely resembles an inn or RV campground than a rustic campground. Under the LCP, the maximum number of allowed campsites would only be four or five; hence the approval for 18 "yurt" units is inconsistent with the LCP.

Second, the appellants contend that the approved 3,308 square foot manager's house exceeds the LCP's maximum size of 850 square feet.

Third, the appellants express concern that the approved development plan calls for some quasi-visitor uses, such as corporate and school events; thus, calling into question whether the facility will truly function as a visitor-serving use.

Fourth, the appellants contend that if the density were reduced to be consistent with the *Land Use Plan*, then the project could be designed in a manner that would result in less visual impact, as the LCP would require.

Fifth, the appellants are concerned with the access road widening which would occur in that there was no environmental review of it which would be required under the *Big Sur Coast Land Use Plan*.

Finally, the appellants contend that the brief mention of ponding in the geologic report requires further evaluation in order to ensure consistency with the *Big Sur Coast Land Use Plan*.

## II. LOCAL GOVERNMENT ACTION

The Monterey County Planning Commission approved a coastal permit for the proposed Treebones project with 97 conditions on November 17, 1999 (see Exhibit 2). The final action notice was sent to the Coastal Commission on December 6, 1999. During the appeal period of December 7 through 20, 1999 the County approval was appealed. The Commission's hearing on this item was opened and continued on January 12, 2000 in order to have time to receive and analyze the complete administrative record from the County.

## III. STANDARD OF REVIEW FOR APPEALS

Coastal Act section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for certain developments. This project is appealable because it is not designated as the principal permitted use under the County's zoning ordinance or zoning district map.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the first public road and the sea, which is not the case with this project.

## IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a substantial issue exists with respect to some of the grounds on which the appeals were filed pursuant to Coastal Act Section 30603.

### A. MOTION:

***I move that the Commission determine that Appeal No. A-3-MCO-99-077 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.***

### B. STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a *de novo* hearing on the application, and adoption of the following resolution and substantial issue findings. Passage of

this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

### **C. RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. **A-3-MCO-99-077** presents a substantial issue with respect to some of the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

## **V. STAFF RECOMMENDATION ON DE NOVO COASTAL PERMIT**

### **A. MOTION:**

*I move that the Commission approve Coastal Development Permit No. A-3-MCO-99-077 pursuant to the staff recommendation.*

### **B. STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and de novo coastal permit findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **C. RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with Monterey County's Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## VI. RECOMMENDED CONDITIONS

### A. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### B. SPECIAL CONDITIONS

The substance of 66 of the original 97 conditions of Monterey County Coastal Permit #PLN970284 become conditions of this coastal permit, as quoted or modified below. Redundant conditions are retained where needed to maintain the structural relationships between the various conditions adopted by the County. Five County conditions are deleted (#55, 56, 70, 76, and 82). This Coastal Commission action has no effect on the remaining County conditions (cited in *italics* for reference only) which the County imposed under an authority other than the certified Local Coastal Program. Conditions #98 through #103 are additional conditions imposed as a result of this appeal and de novo Commission action.

1. Final Project Approval and Plans: This project approval is for a coastal development permit for a Rural Community Center campground including:

- no more than 16 yurts (canvas-covered with wooden floor circular tent platforms), including

- five basic (unfurnished) yurts, nine furnished yurts and two larger furnished yurts;
- at least five tent camp sites (up to a total of 21 yurt and tent sites in aggregate)
  - 3,386 square foot guest services/bath house building with adjacent deck and swimming pool/spa;
  - 29 space parking area, including two public parking spaces, and infrastructure improvements;
  - new well and 32,000 gallon water storage tank;
  - septic and gray water collection system;
  - propane, diesel generator and wind generator power system;
  - golf-cart path system and exterior site lighting;
  - public walking trails with benches at view points;
  - two employee housing units (sizes: 328 and 746 square feet respectively) for staff of the campground facility;
  - A 3,308 square foot, two-story manager unit with commercial kitchen and attached garage;
  - walking trails/driveways on slopes exceeding 30% slope;
  - a General Development Plan for the property, and
  - Site Grading (not to exceed 3,638 cubic yards)

**Prior to issuance of the coastal development permit**, the applicant shall submit, for Executive Director review and approval, two full-size sets of final plans and a revised General Development Plan (including an Access Management Plan component in accordance with County Code section 20.145.150 pursuant to Special Conditions # 98 and 103). The submitted plans shall incorporate the revised project as described above and in Exhibit 6 and comply with all relevant conditions of this permit. No use or construction other than that specified by this permit is allowed unless additional permits or permit amendments are approved by the appropriate authorities.

2. **Mitigation Monitoring Program:** Prior to the issuance of a coastal development permit, the applicant shall provide evidence of entering into an agreement with the County of Monterey to implement a Mitigation Monitoring Program. The Mitigation Monitoring Program shall include the following:

- a) The applicant shall pay for an archaeological monitor during construction to ensure protection of archaeological resources, pursuant to Condition No. 21;
- b) The applicant shall pay for a biologist to assess the final delineation of the proposed walking trails and benches to ensure protection of potential sensitive plant species, pursuant to Condition Nos. 17 & 18; and
- c) The applicant shall agree to pay for consultant and/or staff to monitor for the 5 year long-term landscape screening tree program, weed control and overall landscape plan measured beyond the final project inspection, pursuant to Condition Nos. 74-79.

3. *The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold*

*harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. Proof of recordation of this indemnification agreement shall be furnished to the Director of Planning and Building Inspection prior to commencement of construction or commencement of the use. (Planning and Building Inspection Department)*

4. **Recordation of Permit Conditions:** The applicant shall record a notice that states: "A coastal development permit was approved by the California Coastal Commission for Assessor's Parcel Number 423-011-027-000 on May 11, 2000. The permit was granted subject to 7 standard and 98 special conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Executive Director of the Coastal Commission **prior to issuance of the coastal development permit.**

5. **Scenic and Conservation Easement:** That portion of the subject property containing the approved above-ground structures, yurts, and access road and parking facilities shall be defined as the building envelope. **Prior to issuance of a coastal development permit,** a scenic and conservation easement shall be executed and granted to the County of Monterey for all areas of the subject property outside the approved building envelope. No development, as defined in section 30106 of the Coastal Act shall occur in the described easement area except for landscaping, removal of non-native vegetation, and the establishment of the public trail system and viewing benches. The easement shall be submitted to and approved by the Director of Planning and Building Inspection Department and processed to the County Board of Supervisors after the text has been reviewed and approved by the Executive Director of the Coastal Commission. The recorded document shall include legal descriptions of both the applicant's entire parcel and the easement area. The recorded document shall also reflect that development in the easement area is restricted as set forth in this permit condition. The easement shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The easement shall run with the land in favor of the People of the State of California.

6. **Fuel Reduction Program:** **Prior to issuance of a coastal development permit,** the applicant shall execute and record a deed restriction with the Monterey County Recorder's office which states "if any limited fuel reduction program should become necessary in the surrounding native habitat for fire protection, it shall be developed with the aid of a qualified forester, biologist, County Planning and Building Inspection Department, California Coastal Commission, and the California Department of Forestry so as to best help reduce fire danger while maintaining or improving the native habitat and existing trees that provide natural screening to the proposed structures." The deed restriction shall be subject to the approval of the Director of Planning and Building

Inspection and the Executive Director of the Coastal Commission prior to recordation. The deed restriction shall include legal descriptions of the applicant's parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this permit.

7. **No Invasives:** Prior to issuance of a coastal development permit, the applicant shall execute and record a deed restriction with the Monterey County Recorders office which states that "no invasive non-native plant species (for example, genista and pampas grass) shall be planted on the property, and the owner shall be responsible for prompt removal of any such plants which are found to be growing on the property." The deed restriction shall be subject to the approval of the Director of Planning and Building Inspection and the Executive Director of the Coastal Commission prior to recordation. The deed restriction shall include legal descriptions of the applicants parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this permit.

8. **Future Changes:** Prior to issuance of a coastal development permit, the applicant shall execute and record a deed restriction stating that "because of the visual sensitivity of the area, all landscaping shall be approved by the Executive Director of the Coastal Commission. All exterior design changes, including color changes associated with repainting, re-roofing, exterior lighting changes shall be approved through the Monterey County design approval process, subject to approval by the Planning Commission and by the Executive Director of the Coastal Commission." The deed restriction shall be subject to the approval of the Executive Director of the Coastal Commission prior to recordation. The deed restriction shall include legal descriptions of the applicants' parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this permit.

9. **Geological Hazards:** Prior to issuance of a coastal development permit, the applicant shall execute and record a deed restriction stating "the parcel is located in a high geologic hazard area. A Geological Report (Monterey County Planning Library No. 14.09.110) was prepared for the parcel by Foxx Neilsen and Associates, dated February 1999 and updated May 1999. In addition, a Geotechnical Soils-Foundation Report (Monterey County Planning Library No. 24.01.041) was prepared for the parcel prepared by Haro Kasunich & Associates, Inc., March 1999. All development shall be in accordance with these reports." The deed restriction shall be subject to approval of the Executive Director of the Coastal Commission prior to recordation. The deed restriction shall include legal descriptions of the applicants' parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this permit.

10. **Assumption of Risk, Waiver of Liability and Indemnity**

A. By acceptance of this permit, the applicant acknowledges and agrees (i.) that the site,

and access thereto, is located in a high fire hazard area and that development may be subject to certain restrictions required as per Section 20.145.080 of the Big Sur Coastal Implementation Plan (Part 3); (ii) that the site, and access thereto, may be subject to hazards from landslide and earth movement; (iii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iv) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (v) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

**B. Prior to issuance of the coastal development permit,** the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**11. Employee Housing:** Prior to issuance of a coastal development permit, the applicant shall record a deed restriction stating the "The Rural Community Center campground facility includes 16 yurts and guest services building with a manager unit and two employee housing units to accommodate the campground manager or property owner and staff to operate the campground facility. If the campground is sold to operators who are not a family, the manager's unit shall be converted to typical dormitory-style employee housing. Only campground employees shall inhabit the employee units, and the campground must be operating on an ongoing basis in order for the employee units and the manager's unit to be occupied. At no time shall the manager unit or employee housing units be converted or modified in use without the review and permit approval by the California Coastal Commission." The deed restriction shall be subject to the approval of the Director of Planning and Building Inspection and the Executive Director of the Coastal Commission prior to recordation. The deed restriction shall include legal descriptions of the applicants parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this permit.

**12.** Pursuant to State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$1,275. This fee shall be paid on or before filing of the Notice of Determination. Prior to the issuance of a building permit and/or grading permit, proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection. The project shall not be operative, vested or final until the filing fees are paid. (Planning and Building Inspection Department)

**13. Geologic Setback:** The campground facility shall be designed to maintain the habitable structure setback from the geologic hazards line delineated by the geologic consultant, identified in the Geologic Report prepared by Foxx, Nielsen and Associates, dated February 1999.



14. **Seismic Safety:** All structures in the campground facility shall comply with the seismic design standards of the Uniform Building Code to the satisfaction of the Monterey County Planning and Building Inspection Department.

15. **Geologic Report:** The project shall be designed and constructed pursuant to recommendations contained in the Geologic Report prepared by Foxx, Nielsen and Associates, dated February 1999, and the recommendations contained in the Geotechnical Investigation prepared by Haro, Kasunich & Associates, dated March 1999. The applicant shall incorporate and note these recommendations in the building and grading permit plans.

16. **Biologic Review for Trail System.** Prior to any vegetation removal for development of the proposed walking trails and benches on the west facing slope of the property, the applicant shall mark where in the dense chaparral the trails are to be located. The applicant shall hire a qualified biologist to survey the chaparral for sensitive plant species. The biologist shall determine whether any individuals of sensitive plant species (i.e., species which are identified by the California Department of Fish and Game as rare, endangered, or host plants for endangered animal species) are located within the proposed alignments of the walking trails or within 10 feet of the proposed walking trails. If sensitive plants are observed in the survey area, the walking trails shall be relocated to provide an appropriate buffer from the plant species as deemed appropriate by the qualified biologist. Alternatively, other measures which would provide an equivalent degree of protection may be recommended and implemented (e.g., protective fencing, timing of construction to avoid vulnerable seasons of the year, etc.) If the biologist determines that inadequate space is available to relocate the trail, and no other alternatives are feasible, the Executive Director shall be so advised. In event that the Executive Director concurs that there are no feasible alternatives, permittee shall in cooperation with the managers of surrounding and nearby public lands (US Forest Service, State Coastal Conservancy) propose alternative public access facilities in the Gorda area that provide equivalent or greater public benefits in terms of both trail distance and scenic viewing amenities. If the walking trails, or portions thereof, can not be constructed on the subject property, the alternative public access plan shall be incorporated in the General Development Plan for the campground facility, which in its revised form shall be submitted for review and approval by the Executive Director. In any event, prior to any vegetation removal for development of the proposed walking trails and benches on the west facing slope of the property, the applicant shall submit a report detailing compliance with this condition for Executive Director review and approval.

17. **Revised Easement:** If sensitive plant resources are identified in preparation of the proposed walking trails, the scenic easement shall be amended to include conservation and preservation of the discovered sensitive biological resources. Revised easement language shall be submitted to the Executive Director of the Coastal Commission for review and approval prior to recordation, pursuant to condition #5.

18. **Tree Protection:** The existing trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials. These measures shall avoid fill of any type against the base of the trunks and avoid an increase in soil depth at the feeding zone or drip line of the retained trees. In addition, **prior to any grading or site clearing**, the undisturbed native vegetation areas will be temporarily fenced off to prevent construction activities from impacting the resource. The consulting biologist shall assist in the location of protective fencing. The alignment of such protective fencing shall be subject to the approval of the Executive Director of the Coastal Commission. Said protection shall

be in place and demonstrated prior to issuance of grading permits by the County.

19. **Tree Protection:** Prior to issuance of a coastal development permit, the applicant shall incorporate a note on the building/grading plans that construction methods shall be used which protect the root system of the adjacent trees during construction. Construction methodology shall be as recommended by the consulting biologist.

20. **Archaeological Monitor:** Prior to issuance of a coastal development permit, the applicant shall hire an archaeological monitor to be on-site during any grading, trenching or other ground disturbing activities for the proposed development.

21. **Archaeological Discovery:** If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. A qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. The County Department of Planning and Building Inspection, as well as the Executive Director of the Coastal Commission, shall also be promptly notified of any such discovery. The archaeologist shall visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. The mitigation plan shall be prepared pursuant to the standards of the State Historic Preservation Office. This mitigation plan shall then be approved by the State Historic Preservation Office and the Executive Director of the Coastal Commission and fully implemented by the property owner.

22. **Exterior Lighting Plan:** Prior to issuance of a coastal development permit, the applicant shall submit a Master Exterior Lighting Plan for the campground subject to approval by the Executive Director. The applicant shall submit 3 copies of an exterior lighting plan indicating the location, type, and wattage of all exterior light fixtures, together with diagrams or illustrative catalog sheets for each fixture. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Screening, fixture selection and placement shall be such that no fixed light sources will be noticed by motorists on Highway 1. Any light sources not in compliance with this performance standard shall be immediately removed.

23. **Interior Lighting Standards:** Prior to issuance of a coastal development permit, the building plans shall be revised to incorporate interior lighting standards for the yurts, guest services building, manager unit, and the two employee units for recessed lighting where possible and all light sources directed away from windows, doorways and skylights.

24. **Solar Panel and Sign Placement and Design:** The applicant shall supply design colors and materials with specification sheets for the solar panels to power the nighttime lighting of the proposed signage adjacent to State Highway One. Plastic panel signs and signs with interior illumination will not be allowed. Design of the Highway One signage and solar panels must maintain the rustic and rural character of Big Sur, and are subject to review and approval by the Executive Director prior to installation.

25. **Night Lighting Program:** The applicant shall revise the General Development Plan with a detailed proactive nighttime lighting operational program for the campground to include the following:

a) Management and operational staff of the campground shall be responsible to close all window flaps on individual yurts and the interior drapes/blinds of the guest services building one hour after sunset each evening to reduce nighttime lighting from the interior of the structures; and

b) The applicant shall establish a procedure (information at registration or notice within each yurt) to require guests of the campground to reduce nighttime lighting by maintaining the closure of yurt window flaps and interior drapes/blinds of the guest services building during evening hours to maintain the rural nighttime character of Big Sur; and

c) An annual report shall be prepared by the applicant indicating the on-going status and success of the nighttime lighting operational program. The annual report shall be provided to the Director of Planning and Building Inspection and the Executive Director of the Coastal Commission during the month of January each year.

26. **No Phasing:** The applicant shall revise the construction phasing schedule contained in the General Development Plan to include all components of the project (yurts, guest services building, employee units and manager unit) to be constructed concurrently. No approval for occupancy for the yurts shall be issued until all of the tent campsites are ready for use, the bathroom facilities are operational, and employee housing has been established on the property.

27. **Pine Tree Protection:** Prior to the issuance of grading and building permits, the applicant shall revise the General Development Plan to include the following measures to protect the existing Monterey Pine trees on the property from infestation by pine pitch canker :

a) To prevent contamination from wood of unknown origin, permittee shall prohibit guests of the campground from bringing firewood onto the project site. The management and staff of the campground facility shall provide such information at the time reservations are made, with information sent to campground guests with reservation confirmations, and at check-in. Upon arrival, it shall be confirmed that campground guests have not brought firewood onto the project site; and

b) The management and staff of the campground facility shall provide all firewood to be used on the project site. Burning of pine firewood shall not be allowed unless the source of the pine firewood is known to be free from pine pitch canker contamination.

28. **Grading Permit:** Prior to commencement of construction, the applicant shall provide evidence to the Executive Director of the Coastal Commission that he has obtained a grading permit from the Building Inspection Division for the development shown in the final plans.

29. **No Winter Grading:** No land clearing or grading shall occur on the subject property between October 15 and April 15 unless approved by the Executive Director of the Coastal Commission based on evidence that it has been authorized by the Director of Planning and Building Inspection, in accordance with *County Code* Chapter 16.08.

30. **Erosion Control:** An erosion control plan, incorporating appropriate Best Management Practices (BMP's) shall be submitted for review and approval by the Executive Director prior to commencement of site clearing or grading. BMP's shall include installation of silt fences, sterilized hay bale barriers, retention of vegetated filter strips and other measures as needed to minimize

erosion and consequent off-site siltation. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with sterile rye grass (or other erosion control plantings compatible with native grasses) or otherwise treated to control erosion. The plan submittal shall include evidence of coordination with the consulting biologist and review by the Director of Planning and Building Inspection for compliance with *County Code* Chapter 16.12.

31. **Transportation Management Plan:** Prior to issuance of a coastal development permit, the applicant shall prepare a Transportation Management Plan for the removal of graded earth material from the subject property which is not balanced on site. The plan shall indicate: 1) where the earth material will be deposited; 2) how the material shall be transported (number of trucks, weight of truck, number of trips, and route); and, 3) methods to control dust and debris on and off-site. Three copies of the plan shall be submitted for approval by the Executive Director.

32. *Prior to the issuance of a building permit, the applicant of the wind generation power system shall maintain a current insurance policy which will cover installation and operation of the Wind Energy Conversion System. The amount of said policy shall be established as a condition of permit approval by the Director of Planning and Building Inspection and County Counsel. (Planning and Building Inspection Department)*

33. **Wind Energy:** Prior to the issuance of a coastal development permit, the applicant, or successors, shall continuously maintain a fund payable to the County of Monterey for the removal of non-functional towers and appurtenant facilities in an amount to be determined by the Director of Planning and Building Inspection and County Counsel for the period of the Coastal Permit. This fund may consist of a certificate of deposit in a State of California financial institution (as approved under Government Code Section 66499). Interest on said certificate of deposit shall be paid to the applicant, or its successors, but the terms of the certificate shall require that it remain on deposit during the period of the Coastal Permit.

34. **Water System:** Prior to the issuance of a coastal development permit, the applicant shall provide the Executive Director evidence of having obtained a new water system permit from the Monterey County Division of Environmental Health.

35. **Septic System:** Prior to the issuance of a coastal development permit, the applicant shall submit a detailed septic system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 Monterey County Code, and the Prohibitions of the Basin Plan, Regional Water Quality Control Board (RWQCB). The design shall meet the following criteria:

- a) Adequate setbacks from: 1) building/foundations, 2) property lines, 3) wells, 4) trees, 5) water lines and 6) down-slope embankments/cuts (slopes >30%);
- b) Structural engineering of drainfield for areas subject to vehicular traffic;
- c) Distribution and diversion designs;
- d) The designs shall be at a scale of 1" = 30' or better;
- e) Leachfields should be located on southwest-facing slope of property. (Specifically with respect to the location of septic tank, leachfield and leachfield reserve area, and connecting lines, such

plans shall concurrently be submitted for review and approval by the Executive Director, in relation to protection of environmentally sensitive habitat areas and other coastal resources.)

36. **Drainage Improvements:** Prior to issuance of a coastal development permit, the applicant shall submit engineered plans for surface and/or sub-surface drainage improvements to the Executive Director for review and approval. Such plans shall have been reviewed and approved by the Monterey County Director of Environmental Health and shall include mitigation of any potential septic system impacts from potential water ponding southwest of the proposed parking area. All improvements shall comply with the regulations found in Chapter 15.20 Monterey County Code and the Prohibitions of the Basin Plan, RWQCB.

37. **Drainage Plan:** Prior to issuance of a coastal development permit, three copies of a drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts to include oil-grease/water separators for the paved parking areas and detention facilities to mitigate the impact of impervious surface stormwater runoff based on specifications of Monterey County Water Resources Agency. These plans shall be submitted to the Executive Director for review and approval.

38. **Stormwater Detention:** The applicant shall construct the stormwater detention facilities in accordance with the approved drainage plans prior to obtaining building permits for the yurts, buildings and accessory structures.

39. **Stormwater Detention:** The applicant shall provide certification to the Monterey County Water Resources Agency and the Executive Director that the stormwater detention facility and other drainage improvements have been constructed in accordance with approved plans by a registered civil engineer or licensed contractor who constructed the facility prior to obtaining building permits for the yurts, buildings and accessory structures.

40. **U.S. Forest Service Approval:** Prior to issuance of a coastal development permit, the applicant shall obtain an Amendment to the Special Use Permit from the U.S. Forest Service to improve the access roadway, located in the existing access easement on the adjacent Los Padres National Forest property, in accordance with condition No. 48. A copy of such amended permit shall be provided to the Director of Planning and Building Inspection and the Executive Director of the Coastal Commission.

41. **U.S. Forest Service Approval:** Prior to the installation of project signage, the applicant shall provide evidence to the Executive Director that he has obtained a Special Use Permit from the U.S. Forest Service to construct name and directional signs to be located in the existing access easement on the adjacent Los Padres National Forest property. A copy of such permit shall also be provided to the County Director of Planning and Building Inspection.

42. **Caltrans Approval:** Prior to issuance of a coastal development permit, the applicant shall provide evidence that he has obtained an Encroachment Permit from the California Department of Transportation (Caltrans) to construct the standard road approach onto State Highway One. This will require the relocation of the existing cattleguard, which shall be the responsibility of the permittee. Permittee shall be liable for any damage that occurs as a result of any livestock that stray because of improper design, installation or maintenance of the replacement cattleguard. A copy of said permit shall also be provided to the Director of Planning and Building Inspection.

43. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. (California Department of Forestry)

44. The size of the address letters, numbers and symbols shall be a minimum of 3 inch letter height, 3/8 inch stroke and shall contrast with the background color of the sign. (California Department of Forestry)

45. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the roadway. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the roadway on which said address is located. (California Department of Forestry)

46. Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to the site. (California Department of Forestry)

47. Emergency water for wildfire protection shall be available and accessible in quantities and locations specified in these regulations, in order to attack a wildfire or defend property from wildfire. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available. (California Department of Forestry)

48. **Fire Safety:** Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. The access roadway width shall be constructed in accordance with the California Fire Code Section 902. As allowed by exceptions provided in Section 902, the minimum width of the access roadway shall be allowed to conform to the existing width of the access roadway based on other fire protection provisions. The roadway surface shall consist of all weather material. Where road grades exceed 8 percent, a minimum structural roadway surface thickness of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required (reference Condition No. 40).

49. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. (California Department of Forestry)

50. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. (California Department of Forestry)

51. **Access Road Radil.** No roadway turn shall have a horizontal inside radius of less than 50 feet.

52. The length of vertical curves in roadway, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. (California Department of Forestry)

53. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (California Department of Forestry)

54. Road way turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25 foot taper on each end. (California Department of Forestry)

55. (deleted)

56. (deleted)

57. Each dead-end road shall have a turnaround constructed at its terminus. (California Department of Forestry)

58. Gate Entrances shall be at least the width of the traffic lane, but in no case less than 12 feet wide. (California Department of Forestry)

59. All access roads shall maintain unobstructed vertical clearance not be less than 15 feet. (California Department of Forestry)

60. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table A-III-A-1, Uniform Fire Code (1994). A minimum of 180,000 gallons (1500 gpm x 2 hours) storage is required unless buildings are sprinklered. (California Department of Forestry)

61. **Fire Safety:** The development shall incorporate alternate fuel modification standards (or other measures such as fire hydrants, water storage tanks, sprinklers) to provide the same practical effect of a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road pursuant to condition #6.

62. **Fire Safety:** The development shall incorporate alternate fuel modification standards (or other measures such as fire hydrants, water storage tanks, sprinklers) to provide the same practical effect of trimming all flammable vegetation from within 100 feet of any building on the property. Any trees located within 100 feet of the building shall be limbed 6 feet up from the ground, and limbs within 10 feet of any chimney shall be removed. The applicant shall coordinate with the consulting biologist, Planning and Building Inspection Department and the California Department of Forestry and Fire Protection to ensure trimming the vegetation will not impact the health of environmentally sensitive Maritime Chaparral habitat consistent with condition #6.

63. All buildings on the property shall be fully protected with automatic fire sprinkler systems. The following notation is required on the plans when a building permit it applied for:

"The building shall be fully protected with automatic fire sprinkler systems. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for the fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection." (California Department of Forestry)

64. All buildings shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by National Fire Protection Association standard 72-1993 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing jurisdiction prior to requesting a framing inspection. All fire alarm systems inspections and accordance with Chapter 7 of NFPA 72-1993. (California Department of Forestry)

65. Where road grades exceed 8 percent, a minimum structural roadway surface thickness of 0.17

feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. (California Department of Forestry)

66. Due to excessive slope of access road and/or driveway or other mitigating factors, garages and small bathrooms shall be protected with fire sprinklers. Exceptions 1 and 3 of section 4-6 (Location of Sprinklers), NFPA Standard 13-D, 1989 Edition do not apply. (California Department of Forestry)

67. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be Class A, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired or modified so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel. (California Department of Forestry)

68. **Water Information:** The applicant shall provide to the Monterey County Water Resources Agency and the Coastal Commission Executive Director information on the water system to serve the project, including the location of all water wells on the property, any well logs available and the number of current hook-ups.

69. **Water Conservation:** The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:

a). All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.

b). Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices.

70. (deleted)

71. **Parking:** Prior to final building inspection/occupancy, the applicant shall install off-street parking and two loading spaces as shown on the approved plans subject to the approval of the Monterey County Planning and Building Inspection Department.

72. **Foundation Installation:** Prior to final building inspection/occupancy, the applicant shall provide certification by the geotechnical consultant that all structure foundations have been installed pursuant to the recommendations contained in the Geotechnical Investigation.

73. **Site Restoration:** Prior to final building inspection/occupancy, all previously cut and/or graded areas that are not proposed as part of the improvements for the campground facility shall be restored and revegetated with native grasses and plants in accordance with the Drainage and Erosion Control Report prepared by WWD Corporation, dated March 1999.

74. **Weed Control:** A weed control plan, emphasizing eradication of invasive exotic species such as genista and pampas grass, shall be implemented during and after construction.

75. **Landscape Plan:** Prior to issuance of a coastal development permit, the applicant



shall submit a landscape plan for Executive Director review and approval. The applicant shall provide evidence that the landscape plan has been reviewed by Monterey County landscape consultant. (Three copies of the landscape plan shall be provided to the Planning and Building Inspection Department.) The plans shall show the campground landscaped with appropriate drought tolerant, native grasses, plants and trees similar to, and compatible with, those of the surrounding environment. The landscaping plan shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping. The Landscape Plan shall incorporate the recommendations contained in the Biological Assessment for the property prepared by EMC Planning. Initial landscaping shall be installed prior to opening the campground.

76. (deleted)

77. **Landscape Maintenance:** The applicant shall develop a long-term permanent landscape screening tree program to maintain existing trees on the property and provide continued planting to ensure permanent screening of the proposed structures. The screening shall act as an extension of the surrounding native forest or chaparral areas. Planting of mature native trees to provide immediate visual screening may be required upon review and determination by the County landscape consultant and Director of Planning and Building Inspection or by the Executive Director of the Coastal Commission. The landscape screening tree program shall be incorporated into the Landscape Plan for the property.

78. **Landscape Monitoring:** The applicant shall enter into an agreement with a qualified biologist approved by the Director of Planning and Building Inspection to provide monitoring of the long-term landscape screening tree program to ensure adequate landscaping screening effectively blends the campground project with the surrounding environment. The monitoring program shall also evaluate weed control and the overall Landscape Plan for the property. A 5 year monitoring program shall be fully funded by the applicant, with the contract between the applicant and consulting biologist approved by the Director of Planning and Building Inspection. A report shall be provided to the Director of Planning and Building Inspection on an annual basis, detailing compliance of the long-term landscape screening tree program and subsequently submitted for Executive Director review and approval.

79. **Lighting Assessment:** Prior to final building permit/occupancy, a final lighting assessment shall be conducted in conjunction with the County Planning Division. Minor modifications to the approved Master Exterior Lighting Plan, to further reorient lighting away from State Highway One, should then be made, if applicable, and tested. The results of these tests and any modifications shall be submitted for Executive Director review and approval.

80. **Wastewater Generation:** There shall be no extensive food preparation or serving of meals on site which would result in a significant increase of wastewater. Any increase in planned food service (beyond that detailed in the General Development Plan) shall require review and approval by the County Division of Environmental Health with regard to wastewater disposal capacity.

81. **Landscape Maintenance:** All landscaped areas and replanted trees shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition to maintain the screening of the campground facility.

82. (deleted)

83. **Appurtenances:** The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Executive Director in consultation with the Monterey County Director of Planning and Building Inspection. The Executive Director may determine that a coastal permit amendment or separate coastal development permit is required for such facilities not shown on the original approved plans.

84. **Materials and Colors:** The approved materials and colors for the project shall consist of the following:

a) Yurts – fabric walls (light brown, forest green and putty green colors) with vinyl roof (light beige color) on wood platform and deck (dark brown);

b) Manager Unit/ Guest Services Building/Caretaker Unit & Employee Unit – Wood board o/board and shingles (weathered brown color) with wood fascia, beams & railings (dark brown) with metal roof (weathered copper);

c) Site Improvements – Rock walls, wood light fixtures, railings and sign posts (Planning and Building Inspection Department)

85. **Manager Unit:** The manager unit shall be maintained and occupied by the manager or property owner who will manage the campground facility.

86. **Employee Housing:** The two employee housing units on the property are subject to the following development standards of the *Big Sur Coastal Implementation Plan* Section 20.145.140.B.4.a:

a) The employee housing provided by the employer shall be available at a cost affordable to the development's low-to-moderate income employees;

b) The employee housing must be constructed prior to or concurrently with the proposed development;

c) The employee housing shall be constructed on the site or in the immediate vicinity of the development, such that an employee may walk to the job site;

d) Except for dormitories, the maximum size of an employee housing unit shall be 850 square feet.

87. **Wind System:** The wind power generation system shall be constructed in accordance with development standards for a non commercial wind energy conversion system contained in the Monterey County Coastal Implementation Plan, Part 1 Section 20.64.120.

88. **Obsolete Wind System Removal:** If the wind power generation system remains non-functional or inoperative for a continuous period of 1 year, the permit holder(s) shall remove said system from the property, at their expense. Removal of the system includes the entire structure including foundations, transmission equipment, and fencing.

89. *Non-function or lack of operation may be proven by reports to the State Energy Commission or by lack of income generation. The applicant, permit holder, and successors shall make available to the*

*Director of Planning and Building Inspection all reports to and from the purchaser or purchasers of energy from individual Wind Energy Conversion Systems or from the wind farm, if requested. (Planning and Building Inspection Department)*

90. **Obsolete Wind System Removal:** If removal of wind generation power system towers and appurtenant facilities is required and the applicant, permit holder, or successors fails to remove the towers and appurtenant facilities from the property within 30 days from the date of notification by the Director of Planning and Building Inspection or by the Executive Director of the Coastal Commission, the Director of Planning and Building Inspection may contract for such removal and pay for removal from the fund. The permit holder shall then have 90 days within which to replenish the fund. Failure to replenish the fund shall be a breach of the condition of the Coastal Development Permit and as such, voids the permit.

91. *If the County removes a wind generation power system tower and appurtenant facilities, it may sell the salvage to defray the cost of removal. By the acceptance of a Coastal Development Permit, the permittee or grantor grants a license to the County of Monterey to enter the property to remove a tower pursuant to the terms of the Discretionary Permit and to assure compliance with the other conditions set forth in the permit. (Planning and Building Inspection Department)*

92. **U.S. Forest Service Permission:** Any commercial public use of the existing Los Padres National Forest roadways or lands shall require the applicant to obtain an Outfitter Guide Permit. Documentation of said permit shall be provided to the Executive Director.

93. **Pine Pitch Canker:** The management and staff of the campground facility shall provide all firewood to be used on the project site. Burning of pine firewood shall not be allowed unless the source of the pine firewood is known to be free from pine pitch canker contamination.

94. **Public Use:** The campground facility may accommodate community meetings and swimming lessons at the guest services building at the discretion of the applicant, provided the meetings or swimming lessons will not conflict with the operation of the campground. Activities shall not exceed the capacity of the facility (parking for 29 vehicles and occupancy of 72 guests) as contained in the approved General Development Plan.

95. **Parking Plan:** The campground facility shall provide 29 parking spaces as follows:

TREEBONES CAMPGROUND PARKING PLAN	
Guest Parking	21 spaces, including two handicap spaces
Employee Units	2 spaces (1 covered)
Manager Unit	2 spaces (covered)
Public parking	2 spaces
Loading/Unloading/Off-site Employees	2 spaces
<b>TOTAL:</b>	<b>29 SPACES</b>

96. **Lighting Monitoring:** The management and staff of the campground facility shall continuously comply with the nighttime lighting operational program contained in the General Development Plan for the campground. An annual report shall be prepared by the applicant indicating the on-going status and success of the nighttime lighting operational program. The annual report shall be provided to the Director of Planning and Building Inspection and the Executive Director of the Coastal Commission during the month of January each year.

97. **General Development Plan:** Any changes in the use or activities of the Rural Community Center campground shall require an amendment to the General Development Plan. The Executive Director shall have the authority to review any changes of use to determine the permit(s) or permit amendments required and the appropriate decision-making body.

98. **Public Trails:** Public hiking trails and signage shall be provided leading from the main parking area to the public trails on-site, and signage shall be provided on-site directing campground guests and the public to any connecting trails and public access facilities on the adjacent U.S. Forest Service land. **Prior to issuance of a coastal development permit**, the applicant shall execute and record a deed restriction with the Monterey County Recorder's office which includes a legal description of the trails open to public use and a permanent commitment that they remain open to public use. The deed restriction shall also provide for future linkage between the on-site trail system and any future trail segments on public lands that are shown on the approved Access Management Plan submitted pursuant to Special #103 below. The deed restriction shall be subject to the approval of the Director of Planning and Building Inspection and the Executive Director of the Coastal Commission prior to recordation. The deed restriction shall include legal descriptions of the applicant's parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this permit.

99. **Limitation on Stays:** Overnight accommodations per individual party shall be limited to a maximum of seven consecutive nights for the tent camp sites, and a maximum of 14 consecutive nights for the yurts. Any repeat stays by the same party must not occur within a minimum of three days of the previous stay.

100. **Special Events:** Special events and community functions shall be non-consecutive and shall be scheduled during non-peak tourist season and at other appropriate times to ensure that these uses are subordinate to visitor-serving uses and occur when there is adequate space available at the campground to accommodate the events in order to avoid displacing visitor-serving uses.

Special events shall be limited as follows.

- Corporate retreats shall be limited to a maximum of 32 persons and shall occur a maximum of six times per year
- Youth group retreats shall be limited to a maximum of 64 persons and shall occur a maximum of two times per year

- Large bicycle tour groups shall be limited to a maximum of 64 persons and shall occur a maximum of four times per year (smaller bicycle groups using only a portion of the campground represent a visitor-serving use and are unrestricted).

101. **Swimming Pool Monitoring:** The applicant shall develop and implement a regular maintenance program for the swimming pool that includes detection and repair of incipient cracks or leaks. This maintenance program shall be continued throughout the operational life of the pool.

102. **Revised Employee Housing Plan:** Prior to issuance of the coastal development permit, the applicant shall submit for Executive Director review and approval a revised employee housing plan which covers all of the points required in *County Code* section 20.145.140.B.1.m. The Plan shall either show the continued need for all of the employee housing planned, or the plans shall be revised to reduce the amount of employee housing to a level commensurate with the need shown in the revised employee plan. The plan may be included within the required revised General Development Plan.

103. **Management Plan:** Prior to issuance of the coastal development permit, the applicant shall submit a management plan for operation of the campground consistent with its location adjacent to the Los Padres National Forest. The plan shall address concerns such as outdoor activities, pets, access, traffic, and parking, in order to avoid and manage any potential conflicts with habitat protection and recreational programs on the adjacent Federal land. Special attention shall be afforded to campground visitor access to Willow Creek Beach and Cape San Martin overlook to the north and to the Gorda store and elephant seal overlook to the south, to ensure the availability of off-highway pedestrian connections and the management of any impacts from their use. The plan submittal and updates shall include evidence of coordination with the U.S Forest Service. The plan shall be followed; failure to comply with the plan shall be considered a breach of coastal permit condition compliance. The plan shall be periodically updated, at least once every five years and the updates shall be submitted for Executive Director review and approval. This plan should be a component of the overall General Development Plan.

Prior to issuance of the coastal development permit, the applicant shall execute and record a deed restriction stating that "because of the sensitive location of this campground adjacent to Los Padres National Forest, its operation must be guided by a management plan prepared in consultation with the U.S. Forest Service. The management plan, which must be updated every five years, must be approved by, and is on file, with the California Coastal Commission." The deed restriction shall be subject to approval of the Executive Director of the Coastal Commission prior to recordation. The deed restriction shall include legal descriptions of the applicant's parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this permit.

## **VI. RECOMMENDED FINDINGS AND DECLARATIONS FOR SUBSTANTIAL ISSUE AND DE NOVO COASTAL PERMIT**

The Commission finds and declares as follows:

### **A. PROJECT DESCRIPTION AND LOCATION**

#### **1. Setting**

The proposed project is a visitor-serving facility in the southern portion of the Big Sur coast in Monterey County, near the Gorda store (See Exhibit 1). The currently vacant lot is 10.7 acres in size. The parcel fronts the inland side of State Highway Route One, and rises steeply from the edge of the highway. The building site is thus at an elevation approximately one hundred feet above the highway on a spot where the property levels off. This necessitates access by way of an improved entrance road off of Los Burros Road and Willow Creek Road. This proposed access route is located off of the property, on adjacent U.S. Forest Service land, which surrounds the subject property.

#### **2. Project Description: As Approved by the County, For Substantial Issue Analysis**

The project as approved by Monterey County and subject to substantial issue determination is to consist of 18 yurts (canvas-covered, wooden floor circular tent platforms); 3,386 sq. ft guest services/ bath house building with adjacent deck and swimming pool and spa; 24 space paved parking area; new well; 32,000 gallon water storage tank; septic and gray water collection system; propane and wind generator power system; golf cart path system (decomposed granite) and exterior site lighting; walking trails with benches at view points; 328 sq. ft. employee house; 3,308 sq. ft., two-story manager unit with attached garage; and 746 sq. ft. employee house. (see Exhibit 3)

#### **3. Revised Project Description: For De Novo Coastal Permit Approval**

After finding substantial issue, the Commission can approve a project that is consistent with the County Local Coastal Program. Thus, the following de novo coastal permit approval findings make reference to a revised project that the applicants have suggested. As will be more fully described in the permit conditions, the revised project will include five conventional tent campsites and only 16 yurts, five of which will not having running water nor linens provided. (see condition # 1 and Exhibit 6).

### **B. DENSITY**

#### **1. Local Coastal Program Provisions**

The local coastal program that governs the subject site includes the *Big Sur Coast Land Use Plan (LUP)* and the corresponding implementing ordinance provisions found in the *County Code*. With respect to this appeal, the most important provision is the *Plan's* Table 1 referred to by the appellants (see Exhibit 4). Also relevant is *County Code* Section 20.145.140.B.1.c.3 quoted in the following appellants' contention.

Another supporting *Land Use Plan* policy is:

5.4.3.E.3: Commercial development shall carry out the rustic character of Big Sur both in size, scale, activities, and design.

"Campground" is defined in Section 20.06.150 of the *County Code* as

...land or premises which are used, or intended to be used, let, or rented for transient occupancy by persons traveling by automobile or otherwise, or by transient persons using tents, recreational vehicle or similar quarters.

Section 20.145.140.B.1.c.5 states:

A maximum total of 300 inn/r.v. campground units may be approved after certification of the Big Sur Land Use Plan (Ref. LUP Table 1).

## **2. Substantial Issue Determination**

### **a. Appellant's Contentions:**

The appellants contend:

The *Big Sur Coast Land Use Plan* Table 1 sets the density standards. The site is located in what is mapped as a "Rural Community Center." Rustic campgrounds are allowed at 2 spaces per acre. Under the relevant definition, "RV campgrounds are distinguished from Rustic Campgrounds by utility connections, paved surfaces, etc. at each site."

The proposed project is to consist of 18 yurts with support facilities. Since the yurts will have wooden decks, fireplaces, hot and cold water plumbing with wash basins, propane stoves, utility connections, luggage transported to them by motorized carts, maid service, and will costs \$65 to \$120/night; since two of the yurts will be 720 sq. feet, which is almost the size of a small house; and since the site as a whole will have a kitchen that will allow the manager to prepare food to serve the guests, space for retreats or meetings, a store, and a swimming pool, the project much more closely resembles an inn or RV campground unit than a rustic campground.

The density for Inns and RV campgrounds is 1 unit per net developed acre. The site is 10.7 gross acres and is undeveloped. Under *County Code* Section 20.145.140.B.1.c.3, "The 'undeveloped' acres shall not include those areas which are undevelopable due to slopes of 30% or greater, hazards, or other development standards or LUP policies." According to information in the County's packet, at least 52.7% of the site is in slopes over 30% (part of the site, which appears to also be over 30% slope is not mapped for this calculation, thus in actuality the percentage appears higher than 52%). In any case, the net developable acreage is no more than 5 acres. At 1 unit per acre, the project should have a maximum of 4 to 5 overnight units. It is proposed for 18 "yurt" units.

Although the applicants have characterized their project as a "Rustic Campground," the County findings for approval state that, "it will provide a new type of accommodation between an upscale inn and the basic RV and Forest Service campsites." In Table 1's hierarchy, both RV campsites and inn units are treated the same; while "rustic campgrounds" are given priority through greater allowable density. This was done because the rustic style campsites are generally smaller scale, less-impacting, more in keeping with the wild character of the Big Sur Coast. Each rustic campsite takes up less space, does not require much in the way of landscape alteration, and can readily be retired or restored when it comes time to give the campsite a rest. In contrast, an inn unit or RV campsite involves substantial, permanent utility and structural features, and represents a more developed type of landscape alteration. Thus, even the County's own findings suggest that this project should fit in the "inn and RV campground" category rather than in the "rustic campground" category.

I contend that the project exceeds the maximum density allowed in the Monterey County Local Coastal Program. The County findings saying that the proposed 18 yurt units are below the maximum allowable clustered 30 inn units or 100 campground spaces on a 10 acre parcel is a misreading of the cited local coastal program policies. Given the amount of the parcel that exceeds 30% slope and the developed character of the proposed overnight accommodation, the actual maximum number of allowable yurt-units appears to be 5 or less.

#### b. County Action

The County approved 18 yurts on a 10.7 acre parcel within a mapped Rural Community Center. This equates to a density of 1.7 overnight units per gross acre and approximately 4 overnight units per net developable acre. The appellants' contention quoted above correctly characterizes the density finding that the County made. In a letter dated December 14, 1999 the County explained their finding (see Exhibit 5). They determined that a yurt was not in the same category as an inn because hotel and motel units do not include cooking facilities and do include bathrooms. The yurts, by contrast, have cooking facilities but no bathrooms. The County determined that a yurt was not in the same category as an RV campsite either.

The County approval findings do not focus on density, but rather emphasizes that the facility will provide moderately-priced, overnight accommodations in a location that is designated for such facilities. The County findings note that providing such facilities is encouraged by several *Plan* policies (see Exhibit 2).

#### c. Substantial Issue Analysis and Conclusion

The substantial issue question is not whether the facility is a worthy and appropriate use, but rather whether it meets the density requirements. This is important because excessive density connotes increased impacts on coastal resources. Thus, the analysis hinges on whether the project is a "rustic campground." If it is not a rustic campground, as the appellants contend, then it fails to meet the *Land Use Plan's* density provisions.

The evidence shows that, as approved by the County, it is not a rustic campground. Since the



project includes utility connections to the individual sites, it does not meet the local coastal program definition of "rustic." Furthermore, the Commission agrees with the appellants' contention that in total all of the features of the project remove it from any possibility of being considered "rustic." The distinctions (as compared to other inns) that the accommodation's walls are canvas instead of wood or stucco and that there is only a common lavatory are not sufficient to allocate to the project the extra density reserved for truly rustic campgrounds. The Big Sur coast contains both inns and campgrounds. The latter appear as what one would consider typical campgrounds: spaces to which visitors bring tents or RVs as well as their necessities to stay overnight.

The Commission is reluctant to set a precedent that the proposed facility falls under the "rustic campground" category. The County's approval could encourage existing campground owners to "upgrade" their facilities to resemble the Treebones proposal. The result would be a loss of traditional camping opportunities in Big Sur.

Furthermore, although visitor-serving facilities have priority under the Coastal Act, the fragile nature of the Big Sur coast and its constrained highway capacity have dictated that there be limits to overnight accommodations. Thus, the local coastal program sets a maximum of 300 new inn and RV campground units along the Big Sur coast. There is no overall limit for rustic campgrounds. Thus, calling a facility like Treebones a "rustic campground" can potentially render the overnight unit cap meaningless.

The Commission has no quarrel with the visitor-serving concept of the project – indeed, the yurts represent an innovative and intriguing design. However, the proposed project does not meet the density parameters of the *Land Use Plan*. Therefore, a substantial issue is raised by the contention that the proposal fails to conform to the *Land Use Plan's* density standard.

### **3. De Novo Coastal Permit Approval Findings**

There are three ways that the project can be brought into conformance with the density requirements of the local coastal program. One way is to reduce the density to four yurt units. The second way is for the applicant to acquire additional land and/or density credits to equate to the proposed density. The third way is to change the facility to be truly "rustic." The applicants have proposed revisions to make the project truly "rustic." They have suggested a modified campground as follows: five conventional campsites for tents (that visitors would bring); five yurts with 4 bunk beds and one futon (guests would bring own linens, no running water); nine furnished yurts with one queen bed and one futon (guests would be provided linens; hot and cold water spigots); two larger furnished yurts with one queen bed and two futons (guests would be provided linens; hot and cold water spigots).

The Commission finds that this overall mix can be considered "rustic." As noted, the LCP has a limited definition of rustic. Following are some attributes that can make a campground "rustic" along with an analysis of how the revised project accomplishes these:

"RUSTIC" ATTRIBUTES	HOW REVISED PROPOSAL COMPLIES
No utility connections to each site (inferred from the LCP)	No electricity will be provided to the five tent sites; no hot and cold running water will be provided to the five individual tent sites and five of the yurts.
No paved surfaces to each site (inferred from the LCP)	Only paths to each site from common parking lot; paths to be decomposed granite or dirt.
No "RV" spaces (from LCP)	There are no "RV" spaces
"Pertaining to or living in the country, rural" (Webster's Dictionary)	Yurts are associated with rural (if exotic) landscapes; they trace their origins to the Mongolian steppe
"Organic" rather than "techno" outward appearance; features simple natural or flexible materials, rather than rigid or complex structural elements.	The outward appearance of the yurts, being canvas, resembles the appearance of tents that campers bring (to some degree).
Smaller scale; takes up less space. Together, a standard campsite's tent space (120 sq.ft.) , picnic table (32 sq.ft.), and fireplace (9 sq.ft.) add up to only 161 sq.ft. of occupied space.	Yurts do not meet this "smaller-scale" test: The yurts at 314 square feet (and two at 720 square feet) are more comparable to the size of inn rooms, although the trend in recent hotel permits has been for larger rooms. The five tent campsites do meet this test.
Landscape can readily be retired or restored when it comes time to give the campsite a rest	Both the yurts and their foundations are removable
Less impacting; e.g., less water use.	Since no water will be provided to the five individual tent sites and five of the yurts and there are two common restrooms for the entire complex; water use should be less than for an inn. There is a swimming pool; however, many campgrounds have pools.
Patrons bring own shelter	The five individual tent sites provide partial compliance.
Patrons bring own bedding	The five individual tent sites and five of the yurts have this feature.
There is no private bathroom for your room or shelter.	None of the sites would have a private bathroom; therefore this test is met.

On balance the preponderance of criteria that could go into defining "rustic" would apply to this

project. Most telling, none of the units would have private bathrooms. And, overall the resource impacts from the revised project would be more similar to those from a traditional campground, rather than to those from an inn or comparable facility.

The next concern that has to be addressed is whether such approval will be precedential to the extent that an adverse situation is created which runs counter to the objectives of the *Big Sur Coast Land Use Plan*. There are two aspects to consider: other projects coming in at the higher densities reserved for "rustic campgrounds" and proliferation of yurts or similar structures at the expense of tent campgrounds

Regarding the first point, increased density that runs counter to the objectives of the *Big Sur Coast Land Use Plan* is not a significant possibility. A review of the densities of existing campgrounds in other Rural Community Centers of Big Sur reveals that they already exceed the density that they would be allowed were they to come in as new applications today for rustic campgrounds. Most of these campgrounds already allow RV's.; Thus they are in a sense grandfathered at a higher density than if they were tent sites only. Therefore, the categorization of yurts (mixed with some conventional tent sites) as "rustic" (for density purposes) as opposed to being considered in the inn or RV category should not make a difference. There would be no increase in density permitted over what is already present on these sites.

Regarding the second point, a proliferation of yurts at the expense of tent campsites, this approval assures that the latter will not be completely eliminated. To the extent that this action is viewed as precedential, any other yurt or similar campground proposals on land in Rural Community Centers not currently providing overnight accommodations, would be expected to provide a mix and range similar to the conditions imposed on this project.

As to possible applications to convert existing campgrounds with tent spaces to yurt accommodations, each project would have to be examined on its individual merit. The *Big Sur Coast Land Use Plan* currently has no explicit policy favoring campgrounds over other accommodations in Rural Community Centers. The merits in retaining camping spaces are their aesthetic appeal and affordability. With regard to aesthetics most campgrounds already allow for RV's; they are not exclusively for tents. Yurts have their own aesthetic appeal. As the above findings indicate a mix of yurts and tent campsites do retain a rustic appearance in character with the Big Sur Coast. As to lower cost, yurts could likely command a higher price than tent or RV sites. However, the local coastal program can not control prices and does not prohibit conversion of campsites to inn or other potentially higher cost visitor facilities. It does have some provisions requiring lower cost components within new higher cost facilities. The revised project will have just under half the units of a design (five tent spaces and five bring-your-own-linen yurts out of 21 total units) that would be conducive to charging the price in line with that a conventional campground would charge. Nevertheless, there will no doubt still be a segment of the population which prefers bring-your-own-tent camping over other forms. This will warrant consideration if there is a trend in applications away from satisfying this demand.

In addition to being allowed in "Rural Community Centers," "rustic" campgrounds are allowed in "Watershed and Scenic Conservation," "Outdoor Recreation," and "National Forest" land use designations. The "Watershed and Scenic Conservation" designation allows Inns and RV campgrounds as well, at generally the same density as "Rustic Campgrounds" (1 site per 20 acres). Thus, for that designation there would be little precedent in calling a yurt "rustic" as opposed to being in the Inn/RV category. However, no other overnight accommodations are

allowed in the other two designations other than hike-in and environmental campsites and hostels (up to 50 total beds in Big Sur). Thus, to some extent this approval could be viewed as a precedent for condoning yurts in these areas. However, the Commission is approving this project precisely because it is located in a Rural Community Center, not in one of these other designations. The *Land Use Plan* text describing the "Outdoor Recreation" designation defines allowed uses as walk-in camping and tent camping (5.3.4). Additionally, the Commission is retaining the principle that there must still be some tent sites within a "yurt" complex. Furthermore, these two designations currently are mainly applied to State Parks and National Forest lands respectively, meaning that these two public owners will have say over what type of "camping" facilities they desire on their lands.

In conclusion, the Commission action should not be viewed as precedential for allowing all of Big Sur's potential for visitor-serving accommodations to be developed as yurts or similar facilities. The Commission finds that this approval is limited to the particular circumstances of the project (including its mix of different overnight options) and its location (a new project on an undeveloped parcel in a designated Rural Community Center), and in no way should be viewed as a precedent for other such proposals, especially not conversions of existing tent campgrounds. Each future application must be judged on its individual merits in light of the resulting overall mix and balance of accommodations along the Big Sur coast.

Furthermore, tipping the balance in favor of approval for this particular project are the following factors:

- Most importantly, perhaps, the project, as conditioned, will result in no significant resource impacts.
- The project provides a unique type of overnight accommodation in the Big Sur Coast area consistent with the overall innovative and artistic attributes often associated with the Big Sur community; it increases and broadens the available mix;
- The project will provide public amenities in the form of parking and trails; and community use of the pool and meeting room;
- The project will provide lower-cost facilities compared to inns; the applicant indicates that the approximate price range will be \$15 to \$20 per night for camp sites and \$40 to \$80 per night for yurts.
- There is a need for overnight accommodations in the Big Sur Coast area.

In conclusion, as conditioned for the noted mix of facilities, the project can be considered a rustic campground for the limited purpose of meeting the density requirements of the local coastal program for locations within a Rural Community Center, and therefore is consistent with the density standards contained in *Big Sur Coast Land Use Plan* Table 1.

## C. EMPLOYEE HOUSING

### 1. Local Coastal Program Provisions

Section 5.3.2 of the *Big Sur Coast Land Use Plan* provides:

In the portions of the Lucia, Gorda, and Pacific Valley areas delineated as Rural Community Centers, residential development should be avoided altogether, again, because of limited available land.

However, policy 5.4.3.1.2.b distinguishes and requires employee housing:

Require that as a condition of all permits related to ...the construction of new facilities that employee housing be constructed on-site, or in the immediate vicinity, and be made available to low and moderate income employees... Such housing must be provided prior to or concurrent with the proposed development, and must be permanently linked to the visitor-serving use through appropriate binding guarantees. Maximum size per newly-constructed employee housing unit (other than dormitories) shall be 850 square feet. The maximum number of such new housing units shall not exceed one per inn unit or one per six restaurant seats.

The requirements are amplified in Section 20.145.140.1.m of the *County Code* :

Applications for commercial development, including new or expanded recreation, restaurant and other visitor-serving facilities shall include an "employee housing plan", to be required and submitted prior to the application being considered complete. The plan shall include the following:

- 1) number of total employees, shown on a month-by-month basis if seasonal fluctuations are expected;
- 2) breakdown of the number of employees according to seasonal/permanent status, job category, and wages, shown on a month-by-month basis if seasonal fluctuations are expected;
- 3) number of employees per shift, including the largest shift during the peak season;
- 4) number of employees to be housed on the parcel to be developed, elsewhere in the Big Sur area, and outside of the Big Sur area;
- 5) number of employees to live in both off-site and on-site housing as provided by the employer;
- 6) description of on-site and off-site employee housing to be provided by the employer, including location of the housing, type of accommodations, number of rooms or units, and cost to the employee; and,
- 7) number of employees, as a total and on the largest shift during the peak season, who will be commuting by car to the place of employment. (Ref. Policy 5.4.3.C.9)

## 2. Substantial Issue Determination

### a. Appellant's Contentions:

The appellants contend:

County Code section 20.145.140.B.1.m also requires a detailed employee housing plan to be prepared for new visitor-serving development in the Big Sur coastal zone . The housing plan submitted says that the facility requires six employees: 3 managers, 2 maids, and 1 laborer. It is not to the level of detail specified by the Code section, including breaking down employees by season, status, and shift.

The application includes three employee housing units of 328, 746, and 3,308 square feet, the former two for staff and the latter for a manager. County Code Section 20.145.140.B.4.a(4) states that the maximum size of an employee house shall be 850 square feet. Clearly, one of the units far exceeds this size limit. Part of the reason for this excess is that the house's kitchen serves as a campground kitchen to serve breakfasts to visitors. However, that function, as described above, is further evidence that this facility is not a rustic campground. There are allowances for employee housing units over 850 square feet if they are dormitory style accommodations. In that situation each 850 square feet counts as one employee unit (Code Section 20.64.080.F). However, the largest structure is not designed as a dormitory for four employee units, but rather as a large single family residence. Earlier versions of this proposal characterized this structure simply as a house (for the campground manager). Residences not tied to commercial facilities, however, are not allowed uses in these very limited rural community center areas.

### b. County Action

The County approval included two employee housing units of 328 and 746 square feet and a managers unit of 3,308 square feet. Some of the relevant findings that the County made were:

An employee housing plan has been prepared for the campground project...

The manager unit will house the campground manager or property owner who will operate the campground.

All uses and activities (guest services building, manager unit and two employee housing units) related to the function of the campground are appropriate under the RCC [Rural Community Center] land use designation (see Condition No. 11).

The manager unit will contain administrative/reservation functions in conjunction with the guest services building. The industrial kitchen of the manager unit will provide limited food service ...to campground guests,... The manager unit will also function as housing for the property owner/manager who will manage the campground.

Residential development is allowed in the Big Sur Valley RCC, but discouraged in the Lucia, Gorda and Pacific Valley RCCs because of limited available land.

The referenced condition requires a deed restriction to limit conversion or modification in use of the manager unit or employee housing units. The referenced employee housing plan is found in the General Development Plan:

The campground will employ approximately six staff members during the year-round operations, including a general manager, administration/reservations manager, operations manager, two maids, and a general laborer. The owners will fill the roles of the general manager and administration/reservations manager and will live in the manager's unit. The operations manager will live in the caretaker residence. The general laborer and two maids will live off-site.

Additionally County condition #26 requires that the employee housing be constructed concurrently with the overnight visitor project components. County condition #85 requires that the manager unit actually be occupied by the facility's manager. Condition #86 sets requirements on the other two employee housing units to ensure that they are in fact true employee housing units. Since the final County approval contained these two employee units, it may be assumed that either the laborer or maid will also be living on-site.

#### c. Substantial Issue Analysis and Conclusion

The substantial issue analysis revolves around the size of the manager's unit. On its face it is clearly much larger than the maximum 850 square feet. The County and applicants have argued that because it will be used for campground functions in addition to residential use, the increased square footage is acceptable. However, a review of the house plans does not reveal any distinct portion of the structure for non-residential use. It simply appears as a single-family dwelling. Therefore, a substantial issue is raised by this contention.

### **3. De Novo Coastal Permit Approval Findings**

The applicants have provided a further analysis and justification for the size of the manager's house noting that it is really 2,780 square feet. The remaining area is for a garage that provides parking for campground vehicles. Since the local coastal program does not expressly state that any garage area must be included within the maximum allowed area for employee housing, the 2,780 figure can be accepted as the manager's house size. Additionally, 240 square feet is for a commercial kitchen that could be used for food preparation for light food service for patrons. Furthermore, the applicant has indicated that there will be three family members working at the campground, which equates to slightly less than 850 square feet per person, excluding the commercial kitchen. The applicant has indicated that if the property is sold to operators who are not a family, then the manager's unit will be converted to typical dormitory-style employee housing. These concepts are included in condition #11 and in the revised General Development Plan, which will become part of the final approval. Additionally, because the originally submitted employee housing plan did not cover all of the points required in *Code* section 20.145.140.B.1.m in detail and because this revised concept means that housing will now be provided for at least five employees, the housing plan needs revision (see condition #102). As so conditioned and as further conditioned to retain the essence of the other cited County conditions, the project is consistent with the cited employee housing policies of the local coastal program.

## D. VISITOR-SERVING AND PUBLIC ACCESS COMPONENTS:

### 1. Local Coastal Program Provisions

The subject site is located in an area zoned "Visitor-Serving Commercial." In addition to the visitor-serving policies quoted in the findings above, the following *Big Sur Land Use Plan* policies are relevant:

5.4.3.E.1: Development of new commercial uses serving community and visitor needs be directed to the existing Rural Community Centers of the Big Sur Valley, Lucia, Gorda, and Pacific Valley...

5.4.3.E.6: Commercial facilities shall be aimed at serving both local residents and the visiting public. Businesses intended to serve solely local residents are discouraged.

The following *County Code* section excerpts are also relevant:

#### 20.22.030 GENERAL DEVELOPMENT PLAN

A. A General Development Plan shall be required prior to the establishment of any development in the Visitor-Service Commercial District ...

B. No new development, change or expansion of use, or physical improvements may be approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan...

D....The plans shall address the long range development and operation of the facilities including physical expansion and new development, operational changes, circulation or transportation improvements...

Finally, where public access is to be provided an access management plan is required pursuant to Big Sur Coast Land Use Plan policy 6.14.7 and corresponding Code section 20.145.150.A.1.

### 2. Substantial Issue Determination

#### a. Appellant's Contentions:

The appellants contend:

Visitor-serving projects, such as proposed, require overall development plans; one of which was submitted and conditioned that any changes need further County review. However, the overall development plan calls for some quasi-visitor uses, such as corporate and school events. Any changes in uses or activities require further approval. However, this plan mentions a general amount of such events annually, but is not specific enough as to how many special events can be held during the year. Given this ambiguity and the fact that no time limits are specified for guests, whether this facility will truly function as a visitor-serving use (regardless of changes in ownership) is questionable.



### b. County Action

The County approval includes the following findings:

The General Development Plan prepared for the proposed moderate intensity recreational campground as required by the Monterey County Coastal Implementation Plan (Part 1-Section 20.22.030.a) is consistent with the Big Sur Coastal Land Use Plan and Big Sur Coastal Implementation Plan.

...All uses of the campground are described in the [General Development] plan.

Rural Community Centers are to provide a spectrum of functions for both the visiting public and for residents of the adjoining rural areas...

The applicant intends to offer the guest services building as a gathering place and the swimming pool for lessons to the local residents of South Coast, Big Sur.

Use of the facility for community meetings and/or swimming lessons will not conflict with the operation of the campground (see Conditions Nos. 11, 94 & 97).

### c. Substantial Issue Analysis and Conclusion

The substantial issue question involves whether the facility is truly visitor-serving; since, if it is not; then the use and/or density, might not be consistent with the *Land Use Plan*. The appellants note that certain project aspects as described in the General Development Plan may somewhat restrict the general public from using the project, especially if they become dominant. However, the General Development Plan anticipates that such uses will be infrequent. Hence, they should not conflict with the intended operation of the site as an overnight accommodation available to the travelling public. The General Development Plan could be more precise as to limitations on uses that are not exclusively visitor-serving. However, the appellants' concerns are to some extent addressed by the fact that the General Development Plan is approved by the County as part of the permit. Thus, if the facility started having more private type stays than noted in the General Development Plan, it would be in violation of the permit. Taken together, the General Development Plan and the County's findings send a fairly clear message that the facility is primarily visitor-serving.

Another factor to consider is that the Rural Community Center allows almost every type of use allowable in the Big Sur Coast LUP. Certainly, allowing community use of the guest services building and the swimming pool is consistent with the site's designation as a "Rural Community Center." Even a more private-oriented retreat facility would not necessarily be inconsistent with the *Big Sur Coast Land Use Plan* (e.g., the *Esalen Institute*). At issue would be conformance with the LCP's density standards, since such a retreat facility would not be allowed at the proposed density.

In conclusion, this contention does not raise a substantial issue, separate from the density issue addressed in the previous Findings.

### **3. De Novo Coastal Permit Approval Findings**

The County's approval could be further clarified in regard to provisions found in the General Development Plan that relate to non-visitor-serving aspects of the operation. These

clarifications should include specifying maximum stays (so the units do not become *de facto* residences) and limiting special event size, frequency, and times (so as not to conflict with the visitor-serving use of the property). (see special conditions # 99 and 100). Additional conditions require Executive Director approval of the General Development Plan and any future changes. (special conditions # 1 and 97)

Furthermore, the project has been revised to clarify that the trails to be developed on-site (except the paths leading directly to the visitor units) will be open to public use and two public parking spaces will be provided (special conditions # 95 and 97). However, as currently designed these trails do not extend to the property's boundaries with surrounding U. S. Forest Service land.

It can be assumed that the campground visitors will not remain on site for the duration of their stay. They are likely to seek out and utilize nearby beaches and recreational facilities, such as Willow Creek Beach, Cape San Martin overlook, Gorda elephant seal overlook, and Gorda Store. At present there are no trail connections available to reach these destinations, thereby requiring campground visitors to rely on Highway One. If visitors use their automobiles, they will cumulatively contribute to congestion on Highway One and crowding of the limited improved parking area at Willow Creek Beach. If they walk, they will be exposed to highway traffic hazards.

The highway shoulder in this vicinity is quite narrow and undesirable as a pedestrian trail. Trail alignment opportunities seaward of the highway are problematic due to steep, unstable bluff faces. In order to provide a non-motorized experience off of the highway and reduce potential traffic congestion in the area, trail connections can easily be developed from the proposed on-site trail network to these adjacent areas. There are feasible alignments for such trail connections, including the old Coast Trail, which fell into disuse after the completion of Highway One. A reestablished trail in this area could serve as a link in the overall California Coastal Trail. However, coordination with the U.S. Forest Service will be required to determine exact locations of the connections on the subject site. Therefore, it is appropriate for the campground owner to coordinate with the Forest Service on issues such as future trail location and connections, actual establishment of the trail(s), and on-going management.

Although providing enhanced access opportunities for campground visitors is desirable and supportable by LCP access policies, there is also the potential for impacts on Forest Service land, including Willow Creek beach, from the increased use. Therefore, the management of the campground facility needs to occur in a manner that is cognizant of and respectful of the adjacent public lands (e.g., with regard to pets, trash collection). The *Big Sur Coast Land Use Plan* and corresponding *Implementation Plan* provisions address this concern by always requiring an access management plan as part of opening areas to public access.

As conditioned to require preparation and adherence to an access management plan (pursuant to Special Condition # 1) to require coordination with the Forest Service (Special Condition # 103), and to ensure that the public trails remain permanently available (Special Condition # 98), in addition to the County conditions mentioned above, and also for the reasons mentioned in the above substantial issue findings, the proposed project is consistent with the cited visitor-serving and access provisions of the local coastal program.

## E. VISUAL IMPACT

### 1. Local Coastal Program Provisions

The County cites the following objective of the *Big Sur Coast Land Use Plan* as governing:

2.2.4....The County's basic policy is that future land use development on the Big Sur coast shall be extremely limited, in keeping with the larger goal of preserving the Coast as a natural scenic area. In all cases, new land uses must remain subordinate to the character and grandeur of the Big Sur coast. All proposed uses, whether public or private, must meet the same exacting environmental standards and must not degrade the Big Sur landscape.

The Key Policy of the *Big Sur Coast Land Use Plan* states in part:

3.2.1: Recognizing the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote the restoration of the natural beauty of visually degraded areas wherever possible. To this end, it is the County's policy to prohibit all future public or private development visible from Highway 1 and major public viewing areas [i.e., the critical viewshed]...This applies to all structures, the construction of public and private roads, utilities, lighting, grading and removal or extraction of natural materials.

The following *Plan* policy 3.2.2 defines "critical viewshed" as "everything within sight of Highway 1 and major public viewing areas including turnouts, beaches..."

When the Local Coastal Program was approved, some carefully crafted exceptions to the critical viewshed building prohibition were included. The subject site is in a mapped "Rural Community Center" (Gorda) which is governed by the following :

#### 3.2.5 Exceptions to the Key Policy

##### A. Rural Service Centers

Development within the following Rural Community Centers--Big Sur Valley, Lucia, Gorda, and Pacific Valley, as well as at Rocky Point Restaurant, Big Sur Inn, and Coast Gallery - provide essential services to the community and visiting public, and shall be permitted under careful design and siting controls as provided for in the County Zoning Ordinance (Title 20 of the County Code) and by Policy 5.4.3 of this Plan.

The referenced ordinance standards are *County Code* Section 20.145.030.C.2:

- a) All structures... shall be designed and sited so as not to detract from the natural beauty of the undeveloped skylines, ridgelines, and the shoreline;
- b) Buildings shall be located so as to minimize their visual impact upon public views as well as the views and privacy of neighbors. New structures shall be located on that portion of a parcel least visible from public viewpoints.

New structures shall be located where existing topography or trees provide natural screening and shall not be sited on open hillsides or silhouetted ridges. Sties shall not leave excavation scars or slope disturbance. Structures and access roads shall be designed to minimize alterations of the natural landform and to avoid, insofar as feasible, removal of healthy tree cover.

c) New development shall incorporate appropriate material, colors, or other techniques in order to blend with and be subordinate to its surrounding environment. Modifications shall be required for siting, structural design, size, shape, color, textures, building materials, access, and screening, where such modifications will provide for greater blending with the surrounding environment ;

d) Landscape screening shall be required as a condition of project approval where needed to mitigate a development's visual impact upon public or private views. The screening materials shall consist of plant species similar to and compatible with those of the surrounding environment. In addition, the screening shall, wherever possible, act as an extension of surrounding native forested or chaparral areas ;

e) New structures shall be sited so as to avoid the construction of visible access roads and minimize the extent of environmental and engineering problems resulting from road construction...

Also, relevant is Section 20.145.140.B.1.b of the *County Code*:

Expansion and development of recreation and visitor-serving facilities, including restaurant and over-night facilities, shall be compatible in scale and nature with the rustic, small-scale, outdoor recreation character of Big Sur. As such, development shall be modified as necessary in order to meet the following standards:

- 1) Building materials shall be natural, including wood (and stone) wherever possible and shall also utilize earth-tone colors.
- 2) Tree removal and grading shall be minimized to that which is necessary for accommodation of the main and accessory structures. Where there are alternatives to development which minimize tree removal and/or grading the development proposal shall be modified as necessary, such as in location, siting, size, design, and bulk, in order to incorporate the alternative.
- 3) The design, size, scale and bulk of the proposed structure shall be comparable to existing structures in the area and clearly subordinate to the surrounding landforms.
- 4) Maximum building height may be two stories, subject to site constraints. The two-story height may be required to be decreased or allowed to be increased upon action of the decision-making body, where the height alteration is needed to and/or able to meet the resource protection standards of the ordinance and policies of the land use plan.

Also relevant is Section 20.145.030.A.2.g of the *County Code*:

Landowners shall be required to grant scenic easements to the County over portions of their land in the critical viewshed, as a condition of permit approval. To this effect the owner or applicant shall submit a "Critical Viewshed Map" for the Planning Department's approval prior to the application being determined complete. The map shall delineate those portions of the parcel which are in the critical viewshed as defined in Section 20.145.020.V. The scenic easement over those areas shall be required as per Section 20.64.280. (Ref. Policy 3.2.3.A.8)

## **2. Substantial Issue Determination**

### **a. Appellant's Contentions:**

The appellants contend:

Because this project is located in a "Rural Community Center" it is exempt from the local coastal program critical viewshed policy to not build in view of Highway One. Instead, it must follow a set of design standards in *County Code* Section 20.145.030.C2. By and large, these standards are met by the approved project. However, the density of the development is such that there will some unavoidable visual impact. If the density were reduced to be consistent with the *Land Use Plan* Table, then the project could be designed in a manner that would result in less visual impact. Furthermore, although this project is located in a "Rural Community Center," it is at the edge of the "center" on an undeveloped parcel almost a mile away from the Gorda store. Therefore, a lower intensity and careful design are warranted.

### **b. County Action**

The County approval will result in some of the yurts being visible from Highway One. The County findings note that on-site staff inspections along with a combination of staking with flags, photo-simulation, and video photography were used to visually assess the campground project and that changes were made from the originally submitted design to address visual concerns. The County also made the following findings with regard to visual impact:

The campground has been designed to be subordinate to the rural and natural environment of Big Sur, blending with the existing topography and vegetation of the property.

...This [Rural Community Center] zoning and designation allow the use to be located within the critical viewshed of State Highway One under careful design. The proposed campground is a small facility... Structural coverage of the site accounts for only 2.9% of the entire 10.7 acre parcel. The campground is designed at an appropriate scale with minimal site disturbance and grading to the natural landscape. The project scope of work includes retaining all existing trees

for screening and use in natural materials and earth-tone colors to visually blend the campground into the rural and natural environment of Big Sur (see conditions Nos. 6, 8, 18 & 19).

The referenced conditions address retaining tree screening as part of any fuel reduction program, County approval of landscaping, and protection of native trees during construction.

The County made specific findings of conformance with all of the cited subsections of Code Section 20.145.030.C.2, with one exception. The findings note that the least visible portion of the property (east side) is not suitable for habitable structures due to geologic hazards identified on the parcel. (see Geotechnical Issues finding VI.H.3 below)

With regard to lighting, the County found,

The project exterior lighting program will reduce the campground nighttime visual impacts as viewed from State Highway One, consistent with the primary land use object for development in Big Sur: "New land uses must remain subordinate to the character and grandeur of the Big Sur coast. All proposed uses, whether public or private, must meet the same exacting environmental standards and must not degrade the Big Sur landscape" (BSLUP Policy 2.2.4).

A Master Exterior Lighting Plan has been developed for the campground to significantly reduce nighttime lighting by design, number, location, wattage and orientation of the light fixtures (see Condition Nos. 22 & 23).

Exterior lighting for the grounds, outside buildings, parking lot and pathways of the campground are designed to provide the minimum lighting recommendation for personal safety established by the Illuminating Engineering Society.

An innovative nighttime lighting mitigation program shall be incorporated into the operation of the campground facility. All outside window flaps of the yurts and interior curtains in the guest services building shall be closed in the evening, to reduce nighttime lighting. While this proactive approach to reduce nighttime lighting and glow of the project will not eliminate all exterior lighting, the program shall ensure that the campground remains subordinate to the rural nighttime character of Big Sur (see Condition Nos. 25 & 96).

All interior lighting of the yurts, guest services building, manager unit, two employee housing units shall be recessed where possible and oriented to direct light away from windows, doors and skylights (see Condition No. 23).

The County shall conduct a final lighting assessment for minor modifications to the approved Master Exterior Lighting Plan. If applicable, further reorientation of lighting away from State Highway One may be required (see Condition No. 79).

The referenced conditions are shown in Exhibit 2.

### c. Substantial Issue Analysis and Conclusion

The local coastal program requires that within the Rural Community Centers, impacts on Big Sur's highly scenic visual resources be minimized. Whether a substantial issue is raised with regard to visual resource issues involves density considerations. For the proposed project, the County did require that impacts on the public viewshed be mitigated with respect to the number and size of units proposed by applicant, as described above. However, as found, the approved density went beyond the LCP's maximum. In doing so there was a resultant greater visual impact than may have occurred had the project been smaller. The County's action did not take into account that a reduction in density would be an appropriate means of (potentially) reducing such visual resource impacts. Therefore, a substantial issue is raised.

### **3. De Novo Coastal Permit Findings**

In order to meet the density requirements as well as to provide lower-cost accommodations, a revised project is being approved. The revisions eliminate two yurt units. These are among those most prominently visible from Highway One. Only four yurts, the manager's house and the guest services buildings will remain within the public viewshed. With the proposed tree screening, they should be hardly noticeable. Exhibit 7 illustrates how the project will minimize the visual impact upon the public view, in compliance with cited Code section 20.145.030.c.2.

To protect the remaining portion of the critical viewshed in an undeveloped appearance, a scenic easement is required pursuant to Section 20.145.030.A.2.g of the *County Code* (see condition # 5).

In addition to the cited conditions noted in the above substantial issue discussion, condition #24 addresses design of the solar lighting panels; conditions #77, 78, and 81 address long-term vegetation screening; condition #83 addresses siting for appurtenant facilities; and condition #84 addresses materials and colors. Together all of these conditions will help ensure that the cited visual policies are satisfied. Thus, the essence of all of these conditions is retained in this approval. As so conditioned, and for the reasons noted in the substantial issue findings, the proposed project is consistent with the cited visual resource protection provisions of the local coastal program.

## **F. WIDENED ACCESS ROAD**

### **1. Local Coastal Program Provisions**

In addition to *County Code* Section 20.145.030.C.2.b cited above, the following policies from the *Big Sur Coast Land Use Plan* are relevant:

5.4.K.2. New private roads shall meet the following criteria, in addition to meeting all other resource protection policies of this Plan:

a) Such roads shall be able to accommodate emergency vehicles, particularly fire equipment, while permitting residents to evacuate the area.

b) Appropriate planting of exposed slopes and submittal of detailed

drainage and erosion control plans shall be conditions for issuance of a permit for such roads.

c) A qualified biologist shall certify that any environmentally sensitive habitats present will not be harmed.

d) A qualified engineer shall certify that potential erosion impacts from road construction shall be adequately mitigated (i.e., the proposed road construction will not induce landsliding or significant soil creep, nor increase existing erosion rates). Mitigation measures shall not include massive grading or excavation or the construction of protective devices that would substantially alter natural landforms.

e) New roads across slopes of 30 percent or greater shall not be allowed unless:

1. No feasible alternative exists;
2. The proposed design of the road on balance better achieves the overall resource protection objectives of this Plan.

5.4.K.3. The County shall require 12-foot width for roads serving new residential development, including both minor subdivisions and isolated single-family dwellings. Narrower residential roads should be allowed only where adequate turnouts are provided at frequent intervals to the satisfaction of the Department of Forestry and the U.S. Forest Service, where applicable. Greater roadway widths may be necessary to accommodate clustering of residential units, or where non-residential use is permitted, provided that all criteria of Policy 2 above are met. The standards for private rural roads set forth in the County's Subdivision Ordinance should serve as guidelines for road requirements.

## **2. Substantial Issue Determination**

### **a. Appellant's Contentions:**

The appellants contend:

The site's access is off of a US Forest Service road; this service road in turn is accessed from Highway One by Los Burros Road. Conditions of the County permit approval require that the roads from Hwy. 1 to the site to be improved and widened to 20 feet from their present 12 feet or so. Los Burros Road is a County-maintained road on Forest Service land. There is a maintenance agreement between the County and the Forest Service. The applicant would have to seek permission from the County to do work on the road who in turn would need to discuss with the Forest Service whether the work fell under the terms of the maintenance agreement or whether the agreement would have to be modified to allow the widening. The applicants have a special use permit to use the service road on Forest Service land to access their property. Again, they would have to obtain an amendment to this permit to allow the road to be widened. None of this



has been accomplished nor even analyzed to date. There was no environmental review of the road widening. Thus, *Big Sur Coast Land Use Plan* policy 5.4.K.3 directing that all criteria of policy 5.4.K.2 (e.g., biological and engineering assessment) be followed for greater than 12-foot roadway widths, has not been satisfied. Additionally, were the required environmental assessment of the road widening performed, other policy inconsistencies might be revealed.

#### b. County Action

The County action on this issue is ambiguous. County condition # 48 clearly says that a 20 foot wide access road is required. Conditions # 49 through #59 and #70 all govern road access. These are based on California Department of Forestry and Fire Protection standards. Condition #40 requires evidence of a Special Use Permit from the U.S. Forest Service to widen and improve the access roadway. However, discussions with County staff indicate that they have no control over the road on Federal land and that the U.S. Forest Service itself would determine road impacts and mitigations.

#### c. Substantial Issue Analysis and Conclusion

The substantial issue analysis can not be resolved in the applicant's favor without additional information. The site is accessed by an existing private road (Willow Creek Road) on Forest Service property which branches off from Los Burros Road near its intersection with Highway One. The current road width is about 12 to 14 feet. Widening it to 20 feet, as the County conditions seemingly require, could have some adverse impacts. The Commission has received a letter from the applicant's consultants indicating that no sensitive species exist along the road corridor that would be potentially widened. While this information may resolve part of the issue, the general LCP prescription against unnecessary road width remains. The Commission concurs with the appellants that some evaluation of a wider road and alternatives to such widening needs to occur. Since the County did not fully analyze and address the road, a substantial issue is raised.

### **3. De Novo Coastal Permit Approval Findings**

Although the access road to the site is on Federal land, this coastal permit approval can address it (as opposed to going through the Federal Consistency process) because the subject property owner holds an easement on it. California Fire Code Section 902 would normally require a 20 foot wide road. However, this section also provides exceptions to required fire access standards, including an exception when buildings are sprinklered and when access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or "other similar conditions." The provision of a 32,000 gallon storage tank, two fire hydrants and sprinklers and smoke detectors in all structures, including yurts, as well as federal, state, and local agency concerns over access road widening requirements regarding vegetation removal and visual impacts, justifies the existing 12 to 14 foot access road width as sufficient for this project. This width is certainly more than adequate for fire apparatus. The applicants' representative has indicated that the California Department of Forestry (CDF), which is the agency that has fire protection jurisdiction for the area, may be amenable to approving this exception. Thus, County conditions #40, #48, and #50 are modified and condition #70 is deleted to reflect that there will be no road widening.

If ultimately, CDF or the U.S. Forest Service, over whose land the road traverses, is not satisfied with simply retaining the existing roadway width, then the applicant will have to return to the Commission with a revised plan to address the roadway, either through this permit or a federal consistency action. In such case, as conditioned, the Executive Director may approve revised road plans that include turnouts, provided they are located out of sensitive habitat and public view and have the approval of the U.S. Forest Service. However, any more substantial road improvements would require Commission review and approval as an amendment to this permit.

Regarding other aspects of the road, site access, and parking, the Commission generally accepts and incorporates the following County findings:

The proposed moderate intensity campground is consistent with the Transportation Development Standards of the Big Sur Coastal Implementation Plan (Section 20.145.130) and the parking regulations of the Monterey County Coastal Implementation Plan (Part 1, Section 20.58.040).

**EVIDENCE:** A Traffic Study was prepared by Higgins and Associates in September 1998 with an addendum submitted in January 1999 addressing the potential impacts of the project and vehicle trips per day on State Highway One. The project is anticipated to generate 141 daily trips and 18 peak hour trips.

**EVIDENCE:** The existing volumes on State Highway One are 262 northbound trips and 263 southbound trips during peak hour weekend afternoon, which is an adequate level of service. The Traffic Study concurs (with confirmation by County Public Works) the capacity of State Highway One is sufficient to accommodate the additional trips and no significant safety or operational impacts will occur at the intersection of Los Burros Road at State Highway One.

**EVIDENCE:** The County Public Works Department and Caltrans have reviewed the project and recommended improvements to address traffic safety (see Condition Nos. 42 & 70).

**EVIDENCE:** The proposed project is consistent with the parking standards, providing 24 spaces, which includes guest spaces, handicap space, and parking for the manager, and two employee units. Additionally, 2 parking spaces are provided for loading/unloading purposes (see Condition Nos. 71 & 95).

**EVIDENCE:** Emergency access route to State Highway one will be provided by a designate trail access from the campground facility to the highway.

**EVIDENCE:** Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

**FINDING:** The moderate intensity recreational campground is consistent with the following Highway One Development Standards of the Big Sur Coastal Implementation Plan:

Where improvements to Highway One include construction of a paved turn-off, the turn-off shall be signed at the appropriate distances in order to sufficiently notify approaching vehicles (Section 20.145.140.B.3);

Proposal for new visitor-serving, recreational and commercial facilities, whether public or private, shall include adequate and safe off-shoulder parking (Section 20.145.140.B.4); and

New development shall utilize private and public roads with existing entrances to Highway One. Driveway ingress and egress shall meet traffic safety requirements as provided by the County Public Works Department (Section 20.145.140.B.6).

EVIDENCE: The proposed campground will use an existing easement through Los Padres National Forest Service property to access the parcel, located at Los Burros Road and State Highway One. All parking for the campground will be contained on site. No new entrance onto State Highway One or off-shoulder parking is proposed.

EVIDENCE: The County Public Works Department and Caltrans have reviewed the project and recommended improvements to address traffic safety (see Condition Nos. 42 & 70).

EVIDENCE: State Highway One signage for the campground will be located outside the highway right-of-way and sited to adequately notify approaching vehicles (see Condition No. 24).

EVIDENCE: Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

However, since the project is being revised and conditioned to include additional campsites, traffic generation will increase slightly and the parking requirement will commensurately increase. There will be three more parking spaces. However, while the figures cited above would increase slightly with regard to traffic generation, this will not alter the basic conclusions stated above. As conditioned to retain the essence of the cited conditions, the project is consistent with the cited traffic and parking provisions of the local coastal program.

## **G. PONDING**

### **1. Local Coastal Program Provisions**

There are many potentially relevant *Big Sur Coast Land Use Plan* policies addressing habitat protection, among them:

#### **3.3.2 General Policies**

1. Development, including vegetation removal, excavation, grading, filling, and the construction of roads and structures, shall not be permitted in the environmentally sensitive habitat areas if it results in any potential disruption of habitat value. To approve development within any of these habitats the County must find that disruption of a habitat caused by the development is not significant.

2. Where private or public development is proposed, in documented or expected locations of environmentally sensitive habitats, field surveys by qualified individuals or agencies shall be made in order to determine precise locations of the habitat and to recommend mitigating measures to ensure its protection.

## **2. Substantial Issue Determination**

### **a. Appellant's Contentions:**

The appellants contend:

There is a brief mention in the geologic report that ponding occurs on the site. The biotic report says that there are no environmentally sensitive habitats on the site. Ponding may be indicative of wetlands, which is a sensitive habitat. This needs further evaluation in order to ensure consistency with *Big Sur Land Use Plan* section 3.3 habitat protection policies.

### **b. County Action**

A biotic report was prepared. As noted in the appellants' contentions, the report and, hence, the County did not address this issue.

### **c. Substantial Issue Analysis and Conclusion**

The substantial issue analysis depends on more information than available in the County record. The applicant's consultants have provided further biotic review of the potential ponding area and have indicated that it is not wetland. The geologist who mentioned the ponding has clarified that he referred to an area that only experiences brief flooding. Therefore, no substantial issue is raised by this contention.

## **H. DE NOVO COASTAL PERMIT APPROVAL FINDINGS FOR ISSUES NOT IN CONTENTION IN THE APPEAL**

### **1. Archaeology**

Section 3.11 of the *Big Sur Coast Land Use Plan* addresses protection of archaeological resources. This coastal permit approval accepts and incorporates the following finding made by Monterey County:

The parcel is located in a high archaeological zone. An Archaeological Survey prepared by Bertrando and Bertrando, dated September 1996 and an addendum October 1998, concluded that no cultural resources were identified in a field reconnaissance of the subject property. However research of the historical files at the Northwest Regional Information Center identified 6 known archaeological sites within one mile of the property. In the unlikely event that a cultural resource is unearthed during construction, the project is conditioned to have an archaeological monitor on-site during ground disturbing activities to protect the resource (see Condition Nos. 2, 20 & 21).

As conditioned to retain the essence of the cited conditions, the project is consistent with the LCP's archaeological resource protection provisions.

## 2. Fire Safety

*Big Sur Coast Land Use Plan* policy section 3.7.3.C contains provisions to ensure fire safety in new development, pursuant to the authority of Coastal Act section 30253(1). The corresponding Implementation provisions are found in *Code* section 20.145.080.C. In approving the project, Monterey County found:

The parcel is located in a high fire hazard area and may be subject to certain development restrictions, pursuant to Section 20.145.080.C.3 of the Big Sur Coastal Implementation Plan, Part 3. The project has been conditioned to address potential fire hazards by the California Department of Forestry (see Condition Nos. 10 & 43-67).

The referenced conditions were standard conditions recommended by the California Department of Forestry (CDF) which is the agency responsible for fire protection for the site. A further review has indicated that some CDF-recommended conditions are not applicable to this project. Additionally, some conditions, if liberally implemented, would conflict with other LCP objectives. Finding VI.F has addressed this issue with regard to road widening. A related concern are recommended conditions for extensive vegetation clearing. Given the dispersed nature of the project components, the result of blind adherence to these conditions could be a denuded site. This would have adverse impacts on habitat, viewshed protection, the recreational experience, and erosion control. More limited vegetation management together with other fire suppression measures is thus warranted for this situation (see Finding H5 below), and conditions # 48, 61, and 62 are revised accordingly.

As to the remaining conditions, the *County Code* requires their implementation by the County Planning Department through the Coastal Permit. However, when there is no coastal permit, Section 20.145.080.C.2 provides for their implementation through the building or grading permit. Since the Coastal Commission is issuing this coastal permit, these conditions are best implemented by County Building Inspectors as part of the Building Permit. They are therefore not part of this coastal permit and are shown for reference only (in *italics*) in the list of conditions. As conditioned to retain the essence of the cited conditions that are applicable to this project through the Local Coastal Program, the project is consistent with the cited fire policies of the *Big Sur Coast Land Use Plan* and the *Coastal Implementation Plan*.

## 3. Geotechnical Issues

This coastal permit approval accepts and incorporates the following finding made by Monterey County:

The proposed moderate intensity recreational campground is consistent with the following Big Sur Coastal Land Use Plan Geological Hazard Policies:

Development shall be sited and designed to conform to site topography and minimize grading/site preparation (Policy 3.7.3.A.1); and

Structures and roads located in landslide areas are prohibited unless a certified engineering geologic report determines mitigations exist to minimize the risk to

life and property (Policy 3.7.3.A.8).

**EVIDENCE:** The subject property is located in a relatively unstable, high seismic zone subject to the geologic hazards. A Geologic Report was prepared by Foxx, Nielsen and Associates, dated March 1999, and a Geotechnical Investigation was prepared by Haro Kasunich & Associates, dated March 1999, to address site constraints. The Geologic Report identified four large landslides in the vicinity of the project site. The property is located within the northernmost and largest of the four landslides. These landslides indicate that the west hillside of the ridge east of the property has undergone extensive instability. The project site is also located within an earth slump landslide, on a large, broad bench-like feature which is the unit surface of the landslide. The slide appears as if its initial movement occurred quite some time ago. A developing landslide on the hillside east of the property (approximately 1,000 feet) has the potential to break loose suddenly. Material from the slide could block the property access road or force water from a seasonal pond into low-laying areas of the project site. Anything in those areas could suffer severe damage. Additionally, two small landslides have been identified on the northwest and southwest portions of the property. These do not appear to have been active recently, however these areas with 30% slope remain susceptible to future landsliding. The developing landslide 1000 feet away from the property has a high probability for failure during strong ground shaking. The ground cracking would be minor with little or no effect on the subject property or it could be severe as to cause serious structure and infrastructure damage to the proposed campground facility.

**EVIDENCE:** The reports detailed project design recommendations to address setback from these geologic hazards. Conclusions contained in the Geologic Report and Geotechnical Investigation found that the site is suitable for the proposed campground facility, subject to recommendations. The project has been designed to respect the geologic hazards delineation established by the geologic consultant to protect habitable structures. Additionally, the report detailed recommendations for the structural foundations, site grading and drainage (see Condition Nos. 9, 13-15 & 72).

**EVIDENCE:** The campground facility and improvements have been designed to conform to the natural topography with minimal grading and site preparation. Total building coverage is only 2.9% of the entire property.

**EVIDENCE:** Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

Also relevant is Big Sur Coast Land Use Plan policy 3.7.2.4: "In locations determined to have significant hazards, development permits should include a special condition requiring the owner to record a deed restriction describing the nature of the hazard(s), geotechnical ... mitigations and long-term maintenance requirements."

Additionally, County conditions # 28 through #31 and # 73 address geotechnical issues. A further assumption of risk condition is warranted because of the potential landslide hazard affecting the site (see condition # 10). Also, needed is a condition for a maintenance program to

assure that the swimming pool does not develop cracks. The proposed pool is of concern because if it leaks due to structural distress associated with slope movements, or fails catastrophically during an earthquake, the introduction of water directly into the slope could lead to accelerated movement on the landslide (see condition #101). Similarly, the septic system condition (#35) needs to include leachfield criteria for siting on the southwest-facing slope of the property in order to avoid introducing water directly into the headscarp area of the landslide. As so conditioned and as further conditioned to retain the essence of all the cited County conditions, the project is consistent with the cited policies of the *Big Sur Coast Land Use Plan*.

#### **4. Wastewater Disposal**

Chapter 15.20 of the *County Code* governs sewage disposal systems. This coastal permit approval accepts and incorporates the following finding made by Monterey County:

The subject property is suitable for the septic system, grey water collection system, and drainage system proposed for the campground facility.

**EVIDENCE:** Several technical studies addressing soil and drainage were conducted to determine site suitability of the campground project. Technical studies included: a Geotechnical Investigation prepared by Haro Kasunich & Associates, dated March 1999, Drainage and Erosion Control Report, prepared by WWD Corporation, dated March 1, 1999, and a Percolation Test prepared by Haro Kasunich & Associates, dated September 28, 1999. These reports concluded that the project is suitable for the site with recommendations incorporated into the project (see Condition Nos. 36, 37, 69, & 73).

**EVIDENCE:** The County Environmental Health Division and Water Resources Agency reviewed the project and technical documents to determine the project is appropriate for the site. Conditions have been incorporated into the project to address final plan design for septic system, grey water collection system, and stormwater drainage/erosion control (see Condition Nos. 34-39).

Additionally, County condition # 80 addresses wastewater generation. As conditioned to retain the essence of this and the cited conditions, the project is consistent with the Chapter 15.20 of the *Coastal Implementation Plan*.

#### **5. Habitat**

Section 3.3 of the *Big Sur Coast Land Use Plan* includes protections for environmentally sensitive habitats. This coastal permit approval accepts and incorporates the following finding made by Monterey County:

The proposed moderate intensity recreational campground is consistent with the Big Sur Coastal Implementation Plan Environmentally Sensitive Habitat Development Standards to protect biological resources (Section 20.145.040.B)

**EVIDENCE:** A Biological Assessment prepared by EMC Planning Group, Inc., dated November 1998 was completed for the subject property and proposed project. Using the California Department of Fish and Game Natural Diversity Database, lists from the U.S. Fish and Wildlife Service and the California Native Plant Society, the consulting biologist identified 7 special-status species of

concern which could exist on the subject property: Adobe sanicle (*Sanicula maritima*), La graciosa thistle (*Cirsium loncholepis*), Arroyo de la Cruz manzanita (*Arctostaphylos cruzensis*) Late-flowered mariposa lily (*Calochortus weedii* var. *vestus*), Hooke popcorn flower (*Plagiobothrys uncinatus*), Hickman's checkerbloom (*Sidalcea hickmanii* ssp. *hickmanii*), and Hardham's bedstraw (*Galium hardhamiae*). The biological assessment also identified Smith's blue butterfly (*Euphilotes enoptes smithi*) and Monarch butterfly (*Danaus plexippus*) as potentially occurring on the site.

**EVIDENCE:** The consulting biologist completed a spring survey to determine if the sensitive plants species identified in the November 1998 biological assessment were present. The Field survey was conducted in May 1999 and evaluated for the sensitive plant species and wildlife listed above. No species of plants, grasses or wildlife were identified. The property was determined not to contain appropriate roosting sites for the Monarch butterfly. Santa Lucia mint, Cone Peak bedstraw, adobe sanicle, la graciosa thistle, late-flowered mariposa lily and Hardham's bedstraw were all not observed and the subject property determined to lack the appropriate habitat. However, Arroyo de la Cruz manzanita, hooked popcorn flower, and Hickman's checkerbroom which were not observed during a thorough review of the proposed site campground yurts and accessory structures, could be present in the steep, west-facing slopes where dense chaparral is located. A visual assessment did not conclude that these sensitive plant species were present in the chaparral. However, since the plant species could be present, the proposed walking trails in this location could potentially impact the sensitive plant resource. Additionally, this dense chaparral could contain buckwheat plants which are used by the Smith's blue butterfly.

**EVIDENCE:** The project is conditioned to revegetate disturbed areas under a Landscape Plan with native grasses, plants and trees similar and compatible with the surrounding environment (see Condition Nos. 7, 27, 30, 73-78, 81, 82 & 93).

**EVIDENCE:** Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

Additionally, the project is conditioned to complete a thorough review of the chaparral habitat before the walking trails are established (conditions # 2, 16, and 17). If sensitive plants are identified and no alternative location of the trails (or other mitigation measures) can avoid the resource impact, the conditions specify that alternative, equivalent walking trails will be provided by arrangement with neighboring public land managers (US Forest Service, State Coastal Conservancy).

Furthermore, County conditions # 18, 19, and 61 address tree protection. As conditioned to retain the essence of these and the cited conditions, the project is consistent with the cited policies of the *Big Sur Coast Land Use Plan* and the *Coastal Implementation Plan*.



## 6. Water

This coastal permit approval accepts and incorporates the following finding made by Monterey County:

**FINDING:** The proposed moderate intensity recreational campground is consistent with the Water Resource Development Standards of the Big Sur Coastal Implementation Plan (Section 20.145.050).

**EVIDENCE:** Water for the project will be supplied by groundwater from a new well. The well is not located adjacent to a stream or riparian corridor. Use of the groundwater will not be transported out of the watershed in which the well is located.

**EVIDENCE:** The test well established on the property (issued under Permit Waiver No. 980051 on August 7, 1998) determined that the well produces 10.37 gallons per minute, which is sufficient to accommodate the proposed water uses of the project.

**EVIDENCE:** The project will be conditioned that all water conservation and low-flow fixtures are required for all buildings (see Condition No. 69).

**EVIDENCE:** The County Environmental Health Division has reviewed the project and determined that adequate water is available to serve the campground (see Condition No. 34).

**EVIDENCE:** Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

As conditioned to retain the essence of the cited conditions, the project is consistent with the cited provisions of the *Big Sur Coast Land Use Plan* and the *Coastal Implementation Plan*.

## 7. Wind Energy

This coastal permit approval accepts and incorporates the following finding made by Monterey County:

The proposed noncommercial wind generator power system for the campground is consistent with the regulations for noncommercial wind energy conversion systems of the Monterey County Coastal Implementation Plan (Part 1, Section 20.64.120).

**EVIDENCE:** The proposed noncommercial wind generator power system is suitable for the site and campground use as reviewed and determined by the applicant's consulting engineer and wind power company.

**EVIDENCE:** The noncommercial wind generator power system will maintain the required height, property setback, design standards, noise and safety standards for wind generator power systems (see Condition No. 87).

**EVIDENCE:** The wind generator structure will not be visible from State Highway One. The 50' high structure will be located in the northeast portion of

the property, which is screened from the highway by existing topography.

**EVIDENCE:** The noncommercial wind generator power system will be subject to liability insurance and abatement conditions (see Condition Nos. 32, 33 & 88-91).

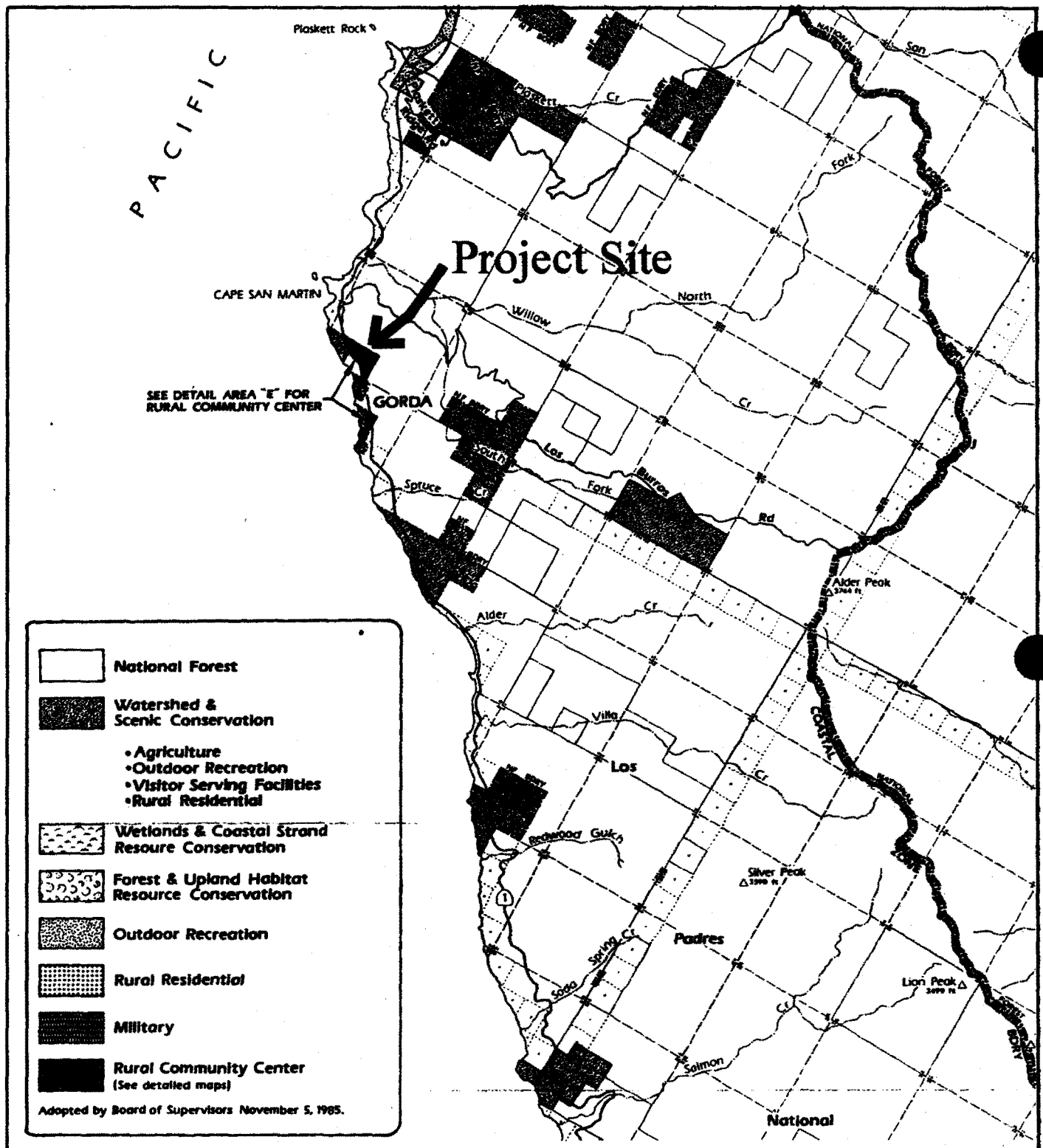
**EVIDENCE:** Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

Although the cited regulatory provision is contained in the local coastal program, this issue is in part more of a local matter than a Coastal Act concern. However, four of these conditions involve proper design and removing obsolete structures, which are Coastal Act aesthetic concerns (# 33, 87, 88, 90). The other three conditions (#32, 89, 91) will not be part of this permit and thus are solely under the authority of, and will be implemented by, Monterey County. The applicant has requested that they be eliminated. That decision is up to the County and would not require an amendment of this permit. As conditioned to retain the essence of the cited conditions, the project is consistent with the cited provisions of the Monterey County *Coastal Implementation Plan*.

## **I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary for Resources as being the functional equivalent of environmental review under CEQA. The County adopted a negative declaration for this project. Mitigation measures identified in the negative declaration are included as conditions of approval of the coastal permit. Without these conditions, the project would not be the least environmentally damaging feasible project that could occur on the site. Accordingly, the Commission finds that as conditioned the proposed project will not have significant adverse effects on the environment within the meaning of CEQA; that there are no feasible alternatives which would significantly reduce any potential adverse effects; and, accordingly, the proposal, as conditioned, is in conformance with CEQA requirements.





Source: Monterey County Planning Dept. - Big Sur Land Use Plan (1986)  
Land Use Plan Map - South Section

Exhibit 1  
Project Vicinity Map  
Pg 2 of 2

A-3-MCO-99-097  
Treebones Campground

**PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 99070

A. P. # 423-011-027-000

FINDINGS AND DECISION

In the matter of the application of

**TREEBONES CAMPGROUND PROJECT (PLN980363)**

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located fronting on and easterly of Highway One, located 1 mile north of the Town of Gorda in the Big Sur area of the Coastal Zone, came on regularly for hearing before the Planning Commission on November 17, 1999.

WHEREAS: Said proposal includes:

- 1) Coastal Development Permit and Design Approval for a moderate intensity recreational campground, including:
  - a) 18 yurts (canvas-covered with wooden floor circular tent platforms);
  - b) 3,386 square foot guest services/bath house building with adjacent deck and swimming pool/spa;
  - c) 24 space parking area and infrastructure improvements;
  - d) new well and 32,000 gallon water storage tank;
  - e) septic and grey water collection system;
  - f) propane, diesel generator & wind generator power system;
  - g) golf-cart path system and exterior site lighting;
  - h) Walking trails with benches at view points;
- 2) Coastal Development Permit for two employee housing units (sizes: 328 and 746 square feet respectively) for staff of the campground facility;
- 3) Coastal Development Permit for a 746 square foot employee housing unit for a caretaker to maintain the campground facility;
- 4) Permit Waiver for walking trails/driveway on slopes exceeding 30% slope;
- 5) Approval of a General Development Plan for the property; and
- 6) Site Grading (3,638 cubic yards)

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

1. FINDING: The proposed Combined Development Permit consists of:
  - 1) Coastal Development Permit and Design Approval for a moderate intensity recreational campground, including:

- a) 18 yurts (canvas-covered with wooden floor circular tent platforms);
- b) 3,386 square foot guest services/bath house building with adjacent deck and swimming pool/spa;
- c) 24 space parking area and infrastructure improvements;
- d) new well and 32,000 gallon water storage tank;
- e) septic and grey water collection system;
- f) propane, diesel generator & wind generator power system;
- g) golf-cart path system and exterior site lighting;
- h) Walking trails with benches at view points;
- i) Coastal Development Permit for two employee housing units (sizes: 328 and 746 square feet respectively) for staff of the campground facility;
- j) Coastal Development Permit for a 746 square foot employee housing unit for a caretaker to maintain the campground facility;
- k) Permit Waiver for walking trails/driveway on slopes exceeding 30% slope;
- l) Approval of a General Development Plan for the property; and
- m) Site Grading (3,638 cubic yards)

The property is fronting on and easterly of Highway One, located at Los Burros Road and Highway One (APN 423-011-027-000) in the Big Sur area (1 mile north of the Town of Gorda) in the Coastal Zone. The proposed development, as described in the application and accompanying materials and as conditioned, is consistent with the plans, policies, standards and requirements of the Monterey County Local Coastal Program.

**EVIDENCE:** The Planning and Building Inspection Department reviewed the project, as contained in the application and accompanying materials for conformity with:

- 1) The certified Big Sur Coast Land Use Plan;
- 2) The certified Monterey County Coastal Implementation Plan (Title 20), zoning regulations for the "VSC(CZ)" district in the Coastal Zone; and
- 3) The certified Monterey County Coastal Implementation Plan (Part 3), Chapter 20.145 "Regulations for Development in the Big Sur Coast Land Use Plan.

**EVIDENCE:** The project is consistent with the County's primary land use development policy on the Big Sur coast. Specifically, "development shall be extremely limited and the appropriate scale, in keeping with the larger goal of preserving the Coast as a natural scenic area. In all cases, new land uses must remain subordinate to the character and grandeur of the Big Sur coast. All proposed uses, whether public or private, must meet the same exacting environmental standards and must not degrade the Big Sur landscape" (BSLUP Policy 2.2.4).

**EVIDENCE:** The project site is physically suitable for the proposed moderate intensity recreational campground as described in the project file and the following Findings (Nos. 2-24) listed below.

**EVIDENCE:** The parcel is located in a high archaeological zone. An Archaeological Survey prepared by Bertrando and Bertrando, dated September 1996 and an addendum October 1998, concluded that no cultural resources were identified in a field reconnaissance of the subject property. However research of the historical files at the Northwest Regional Information Center identified 6 known archaeological sites within one mile of the property. In the unlikely event that a cultural resource is unearthed during construction, the project is conditioned to have an archaeological

monitor on-site during ground disturbing activities to protect the resource (see Condition Nos. 2, 20 & 21).

EVIDENCE: The parcel is located in a high fire hazard area and may be subject to certain development restrictions, pursuant to Section 20.145.080.C.3 of the Big Sur Coastal Implementation Plan, Part 3. The project has been conditioned to address potential fire hazards by the California Department of Forestry (see Condition Nos. 10 & 43-67).

EVIDENCE: Design Approval request form with recommendation for approval of the campground project by the South Coast Land Use Advisory Committee on March 25, 1999.

EVIDENCE: The on-site inspections by the project planner on September 22, 1998, March 25, 1999 & May 28, 1999 to verify that the proposed project complies with the Big Sur Coastal Implementation Plan (Part 3).

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in File No. 980363.

2. FINDING: The proposed moderate intensity recreational campground is an appropriate use for the property, consistent with the following Big Sur Coastal Land Use Plan (BSLUP) Policies and Big Sur Coastal Implementation Plan (BSCIP) Development Standards for Visitor Serving Commercial ("VSC") uses:

- 1) Development of new commercial uses serving community and visitor needs shall be directed to the existing Rural Community Centers of Big Sur Valley, Lucia, Gorda, and Pacific Valley (Policy 5.4.3.E.1);
- 2) Commercial development shall carry out the rustic character of Big Sur both in size, scale, activities and design (Policy 5.4.3.E.3);
- 3) Large scale commercial facilities that are unlike the existing character and size of facilities in Big Sur shall not be permitted (Policy 5.4.3.E.4);
- 4) Commercial facilities shall serve both local residents and the visiting public. Businesses serving solely local residents are discouraged. No minimum site standards are established for commercial uses, but adequate physical area to meet parking requirements and natural resource concerns must be available before new facilities can be approved (Policy 5.4.3.E.6);
- 5) Establishment of new uses will require careful consideration of the impact of the use on surrounding land from a good neighbor point of view (Policy 5.4.3.E.8);
- 6) New commercial uses will be evaluated for their impact on traffic safety and highway capacity in the area. Parking shall be screened from State Highway One and should not create hazards for motorists or pedestrians (Policy 5.4.3.E.9); and
- 7) Development within "VSC" (Visitor-Serving Commercial) zoning districts shall be permitted within the critical viewshed under careful design and siting control (Section 20.145.30)

EVIDENCE: The subject property is appropriately zoned Visitor-Serving Commercial and designated Rural Community Center which allows for a moderate intensity recreational campground use. Further, this zoning and designation allow the use to be located within the critical viewshed of State Highway One under careful design.

EVIDENCE: The proposed campground is a small facility composed of 18 yurts and a guest services building, with a managers unit and two employee housing units to operate the facility. Structural coverage of the site accounts for only 2.9% of the entire 10.7

acre parcel. The campground is designed at an appropriate scale with minimal site disturbance and grading to the natural landscape. The project scope of work includes retaining all existing trees for screening and using natural materials and earth-tone colors to visually blend the campground into the rural and natural environment of Big Sur (see Condition Nos. 6, 8, 18 & 19).

**EVIDENCE:** The applicant intends to offer the guest services building as a gathering place and the swimming pool for lessons to the local residents of South Coast, Big Sur. Use of the facility for community meetings and/or swimming lessons will not conflict with the operation of the campground (see Condition Nos. 11, 94 & 97).

**EVIDENCE:** The proposed campground use will be surrounded by U.S. Forest Service land on three sides of the property. Access to the campground will be through an existing easement from Los Burros Road. The Los Padres National Forest Service has reviewed the project. Per their comments, modification to the existing access road and public access from the campground onto forest service lands requires permit approval from the Los Padres National Forest Service (see Condition Nos. 40, 41, 48 & 70).

**EVIDENCE:** Traffic generated from the campground has been evaluated by a consulting traffic engineer and the County Public Works Department. Increased traffic was determined to be insignificant based upon the existing level of service for this portion of State Highway One. Parking for the campground will be located on the eastern portion of the property, not visible from State Highway One (see Finding Nos. 18 & 19 for further discussion).

**EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in File No. 980363.

3. **FINDING:** The proposed moderate intensity recreational campground and ancillary uses is consistent with the Rural Community Center (RCC) land use designation of the Big Sur Coast Land Use Plan. Specifically:

- 1) Rural Community Centers are to provide a spectrum of functions for both the visiting public and for residents of the adjoining rural areas. Major categories of land use activities appropriate are those found in the Outdoor Recreation; and Recreational, Visitor-Serving Commercial, Public and Quasi-Public classifications (Section 5.3.2);
- 2) Residential development is allowed in the Big Sur Valley RCC, but discouraged in the Lucia, Gorda and Pacific Valley RCCs because of limited available land. (Section 5.3.2); and
- 3) The location of any of these uses within RCCs is not a major concern and can best be determined upon review of individual, specific proposals. In general any use allowed in any zone is appropriate for RCCs (Section 5.3.2)

**EVIDENCE:** The property is designated RCC which allows for the proposed moderate intensity recreational campground. All uses and activities (guest services building, manager unit and two employee housing units) related to the function of the campground are appropriate under the RCC land use designation (see Condition No. 11).

**EVIDENCE:** The manager unit will contain administrative/reservation functions in conjunction with the guest services building. The industrial kitchen of the manager unit will provide limited food service (continental breakfast, special catered meals, picnic service) to campground guests, which will not result in a significant increase of



wastewater. The manager unit will also function as housing for the property owner/manager who will manage the campground (see Condition Nos. 11, 80, 85 & 94).

EVIDENCE: The applicant intends to offer the guest services building as a gathering place and the swimming pool for lessons to the local residents of South Coast, Big Sur. Use of the facility for community meetings and/or swimming lessons will not conflict with the operation of the campground (see Condition Nos. 11, 94 & 97).

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in File No. 980363.

4. FINDING: The proposed moderate intensity recreational campground is consistent with the following Big Sur Coast Land Use Plan Policies for Development of New or Expanded Recreational Facilities:

- 1) Provide recreational and visitor-serving uses over other types of development (Policy 5.4.3.C.1);
- 2) Recreational and visitor-serving facilities shall be compatible with the natural and cultural character of area while providing opportunities for visitors to experience and enjoy the environment of Big Sur (Policy 5.4.3.C.2);
- 3) Encourage new or expanded recreational visitor-serving facilities within existing areas of development (i.e. Rural Community Centers) provided resource protection policies are maintained (Policy 5.4.3.C.5);
- 4) Visitor-serving facilities shall be approved on any parcel size, subject to the intensity and buildout standards for visitor accommodations, while satisfying the other policies of the BSLUP (Policy 5.4.3.C.7); and
- 5) provide low-cost recreational facilities (Policy 5.4.3.8).

EVIDENCE: The project will implement the intended recreation and visitor-serving use of the property by providing a visitor-serving, moderate intensity recreational campground along the South Coast.

EVIDENCE: The campground has been designed to be subordinate to the rural and natural environment of Big Sur, blending with the existing topography and vegetation of the property (see Condition Nos. 5-14, 18, 19, 22-25, 27, 75-78, 82-84 & 93).

EVIDENCE: The project is consistent with the site development standard for visitor accommodation inn units or campgrounds spaces in Rural Community Centers. The proposed 18 yurt units are below the maximum allowable clustered 30 inn units or 100 campground spaces on a 10 acre parcel.

EVIDENCE: The proposed campground will accommodate moderately-priced overnight accommodations well below upscale inns in the Village of Big Sur. The campground will provide a new type of accommodation that provides facilities at a level in between an upscale inn and the basic RV and Forest Service campsites along the South Coast.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in File No. 980363.

5. FINDING: The proposed project including all permits and approvals will not have significant adverse impacts on the environment and a Negative Declaration with a Mitigation Monitoring Program has been adopted by the Appropriate Authority.

EVIDENCE: An initial study was prepared for the project and it was determined that the project, with the addition of mitigation measures, would not have significant impacts. A Negative Declaration was filed with the County Clerk on October 12, 1999, noticed for public review, and circulated to the State Clearinghouse. At this time, no issues have been raised and staff has not received comments. The Appropriate Authority considered public testimony and the initial study with mitigation measures. The Negative Declaration reflects the independent judgment of the County based upon consideration of testimony and information received and scientific and factual data presented. All comments received on the Negative Declaration, have been considered as well as all evidence in the record which includes studies, data, and reports considered in the initial study; information presented or discussed during public hearings; staff reports which include the County's independent judgment regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

- 1) Treebones General Development Plan, March 1999 and updated, July 1999;
- 2) Geologic Report, Foxx, Nielsen and Associates, February 1999 and updated May 1999;
- 3) Geotechnical Investigation, Haro Kasunich & Associates, dated March 1999;
- 4) Drainage and Erosion Control Report, WWD Corporation, dated March 1, 1999;
- 5) Percolation Test, Haro Kasunich & Associates, dated September 28, 1999;
- 6) Water Report, WWD Corporation, March 1, 1999;
- 7) Biotic Resources Assessment, EMC Planning Group, November 1998 and Biotic Resources Assessment Addendum, EMC Planning Group, June 1999;
- 8) Traffic Report, Higgins Associates, January 27, 1999 and Caltrans Response Letter on Traffic, December 24, 1998;
- 9) Cultural Resources Investigation, Bertrando & Bertrando, September 25, 1996, and Cultural Resources Addendum, Bertrando & Bertrando, October 9, 1998;

The location and custodian of the documents and materials which constitute the record of proceedings upon which the adoption of the Negative Declaration is based is the Monterey County Planning and Building Inspection Department. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts have been submitted which

refute the conclusions reached by these studies, data, and reports or which alter the environmental determinations based on investigation and the independent assessment or those studies, data, and reports by staff from various County departments, including Planning and Building Inspection, Public Works, Environmental Health, and the Water Resources Agency. Potential environmental effects have been studied and there is no substantial evidence in the record as a whole which supports a fair argument that the project, as designed and mitigated, may cause a significant effect on the environment.

EVIDENCE: The Mitigation Monitoring Program has been incorporated into the Conditions of Approval for the project (see Condition No. 2).

EVIDENCE: Plans and application materials, Initial Study, Negative Declaration contained in Project File No. 980363.

6. FINDING: For purposes of the Fish and Game Code, the project will have a potential for changes to fish and wildlife resources upon which the wildlife depends.

EVIDENCE: Staff analysis contained in the Initial Study and the administrative record as a whole indicate the project will result in changes to resources listed in Section 735.5(d) of the Department of Fish and Game regulations.

EVIDENCE: The applicant shall pay the Environmental Document Fee, pursuant to Fish and Game Code Section 735.5 (see Condition No. 12).

EVIDENCE: Initial Study and Negative Declaration contained in Project File No. 980363.

7. FINDING: Monterey County Planning and Building Inspection staff conducted visual assessment of the project, pursuant to the viewshed determination required by the Big Sur Land Use Plan (Policy 3.2.4.B).

EVIDENCE: A combination of staking with flags, photo-simulation, and video-photography was used to visually assess the campground project.

EVIDENCE: The on-site inspections by the project planner on September 22, 1998, March 25, 1999 & May 28, 1999 to verify that the proposed project complies with the Big Sur Coastal Implementation Plan (Part 3).

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in File No. 980363.

8. FINDING: The moderate intensity recreational campground is consistent with the Visual Resource Policy of the Big Sur Coast Land Use Plan and Development Standard of the Big Sur Coastal Implementation Plan which allows the campground to be visible from State Highway One (Policy 3.2.5 & Section 20.145.30.1)

EVIDENCE: The Rural Community Center land use designation of the property excludes the campground project from the critical viewshed policies and development standards.

EVIDENCE: The Visitor-Serving Commercial zoning of the property allows the project to be located within the critical viewshed under careful design and siting controls.

EVIDENCE: The campground project has been designed to comply with the Visual Resource Developments Standards for development located outside the critical viewshed (see Finding Nos. 9, 10, 11 & 12).

**EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in File No. 980363.

9. **FINDING:** The moderate intensity recreational campground is consistent with the following Big Sur Coastal Implementation Plan Visual Resource Development Standards:
- 1) All structures shall be designed and sited so as not to detract from the natural beauty of the undeveloped skylines, ridgelines, and the shoreline (Section 20.145.30.C.2.a);
  - 2) Buildings shall be located so as to minimize their visual impact upon public views as well as the views and privacy of neighbors. New structures shall be located on that portion of a parcel least visible from public viewpoints (Section 20.145.30.C.2.b);
  - 3) New development shall incorporate appropriate material, colors, or other techniques in order to blend with and be subordinate to its surrounding environment. Modifications shall be required for siting, structural design, size, shape, color, textures, building materials, access, and screening, where such modifications will provide for greater blending with the surrounding environment (Section 20.145.30.C.2.c);
  - 4) Landscape screening shall be required as a condition of project approval where needed to mitigate a development's visual impact upon public or private views. The screening materials shall consist of plant species similar to and compatible with those of the surrounding environment. In addition, the screening shall, wherever possible, act as an extension of surrounding native forested or chaparral areas (Section 20.145.30.C.2.d);
  - 5) New structures shall be sited so as to avoid the construction of visible access roads and minimize the extent of environmental and engineering problems resulting from road construction (Section 20.145.30.C.2.e);

**EVIDENCE:** The least visible portion of the property (east side) is not suitable for habitable structures due to geologic hazards identified on the parcel (see Finding No. 13 for further discussion of geologic hazards).

**EVIDENCE:** The proposed project underwent a series of redesigns and siting of buildings and yurts to reduce the visual impacts of the campground facility. The current design and siting of the structures blends the campground facility with surrounding environment in both the far and near views along State Highway One (see Condition No. 6).

**EVIDENCE:** Several buildings in the campground facility have been modified to ensure no portion of the entire campground development will result in ridgeline development.

**EVIDENCE:** The proposed parking lot, driveway and improvements to the existing access road will not be visible from State Highway One. The proposed walking trails and golf cart paths will be screened by existing shrubs and vegetation on the property (see Condition Nos. 40, 41, 48 & 70).

**EVIDENCE:** All structures in the campground have been designed with natural materials and earth-tone colors to visually blend with the natural environment of Big Sur (see Condition Nos. 8, 24 & 84).

**EVIDENCE:** The project will retain all existing trees on the property to provide greater blending of the campground with the surrounding environment. Appropriate construction

methodology shall be employed to ensure protection of the trees during construction (see Condition Nos. 6, 18, 19, 75, 76, 81, 82 & 93).

EVIDENCE: A long-term permanent landscape screening tree program shall be implemented to maintain existing trees on the property and plant additional trees and native vegetation to ensure permanent screening of the proposed structures (see Condition Nos. 2, 27, 77, 78 & 93).

EVIDENCE: Plans and application materials, site photographs and photo-simulations, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

10. FINDING: The project exterior lighting program will reduce the campground nighttime visual impacts as viewed from State Highway One, consistent with the primary land use object for development in Big Sur: "New land uses must remain subordinate to the character and grandeur of the Big Sur coast. All proposed uses, whether public or private, must meet the same exacting environmental standards and must not degrade the Big Sur landscape" (BSLUP Policy 2.2.4).

EVIDENCE: A Master Exterior Lighting Plan has been developed for the campground to significantly reduce nighttime lighting by design, number, location, wattage and orientation of the light fixtures (see Condition Nos. 22 & 23).

EVIDENCE: Exterior lighting for the grounds, outside buildings, parking lot and pathways of the campground are designed to provide the minimum lighting recommendation for personal safety established by the Illuminating Engineering Society.

EVIDENCE: An innovative nighttime lighting mitigation program shall be incorporated into the operation of the campground facility. All outside window flaps of the yurts and interior curtains in the guest services building shall be closed in the evening to reduce nighttime lighting. While this proactive approach to reduce nighttime lighting and glow of the project will not eliminate all exterior lighting, the program shall ensure that the campground remains subordinate to the rural nighttime character of Big Sur (see Condition Nos. 25 & 96).

EVIDENCE: All interior lighting of the yurts, guest services building, manager unit, two employee housing units shall be recessed where possible and oriented to direct light away from windows, doors and skylights (see Condition No. 23).

EVIDENCE: The County shall conduct a final lighting assessment for minor modifications to the approved Master Exterior Lighting Plan. If applicable, further reorientation of lighting away from State Highway One may be required (see Condition No. 79).

EVIDENCE: Plans and application materials, nighttime visual assessment video, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

11. FINDING: The proposed campground is consistent with the following Big Sur Coastal Implementation Plan Specific Development Standards for New Recreational and Visitor-Serving Facilities:

- 1) Building materials shall be natural, including wood (and stone wherever possible) and shall also utilize earth-tone colors (Section 20.145.140.B.1.b.1);
- 2) Tree removal and grading shall be minimized to that which is necessary for accommodation of the main and accessory structures (Section 20.145.140.B.1.b.2);

- 3) The design, size, scale and bulk of the proposed structure shall be comparable to existing structures in the area and clearly subordinate to the surrounding landforms (Section 20.145.140.B.1.b.3); and
- 4) Maximum building height may be two stories, subject to site constraints. The two-story height may be decreased or allowed to be increased upon action of the decision-making body to meet the resource protection standards of the ordinance and policies of the land use plan (Section 20.145.140.B.1.b.4).

EVIDENCE: All structures in the campground have been designed with natural materials and earth-tone colors to visually blend with the natural environment of Big Sur (see Condition Nos. 8, 24 & 84).

EVIDENCE: The project will retain all existing trees on the property to provide greater blending of the campground with the surrounding environment. Appropriate construction methodology shall be employed to ensure protection of the trees and root systems during construction (see Condition Nos. 6, 18, 19, 75, 76, 82 & 93).

EVIDENCE: The campground design and siting of the structures blends the facility with the surrounding area. The manager unit is the only two-story structure proposed in the campground facility. Topographic and geological hazard setbacks constrain the site so that a single-story structure with a comparable square footage is not feasible. The use of appropriate colors/materials and landscape screening will blend the manager unit with the surrounding environment. Therefore, the entire campground facility will be subordinate to the natural environment of Big Sur (see Condition Nos. 5, 13, 14, 23, 75-79, 83 & 84).

EVIDENCE: Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

12. FINDING: Signage for the proposed moderate intensity recreational campground is consistent with the Big Sur Coast Land Use Plan Development Policy on Signage (Policy 5.4.2.12).

EVIDENCE: The location and size of signage is consistent with sign regulations in Big Sur. Project site identification and directional signage shall be located adjacent to State Highway One and within the Los Padre National Forest Service access road easement. No signage shall be placed within the Caltrans highway right-of-way.

EVIDENCE: The signs shall be constructed with natural materials consisting of stone wall with wood-carved name plates, consistent with the rural and natural environment of Big Sur (see Condition Nos. 24 & 84).

EVIDENCE: The signs shall be lighted with minimal wattage to provide nighttime identification of the campground (see Condition Nos. 22, 24 & 79).

EVIDENCE: Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

13. FINDING: The proposed moderate intensity recreational campground is consistent with the following Big Sur Coastal Land Use Plan Geological Hazard Policies:

- 1) Development shall be sited and designed to conform to site topography and minimize grading/site preparation (Policy 3.7.3.A.1); and

- 2) Structures and roads located in landslide areas are prohibited unless a certified engineering geologic report determines mitigations exist to minimize the risk to life and property (Policy 3.7.3.A.8).

**EVIDENCE:** The subject property is located in a relatively unstable, high seismic zone subject to the geologic hazards. A Geologic Report was prepared by Foxx, Nielsen and Associates, dated March 1999, and a Geotechnical Investigation was prepared by Haro Kasunich & Associates, dated March 1999, to address site constraints. The Geologic Report identified four large landslides in the vicinity of the project site. The property is located within the northernmost and largest of the four landslides. These landslides indicate that the west hillside of the ridge east of the property has undergone extensive instability. The project site is also located within an earth slump landslide, on a large, broad bench-like feature which is the unit surface of the landslide. The slide appears as if its initial movement occurred quite some time ago. A developing landslide on the hillside east of the property (approximately 1,000 feet) has the potential to break loose suddenly. Material from the slide could block the property access road or force water from a seasonal pond into low-lying areas of the project site. Anything in those areas could suffer severe damage. Additionally, two small landslides have been identified on the northwest and southwest portions of the property. These do not appear to have been active recently, however these areas with 30% slope remain susceptible to future landsliding. The developing landslide 1000 feet away from the property has a high probability for failure during strong ground shaking. The ground cracking would be minor with little or no effect on the subject property or it could be severe as to cause serious structure and infrastructure damage to the proposed campground facility.

**EVIDENCE:** The reports detailed project design recommendations to address setback from these geologic hazards. Conclusions contained in the Geologic Report and Geotechnical Investigation found that the site is suitable for the proposed campground facility, subject to recommendations. The project has been designed to respect the geologic hazards delineation established by the geologic consultant to protect habitable structures. Additionally, the report detailed recommendations for the structural foundations, site grading and drainage (see Condition Nos. 9, 13-15 & 72).

**EVIDENCE:** The campground facility and improvements have been designed to conform to the natural topography with minimal grading and site preparation. Total building coverage is only 2.9% of the entire property.

**EVIDENCE:** Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

14. **FINDING:** The subject property is suitable for the septic system, grey water collection system, and drainage system proposed for the campground facility.

**EVIDENCE:** Several technical studies addressing soil and drainage were conducted to determine site suitability of the campground project. Technical studies included: a Geotechnical Investigation prepared by Haro Kasunich & Associates, dated March 1999, Drainage and Erosion Control Report, prepared by WWD Corporation, dated March 1, 1999, and a Percolation Test prepared by Haro Kasunich & Associates, dated September 28, 1999. These reports concluded that the project is suitable for

the site with recommendations incorporated into the project (see Condition Nos. 36, 37, 69, & 73).

EVIDENCE: The County Environmental Health Division and Water Resources Agency reviewed the project and technical documents to determine the project is appropriate for the site. Conditions have been incorporated into the project to address final plan design for septic system, grey water collection system, and stormwater drainage/erosion control (see Condition Nos. 34-39).

EVIDENCE: Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980353.

15. FINDING: The project includes a request for a waiver of the prohibition for development on 30% slopes for the proposed walking trails with benches and a portion of the driveway on the property. The request is appropriate and consistent with the following findings required under the Big Sur Coastal Implementation Plan to issue the waiver:

- 1) No alternative exists which would allow the development to occur on slopes of less than 30% (Section 20.145.140.A.4.a.); and
- 2) The proposed development better achieves the resource protection objectives and policies of the Big Sur Coast Land Use Plan and Coastal Implementation Plan (Section 20.145.A.4.b).

EVIDENCE: The walking trails with benches will be located on the western slopes of the property where the majority of the topography exceeds 30% slope. In order for the trails to traverse this portion of the property 30% slopes can not be avoided.

EVIDENCE: The purpose of the walking trails is for guests of the campground to recreate and enjoy the open space of the property and views of the surrounding Big Sur landscape. Providing the walking trails, which create a minor impact on the landscape, is consistent with the recreational facility policies of the Big Sur Coast Land Use Plan.

EVIDENCE: As indicated in the Biological Finding No. 16, the project will be conditioned to complete a thorough review of the chaparral before the walking trails are established. If sensitive plants are identified and no alternative location of the trails could not avoid the resource, the walking trails will not be constructed (see Condition Nos. 2, 5, 7, 16, 17 & 82).

EVIDENCE: Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

16. FINDING: The proposed moderate intensity recreational campground is consistent with the Big Sur Coastal Implementation Plan Environmentally Sensitive Habitat Development Standards to protect biological resources (Section 20.145.040.B)

EVIDENCE: A Biological Assessment prepared by EMC Planning Group, Inc., dated November 1998 was completed for the subject property and proposed project. Using the California Department of Fish and Game Natural Diversity Database, lists from the U.S. Fish and Wildlife Service and the California Native Plant Society, the consulting biologist identified 7 special-status species of concern which could exist on the subject property: Adobe sanicle (*Sanicula maritima*), La graciosa thistle (*Cirsium loncholepis*), Arroyo de la Cruz manzanita (*Arctostaphylos cruzensis*), Late-flowered mariposa lily (*Calochortus weedii* var. *vestus*), Hooke popcorn flower (*Plagiobothrys uncinatus*), Hickman's checkerbloom (*Sidalcea hickmanii* ssp. *hickmanii*), and Hardham's bedstraw (*Galium hardhamiae*). The biological



assessment also identified Smith's blue butterfly (*Euphilotes enoptes smithi*) and Monarch butterfly (*Danaus plexippus*) as potentially occurring on the site.

EVIDENCE: The consulting biologist completed a spring survey to determine if the sensitive plants species identified in the November 1998 biological assessment were present. The Field survey was conducted in May 1999 and evaluated for the sensitive plant species and wildlife listed above. No species of plants, grasses or wildlife were identified. The property was determined not to contain appropriate roosting sites for the Monarch butterfly. Santa Lucia mint, Cone Peak bedstraw, adobe sanicle, la graciosa thistle, late-flowered mariposa lily and Hardham's bedstraw were all not observed and the subject property determined to lack the appropriate habitat. However, Arroyo de la Cruz manzanita, hooked popcorn flower, and Hickman's checkerbroom which were not observed during a thorough review of the proposed site campground yurts and accessory structures, could be present in the steep, west-facing slopes where dense chaparral is located. A visual assessment did not conclude that these sensitive plant species were present in the chaparral. However, since the plant species could be present, the proposed walking trails in this location could potentially impact the sensitive plant resource. Additionally, this dense chaparral could contain buckwheat plants which are used by the Smith's blue butterfly.

EVIDENCE: The project is conditioned to complete a thorough review of the chaparral before the walking trails are established. If sensitive plants are identified and no alternative location of the trails can avoid the resource, the walking trails will not be constructed. Since the proposed walking trails are a minor component of the overall General Development Plan for the proposed campground facility, elimination of the trails can easily be accommodated without effecting the overall project scope of work (see Condition Nos. 2, 5, 7, 16, 17 & 82).

EVIDENCE: The project is conditioned to revegetate disturbed areas under a Landscape Plan with native grasses, plants and trees similar and compatible with the surrounding environment (see Condition Nos. 7, 27, 30, 73-78, 81, 82 & 93).

EVIDENCE: Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

17. FINDING: The proposed moderate intensity recreational campground is consistent with the Water Resource Development Standards of the Big Sur Coastal Implementation Plan (Section 20.145.050).

EVIDENCE: Water for the project will be supplied by groundwater from a new well. The well is not located adjacent to a stream or riparian corridor. Use of the groundwater will not be transported out of the watershed in which the well is located.

EVIDENCE: The test well established on the property (issued under Permit Waiver No. 980051 on August 7, 1998) determined that the well produces 10.37 gallons per minute, which is sufficient to accommodate the proposed water uses of the project.

EVIDENCE: The project will be conditioned that all water conservation and low-flow fixtures are required for all buildings (see Condition No. 69).

EVIDENCE: The County Environmental Health Division has reviewed the project and determined that adequate water is available to serve the campground (see Condition No. 34).

EVIDENCE: Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

18. **FINDING:** The proposed moderate intensity campground is consistent with the Transportation Development Standards of the Big Sur Coastal Implementation Plan (Section 20.145.130) and the parking regulations of the Monterey County Coastal Implementation Plan (Part 1, Section 20.58.040).
- EVIDENCE:** A Traffic Study was prepared by Higgins and Associates in September 1998 with an addendum submitted in January 1999 addressing the potential impacts of the project and vehicle trips per day on State Highway One. The project is anticipated to generate 141 daily trips and 18 peak hour trips.
- EVIDENCE:** The existing volumes on State Highway One are 262 northbound trips and 263 southbound trips during peak hour weekend afternoon, which is an adequate level of service. The Traffic Study concurs (with confirmation by County Public Works) the capacity of State Highway One is sufficient to accommodate the additional trips and no significant safety or operational impacts will occur at the intersection of Los Burros Road at State Highway One.
- EVIDENCE:** The County Public Works Department and Caltrans have reviewed the project and recommended improvements to address traffic safety (see Condition Nos. 42 & 70).
- EVIDENCE:** The proposed project is consistent with the parking standards, providing 24 spaces, which includes guest spaces, handicap space, and parking for the manager, and two employee units. Additionally, 2 parking spaces are provided for loading/unloading purposes (see Condition Nos. 71 & 95).
- EVIDENCE:** Emergency access route to State Highway one will be provided by a designate trail access from the campground facility to the highway.
- EVIDENCE:** Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.
19. **FINDING:** The moderate intensity recreational campground is consistent with the following Highway One Development Standards of the Big Sur Coastal Implementation Plan:
- 1) Where improvements to Highway One include construction of a paved turn-off, the turn-off shall be signed at the appropriate distances in order to sufficiently notify approaching vehicles (Section 20.145.140.B.3);
  - 2) Proposal for new visitor-serving, recreational and commercial facilities, whether public or private, shall include adequate and safe off-shoulder parking (Section 20.145.140.B.4); and
  - 3) New development shall utilize private and public roads with existing entrances to Highway One. Driveway ingress and egress shall meet traffic safety requirements as provided by the County Public Works Department (Section 20.145.140.B.6).
- EVIDENCE:** The proposed campground will use an existing easement through Los Padres National Forest Service property to access the parcel, located at Los Burros Road and State Highway One. All parking for the campground will be contained on site. No new entrance onto State Highway One or off-shoulder parking is proposed.
- EVIDENCE:** The County Public Works Department and Caltrans have reviewed the project and recommended improvements to address traffic safety (see Condition Nos. 42 & 70).
- EVIDENCE:** State Highway One signage for the campground will be located outside the highway right-of-way and sited to adequately adequate notify approaching vehicles (see Condition No. 24).

EVIDENCE: Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

20. FINDING: The proposed project is consistent with the Big Sur Coast Land Use Plan Low and Moderate Income Housing Policy to provide affordable housing in Big Sur as a component of new or expanded visitor-serving facilities (Policy 5.4.3.I).

EVIDENCE: An employee housing plan has been prepared for the campground project, pursuant to Section 20.145.140.1.m of the Big Sur Coastal Implementation Plan, Part 3.

EVIDENCE: The two employee housing units will be consistent with the regulations for an employee unit contained in Section 20.145.140.B.4.a. of the Big Sur Coastal Implementation Plan, Part 3 (see Condition Nos. 11, 26, 86 & 95).

EVIDENCE: The manager unit will house the campground manager or property owner who will operate the campground (see Condition Nos. 11, 26, 84 & 95).

EVIDENCE: Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

21. FINDING: The proposed noncommercial wind generator power system for the campground is consistent with the regulations for noncommercial wind energy conversion systems of the Monterey County Coastal Implementation Plan (Part 1, Section 20.64.120).

EVIDENCE: The proposed noncommercial wind generator power system is suitable for the site and campground use as reviewed and determined by the applicant's consulting engineer and wind power company.

EVIDENCE: The noncommercial wind generator power system will maintain the required height, property setback, design standards, noise and safety standards for wind generator power systems (see Condition No. 87).

EVIDENCE: The wind generator structure will not be visible from State Highway One. The 50' high structure will be located in the northeast portion of the property, which is screened from the highway by existing topography.

EVIDENCE: The noncommercial wind generator power system will be subject to liability insurance and abatement conditions (see Condition Nos. 32, 33 & 88-91).

EVIDENCE: Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

22. FINDING: The General Development Plan prepared for the proposed moderate intensity recreational campground as required by the Monterey County Coastal Implementation Plan (Part 1-Section 20.22.030.A) is consistent with the Big Sur Coastal Land Use Plan and Big Sur Coastal Implementation Plan.

EVIDENCE: The General Development Plan contains the proposed improvements to be constructed on the property. All uses of the campground are described in the plan.

EVIDENCE: The General Development Plan defines the operation of the campground and staffing. The employee housing program incorporated into the General Development Plan is consistent with the Big Sur Coastal Implementation Plan (Section 20.145.140.B.m & 20.145.140.B.4.a) (see Condition Nos. 1 & 94-97).

EVIDENCE: The General Development Plan defines the construction and operation of the campground facility. The employee housing units and manager unit shall be constructed concurrently with the yurts, guest services building and site improvements (see Condition Nos. 1, 26 & 94).

EVIDENCE: Several revisions to the General Development Plan addressing the campground lighting and operations are required conditions of approval (see Condition Nos. 25-27, 93, 96 & 97).

EVIDENCE: Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

23. FINDING: The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No dedicated public access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: The subject property is not an area where the Local Coastal Program requires access. The project site is located on the eastside of State Highway One with no coastal access. The property is surrounded by national forest lands which do not contain public trails designated in the Public Trails Map of Big Sur. While the property does enjoy ocean views west and southwest, the scenic view is not significant and does not contain unusually beautiful coastline views.

EVIDENCE: Public access in the form of lateral, vertical, upland trail or scenic overlook, is not warranted or appropriate for the property.

EVIDENCE: Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

24. FINDING: In approving this Combined Development Permit and adopting the Negative Declaration the Planning Commission finds that the moderate intensity recreational campground, accessory structures and ancillary uses contained within the General Development Plan will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Health Department, Public Works Department, the Parks Department, Water Resources Agency, California Department of Forestry and the South Coast Land Use Advisory Committee. The respective departments, agency, board and committee have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the county in general (see Condition Nos. 2-97).

EVIDENCE: Plans and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 980363.

25. FINDING: The project is appealable to the Board of Supervisors and to the California Coastal Commission.

EVIDENCE: Section 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan (Part 1).



**DECISION**

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Combined Development Permit consists of:
  - 1) Coastal Development Permit and Design Approval for a moderate intensity recreational campground, including:
    - a) 18 yurts (canvas-covered with wooden floor circular tent platforms);
    - b) 3,386 square foot guest services/bath house building with adjacent deck and swimming pool/spa;
    - c) 24 space parking area and infrastructure improvements;
    - d) new well and 32,000 gallon water storage tank;
    - e) septic and grey water collection system;
    - f) propane, diesel generator and wind generator power system;
    - g) golf-cart path system and exterior site lighting;
    - h) Walking trails with benches at view points;
  - 2) Coastal Development Permit for two employee housing units (sizes: 328 and 746 square feet respectively) for staff of the campground facility;
  - 3) Coastal Administrative Permit for a 3,308 square foot, two-story manager unit with attached garage;
  - 4) Permit Waiver for walking trails/driveways on slopes exceeding 30% slope;
  - 5) Approval of a General Development Plan for the property; and
  - 6) Site Grading (3,638 cubic yards).

The property is fronting on and easterly of Highway One, located at Los Burros Road and Highway One (APN 423-011-027-000) in the Big Sur area (1 mile north of the Town of Gorda) in the Coastal Zone. Neither the use nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection Department)

**Prior to the Issuance of Grading and Building Permits:**

1. Prior to the issuance of a building and/or grading permits, the applicant shall enter into an agreement with the County of Monterey to implement a Mitigation Monitoring Program. The Mitigation Monitoring Program shall include the following:
  - a) The applicant shall pay for an archaeological monitor during construction to ensure protection of archaeological resources, pursuant to Condition No. 21;
  - b) The applicant shall pay for a biologist to assess the final delineation of the proposed walking trails and benches to ensure protection of potential sensitive plant species, pursuant to Condition Nos. 17 & 18; and
  - c) The applicant shall agree to pay for consultant and/or staff to monitor for the 5 year long-term landscape screening tree program, weed control and overall landscape plan measured beyond

the final project inspection, pursuant to Condition Nos. 74-79. (Planning and Building Inspection Department)

1. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. Proof of recordation of this indemnification agreement shall be furnished to the Director of Planning and Building Inspection prior to commencement of construction or commencement of the use. (Planning and Building Inspection Department)
2. The applicant shall record a notice which states: "A permit (Resolution #99070) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 423-011-027-000 on November 17, 1999. The permit was granted subject to 97 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to commencement of construction or commencement of the use. (Planning and Building Inspection Department)
3. Prior to issuance of a building or grading permit, a scenic and conservation easement shall be granted to the County of Monterey for areas with slopes exceeding 30% and areas outside the development within visibility of State Highway One. The easement shall be submitted to and approved by the Director of Planning and Building Inspection Department and processed to the County Board of Supervisors. (Planning and Building Inspection Department)
4. Prior to issuance of a building or grading permit, a deed restriction shall be recorded with the Monterey County Records office which states "if any limited fuel reduction program should become necessary in the surrounding native habitat for fire protection, it shall be developed with the aide of a qualified forester, biologist, County Planning and Building Inspection Department and the California Department of Forestry so as to best help reduce fire danger while maintaining or improving the native habitat and existing trees that provide natural screening to the proposed structures." The deed restriction shall be submitted to and approved by the Director of Planning and Building Inspection Department. (Planning and Building Inspection Department)

5. Prior to the issuance of a building or grading permit, a deed restriction shall be recorded with the Monterey County Recorders office which states that "no invasive plant species shall be planted on the property." The deed restriction shall be submitted to and approved by the Director of Planning and Building Inspection Department. (Planning and Building Inspection Department)
6. Prior to the issuance of a building and/or grading permit, the applicant shall record a deed restriction stating that "because of the visual sensitivity of the area, all landscaping shall be approved by the Planning and Building Inspection Department. All exterior design changes, including color changes associated with repainting, re-roofing, exterior lighting changes shall be approved by through the design approval process, subject to approval by the Planning Commission." The deed restriction shall be subject to the approval of the Director of Planning and Building Inspection prior to recordation. (Planning and Building Inspection Department)
7. Prior to the issuance of a building permit, the applicant shall record a deed restriction stating "the parcel is located in a high geologic hazard area. A Geological Report (Library No. 14.09.110) was prepared for the parcel by Foxx Neilsen and Associates, dated February 1999 and updated Many 1999. In addition, a Geotechnical Soils-Foundation Report (Library No. 24.01.041) was prepared for the parcel prepared by Haro Kasunich & Associates, Inc., March 1999. All development shall be in accordance with these reports". (Planning and Building Inspection Department)
8. Prior to the issuance of a building and/or grading permits, the applicant shall record a deed restriction stating that "the parcel is located in a high fire hazard area and that development may be subject to certain restrictions required as per Section 20.145.080 of the Big Sur Coastal Implementation Plan (Part 3)." The deed restriction shall be subject to the approval of the Director of Planning and Building Inspection prior to recordation. (Planning and Building Inspection Department)
9. Prior to the issuance of a building and/or grading permits, the applicant shall record a deed restriction stating the "The moderate intensity recreational campground facility includes 18 yurts and guest services building with a manager unit and two employee housing units to accommodate the campground manager or property owner and staff to operate the campground facility. At no time shall the manager unit or employee housing units be converted or modified in use without the review and permit approval by the Monterey County Planning and Building Inspection Department." The deed restriction shall be subject to the approval of the Director of Planning and Building Inspection prior to recordation. (Planning and Building Inspection Department)
10. Pursuant to State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$1,275. This fee shall be paid on or before filing of the Notice of Determination. Prior to the issuance of a building permit and/or grading permit, proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection. The project shall not be operative, vested or final until the filing fees are paid. (Planning and Building Inspection Department)
11. The campground facility shall be designed to maintain the habitable structure setback from the geologic hazards line delineated by the geologic consultant, identified in the Geologic Report prepared by Foxx, Nielsen and Associates, dated February 1999. (Planning and Building Inspection Department)



14. All structures proposed for the campground facility shall comply with the seismic design standards of the Uniform Building Code. (Planning and Building Inspection Department)
15. The project shall be designed and constructed pursuant to recommendations contained in the Geologic Report prepared by Foxx, Nielsen and Associates, dated February 1999, and the recommendations contained in the Geotechnical Investigation prepared by Haro, Kasunich & Associates, dated March 1999. The applicant shall incorporate and note these recommendations in the building and grading permit plans. (Planning and Building Inspection Department)
16. Prior to any vegetation removal for development of the proposed walking trails and benches on the west facing slope of the property, the applicant shall mark where in the dense chaparral the trails are to be located. The applicant shall hire a qualified biologist to survey the chaparral for sensitive plant species. The biologist shall determine whether any individuals of sensitive plant species are located in the proposed walking trails or within 10 feet of the proposed walking trails. If sensitive plants are observed in the survey area, the walking trails shall be relocated to provide an appropriate buffer from the plant species are deemed appropriate by the qualified biologist. If the biologist determines that inadequate space is available to relocate the trail, then the walking trails shall not be constructed and eliminated from the General Development Plan for the campground facility. The Director of Planning and Building Inspection shall review and approve of said contract between the applicant and consulting biologist. (Planning and Building Inspection Department)
17. If sensitive plant resources are identified in preparation of the proposed walking trails, the scenic easement shall be amended to include conservation and preservation of the biological resources. (Planning and Building Inspection Department)
18. The native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials. These measures shall avoid fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. In addition, the undisturbed native vegetation areas will be temporarily fenced-off to prevent construction activities from impacting the resource. The consulting biologist shall assist in the location of protective fencing. Said protection shall be demonstrated prior to issuance of grading permits subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)
19. Prior to the issuance of building and/or grading permits, the applicant shall incorporate and note on the building/grading plans that construction methodology shall be used to protect the root system of the adjacent trees during construction. Construction methodology shall be approved by the consulting biologist. (Planning and Building Inspection)
20. Prior to issuance of a grading and/or building permits, the applicant shall hire an archaeological monitor to be on-site during any ground disturbing activities for the proposed residence, guesthouse, parking area and retaining walls. Ground disturbing activities shall including foundation removal during demolition, trenching, grading and construction of new foundation. The Director of Planning and Building Inspection shall review and approve of said contract between the applicant and archaeological monitor. (Planning and Building Inspection Department)

21. If during the course of construction activity on the subject property, cultural, archaeological, historical, paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (Planning and Building Inspection Department)
22. Prior to the issuance of a building permit, the applicant shall submit a Master Exterior Lighting Plan for the campground subject to approval by the Director of Planning and Building Inspection Department. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all exterior light fixtures and include catalog sheets for each fixture. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area, is illuminated and off-site glare is fully controlled. (Planning and Building Inspection Department)
23. Prior to the issuance of a building permit, the building permit plans shall be revised to incorporate interior lighting standards for the yurts, guest services building, manager unit, caretaker unit and the two employee units for recessed lighting where possible and all light sources directed away from windows, doorways and skylights. (Planning and Building Inspection Department)
24. The applicant shall supply design colors and materials with spec sheets for the solar panels to power the nighttime lighting of the proposed signage adjacent to State Highway One. Design of the solar panels must maintain the rustic and rural character of Big Sur, subject to the Director of Planning and Building Inspection. (Planning and Building Inspection Department)
25. The applicant shall revise the General Development Plan with a detailed proactive nighttime lighting operational program for the campground to include the following:  
Management and operational staff of the campground shall be responsible to close all window flaps on individual yurts and the interior drapes/blinds of the guest services building one hour after sunset each evening to reduce nighttime lighting from the interior of the structures; and  
The applicant shall establish a procedure (information at registration or notice within each yurt) to require guests of the campground to reduce nighttime lighting by maintaining the closure of yurt window flaps and interior drapes/blinds of the guest services building during evening hours to maintain the rural nighttime character of Big Sur; and  
An annual report shall be prepared by the applicant indicating the on-going status and success of the nighttime lighting operational program. The annual report shall be provided to the Director of Planning and Building Inspection during the month of January each year.  
(Planning and Building Inspection Department)
26. The applicant shall revise construction phasing schedule contained in the General Development Plan to include all components of the project (yurts, guest services building, caretaker unit, two employee units and manager unit) to be constructed concurrently. No occupancy for the yurts shall be issued until all employee housing has been established on the property. (Planning and Building Inspection Department)

27. Prior to the issuance of grading and building permits, the applicant shall revise the General Development Plan to include the following measures to protect the existing Monterey Pine tree forest resources on the property from infestation pine pitch canker contamination:
  - 1) The applicant shall establish a procedure to prohibit guests of the campground from bringing firewood onto the project site. The management and staff of the campground facility shall provide information at the time reservations are made, information sent to campground guests with reservation confirmations, and/or confirmation at check-in, that campground guests have not brought firewood onto the project site); and
  - 2) The management and staff of the campground facility shall provide all firewood to be used on the project site. Burning of pine firewood shall not be allowed unless the sources of the pine firewood is known to be free from pine pitch canker contamination.  
(Planning and Building Inspection Department)
14. The applicant shall obtain a grading permit from the Building Inspection Division. (Planning and Building Inspection Department)
15. No land clearing or grading shall occur on the subject property between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection Department)
16. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion in coordination with the consulting biologist, subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection Department)
17. Prior to the issuance of a grading or building permit, the applicant shall prepare a Transportation Management Plan for the removal of graded earth material from the subject property which is not balanced on site. The plan shall indicate the 1) where the earth material will be deposited; 2) how the material shall be transported (number of trucks, weight of truck, number of trips, and route); and 3) methods to control dust and debris on and off-site. Three copies of the plan shall be submitted for the approval by the Director of Planning and Building Inspection Department. (Planning and Building Inspection Department)
18. Prior to the issuance of a building permit, the applicant of the wind generation power system shall maintain a current insurance policy which will cover installation and operation of the Wind Energy Conversion System. The amount of said policy shall be established as a condition of permit approval by the Director of Planning and Building Inspection and County Counsel. (Planning and Building Inspection Department)
19. Prior to the issuance of a building permit, the applicant, or successors, shall continuously maintain a fund payable to the County of Monterey for the removal of non-functional towers and appurtenant facilities in an amount to be determined by the Director of Planning and Building Inspection and County Counsel for the period of the Use Permit. This fund may consist of a certificate of deposit in a State of California financial institution (as approved under Government Code Section 66499). Interest on said certificate of deposit shall be paid to the applicant, or its

successors, but the terms of the certificate shall require that it remain on deposit during the period of the Use Permit. (Planning and Building Inspection Department)

20. Prior to the issuance of a building permit, the applicant shall obtain a new water system permit from the Division of Environmental Health. (Environmental Health Division)
21. Prior to the issuance of a building permit, the applicant shall submit a detailed septic system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 Monterey County Code, and the Prohibitions of the Basin Plan, Regional Water Quality Control Board (RWQCB). The design shall meet the following criteria:
  - a) Adequate setbacks from: 1) building/foundations, 2) property lines, 3) wells, 4) trees, 5) water lines and 6) down-slope embankments/cuts (slopes >30%)
  - b) Structural engineering of drainfield for areas subject to vehicular traffic.
  - c) Distribution and diversion designs
  - d) The designs shall be at a scale of 1" = 30' or better.
 (Environmental Health Division)
14. Prior to the issuance of a building permit, the applicant shall submit engineered plans for surface and/or sub-surface drainage improvements for review and approval to the Director of Environmental Health to mitigate any potential septic system impacts from potential water ponding southwest of the proposed parking area. All improvements shall comply with the regulations found in Chapter 15.20 Monterey County Code and the Prohibitions of the Basin Plan, RWQCB. (Environmental Health Division)
15. Prior to the issuance of a building or grading permits, 3 copies of a drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts to include oil-grease/water separators for the paved parking areas and detention facilities to mitigate the impact of impervious surface stormwater runoff. (Water Resources Agency)
16. Prior to the issuance of a building permits for the yurts, buildings and accessory structures, stormwater detention facilities shall be constructed first, in accordance with plans approved by a registered civil engineer. (Water Resources Agency)
17. Prior to the issuance of a building permit for the yurts, buildings and accessory structures, the applicant shall provide certification to the County Water Resources Agency that the stormwater detention facility and other drainage improvements have been constructed in accordance with approved plans by a registered civil engineer or licensed contractor who constructed the facility. (Water Resources Agency)
18. Prior to the issuance of a building and grading permits, the applicant shall obtain an Amendment to the Special Use Permit from the U.S. National Forest Service to widen and improve the access roadway, located in the existing access easement on the adjacent Los Padres National Forest Service property (reference Condition Nos. 48 & 70 for the access road design standards). A copy of said permit shall be provided to the Director of Planning and Building Inspection. (Planning and Building Inspection Department)

19. Prior to the installation of project signage, the applicant shall obtain a Special Use Permit from the U.S. National Forest Service to construct name and directional signs to be located in the existing access easement on the adjacent Los Padres National Forest Service property. A copy of said permit shall be provided to the Director of Planning and Building Inspection. (Planning and Building Inspection Department)
20. Prior to the issuance of a building and grading permits, the applicant shall obtain an Encroachment Permit from the California Department of Transportation (Caltrans) to construct the standard road approach onto State Highway One. This will require the relocation of the existing cattleguard. A copy of said permit shall be provided to the Director of Planning and Building Inspection. (Public Works Department and the Planning and Building Inspection Department)
43. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. (California Department of Forestry)
44. The size of the address letters, numbers and symbols shall be a minimum of 3 inch letter height, 3/8 inch stroke and shall contrast with the background color of the sign. (California Department of Forestry)
45. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the roadway. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the roadway on which said address is located. (California Department of Forestry)
46. Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to the site. (California Department of Forestry)
47. Emergency water for wildfire protection shall be available and accessible in quantities and locations specified in these regulations, in order to attack a wildfire or defend property from wildfire. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available. (California Department of Forestry)

**Prior to Final Building Inspection/Occupancy:**

48. Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. The access roadway width shall be constructed in accordance with the California Fire Code Section 902. The minimum width of the roadway shall be 20'. The roadway surface shall consist of all weather material. Where road grades exceed 8 percent, a minimum structural roadway surface thickness of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required (reference Condition Nos. 40 & 70). (California Department of Forestry)

49. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. (California Department of Forestry)
50. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. (California Department of Forestry)
51. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. (California Department of Forestry)
52. The length of vertical curves in roadway, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. (California Department of Forestry)
53. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (California Department of Forestry)
54. Road way turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25 foot taper on each end. (California Department of Forestry)
55. All lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply. (California Department of Forestry)
56. Where parcels are zoned 5 acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals. (California Department of Forestry)
57. Each dead-end road shall have a turnaround constructed at its terminus. (California Department of Forestry)
58. Gate Entrances shall be at least the width of the traffic lane, but in no case less than 12 feet wide. (California Department of Forestry)
59. All access roads shall maintain unobstructed vertical clearance not be less than 15 feet. (California Department of Forestry)
60. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table A-III-A-1, Uniform Fire Code (1994). A minimum of 180,000 gallons (1500 gpm x 2 hours) storage is required unless buildings are sprinklered. (California Department of Forestry)

61. All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, or where a 30 foot minimum setback cannot be reached, alternate fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect. (California Department of Forestry and the Planning and Building Inspection Department)
62. The applicant shall trim all flammable vegetation from within 100 feet of any building on the property. Any trees located within 100 feet of the building shall be limbed 6 feet up from the ground, and limbs within 10 feet of any chimney shall be removed. The applicant shall coordinate with the consulting biologist, Planning and Building Inspection Department and the local fire agency to ensure trimming the vegetation will not impact the health of environmental sensitive Maritime Chaparral habitat. (California Department of Forestry)
63. All buildings on the property shall be fully protected with automatic fire sprinkler systems. The following notation is required on the plans when a building permit is applied for:

“The building shall be fully protected with automatic fire sprinkler systems. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for the fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection.” (California Department of Forestry)
64. All buildings shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by National Fire Protection Association standard 72-1993 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing jurisdiction prior to requesting a framing inspection. All fire alarm systems inspections and accordance with Chapter 7 of NFPA 72-1993. (California Department of Forestry)
65. Where road grades exceed 8 percent, a minimum structural roadway surface thickness of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. (California Department of Forestry)
66. Due to excessive slope of access road and/or driveway or other mitigating factors, garages and small bathrooms shall be protected with fire sprinklers. Exceptions 1 and 3 of section 4-6 (Location of Sprinklers), NFPA Standard 13-D, 1989 Edition do not apply. (California Department of Forestry)
67. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be Class A, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired or modified so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel. (California Department of Forestry)

68. The applicant shall provide to the County Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available and the number of current hook-ups. (Water Resources Agency)
69. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
  - a) All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
  - b) Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)
64. The applicant shall widen the access road to two lanes if approved by the local fire jurisdiction, the California Department of Forestry property (reference Condition Nos. 40 & 48 for the access road design standards). (Public Works Department)
65. The applicant shall provide off-street parking and two loading spaces subject to the approval of the County Planning and Building Inspection Department. (Public Works and the Planning and Building Inspection Department)
66. The applicant shall provide certification by the geotechnical consultant that all structure foundations have been installed pursuant to the recommendations contained in the Geotechnical Investigation. (Planning and Building Inspection Department)
67. All previously cut and/or graded areas that are not proposed as part of the improvements for the campground facility shall be restored and revegetated with native grasses and plants in accordance with the Drainage and Erosion Control Report prepared by WWD Corporation, dated March 1999. (Planning and Building Inspection Department)
68. A weed control plan shall be implemented during and after construction. (Planning and Building Inspection Department)
69. The campground shall be landscaped with appropriate native grasses, plants and trees similar and compatible with those of the surrounding environment. The landscape plan shall be reviewed by the County landscape consultant. The landscaping plan shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping. The Landscape Plan shall incorporate the recommendations contained in the Biological Assessment for the property prepared by EMC Planning. Three copies of the landscape plan shall be provided to the Planning and Building Inspection Department. (Planning and Building Inspection Department)
70. Landscaping of the site shall consist of drought tolerant native grasses and plants. The recommendations of the consulting biologist shall be incorporated into the landscape plan for the property. (Planning and Building Inspection Department)



71. The applicant shall develop a long-term permanent landscape screening tree program to maintain existing trees on the property and provide continued planting to ensure permanent screening of the proposed structures. The screening shall act as an extension of the surrounding native forest or chaparral areas. Planting of mature native trees to provide immediate visual screening may be required upon review and determination by the County landscape consult and Director of Planning and Building Inspection. The landscape screening tree program shall be incorporated into the Landscape Plan for the property. (Planning and Building Inspection Department)
72. The applicant shall enter into an agreement with a qualified biologist approved by the Director of Planning and Building Inspection to provide monitoring of the long-term landscape screening tree program to ensure adequate landscaping screening effectively blends the campground project with the surrounding environment. The monitoring program shall also evaluate weed control and the overall Landscape Plan for the property. A 5 year monitoring program shall be fully funded by the applicant, with the contract between the applicant and consulting biologist approved by the Director of Planning and Building Inspection. A report shall be provided to the Director of Planning and Building Inspection on an annual basis, detailing compliance of the long-term landscape screening tree program. (Planning and Building Inspection Department)
73. Prior to final building permit/occupancy, a final lighting assessment shall be conducted by the County Planning Division for minor modifications to the approved Master Exterior Lighting Plan, if applicable, to further reorient lighting away from State Highway One. (Planning and Building Inspection Department)

**Continuous Permit Conditions:**

80. There shall be no extensive food preparation or serving of meals on site which would result in a significant increase of wastewater. (Environmental Health Division)
81. All landscaped areas and replanted trees shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition to maintain the screening of the campground facility. (Planning and Building Inspection Department)
82. The areas located in the new conservation easement shall be prohibited from future development to ensure protection of the visual and habitat resources on the property. (Planning and Building Inspection Department)
83. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection Department)
84. The approved materials and colors for the project shall consist of the following:
  - a) Yurts – fabric walls (light brown, forest green and putty green colors) with vinyl roof (light beige color) on wood platform and deck (dark brown);

- b) Manager Unit/ Guest Services Building/Caretaker Unit & Employee Unit – Wood board o/board and shingles (weathered brown color) with wood fascia, beams & railings (dark brown) with metal roof (weather copper);
  - c) Site Improvements – Rock walls, wood light fixtures, railings and sign posts (Planning and Building Inspection Department)
85. The manager unit shall be maintained and occupied by the manager or property owner who will manage the campground facility. (Planning and Building Inspection Department)
86. The two employee housing units on the property are subject to the following development standards of the Big Sur Coastal Implementation Plan Section 20.145.140.B.4.a:
- a) The employee housing provided by the employer shall be available at a cost affordable to the development's low-to-moderate income employees;
  - b) The employee housing must be constructed prior to or concurrently with the proposed development;
  - c) The employee housing shall be constructed on the site or in the immediate vicinity of the development, such that an employee may walk to the job site;
  - d) Except for dormitories, the maximum size of an employee housing unit shall be 850 square feet. The maximum number of such new housing units shall be 1 unit per inn unit or per six restaurant seats. (Planning and Building Inspection Department)
87. The wind power generation system shall be constructed in accordance with development standards for a non commercial wind energy conversion system contained in the Monterey County Coastal Implementation Plan, Part 1 Section 20.64.120. (Planning and Building Inspection Department)
88. If the wind power generation system remains non-functional or inoperative for a continuous period of 1 year, the permit holder shall remove said system at their expense. Removal of the system includes the entire structure including foundations, transmission equipment, and fencing from the property. (Planning and Building Inspection Department)
89. Non-function or lack of operation may be proven by reports to the State Energy Commission or by lack of income generation. The applicant, permit holder, and successors shall make available to the Director of Planning and Building Inspection all reports to and from the purchaser or purchasers of energy from individual Wind Energy Conversion Systems or from the wind farm, if requested. (Planning and Building Inspection Department)
90. If removal of wind generation power system towers and appurtenant facilities is required and the applicant, permit holder, or successors fails to remove the towers and appurtenant facilities from the property within 30 days from the date of notification by the Director of Planning and Building Inspection, the Director of Planning and Building Inspection may contract for such removal and pay for removal from the fund. The permit holder shall then have 90 days within which to replenish the fund. Failure to replenish the fund shall be a breach of the condition of the Coastal Development Permit and as such, voids the permit. (Planning and Building Inspection Department)

91. If the County removes a wind generation power system tower and appurtenant facilities, it may sell the salvage to defray the cost of removal. By the acceptance of a Coastal Development Permit, the permittee or grantor grants a license to the County of Monterey to enter the property to remove a tower pursuant to the terms of the Discretionary Permit and to assure compliance with the other conditions set forth in the permit. (Planning and Building Inspection Department)
92. Any public use of the existing Los Padres National Forest Service roadways or lands shall require the applicant to obtain an Outfitter Guide Permit. Documentation of said permit shall be provided to the Director of Planning and Building Inspection. (Planning and Building Inspection Department)
93. The management and staff of the campground facility shall provide all firewood to be used on the project site. Burning of pine firewood shall not be allowed unless the source of the pine firewood is known to be free from pine pitch canker contamination. (Planning and Building Inspection Department)
94. The campground facility can accommodate community meetings and swimming lessons at the guest services building at the discretion of the applicant, provided the meetings or swimming lessons will not conflict with the operation of the campground. Activities shall not exceed the capacity of the facility (parking for 24 vehicles and occupancy of 72 guests) as contained in the approved General Development Plan. (Planning and Building Inspection Department)
95. The parking plan for the campground facility consists of 26 spaces (24 required by Planning and Building Inspection Department and 2 loading spaces required by the Public Works Department) defined below:

<b>TREEBONES CAMPGROUND PARKING PLAN</b>	
Guest Parking	18 spaces
Employee Units	2 spaces (1 covered)
Manager Unit	2 spaces (covered)
Handicap	2 spaces
Loading/Unloading	2 spaces
<b>TOTAL:</b>	<b>26 SPACES</b>

96. The management and staff of the campground facility shall continuously comply with the nighttime lighting operational program contained in the General Development Plan for the campground. An annual report shall be prepared by the applicant indicating the on-going status and success of the nighttime lighting operational program. The annual report shall be provided to the Director of Planning and Building Inspection during the month of January each year. (Planning and Building Inspection Department)
97. Any changes in the use or activities of the moderate intensity recreational campground shall require an Amendment to the General Development Plan. The Director of Planning and Building Inspection shall have the authority to review any changes of use to determine the permit(s) required and the appropriate decision-making body. (Planning and Building Inspection Department)

PASSED AND ADOPTED this 17th day of November, 1999 by the following vote:

AYES: Crane-Franks, Errea, Hawkins, Hennessy, Hernandez, Parsons, Pitt-Derdivanis, Sanchez  
NOES: None  
ABSENT: Lacy, Wilmot

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William L. Phillips, SECRETARY

Copy of this decision mailed to applicant on

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (408) 479-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

#### NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in \*.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.

NC/

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Rev. 1/15/99



PROJECT  
TREEBONES  
RUSTIC CAMPGROUND

GORDA, CALIFORNIA

PROJECT NO. 8805  
OWNER  
JOHN MANDY  
380 WESTERN PLACE  
LONG BEACH, CA 90807

SHEET NO. 1  
SITE PLAN

SCALE 1" = 50.00'

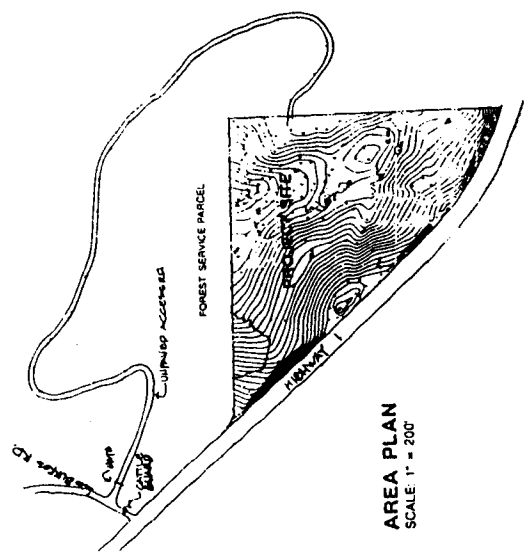
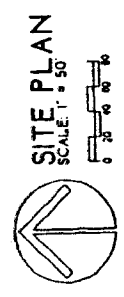
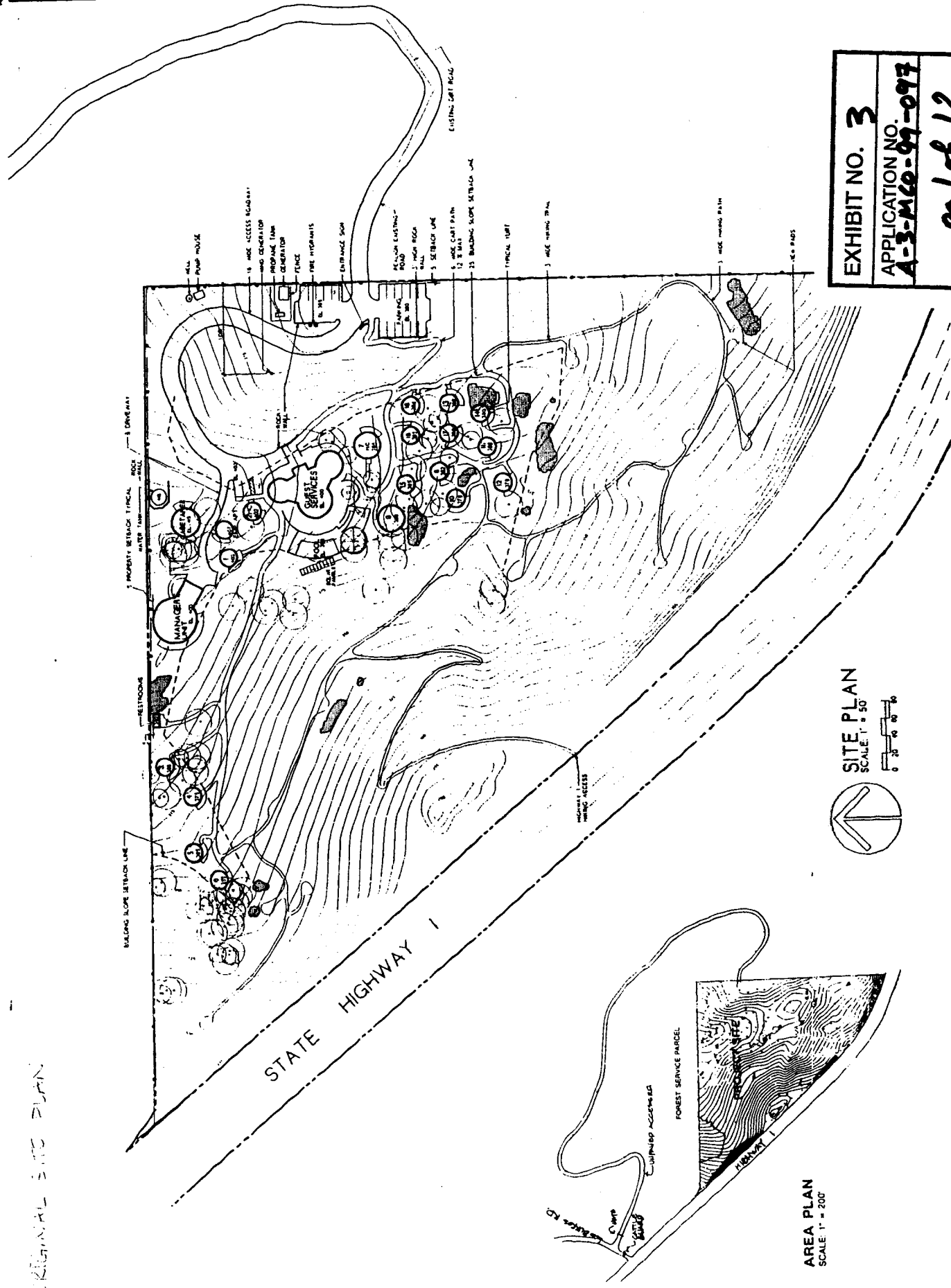
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DATE ISSUED FOR CONSTRUCTION

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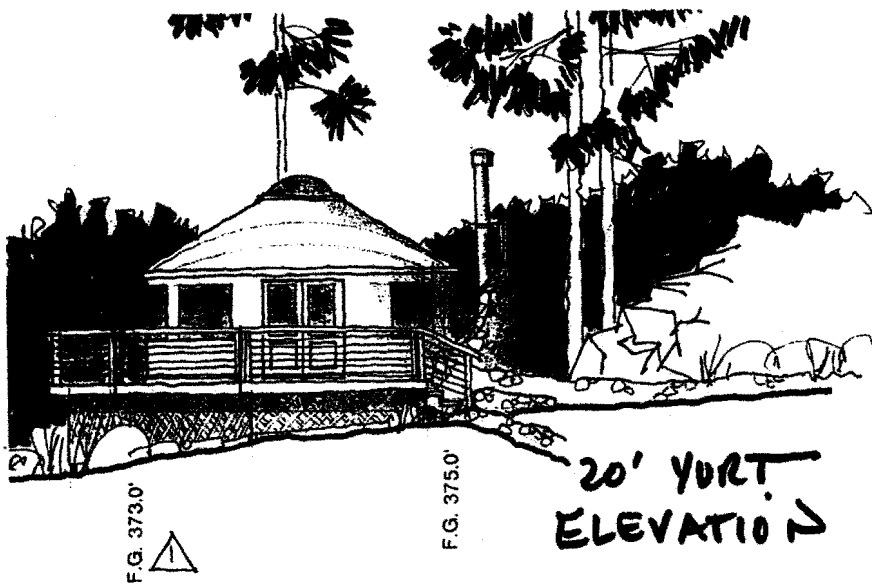
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SHEET 2 OF 3 SHEETS

EXHIBIT NO. 3  
APPLICATION NO.  
A-3-MCO-99-097  
pg 1 of 12  
ORIG. SITE PLAN



AREA PLAN  
SCALE 1" = 200'

ORIGINAL SITE PLAN



**FLETCHER+  
HARDON**

ARCHITECT

769 PACIFIC STREET • MONTEREY, CALIFORNIA 92  
TEL 408 373-5855 • FAX 408 373-5

PROJECT:

**TREEBONES**  
RUSTIC CAMPGROUND

**GORDA, CALIFORNIA**

PROJECT NO.: 9805

OWNER:

**JOHN HANDY**  
3812 WESTON PLACE  
LONG BEACH, CA 90807

SHEET TITLE:

**YURT PLANS**

SCALE:

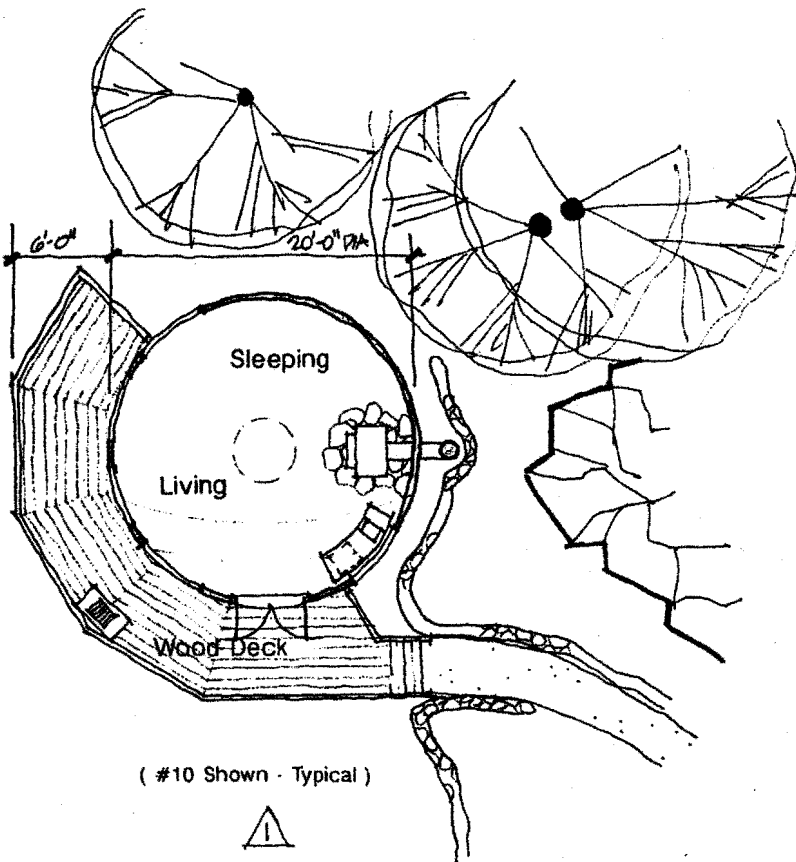
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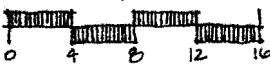
DATE ISSUED FOR CONSTRUCTION:

REVISIONS:



## 20' YURT FLOOR PLAN

SCALE: 1/8" = 1'-0"



314 sf

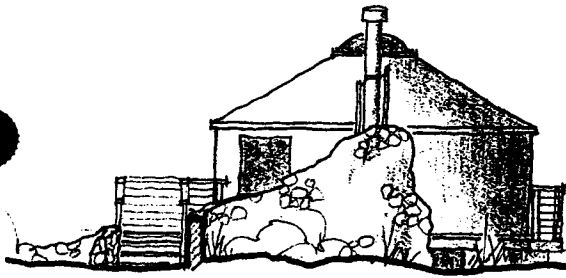
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APPLICATION NO.

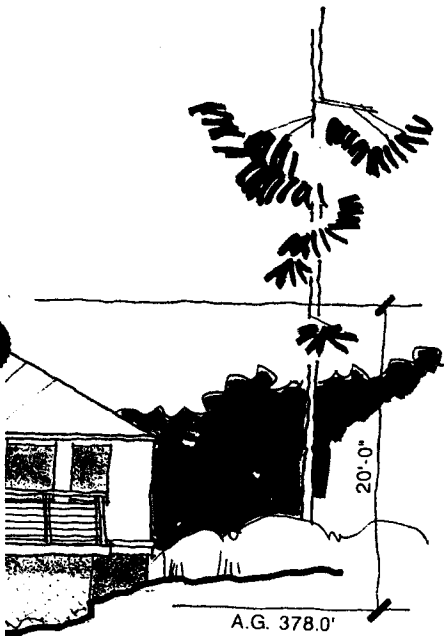
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**PLANS/ELEVATIONS**

**pg 2 of 12**

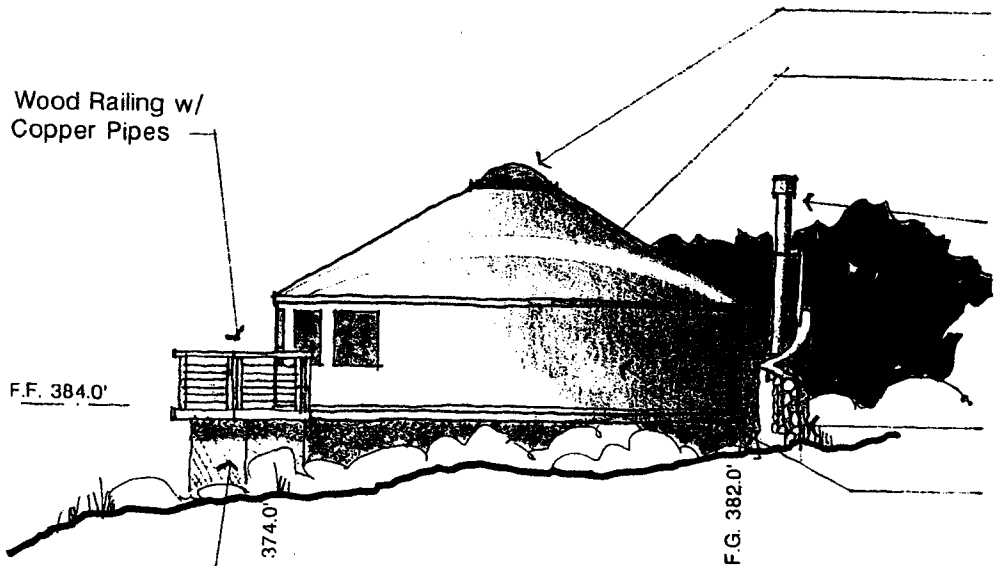


20' YURT  
ELEVATIONS



Wood Railing w/  
Copper Pipes

F.F. 384.0'



Wood Lattice

EXHIBIT NO. 3

APPLICATION NO.

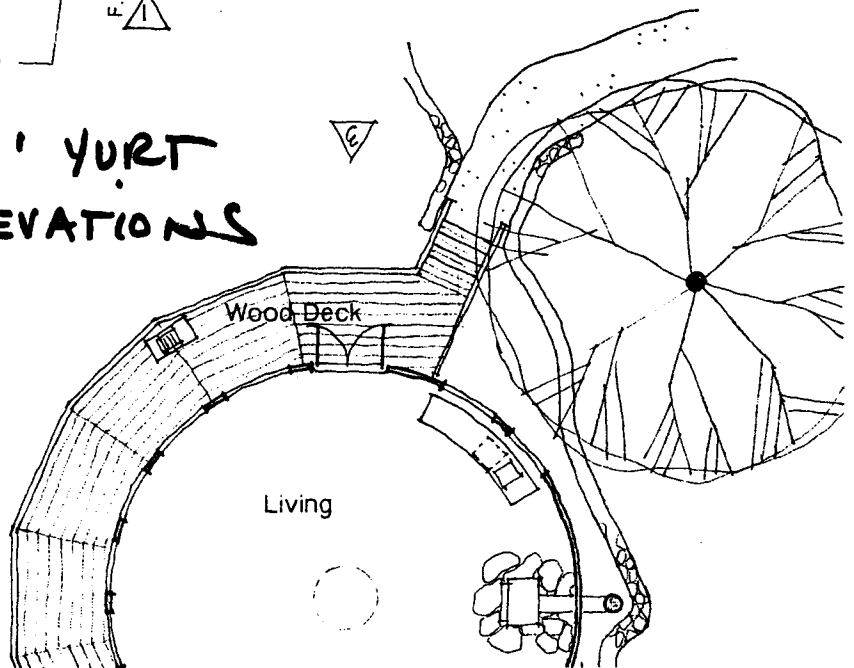
A-3-MCO-99-097

PLANS/ELEVATIONS

pg 3 of 12

20' YURT  
ELEVATIONS

30' YURT  
FLOOR PLAN



OWNER:  
JOHN  
3812  
LONG

SHEET TITLE  
GUEST

SCALE:

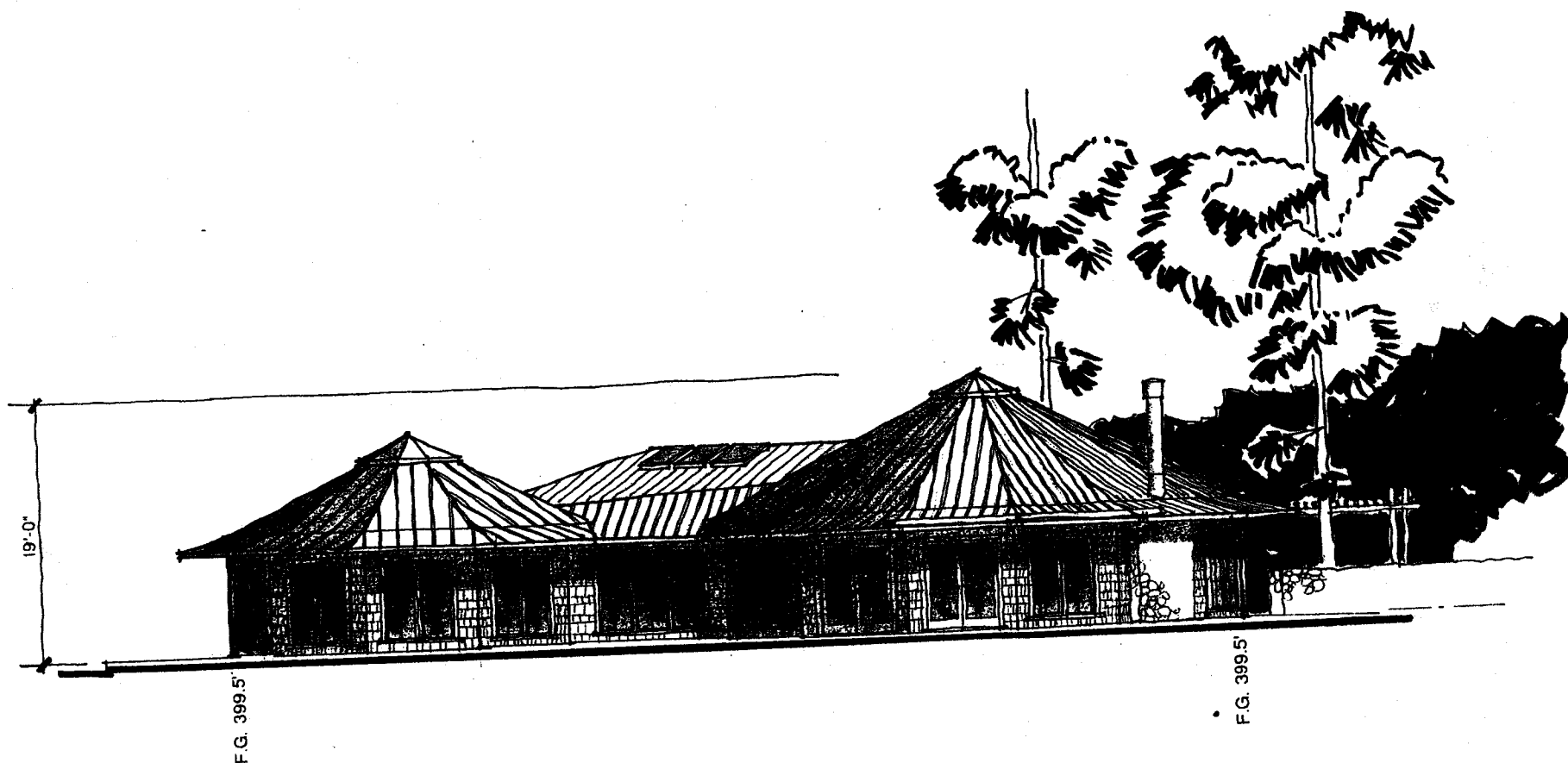
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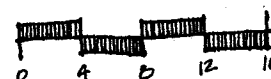


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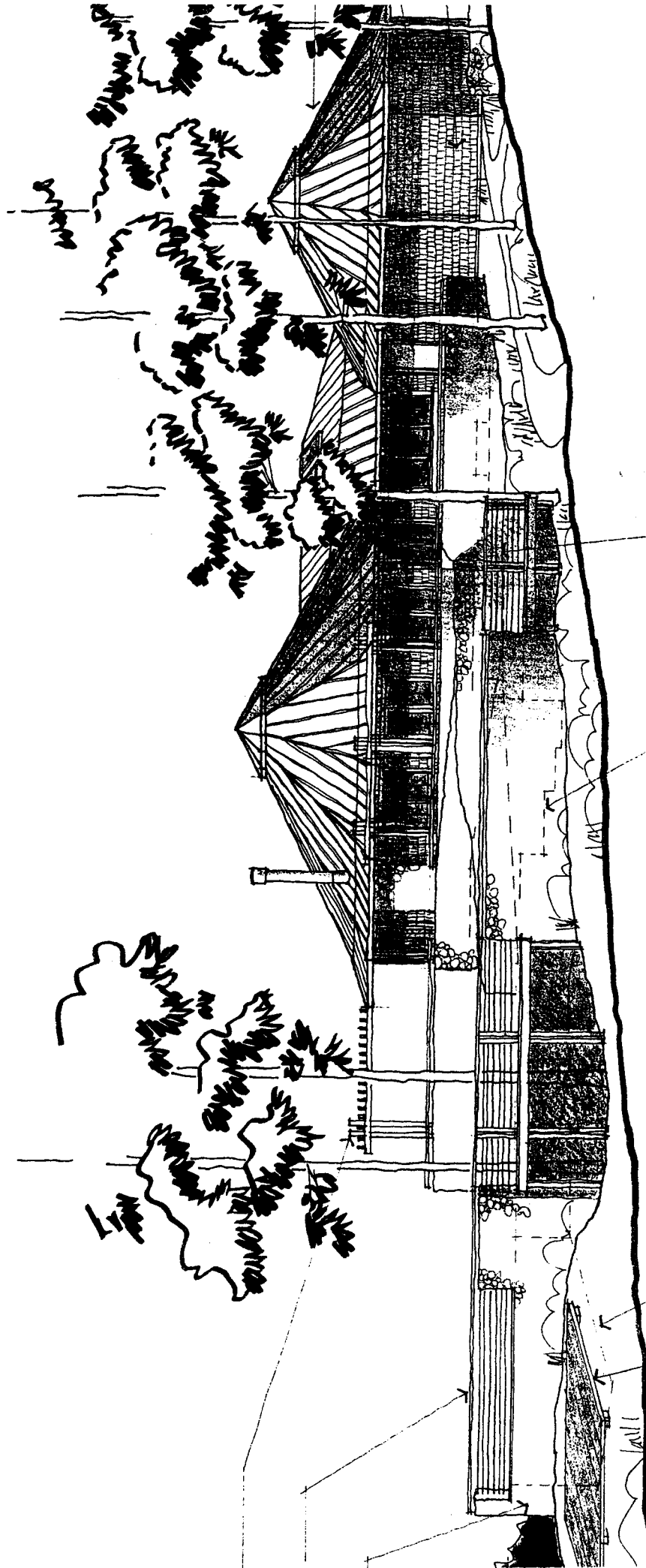


EXHIBIT NO. 3
APPLICATION NO. A-3-M20-99-097
PLANS/ELEV.
Pg 4 of 12

GUEST SERVICES ELEVATIONS  
SCALE: 1/8" = 1'-0"








South 

EXHIBIT NO. <b>3</b>
APPLICATION NO. <b>A-3-MCO-94-097</b>
<b>PLANS/ELEV.</b>
<b>p 5 of 12</b>

Yurt 9

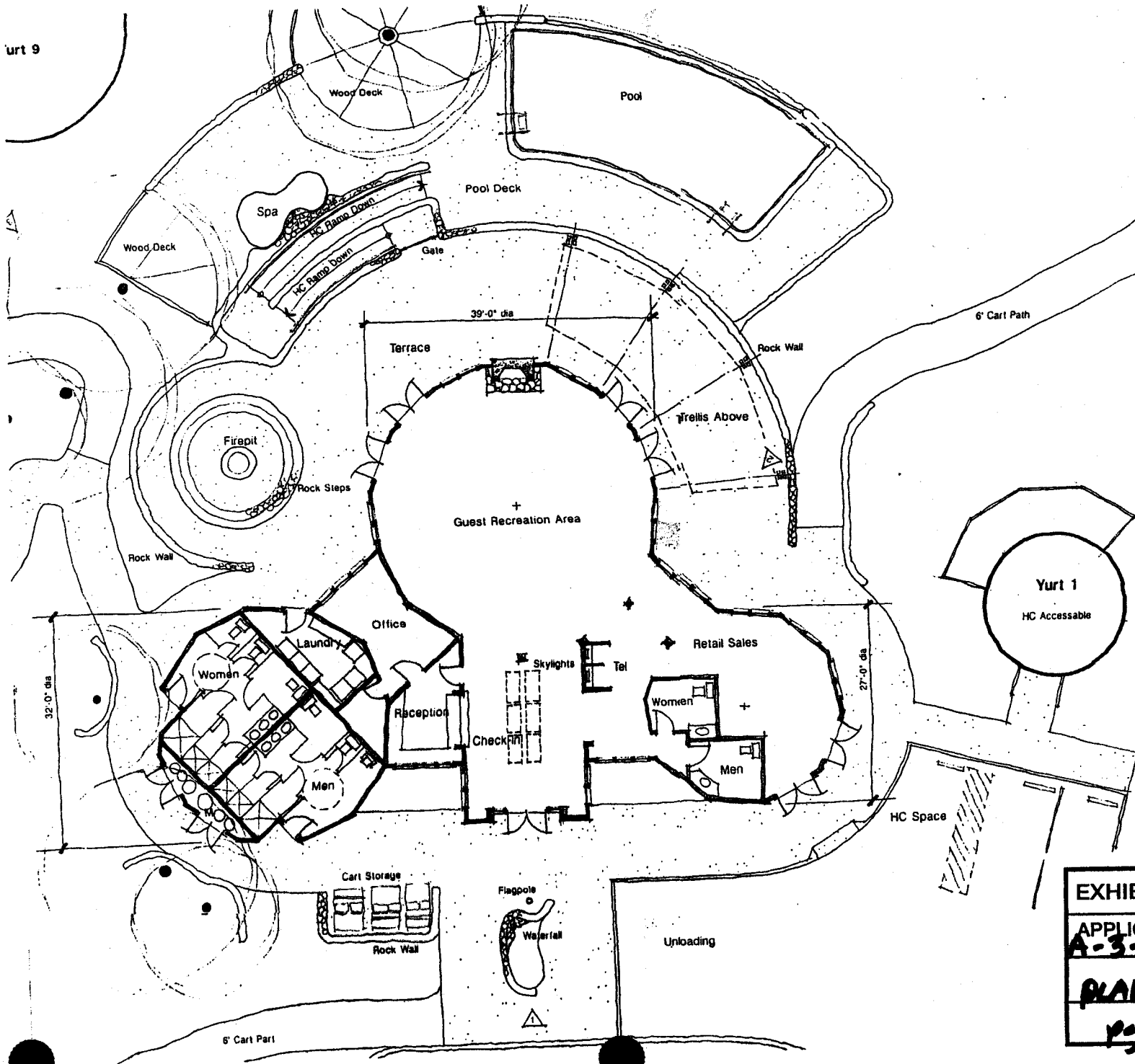
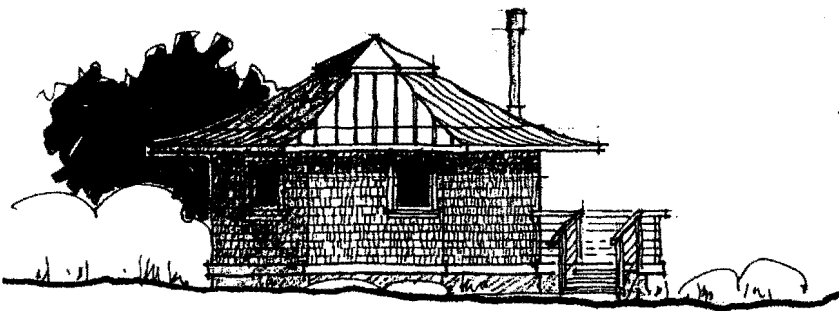


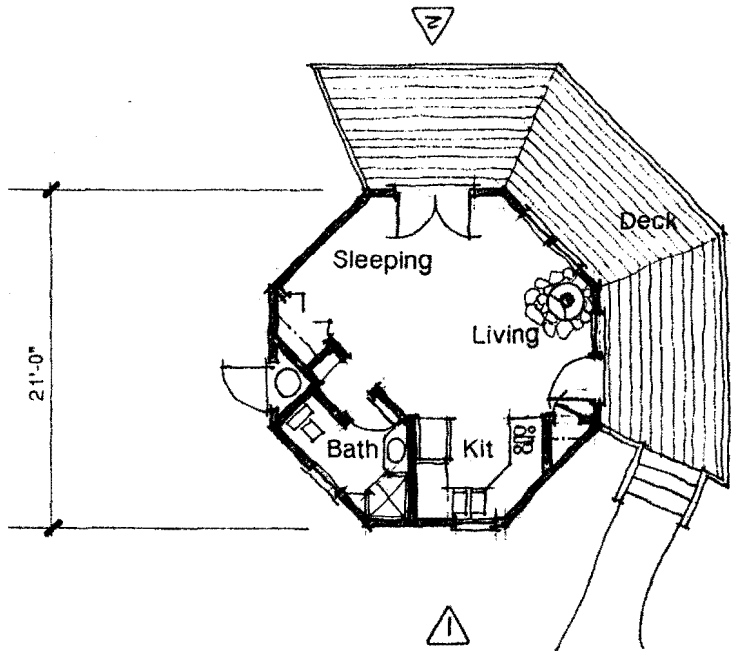
EXHIBIT NO. 3  
APPLICATION NO. A-3-MO-99-097  
PLANS/ELEV.  
pg 6 of 12

# ELEVATIONS



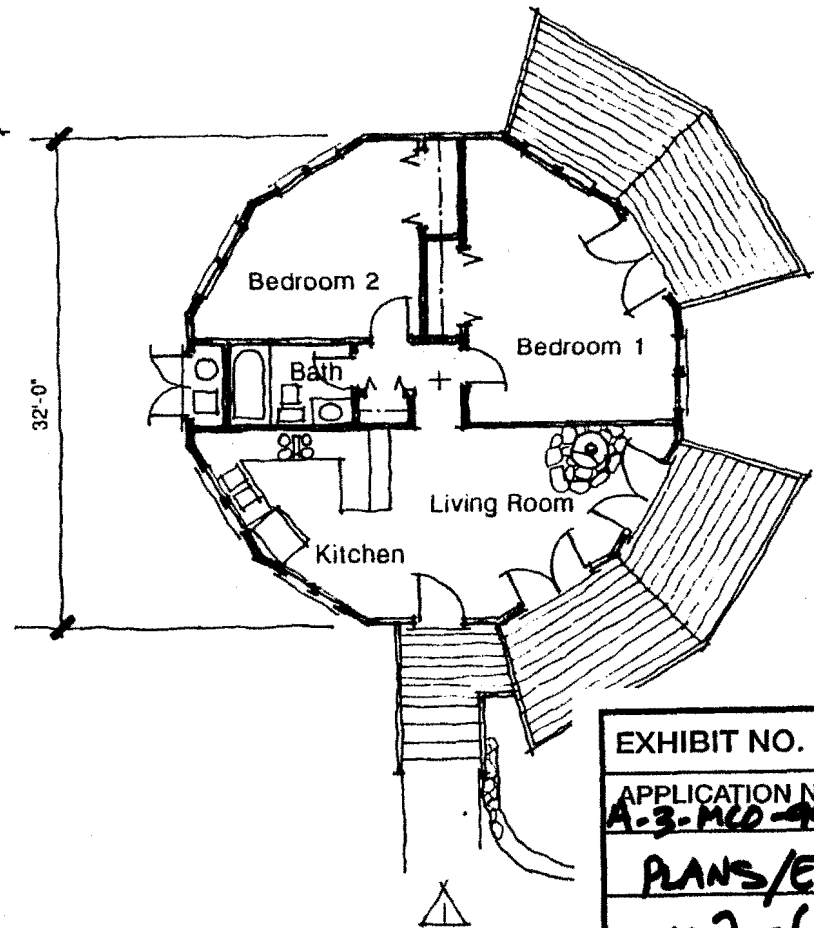
Materials same  
as Caretakers

## ELEVATIONS



### EMPLOYEE UNIT FLOOR PLAN

SCALE: 1/8" = 1'-0"

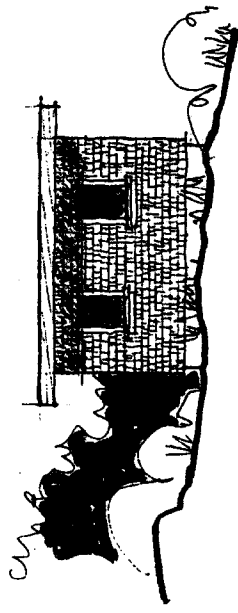


746 st

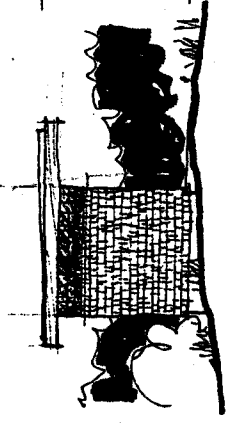
### CARETAKERS FLOOR PLAN

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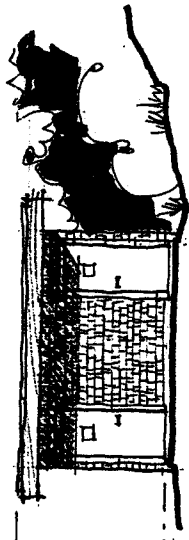
EXHIBIT NO. 3
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PLANS/ELEV
pg 7 of 12



Rear



Side



Front

# ELEVATIONS REST ROOMS

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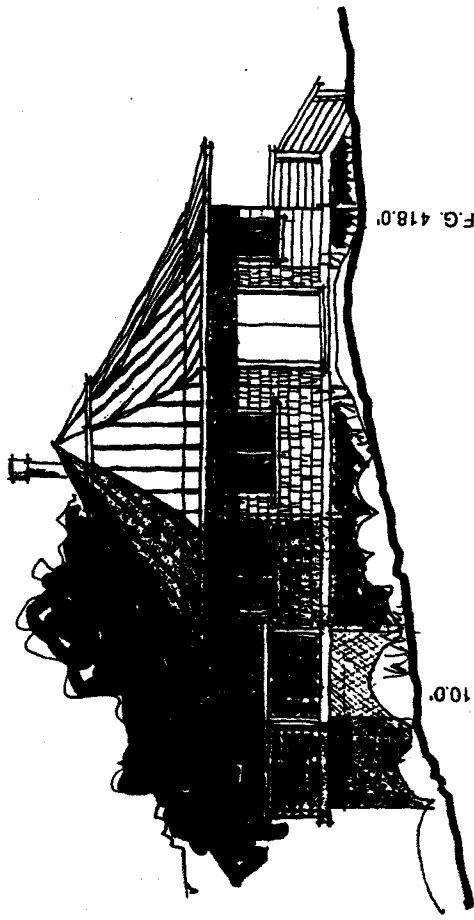
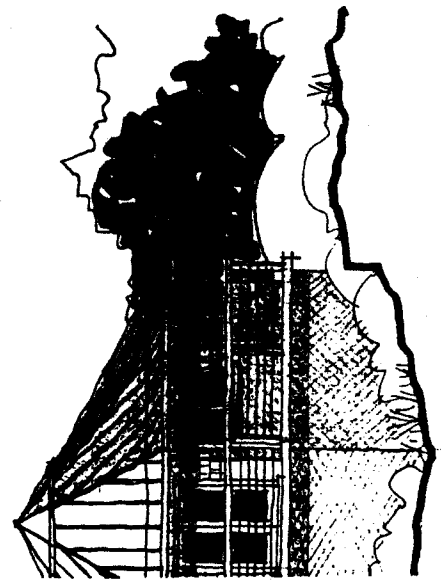
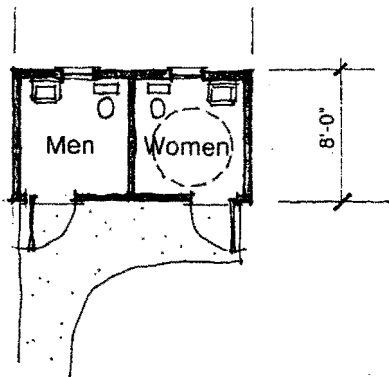


EXHIBIT NO. 3
APPLICATION NO. A-3-1100-01-097
plans/elev.
pg 8 of 12



## CARE TAKER UNIT

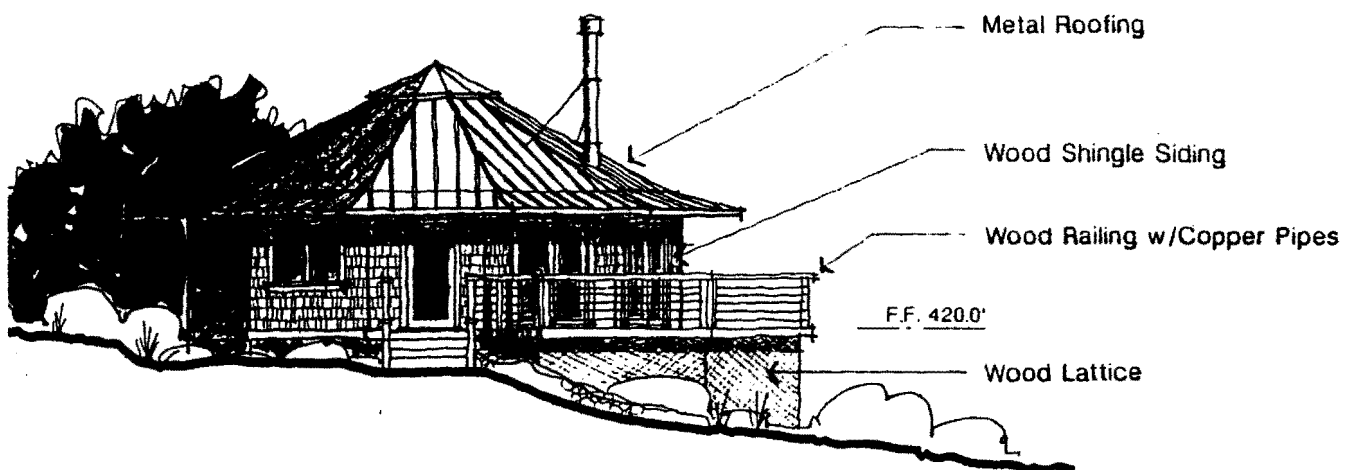
## ELEVATIONS



# FLOOR PLAN

SCALE: 1/8" = 1'-0"

# RESTROOMS



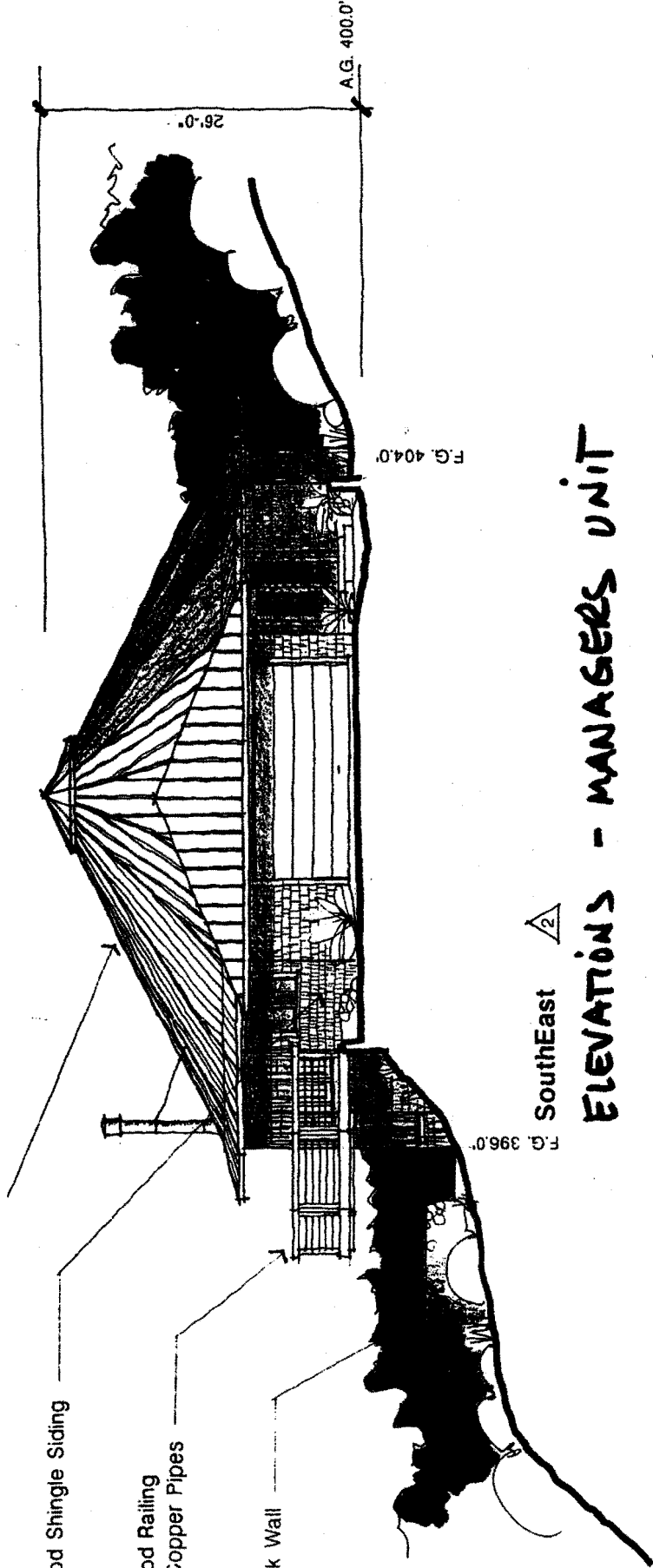
# ELEVATIONS

EXHIBIT NO. 3
APPLICATION NO. A-3-MIO-99-097
PLANS/ELEV.
pg 9 of 12

Wood Shingle Siding

Wood Railing  
w/Copper Pipes

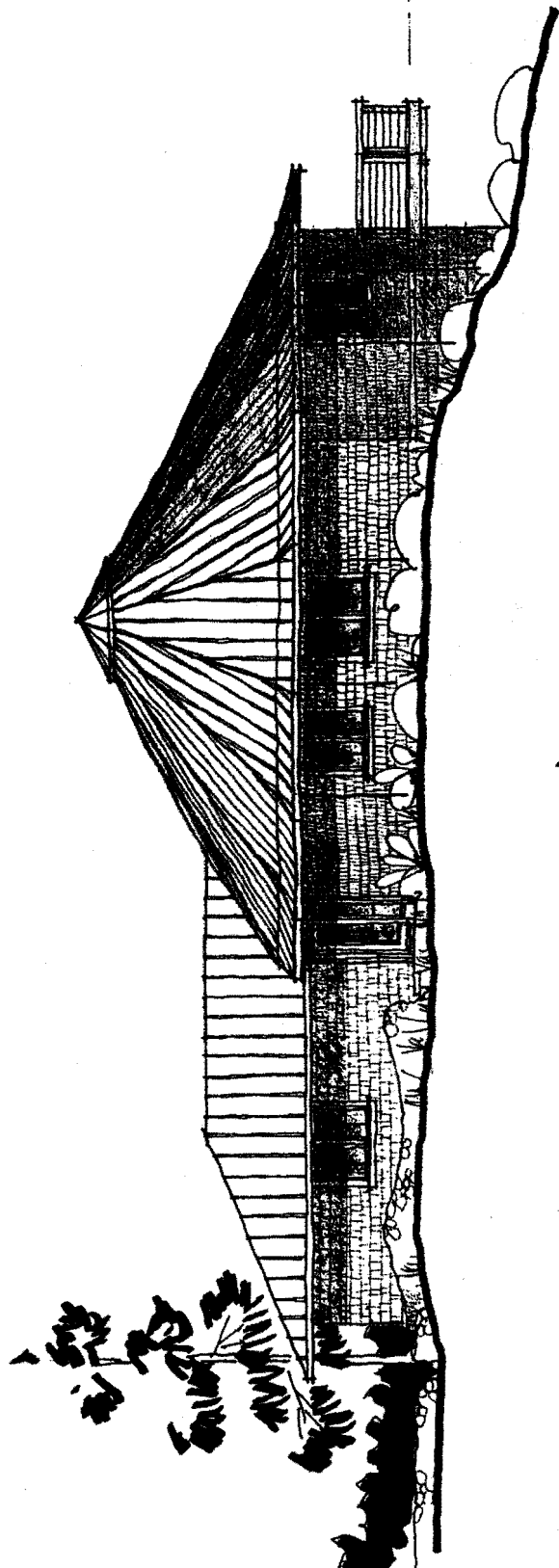
Rock Wall



SouthEast



## ELEVATIONS - MANAGERS UNIT



NorthEast



EXHIBIT NO. 3

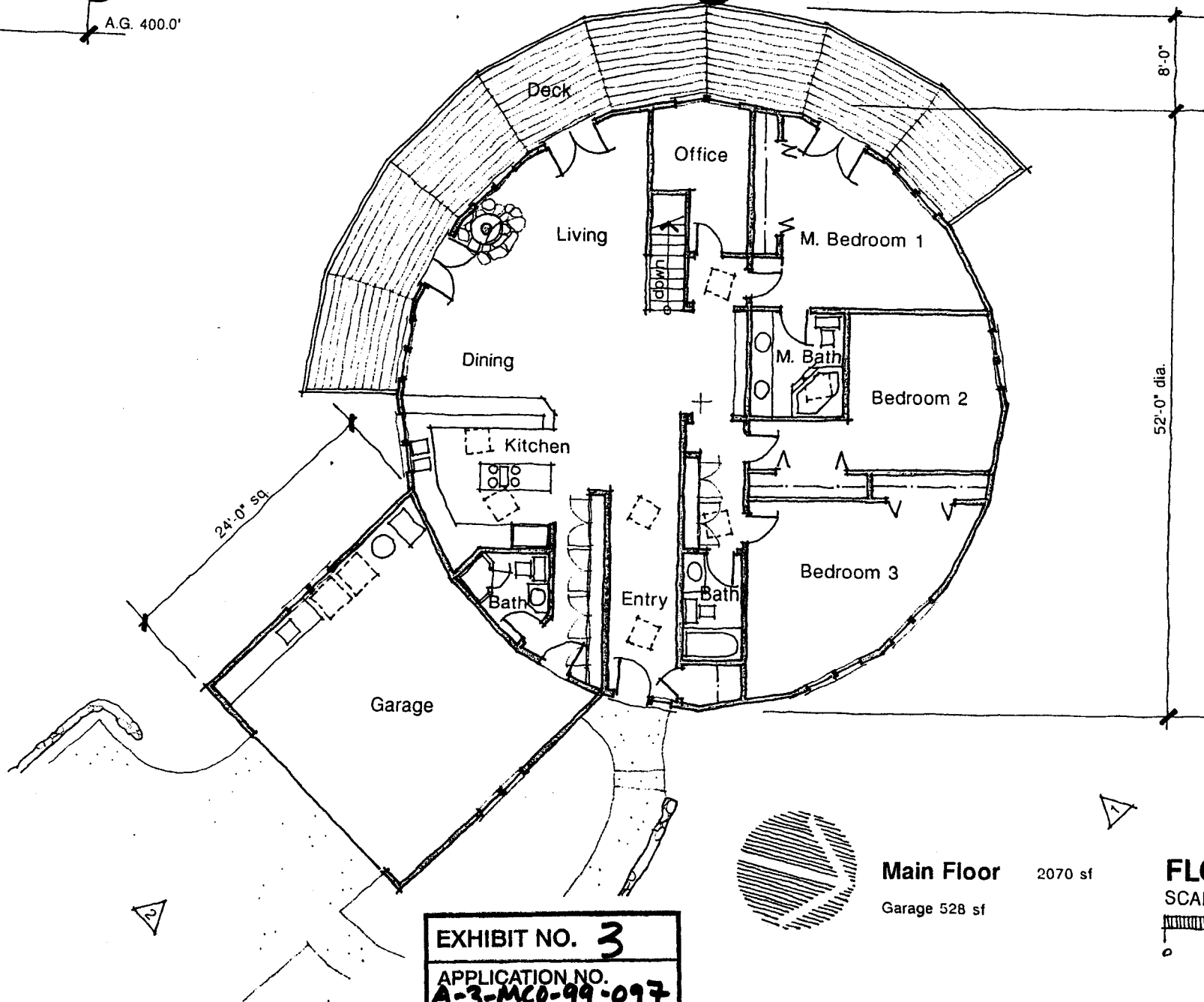
APPLICATION NO.

A-3-260-94-097

Plans/Elev.

pg 10 of 12

A.G. 400.0'



Main Floor 2070 sf  
Garage 528 sf

**FLOOR PLAN**  
SCALE: 1/8" = 1'-0"  
0 4 8 12 16

EXHIBIT NO. 3  
APPLICATION NO.  
A-3-MCO-99-097  
PLANS/ELEV  
pg 11 of 12

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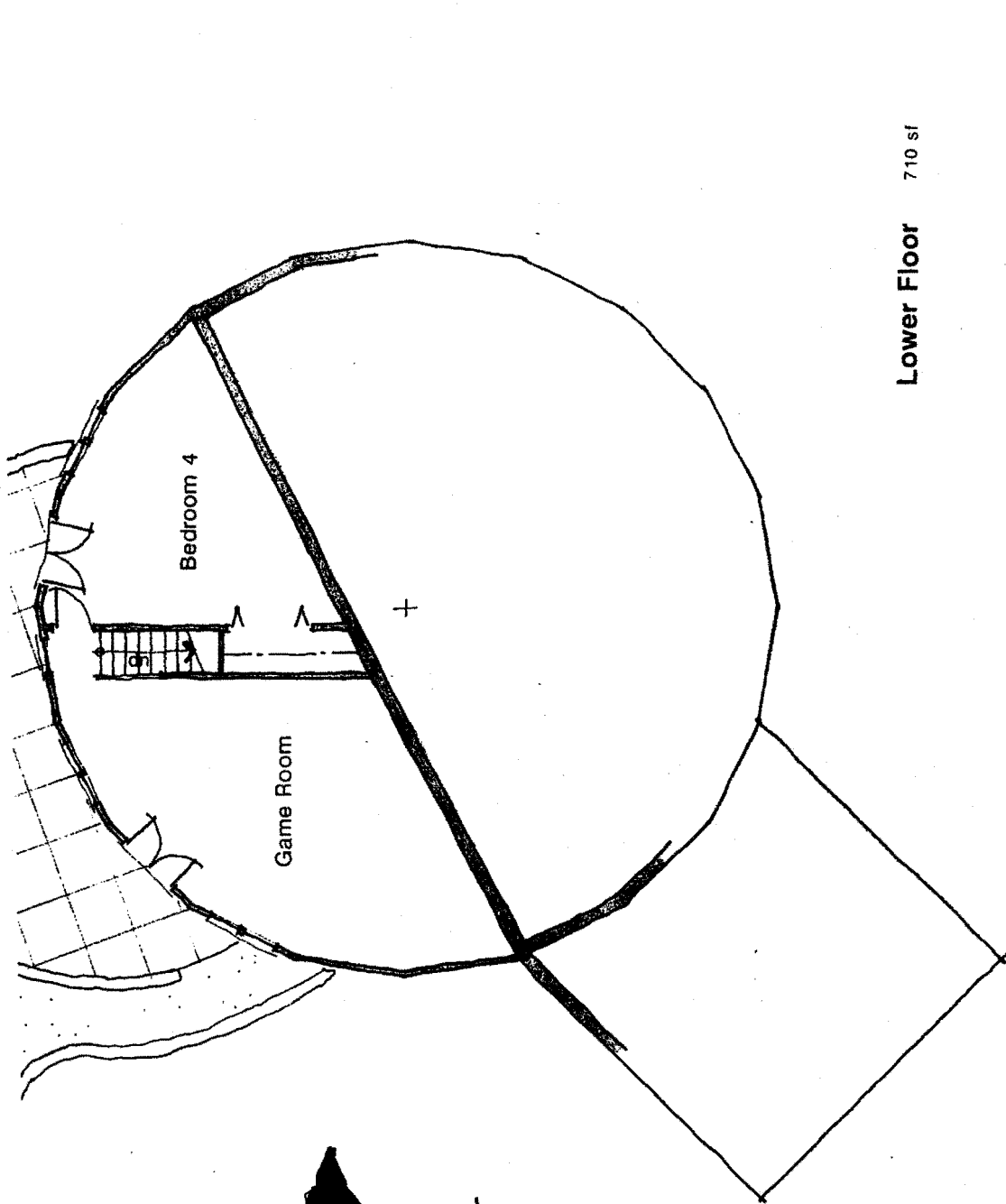


EXHIBIT NO. 3
APPLICATION NO. A-3-1120-99-097
PLANS/ELEV
pg 12 of 12

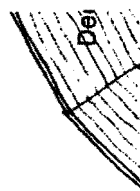




TABLE 1: LAND USE AND DEVELOPMENT INTENSITY AND BUILDOUT

USES	LOCATION ON LAND USE MAP	OVERALL DENSITY STANDARD *	SITE DEVELOPMENT STANDARD *	ESTIMATED ADDITIONAL UNITS IN BIG SUR
<u>1. Residential</u>				
a. Principal Residences	Watershed & Scenic Cons. Rural Residential Areas  Big Sur Valley RCC	Maximum of 100 Units: 1 per 40 acres W. of Hwy 1 1 per 40-320 ac. per slope-density formula E. of Hwy 1 1 per existing parcel **	1 acre minimum parcel (clustering)	TOTAL: 845 (est.) (656 on existing parcels; 189 on new sites.
b. Additional Residences		2 X the above (except RCC areas)	Same as above	50 per TDC program,
c. Employee Housing				
(1) Caretaker units	Watershed & Scenic Cons.	1 per parcel	N/A	50 maximum
(2) Commercial-employee housing	Rural Community Centers Watershed & Scenic Cons. Outdoor Recreation	Specified in housing plan required for each commercial project	N/A	300 (range 0 - 650+)
(3) Ranch hands - Dormitories/bunk-houses	Watershed & Scenic Cons.	1 per ranch (640 ac.)	N/A	12
<u>2. Visitor Accommodations</u>				
a. Inns, RV Campgrounds ***	Watershed & Scenic Cons.	Maximum of 300 units: 2 units for each residential unit credit retired; maximum 8 per parcel	10 acre minimum parcel 30 units per cluster max.	130 (range 0 - 260)
	o Westmere	24 units (special allowance)	24 units max.	24
	Rural Community Centers	1 unit per net undeveloped ac.	10 ac. minimum parcel; 30 units per cluster, max.	240
b. Hostels	Watershed & Scenic Cons. National Forest Outdoor Recreation	1 bed unit per acre; 50 maximum in Big Sur	10 acre minimum parcel	50 maximum
	Rural Community Centers	1 bed per unit acre; 50 maximum in Big Sur	5 acre minimum parcel	
<u>3. Campgrounds</u>				
a. <u>Rustic Campgrounds ***</u>	Outdoor Recreation National Forest Watershed & Scenic Cons.	1 space per 20 acres	5 spaces per acre (Clustering)	Undetermined
	Rural Community Centers	2 spaces per acre	10 acre minimum parcel; 10 spaces per acre (Clustering)	Undetermined
b. Hike-in & Environmental Campsites	Outdoor Recreation National Forest Watershed & Scenic Cons. Rural Community Center Resource Conservation	1 space per 20 acres	5 spaces per acre (Clustering)	Undetermined
** Development of visitor accommodation use is permitted on a parcel designated RCC and containing an existing residence or less on the existing residence is considered an auxiliary				

\* These represent maximum intensities. Natural resource limitations or constraints may further reduce these densities for any individual parcel.

\*\* Development of visitor accommodation use is permitted on a parcel designated RCC and containing an existing residence so long as the existing residence is considered an ancillary use to the visitor-serving facility.

\*\*\* RV Campgrounds are distinguished from Rustic Campgrounds by utility connections, paved surfaces, etc., at each site.

# MONTEREY COUNTY

## PLANNING AND BUILDING INSPECTION DEPARTMENT

☐ P.O. BOX 1208, SALINAS, CALIFORNIA 93902 PLANNING: (831) 755-5025 BUILDING: (831) 755-5027 FAX: (831) 755-5487  
☐ MONTEREY COURTHOUSE, 1200 AGUAJITO ROAD, MONTEREY, CALIFORNIA 93940 (831) 647-7620 FAX: (831) 647-7877



# RECEIVED

WILLIAM L. PHILLIPS, DIRECTOR

DEC 20 1999

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

December 14, 1999

Rick Hyman  
California Coastal Commission  
Central Coast District  
725 Front Street, Suite 300  
Santa Cruz CA 95060

**Subject: Consistency Analysis for Treebones Campground Project (980363)**

Dear Rick:

The letter is in response to your questions regarding the County's consistency analysis of the Treebones Campground project and Density of Development in Big Sur. The campground project is appropriately designed and consistent with the Big Sur Coast Land Use Plan (LUP) and Coastal Implementation Plan (CIP) policies and development standards for *density*. This determination is based upon 1) use interpretation of a "yurt" structure; 2) Land Use and Development Intensity & Buildout Table (Policy 5.3.3-Table 1); and 3) Development Standards for new recreation & visitor-serving facilities (Section 20.145.140.B).

- 1) As we have discussed during several phone conversations since the pre-application phase of this project (July 1998), the "yurt" structure for the campground is not explicitly defined in the Big Sur LUP/CIP or Title 20, CIP-Part 1. Yurts by design are canvas material tents on wood platforms. Campgrounds are defined as "...transient persons using *tents*, recreational vehicles or *similar quarters*" (Section 20.06.150). Additionally, campgrounds listed as conditional uses under Visitor Serving Commercial "VSC" zoning district includes tent platforms as a type of campground (Section 20.22.060.S). Staff did not classify yurts as inn units, since hotel or motel uses by definition include the term "guestrooms", which are rooms without cooking facilities (Sections 20.06.660, 20.06.810 & 20.06.625). The proposed yurts include

Exhibit No. 5  
A-3-MCO-99-97  
County Response

cooking facilities, but no private bathrooms. Therefore, Staff concluded that the yurt project is a moderate intensity recreational campground.

- 2) The Big Sur LUP establishes the development intensity for different land uses: residential, visitor accommodations and campgrounds. Based on Staff's determination that the project is a moderate intensity campground, the density is most closely associated with a "rustic campground"—not a RV, hike-in or environmental campground. The Treebones Campground project is consistent with the density is 2 spaces/acre on a 10 acre minimum parcel size located in a Rural Community Center.
- 3) Both the Buildout Table 1 in the Big Sur LUP and the Development Standards for new recreational and visitor-serving facilities identify that natural resource limitations or constraints may further reduce the maximum allowable density listed in Table 1. However, only inn or lodge units in "VSC" zoning districts subtract undevelopable acreage from the minimum parcel size required for maximum allowable density (Section 20.145.140.C). Therefore, no acreage was subtracted from the subject parcel size (10.7 acres) for the yurt campground project.

Staff does not consider a yurt an "inn unit". Throughout the entire Coastal Development Permit process, the project has been described as a "moderate intensity campground" in all application materials, Interdepartmental Review (IDR) correspondence, environmental review (negative declaration), and final staff report/resolution—all of these items circulated to Coastal Commission Staff for review and guidance since the application was submitted in March 1999. During the permit process, Staff received no comment that a yurt should be classified as an "inn unit". Staff's analysis listed above should clarify your questions regarding density of development for the campground project.

The Planning Commission unanimously approved the project stating that the campground is the correct type of use in Big Sur. The campground is designed & conditioned appropriately in size, scale and location to be subordinate to the rural and natural environment of Big Sur. The Planning Commission agreed with Staff's findings that the campground clearly supports the Big Sur Coast LUP/CIP and by reference the intent of the Coastal Act: to provide additional public access to coastal resources (Section 30001.5), and more importantly in Monterey County, provide lower cost visitor accommodations and recreational opportunities to the coast (Section 30213). Finally, the local community is supportive of the project since no local appeal was filed (appeal period concluded on December 15, 1999).

If you have further questions during the Coastal Commission appeal period, please contact me at (831) 755-5316. Cara Galloway, the representative at EMC Planning

**PLN980363.Treebones Campground Project**

**December 14, 1999**

**Page 3**

Group, is also available for questions at (831) 649-1799. Additionally, since I will be leaving Monterey County as of January 5, 2000, Mike Novo (796-1310) will be the new planner to complete condition compliance for the project.

Sincerely,



David B. Ward,  
Associate Planner, Coastal Program

cc: Lee Otter, District Chief Planner California Coastal Commission  
Nick Chiulos Chief of Planning Services  
Jeff Main, Supervising Planner Coastal Program  
EMC Planning Group, Applicant Representative  
PLN File No. 980363

Ex 5 cont  
A-3-MCO-99-97



A Land Use Planning and Design Firm

February 11, 2000

RECEIVED

FEB 14 2000

Ms. Tami Grove  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**Re: Treebones Campground  
Conceptual Revised Site Plan and General Development Plan**

Dear Tami:

Per your direction during our meeting on February 1, 2000, we have revised the site plan and General Development Plan to create a mix of camping facilities and amenities, and to refine the proposed campground operations. I have enclosed a copy of the conceptual revised site plan along with the original site plan for comparison purposes, as well as a redline version of Sections 2, 4, and 5 of the General Development Plan that have been revised to reflect the conceptual changes to the campground facilities and operations. Also attached is an inventory of existing campgrounds on the Big Sur Coast, including the types of guest accommodations provided at each.

As discussed, some "traditional" tent camp sites have been included in the conceptual revised plan, and the yurts now include a variety of amenities (from basic to full furnishings and linen service) and price options to provide visitors with a choice of accommodations to suit each visitor's desired camping experience. Mr. Handy anticipates that the approximate price range for the proposed types of accommodations will be as follows: \$15-20 per night for camp sites and \$40-80 per night for the various yurt options. Per your direction, we have also revised the descriptions of the manager's unit and garage, public parking and trails, time limits on overnight stays, and timing and operation of non-visitor serving events. Consistent with our discussions, we believe that these conceptual revisions to the project more clearly support the characterization of the project as a Rural Community Center rustic campground.

We are continuing to work with the California Department of Forestry (CDF) to solve issues regarding access road improvements. Jackie Scoggins, CDF Battalion Chief, is the person we need to speak with, and she is out of office until February 14. I will call her the week of the February 14 to schedule a meeting with her to discuss the access road improvements. We continue to believe that a solution will be found, and I will keep you apprised of our discussions with CDF.

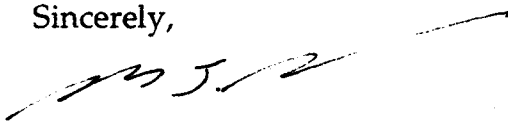
Exhibit No 6  
A-3-MCO-99-95  
Revised Plans

Ms. Tami Grove  
California Coastal Commission  
February 11, 2000, Page 2

It is our understanding that you will informally discuss the conceptual revised project description with Peter Douglas, and that you will then respond to us regarding our revised project approach. If you concur that the conceptual revisions allow the project to be classified as a Rural Community Center rustic campground, we will prepare a final site plan and a fully revised General Development Plan for your consideration.

Please review the enclosed materials, and call me at (831) 649-1799 if you have any questions regarding the conceptual revisions. Thank you for your assistance with this project.

Sincerely,



Michael J. Groves, AICP  
Senior Principal

cc: Rick Hyman, California Coastal Commission  
John Handy  
John S. Bridges, Esq., Fenton & Keller

Ex 6 cont  
A-3-MCO-99-97

1355

**GORDA, CALIFORNIA**

JOHN HANBY  
3812 WESTON PLACE  
LONG BEACH CA 90807

**SHEET ONE**  
**SITE PLAN**

330

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**DATE:**

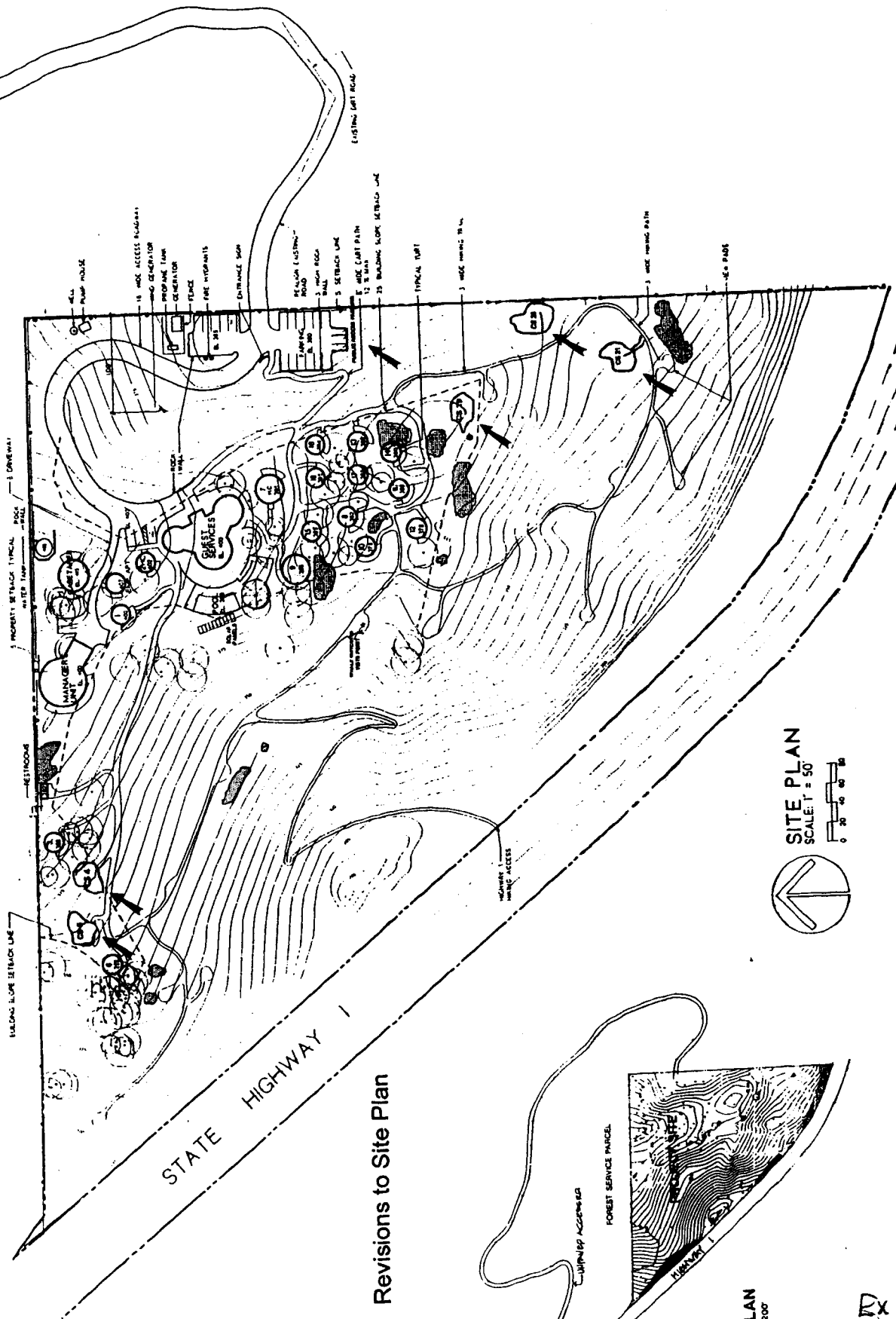
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21 13 1300			

**QUESTIONS**

22

9-2001



# SITE PLAN

300



## Revisions to Site Plan

**AREA PLAN**  
SCALE: 1" = 200'

Ex 6 cont  
A-3-mco-99-9

Ex 6 cont

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## 2. Project Objectives

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The proposed project will provide small-scale, much-needed, lower-priced accommodations that are in harmony with the beauty and special character of the Big Sur coast.

### Small-Scale Rustic Accommodation

The principal objective of the project is to provide a range of campground accommodations in order to allow visitors to have a choice of amenities and price options to suit each visitor's desired camping experience. The project includes traditional camp sites for tents, as well as yurts, which are bring a new type of accommodations for to the Big Sur Coast that provides a blend between the experiences of traditional tent camping and lodging more comfortable tent camping at a moderate price and that complies with the applicable policies of the Monterey County Zoning Ordinance and the Big Sur Coast LUP. Specifically, the project will implement the purpose of the Visitor Serving Commercial (Coastal Zone) zoning district and the Rural Community Center land use designation. The Big Sur Coast LUP states that uses allowed in Rural Community Centers should provide services to the visiting public, including visitor-serving uses, such as overnight accommodations. The relatively small and rustic campground use that is proposed is consistent with the intent of the Big Sur Coast LUP, which favors small-scale and minimal impact uses in the Big Sur coastal area. The project is also consistent with other Big Sur Coast LUP policies, as discussed in detail in Section 6 of this General Development Plan.

### Visually Harmonious Design

The proposed project is designed to blend into and complement the scenic beauty of its location. The permanent buildings feature a rustic stone and wood design. The yurts are based on a traditional tent design from Mongolia. All structures will be placed to have minimal visibility from State Highway 1. All lighting fixtures will be designed to illuminate only as necessary and to reduce fugitive light. The proposed project will harmonize with the surrounding rugged and spectacular landscape of the Big Sur coast while providing much-needed visitor accommodations.



## 4. Proposed Improvements and Uses

### Improvements

The proposed improvements include campground facilities, support facilities and ~~employee residential units (a manager's unit, and two a caretaker residence and an employee units-)~~. The proposed campground facilities consist of camp sites for tents and yurts, which are tent structures supported on slightly elevated wooden platforms. Yurts trace their origins to the Mongolian steppe, where they have been in use for centuries.

Proposed support facilities for the ~~rustic~~ campground include a guest services building, containing a central bathroom and shower facility, a restroom in the northwestern portion of the property to serve ~~four outlying the tent camp sites and yurts in the northern portion of the property~~, and a swimming pool and spa. Accessory buildings, including the manager's unit and employee units and the caretaker residence, will be constructed of wood to blend into the surrounding natural landscape. These accessory buildings will provide ~~employee housing and~~ housing for the campground caretaker and operations manager. No trees will be removed.

The preliminary site plan is presented in Figure 10, and Table 1 provides a summary of the proposed improvements. The proposed improvements are described in detail below.

### Campground Facilities Buildings

- Camp sites for tents. Five camp sites for tents will be provided (CS 4, 5, 19, 20, and 21). These sites will include a fire ring, picnic table, and pedestal grill. Water will be provided to the camp sites by a shared spigot. No power will be available at these sites.

- 18-Yurts. The following categories of yurts will be provided:

Basic yurts. Five basic yurts will be provided (Yurts 3, 6, 11, 12, and 14). These yurts will be 20-feet in diameter and will contain two sets of bunk beds and a futon bed. Guests in these yurts will use their own sleeping bags, or linens will be supplied for an additional charge. Fire sprinklers will be installed in these yurts, but no running water will be provided. Electricity will be supplied to these yurts for low-wattage indirect lighting and a smoke detector. Heat will be provided by propane. A propane barbeque will be located on the deck of each basic yurt.

Furnished yurts. Nine furnished yurts will be provided (Yurts 1, 2, 8, 10, 13, 15, 16, 17, and 18). These yurts will be 20-feet in diameter and will contain one queen size bed and a futon bed. Bedding and towels will be supplied. Fire sprinklers will be installed in these yurts, and hot and cold water will be piped to these yurts with each yurt containing one wash basin. Electricity will be supplied to these yurts for low-wattage indirect lighting and a smoke detector. Heat will be provided by a wood burning stove in each yurt. The yurt manufacturer supplies a double-walled side-exit chimney pipe for use with wood stoves. A propane barbeque will be located on the deck of each basic yurt.

Larger furnished yurts. Two larger furnished yurts will be provided (Yurts 7 and 9). These yurts will be 30-feet in diameter and will contain one queen size bed and two futon beds. All other amenities in these yurts will be identical to the furnished yurts.

~~Sixteen of these elevated, semi-permanent tent structures will be 20 feet in diameter, and two will be 30 feet in diameter. The maximum capacity of the 20 foot yurts is four people, and the 30-foot diameter yurts may hold up to six people. Two of the yurts (one furnished yurt and one larger furnished yurt) will be handicapped accessible. French doors provide an entrance to each yurt. A clear skylight, translucent roof panel and two side windows provide daytime illumination. The yurts will be located in scattered clusters among pine trees along the more level portions of the property.~~

~~Each yurt will be plumbed with hot and cold running water and will include a wash basin. Wood stoves will supply heat. The yurt manufacturer supplies a double-walled side-exit chimney pipe for use with wood stoves, and each yurt will have fire sprinklers installed. An exterior deck on each yurt will contain a propane stove for cooking. Electricity will be provided to each yurt for low-wattage indirect lighting and a smoke detector. Figure 11 shows examples of yurts. Figure 12 illustrates the construction of a yurt. A brochure from the manufacturer is included as Attachment A to this General Development Plan.~~

TABLE 1  
Proposed Improvements

Campground Facilities Buildings			
Facility Improvement	Type of Construction	Description/Use	Location
<u>Tent campsites (5 total)</u>	None	<u>Open sites for tent camping. Fire ring, picnic table, and pedestal grill provided at each site. Shared water spigot. No power.</u>	<u>Two sites in northwestern portion of property; three sites in southeastern portion of property.</u>
<u>Yurts (16 +8 total)</u>	Yurt	Tent structures on wooden platforms; each with wood stove, wash basin with hot and cold water, skylight furniture and bedding. Wood deck with propane cooking stove.	Scattered clusters along more level portions of the property, among pine trees.
Restrooms	Custom	120 sq. ft. structure containing two restrooms (one for men, one for women), consisting of one toilet in each restroom, to serve <u>campsites 4 and 5 and yurts 3, 4, 5, and 6.</u>	Northwestern portion of property, adjacent to northern property line, between yurt 3 and manager's unit.
Guest Services Building	Modular	3,386 sq. ft. combined modular buildings. Exterior face of wood. Copper roof. Windows and deck overlooking ocean. Office, guest reception, retail, meetings, restrooms, showers, and laundry facilities for guests; temporary employee quarters in north wing.	Central location at top of access road.
Manager's Unit	Modular	<del>2,780</del> 3,308 sq. ft. circular modular building with garage wing. Exterior face of wood. Copper roof. Four bedroom, three bathroom home for owner/ <u>operator</u> . Kitchen will also serve for limited food preparation for guests.	Near north property line; west of <u>employee unit 1</u> (caretaker residence).
<u>Employee Unit 1 (Caretaker Residence)</u>	Modular	746 sq. ft. circular modular building. Exterior face of wood. Copper roof. One bedroom, one bathroom house for caretaker.	Near north property line adjacent to entry drive; east of manager's unit.

Employee Unit <u>2</u>	Modular	328 sq. ft. circular modular building. Exterior face of wood. Copper roof. One bedroom, one bathroom unit to serve as an employee unit.	Near north property line, between <u>employee unit 1</u> (caretaker residence) and yurts 1 and 2.
<b>Other Improvements</b>			
Pool and Spa	Custom	30 by 50-foot pool and 10-foot diameter spa for use by guests.	Adjacent to Guest Services Building.
Deck and Fire Pit	Custom	Informal assembly area	Adjacent to Guest Services Building.

Table 1 (Continued)

Utilities			
Water	Standard	Capacity of 10.37 gallons per minute of potable water; 32,000-gallon water storage tank.	Tank located near north property line.
Septic System	Standard	Sewage treatment.	On-site
Lighting, Signage and Landscaping			
Electricity	Standard	Generated on-site; fuelled by diesel. Supplemental wind-powered generator. Solar system for pool and restrooms.	Diesel generator and propane tank at bottom of eastern slope near entry; wind generator west of diesel generator.
Exterior Lighting	Custom	Low-wattage, down-cast bollard-type path lighting made of wood and copper materials.	Along pathways, parking area and yurt entries.
Signage	Custom	Small-scale copper letter or wood carved signs with stone bases.	Directional, informational signs within property.
Highway/ Directional Signage	Custom	Three stone and carved wood signs to assist travelers in locating the facility. One sign will be visible to travelers in each direction on Highway 1. The third sign will direct guests to the campground from Los Burros Road/Willow Creek Road. The signs will be illuminated at night.	One will be located at the beginning of the property access road and one on the west side of the property. One will also be located at the junction of Willow Creek Road and the driveway to the site. All signs will be located outside of the Caltrans right-of-way.
Landscaping	Custom	Natural grasses and ground covers, as well as 12- to 15-foot Monterey pines to provide visual screening of structures from Highway 1.	Adjacent to developed areas.

Table 1 (Continued)

Parking and Circulation			
Access Road and Parking	Compacted decomposed granite over base rock.	<p>16-foot wide access road leads from entry point to Guest Services Building and residences.</p> <p>29 <del>26</del> parking spaces including:</p> <ul style="list-style-type: none"> <li>- <del>21</del> <del>20</del> spaces for guests (5 spaces for tent camp sites and 16 spaces for yurts) and off-site employees;</li> <li>- 1 space for employee unit 1 (the caretaker residence);</li> <li>- 1 space for the employee unit 2;</li> <li>- 2 spaces for manager's unit;</li> <li>- 2 spaces for off-site employees/ loading</li> <li>- 2 public parking spaces.</li> </ul> <p>Two of these spaces will be handicapped.</p>	<p>Access road near northern property line.</p> <p>Parking: <del>20</del> <del>17</del> at entrance to property (one handicapped), 3 at guest services building (one handicapped), 2 at manager's unit (covered), 2 at employee unit 1 (caretaker's unit) (1 covered), and 2 off-site employee/ loading spaces at guest services building.</p>
Pathways and Public Hiking Trails	Compacted decomposed granite or dirt.	6-foot wide main pathways with low light. 6-foot wide pathways suitable for electric carts and emergency access. 3-foot wide hiking trails.	Connecting <u>camp sites and yurts</u> to each other, parking areas and services. Scenic trails on property.

Source: EMC Planning Group Inc.

A prototype yurt has been installed on the property to help with investigating issues of visibility from the State Highway 1 critical viewshed area. These issues include concerns about the effects of night lighting from the yurts, exterior colors and structure profile. The yurts will be sited to have minimal visibility from State Highway 1. Figure 13 shows the test yurt located on the property.

- **Restrooms.** This 120-square foot building (8' x 15') will contain two restrooms (one for men and one for women) to serve camp sites 4 and 5 and yurts 3, 4, 5, and 6, which are more isolated from the restrooms in the guest services building. Each restroom will contain one toilet. The restrooms will be located near the northern property line between yurt 3 and the manager's unit.
- **Guest Services Building.** This 3,386-square foot building will house the office, reception area, rock fireplace and lounge area, restrooms, and a small convenience store. This building will also contain separate men's and women's restrooms and shower facilities, as well as clothes washing facilities.

~~A portion of the north wing of this building will be used to provide housing for a campground employee prior to construction of the employee unit (described below).~~

The building will be in a style of rustic elegance, and provide views to the Pacific Ocean. A deck will be located on the west side of the building. The building will be of customized modular construction, utilizing Deltec "Monterey", "Camden", and "Newport" shells. The exterior will be faced with wood board on board, and the roof will be copper channel. The guest services building will be centrally located on the property. An example of a Deltec shell is shown in Figure 14. A brochure from the manufacturer is included as Attachment B to this General Development Plan.

- **Employee Unit 1 (Caretaker Residence).** This employee unit residence will be 746-square feet and will contain two bedrooms, one bathroom and a kitchen for use by an employee of the campground. One covered parking space for the caretaker will be provided adjacent to employee unit 1 ~~the caretaker's unit~~, as well as one parking space for the employee to be housed in ~~either the guest services building or employee unit 2~~. The building will be of customized modular construction, utilizing a Deltec "Camden" shell. The exterior will be faced with wood board on board, and the roof will be copper channel. Employee unit 1 ~~The caretaker residence~~ will be located near the northern property boundary, along the entry drive. Only a campground employee will be allowed to live in employee unit 1, and the campground must be operating in order for employee unit 1 to be occupied.
- **Manager's Unit.** The manager's unit This residence will be ~~2,780~~ 3,308-square feet and will contain four bedrooms, three bathrooms and an industrial/commercial kitchen (approximately 240 square feet) that will also be used for food preparation for light food service to guests of the campground. The manager's unit will provide housing for the campground owners/operators. A partial basement under a portion of the main structure will contain one of the bedrooms. A two-car garage will be attached to the manager's unit residence to provide parking for campground vehicles. The manager's unit residence will be of customized modular construction, utilizing a Deltec "Windsor" shell. The exterior will be faced with wood board on board, and the roof will be copper channel. This manager's unit residence and garage will be located near the northern property boundary west of employee unit 1 (the caretaker residence). Because the current owners who will be operating the campground are a family, the manager's unit has been designed to accommodate a family. If the current owners sell the property to operators who are not a family, the manager's unit will be converted to typical dormitory-style employee housing by adding partitions. Only the campground owners/operators will be allowed to live in the manager's unit, and the campground must be operating in order for the manager's unit to be occupied.
- **Employee Unit 2.** This 328-square foot building will contain one room and one bathroom. This building will be used as an employee unit for use by an employee of the campground. One parking space for the employee will be



provided adjacent to employee unit 1 (the caretaker's unit). The building will be of customized modular construction, utilizing a Deltec "Hampton" shell. The exterior will be faced with wood board on board, and the roof will be copper channel. ~~The Employee unit 2~~ will be located near the northern property boundary, between employee unit 1 (the caretaker's unit) and yurts 1 and 2. Only a campground employee will be allowed to live in employee unit 2, and the campground must be operating in order for employee unit 2 to be occupied.

### *Other Facilities*

- **Pool and Spa.** A 30-foot by 50-foot swimming pool and ten-foot diameter spa will be available to guests. The pool and spa will be located adjacent to the guest services building. The pool heater and pump will be located under the north pool deck. Solar panels for pool heating will be located just west of the pool deck.

- **Deck and Fire Pit.** A deck with a fire pit will be located adjacent to the guest services building. The deck and fire pit will be used by guests as an informal assembly area.
- **Pathways and Public Hiking Trails.** A series of on-site pathways will traverse the property, providing connections between the facilities and access to scenic viewpoints. The pathways are discussed further under Access, Circulation and Parking, below.

## **Utilities**

- **Energy.** Electricity for the proposed project will be generated on-site through a combination of diesel and wind-powered generators. Electricity will be used directly and also stored in batteries. During non-peak energy usage hours, electricity from the batteries would be utilized.

The main power generator will operate on diesel fuel and will be rated for 80 kilowatts. It will measure approximately five feet by three feet wide and four feet tall and be located inside a sound-insulated building near the north end of the lower parking lot. This generator will operate principally between 5:00 PM and 10:00 PM to provide power directly to appliances and lights during peak power usage hours. Power from the diesel generator will also be used to charge a bank of batteries.

A 10-kilowatt wind powered generator will be located west of main generator and provide a supplemental power supply. Power from the wind generator will be stored in the batteries. The wind generator will be mounted on a 50-foot tall tilt-up pole secured with guy wires. The wind generator has been sited and designed to comply with all of Monterey County's regulations for noncommercial wind energy conversion systems (Monterey County Code 20.64.120), including height and setback requirements.

A propane tank will also be located near the main generator and provide fuel for cooking appliances, water heaters, refrigerators and building heaters. All generators and tanks will be screened from view with a seven-foot tall shingled wooden fence.

The pool and spa will be heated with a solar water heating system. Ground-mounted solar panels will be located just west of and down-slope from the swimming pool.

- **Domestic Water.** A well was installed on the project site in October 1998. A County-witnessed pump test conducted in December 1998 confirmed that the well provides 10.37 gallons per minute. The well will provide potable water for domestic uses as well as for fire suppression in the event of a fire. The well is located in the northwest corner of the property. A 32,000-gallon

storage tank will be constructed at the high point of the property (417 feet above mean sea level) near the northern property line.

A water report was prepared for the proposed project by WWD Corporation to determine project water demand. Monterey Peninsula Water Management District (MPWMD) water usage figures and Uniform Plumbing Code fixture units were used in the analysis to determine average water use figures.

Although the project site is outside of the MPWMD boundary, the MPWMD standards were developed based on extensive data on water use and, therefore, these standards were used to estimate project water use. This estimate represents the highest usage outcome of several methodologies that were applied. The water use analysis determined that the project will require approximately 2.02 ~~1.80~~ acre-feet of water per year, or an average of approximately 1,803 ~~1,607~~ gallons per day or 1.26 ~~1.12~~ gallons per minute. The well produces approximately nine times as much water per minute as the project demands and will provide a more than adequate water supply for the project. The water use analysis is shown in Table 2.

- **Fire Suppression Water Supply.** Two fire hydrants will be provided adjacent to the parking lot at the entrance to the property. One of these hydrants will be connected by an eight-inch main to a 32,000-gallon storage tank located on top of the knoll. This hydrant will have a static pressure of approximately 25 pounds per square inch per gallon (psig) with a flow of 1,300 gallons per minute and a residual pressure of 20 psig. A second hydrant would be connected to the swimming pool by a six-inch main, with a static pressure of 12 psig.

All structures on the property (the manager's unit, employee unit 1 (caretaker residence), employee unit 2, guest services building, and yurts) will have smoke detectors and fire sprinklers.

- **Septic System.** A septic system layout for the proposed project has been designed by Peninsula Septic Tank Service. The system will consist of three septic tanks and associated leach fields. A 2,000-gallon tank will be located near the manager's unit, a 1,500-gallon tank will be located north of the guest services building and a 5,500-gallon tank will be located southeast of the guest services building. The leach fields will be located on flatter portions of the knoll and in the parking area near the property entrance. All of the permanent buildings and yurts will be connected to the septic system.
- **Telephone.** Telephone service will be extended to the site from existing telephone lines along State Highway 1 along the northern property boundary via a 2-inch diameter underground conduit.

TABLE 2

## Water Use Based on MPWMD Residential and Commercial Water Use Standards

Facility	Unit	Water Use Rate	Acre Feet/Year
Single-Family Residence (Manager's Unit)	1 Kitchen Sink 1 Dishwasher	2.0 fixture units	0.020
	3 Full Baths (sink, toilet, tub/shower)	14.1 fixture units	0.141
Employee Unit 1 Single-Family Residence (Caretaker Residence)	1 Kitchen Sink 1 Dishwasher	2.0 fixture units	0.020
	1 Full Bath (sink, toilet, tub/shower)	4.7 fixture units	0.047
Employee Unit 2	1 Full Bath (sink, toilet, tub/shower)	4.7 fixture units	0.047
Restrooms	2 toilets	3.4 fixture units	0.034
Guest Services Building	3,300 square feet	0.00007 acre-feet per square foot (office rate)	0.231
Camp Sites and Yurts	21 <del>18</del> total camp sites and yurts (rooms)	0.04 acre-feet per year (dormitory rate)	<del>0.840</del> 0.720
Swimming Pool	1,500 square feet	0.02 acre-feet per square foot	0.300
Spa	1 spa	0.05 acre-feet per spa	0.050
Subtotal			<del>1.73</del> 1.61
System Losses	7 percent	7 percent	<del>0.121</del> 0.113
Irrigation	10 percent	10 percent	<del>0.173</del> 0.161
Total			<del>2.024</del> 1.884

Source: MPWMD and WWD Corporation.

*Lighting, Signage and Landscaping*

- **Lighting.** All interior and exterior lighting is designed to limit the effects of fugitive light from the property on views from the surrounding areas. Lighting will be of low intensity and aimed downward. Fixtures will be shielded at the top and sides to reduce the escape of fugitive light and minimize the light's visibility from off-site locations.

The interiors of the yurts will be illuminated during the day by sunlight entering through the top skylight, a translucent panel in the roof, and two windows. At night the yurts will have low level electric light. The fixtures will feature shielded tops to reflect light downward. The yurt skylights will be clear, so that any light emitted shines straight into the sky, rather than dispersing and causing a glow around the yurts. All yurts will be oriented in such a way that the translucent panel that spans across half of the roof will be oriented away from Highway 1. All yurts will contain window flaps that cover the windows, and all other structures will contain drapes to prevent light from escaping from the windows. Campground management will encourage guests to close the window flaps or turn off interior lights at the beginning of the campground's quiet hours (10:00 PM) in order to enable all campground guests to experience the natural beauty of Big Sur at night without the distraction of lights from yurt interiors.

The parking lot will be illuminated with top-shielded fixtures on 12-foot tall cane-shaped poles. Stone and wood bollards along the pathways will house concealed-source, low-wattage fixtures. The pathway lighting will meet the minimum lighting recommendation provided by the Illuminating Engineering Society, which has adopted a two-tiered exterior lighting recommendation for minimum lighting and for personal security. Exterior lighting will also be provided on the exterior of buildings and around the pool. These fixtures will be wall-mounted and will aim light downward. A concealed-source, downcast light will also be mounted on the railing at the entry of each yurt.

- **Signage.** Directional and identification signage will be located within the developed areas of the facility to direct guests around the facility. These signs will feature copper letters and carved wood located in low stone walls or on buildings.

Three signs will be located on the property and within the roadway easement on Los Burros Road/Willow Creek Road to identify the facility to travelers on State Highway 1. One of these signs will be located on the western portion of the property and face towards the south. A second sign will be located within the roadway easement over Los Burros Road/Willow Creek Road near the intersection of Highway 1. This sign would be primarily visible to people traveling from the north. Both of these signs will be located outside of the 80-foot Caltrans right-of-way (40 feet on either side of centerline). A third sign will be located at the junction of Los Burros Road/Willow Creek Road and the driveway to the project site to direct guests to the property. All three signs will be 1.5 feet by 4 feet (6 square feet). The signs will feature carved and painted wood set into stone columns or walls. Night lighting will be powered by solar panels.

- **Landscaping.** The landscaping will consist of natural grasses and ground covers consistent with the existing natural vegetation. None of the existing

trees on the property will be removed. Four to five year old, 12- to 15-foot Monterey pines will be planted on-site as needed to provide visual screening of structures from Highway 1.

An entrance feature, consisting of a flagpole and a waterfall, will be located to the east of the guest services building.

### ***Access, Circulation and Parking***

- **Site Access.** The road leading to the property from State Highway 1 is owned by the U.S. Forest Service and the property owners have an easement to use this road to access the property. Caltrans has indicated that it is negotiating with the U.S. Forest Service to use the land east of the project site as a depository for landslide material. Caltrans would use the access road to reach the potential depository. If this occurs, Caltrans would improve the apron where Willow Creek Road/Los Burros Road leaves State Highway 1 and upgrade the access road to accommodate their vehicles. If this does not occur prior to operation of the campground facility, the project applicant will improve the apron and widen the access road to two lanes to facilitate use of the road by emergency vehicles and campground visitors. The road would be built with a rock base and topped with decomposed granite. The decomposed granite surface would provide an appropriate surface for vehicles and would reduce the erosion potential that could result from the introduction of impervious surfaces and increased runoff.

The access road will be slightly re-aligned at the point where it enters the property. The entrance to the property will be moved approximately 50 feet south of its present location, with approximately the final 100 feet of the access road being re-aligned to accommodate this change.

Requirements for fire fighting access by the California Department of Forestry and the U. S. Forest Service will be implemented as conditions of approval of the proposed project, as determined by these agencies in their review of the project plans.

- **Parking.** The proposed project will include 27 ~~24~~ parking spaces plus two loading spaces. This exceeds the Monterey County Zoning Ordinance minimum requirement for the development, which requires 23 parking spaces. The main parking lot will be located near the project site entry point and will contain 20 ~~17~~ spaces, including one handicapped-accessible space. Campground guests and employees who live off-site will use this parking area, and two public parking spaces will be provided in this parking area. A small parking lot containing three spaces, including one handicapped-accessible space, will be located at the guest services building. Two loading spaces will also be provided at the guest services building. The manager's unit garage will provide two covered parking spaces for the residence. Two parking spaces, including one covered space and one uncovered space

adjacent to employee unit 1 (the caretaker residence), will serve the caretaker residence and the other on-site employee. A storage area for the electric carts will be located at the guest services building.

- **On-Site Vehicular Circulation.** Vehicular access within the site will be by way of a 16-foot wide road, winding from the property entrance to the guest services building. This access road will serve the manager's unit, employee unit 1 (caretaker residence), and the guest services building/swimming pool area. The total length of the access road will be approximately 650 feet, with a turn-around area at the guest services building. Additional circulation for electric carts will be provided by the pathway system described below.
- **Pathways and Public Hiking Trails.** Six-foot wide pathways will connect the main campground facilities to one another. These pathways will be constructed of hard-packed decomposed granite. They will be suitable for electric carts used in campground operations and guest service. The on-site public trails will provide a connection to U.S. Forest Service land, and signage will be provided directing visitors to public trailheads on the adjacent U.S. Forest Service land.

Three-foot wide hiking trails will lead from the wide pathways to the individual camp sites and yurts, and public hiking trails will lead from the main parking area to scenic viewpoints throughout the property. A public trail will connect the campground area to State Highway 1 at the approximate center of the property's highway frontage. Signs directing visitors to the public hiking trails will be provided on site.

### Lot Coverage

- **Buildings.** Permanent habitable structures will cover a total area of 7,178 square feet of the property. The yurts will cover an area of 5,816 6,444-square feet. The total building footprint area covered by habitable structures on the property will be 13,034 13,662-square feet. The total habitable building area will be 13,704 14,332-square feet. Lot coverage for the permanent buildings is 1.5 percent. Total building lot coverage including the yurts is 2.8 2.9-percent. Building areas are summarized in Table 3.
- **Paved Areas.** The total of hard-surfaced paved areas is 5,706 square feet. These include the terrace, pool, deck and paved walkways for handicap access. The parking lots and roads will be compacted decomposed granite over base rock, and total 11,660 square feet. The six-foot wide pathways will be constructed of compacted decomposed granite over a dirt base and cover 8,860 square feet. The natural dirt hiking trails will cover 5,500 square feet.

TABLE 3

## Building Area

Building	Portion of Building	Square Feet
Manager's Unit	Main Floor	2,070
	Lower Floor	710
	Garage	528
Employee Unit 1 (Caretaker Residence)	Main Floor	746
Employee Unit 2	Main Floor	328
Guest Services Building	Main Floor	3,386
Restrooms	Main Floor	120
Yurts	(14 <del>16</del> ) 20-foot diameter yurts (314 sq. ft. each)	<del>4,396</del> 5,024
	(2) 30-foot diameter yurts (710 sq. ft. each)	1,420
Total		<del>13,704</del> 14,332

Source: Fletcher+Hardoin.

## Uses

The proposed development will provide overnight accommodation for travelers, a vacation destination, or a place for retreats or meetings.

The guest services building will provide administrative functions and offer a central gathering space with windows and a deck overlooking the Pacific Ocean. A rock fireplace and alcoves for artwork will shape the remainder of the circular space. It will be designed to be a flexible space, configured and used according to need. The primary use of this building will be as a reception area and principal entry point to the campground, with a registration desk and a small retail area for food, sundries and gifts. The guest services building will also serve as a place for group meetings, socializing, barbecues, whale watching, and other activities. In addition, this building will be used for community functions, such as community meetings and school events. The guest services building includes shower and laundry facilities for the campground.

The swimming pool area is adjacent to the guest services and provides a place for recreation, relaxation, and additional socializing. Together with the guest services



building, the swimming area forms the main activity center of the campground. A fire pit will serve as a nighttime focal point for gatherings.

The development will also contain several ancillary buildings. The manager's unit will contain an industrial kitchen for occasional light food services, such as continental breakfasts for guests of the campground. ~~Two~~ The employee units will be provided for use by ~~two~~ an employees of the campground. ~~A caretaker residence will also be provided.~~

## **Project Phasing**

~~The proposed project may be built in two phases. The initial phase of the project would include the construction of the principal project infrastructure (access road, parking, necessary pathways, and the propane, electrical, water and septic systems) yurts, guest services building and pool. The north wing of the guest services building would be used as the caretaker's quarters during first phase operations. The second phase would include the addition of the manager's unit, caretaker residence, employee unit (the north wing of guest services building may be converted to a campground-related use at that time), and hiking trails.~~

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## 5. Operations

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### Staff

The campground will employ approximately six staff members during the year-round operation, including a general manager, administration/reservations manager, operations manager, two maids, and a general laborer. The owners will fill the roles of the general manager and administration/reservations manager and will live in the manager's unit. Because the current owners who will be operating the campground are a family, the manager's unit has been designed to accommodate a family. If the current owners sell the property to operators who are not a family, the manager's unit will be converted to typical dormitory-style employee housing by adding partitions. The operations manager will live in employee unit 1 (the caretaker residence). The general laborer will live in the employee unit 2 in either the north wing of the guest services building or the employee unit. The two maids will live off-site. Only campground employees will be allowed to live in the employee units, and the campground must be operating in order for the manager's unit and employee units to be occupied.

### Schedule and Check-In Procedure

The campground will operate year-round, with the most use expected during the summer tourist season. The campground will provide overnight accommodations for individuals, and it may serve as a retreat facility for large groups, as described below. Stays will be limited to a maximum of seven consecutive nights for the tent camp sites, and a maximum of 14 consecutive nights for the yurts.

Campground guests will park in the main parking lot located near the campground entrance and will walk to the guest services building for registration. Handicapped parking will be provided in the main parking lot, as well as the small parking lot adjacent to the guest services building. Delivery of guests' baggage will be transported by employees from the parking lot or guest services building to the campsites and yurts via motorized carts used along the pathways. The campground will also provide a pick-up service for guests arriving by bus in Gorda, if prior arrangements have been made.

Quiet hours will be between 10:00 PM and 9:00 AM. Use of the pool will also be restricted during these hours.

## Special Events and Community Functions

It is intended that the campground will hold occasional organized events, such as corporate workshops and retreats and youth group retreats. In addition, the guest services building will be available for community meetings, and swim lessons will be offered to the community in the campground pool. These events and community functions will be non-consecutive and will be scheduled during the non-peak tourist season and at other appropriate times to ensure that they are subordinate to visitor-serving uses and occur when there is adequate space available at the campground to accommodate the events in order to avoid displacing visitor-serving uses.

The overall direction for group-oriented activities is to provide low-cost conveniently located sleeping facilities for groups of people. There are very few accommodations along this section of the coast that are affordable and suitable for groups. Since these groups will be arriving at the campground either by bus or carpool, or by bicycle (as discussed below), these types of events should have less of a demand for parking and less effect on traffic than the typical campground uses described in this plan.

### *Creative Corporate Retreats*

These retreats would involve between 12 and ~~20-32~~ participants (two per yurt). Companies would send representatives from marketing or product development departments to discuss new product concepts or business opportunities.

It is anticipated that such retreats would involve a one to three nights of lodging stay and will occur a maximum of approximately four or six times per year.

### *Youth Group Retreats*

These events would involve up to ~~64-72~~ young people (four per yurt) arriving in groups via bus or van. Such events would typically be organized for school or church groups and last up to one week. One or two of this type of event will occur a maximum of two times is anticipated per year, provided that these events will not conflict with visitor-serving uses.

### *Bicycle Tour Groups*

Large bicycle tour Ggroups of up to 64-72-touring bicyclists (four per yurt) may reserve the campground facility. These stays would last one night. -A maximum of four of these large bicycle tour group reservations would take place per year, provided that these events will not conflict with visitor-serving uses.

~~but m~~ More typically, groups of six to twelve bicyclists would utilize a portion of the campground facilities. These stays would last one night. Approximately four of these events would take place per year. Use of a portion of the campground

facilities by these small bicycle tour groups represents a visitor-serving use, and there would be no restrictions on the annual number of these groups.

## **Food Service**

Continental breakfasts will be served to campground guests. The industrial kitchen located in the manager's unit will be used to prepare the continental breakfasts, as well as occasional barbecues, informal self-serve meals, picnic basket meals, and catering for group events and retreats.



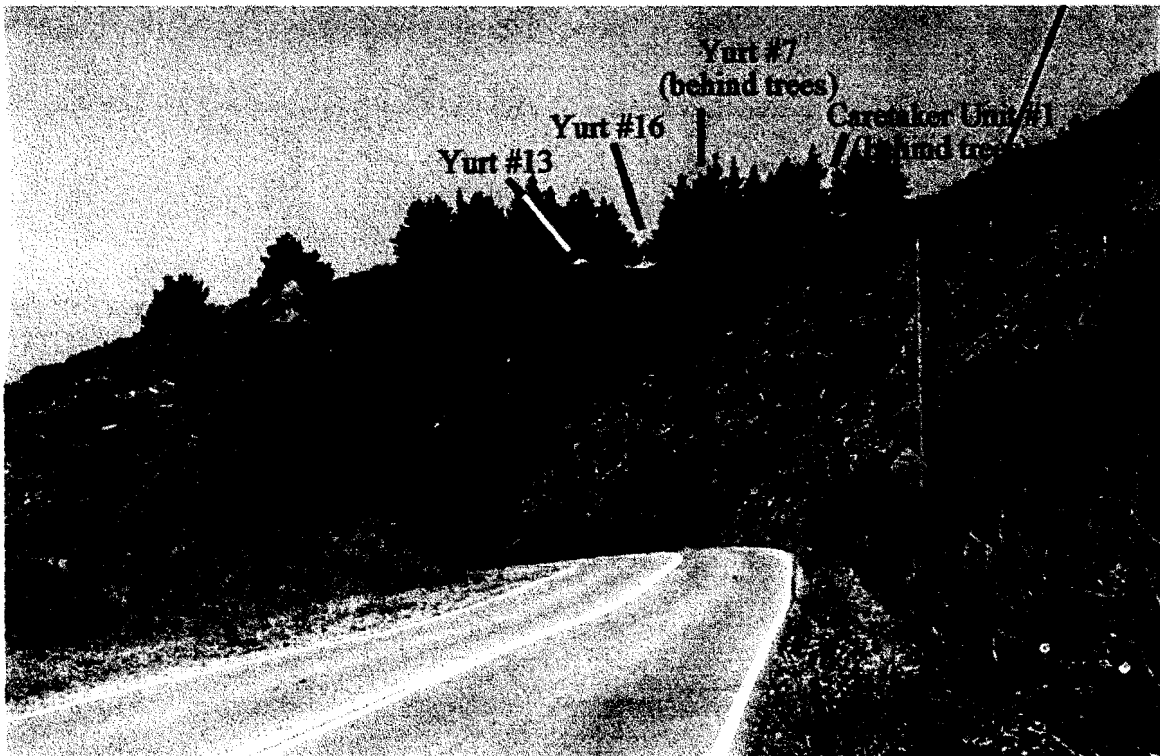


Photo 1. View looking north from Highway 1 (photo point 4).  
Project with no tree screening.

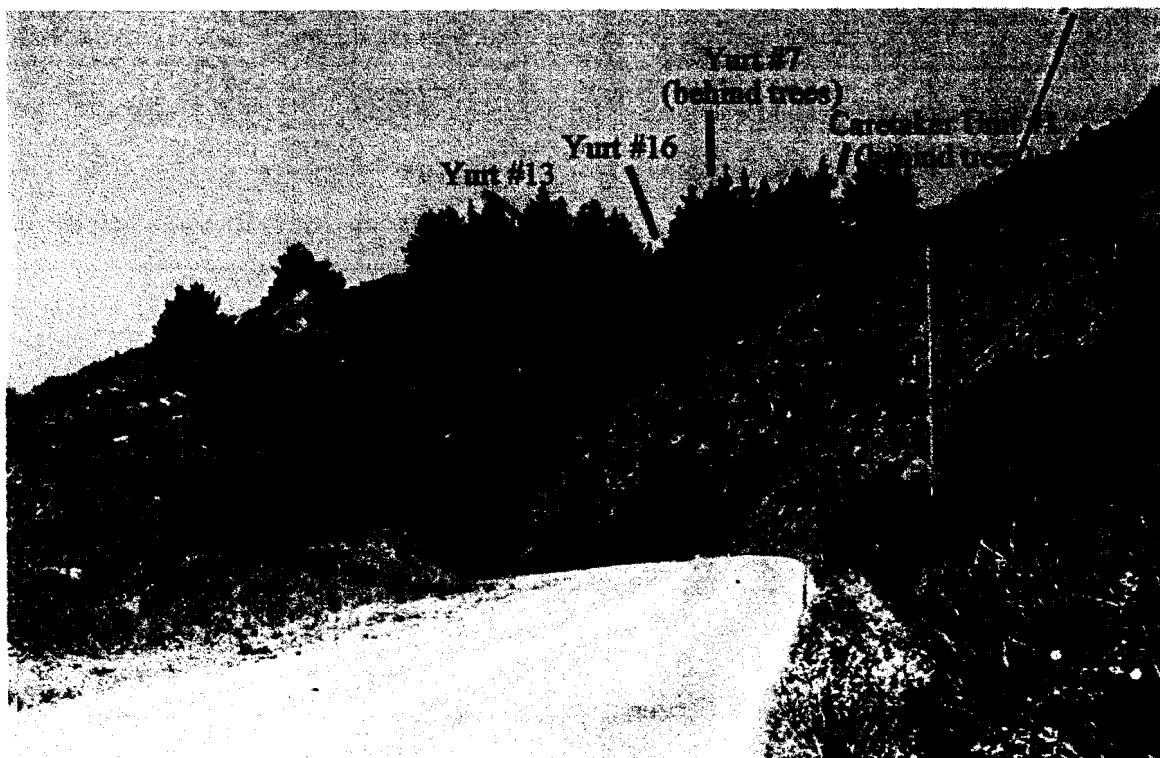


Photo 2. View looking north from Highway 1 (photo point 4).  
Project with trees for screening.

Exhibit 7  
Visual Assessment Photo  
Pg 2

A-3-MCO-99-097  
Treebones Campground

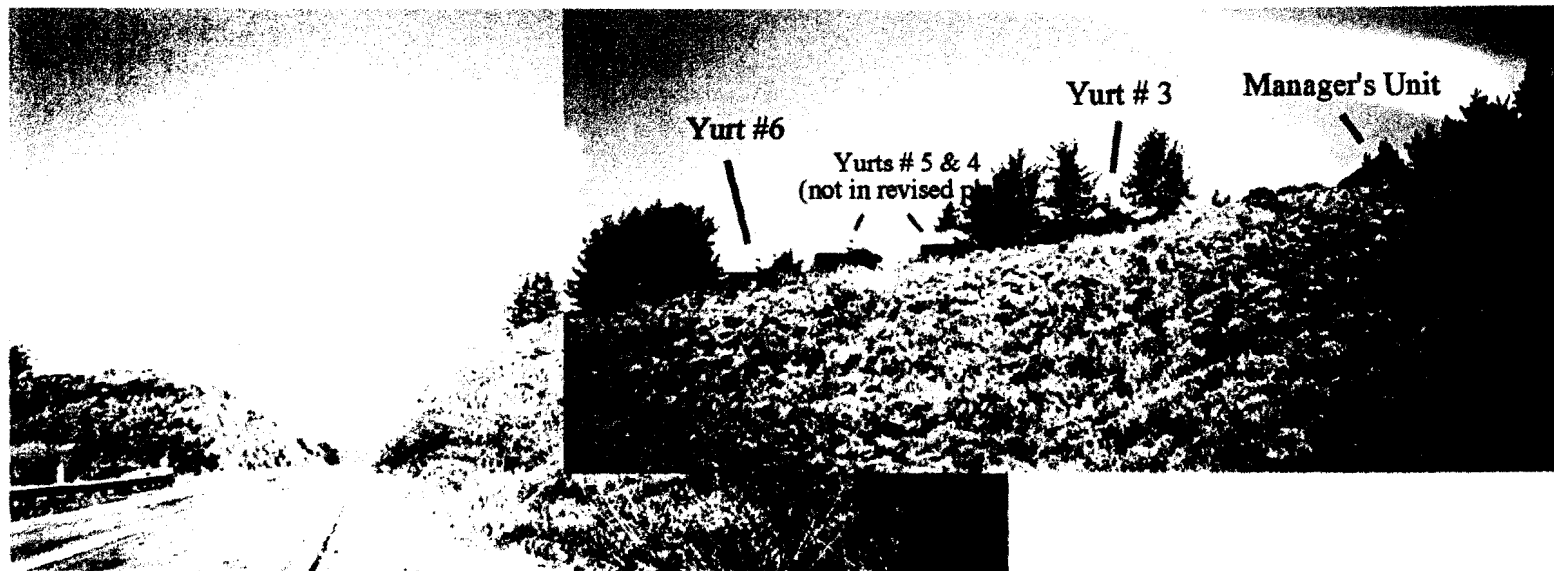


Photo 3. View looking North from Highway 1 (photo point 3).  
Project with no tree screening.

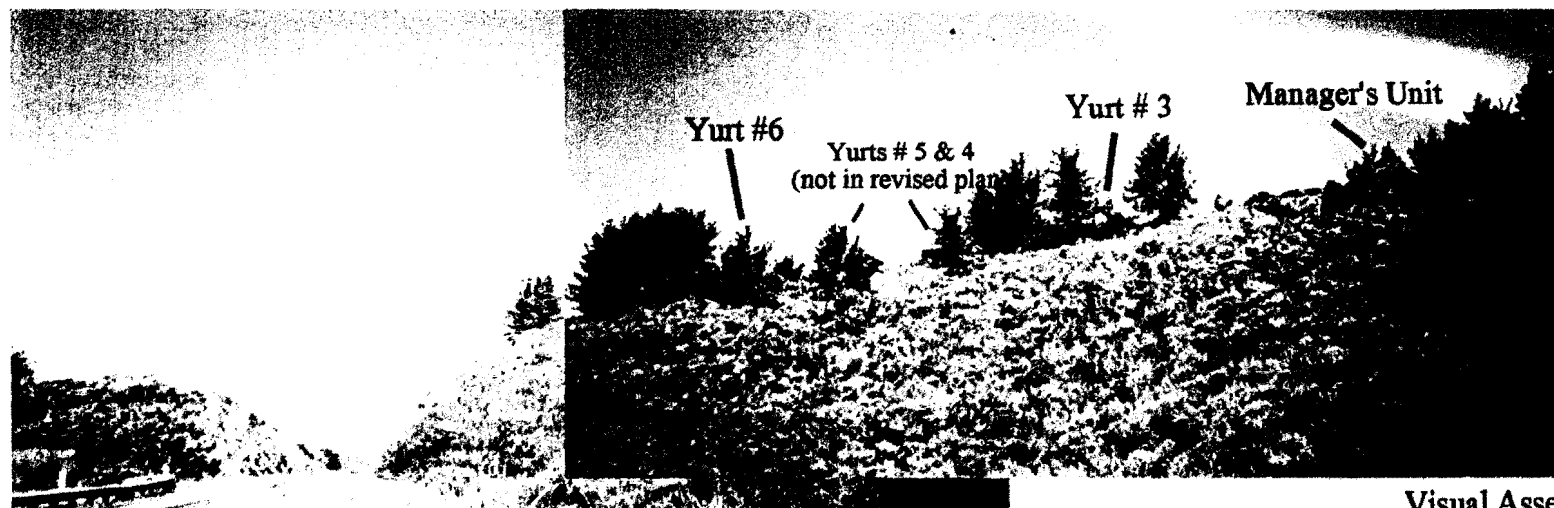


Photo 4. View looking North from Highway 1 (photo point 3).  
Project with trees for screening.

Exhibit 7  
Visual Assessment Photos  
Pg 3 of 4

A-3-MCO-99-097  
Treebones Campground

Manager's Unit  
(behind trees)

Yurt # 3

Yurt # 4, 5 & 6  
(behind trees)

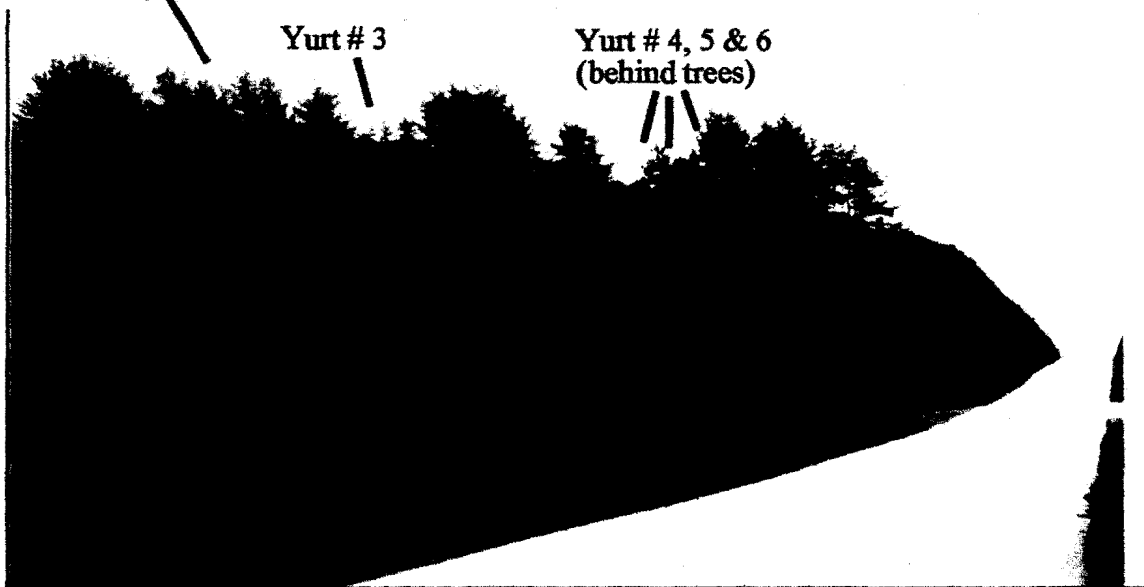


Photo #5. View looking south from Highway 1 (photo point 1).  
Project with no tree screening.

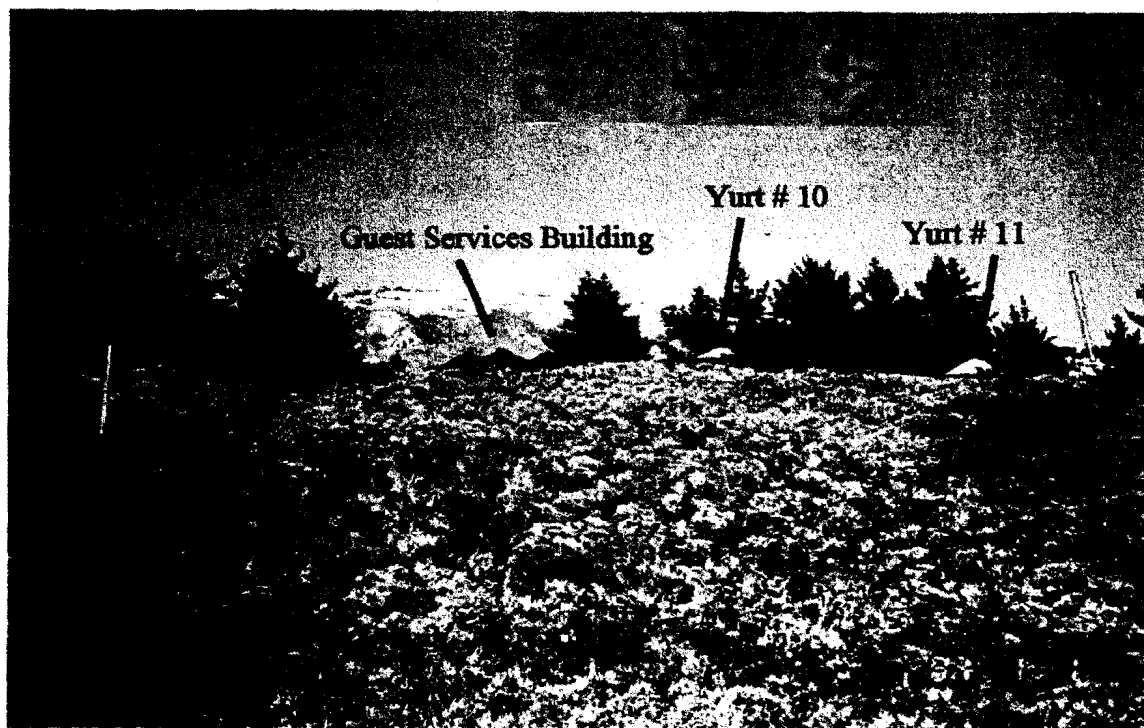


Photo #6. View looking north east up west facing slope  
from Highway 1 (photo point 2). Project with no tree screening.

Exhibit 7  
Visual Assessment Photos  
Pg 4 of 7

A-3-MCO-99-097  
Treebones Campground



## Reasons for Treebones campground appeal

I am appealing the Treebones Rustic Campground proposed for near Gorda in Big Sur for the following reasons. The issues include density, employee housing, non-visitor serving components, visual impacts, widened access road, and ponding (as an indicator of possible environmentally sensitive habitat), as explained below. Also, although the name given to a project is usually unimportant, it is very significant in this case because there are different local coastal program standards for "rustic" as opposed to more substantial campgrounds.

**Density:** The *Big Sur Coast Land Use Plan* Table 1 sets the density standards. The site is located in what is mapped as a "Rural Community Center." Rustic campgrounds are allowed at 2 spaces per acre. Under the relevant definition, "RV campgrounds are distinguished from Rustic Campgrounds by utility connections, paved surfaces, etc. at each site."

The proposed project is to consist of 18 yurts with support facilities. Since the yurts will have wooden decks, fireplaces, hot and cold water plumbing with wash basins, propane stoves, utility connections, luggage transported to them by motorized carts, maid service, and will costs \$65 to \$120/night; since two of the yurts will be 720 sq. feet, which is almost the size of a small house; and since the site as a whole will have a kitchen that will allow the manager to prepare food to serve the guests, space for retreats or meetings, a store, and a swimming pool, the project much more closely resembles an inn or RV campground unit than a rustic campground.

The density for Inns and RV campgrounds is 1 unit per net developed acre. The site is 10.7 gross acres and is undeveloped. Under *County Code* Section 20.145.140.B.1.c.3, "The 'undeveloped' acres shall not include those areas which are undevelopable due to slopes of 30% or greater, hazards, or other development standards or LUP policies." According to information in the County's packet, at least 52.7% of the site is in slopes over 30% (part of the site, which appears to also be over 30% slope is not mapped for this calculation, thus in actuality the percentage appears higher than 52%). In any case, the net developable acreage is no more than 5 acres. At 1 unit per acre, the project should have a maximum of 4 to 5 overnight units. It is proposed for 18 "yurt" units.

Although the applicants have characterized their project as a "Rustic Campground," the County findings for approval state that, "it will provide a new type of accommodation between an upscale inn and the basic RV and Forest Service campsites." In Table 1's hierarchy, both RV campsites and inn units are treated the same; while "rustic campgrounds" are given priority through greater allowable density. This was done because the rustic style campsites are generally smaller scale, less-impacting, more in keeping with the wild character of the Big Sur Coast. Each rustic campsite takes up less space, does not require much in the way of landscape alteration, and can readily be retired or restored when it comes time to give the campsite a rest. In contrast, an inn unit or RV campsite involves substantial, permanent utility and structural features, and represents a more developed type of landscape alteration. Thus, even the County's own findings suggest that this project should fit in the "inn and RV campground" category rather than in the "rustic campground" category.

I contend that the project exceeds the maximum density allowed in the Monterey County Local Coastal Program. The County findings saying that the proposed 18 yurt units are below the maximum allowable clustered 30 inn units or 100 campground spaces on a 10 acre parcel is a misreading of the cited local coastal program policies. Given the amount of the parcel that exceeds 30% slope and the developed character of the proposed overnight accommodation, the actual maximum number of allowable yurt-units appears to be 5 or less.

EXHIBIT NO. 8
APPLICATION NO. Treebones
A-3-MCO-99-97
FULL TEXT OF APPELLANTS' CONTENTION

**Employee Housing:** County Code section 20.145.140.B.1.m also requires a detailed employee housing plan to be prepared for new visitor-serving development in the Big Sur coastal zone. The housing plan submitted says that the facility requires six employees: 3 managers, 2 maids, and 1 laborer. It is not to the level of detail specified by the Code section, including breaking down employees by season, status, and shift..

The application includes three employee housing units of 328, 746, and 3,308 square feet, the former two for staff and the latter for a manager. County Code Section 20.145.140.B.4.a(4) states that the maximum size of an employee house shall be 850 square feet. Clearly, one of the units far exceeds this size limit. Part of the reason for this exceedance is that the house's kitchen serves as a campground kitchen to serve breakfasts to visitors. However, that function, as described above, is further evidence that this facility is not a rustic campground. There are allowances for employee housing units over 850 square feet if they are dormitory style accommodations. In that situation each 850 square feet counts as one employee unit (Code Section 20.64.080.F). However, the largest structure is not designed as a dormitory for four employee units, but rather as a large single family residence. Earlier versions of this proposal characterized this structure simply as a house (for the campground manager). Residences not tied to commercial facilities, however, are not allowed uses in these very limited rural community center areas.

**Non-visitor-serving components:** Visitor-serving projects, such as proposed, require overall development plans; one of which was submitted and conditioned that any changes need further County review. However, the overall development plan calls for some quasi-visitor uses, such as corporate and school events. Any changes in uses or activities require further approval. However, this plan mentions a general amount of such events annually, but is not specific enough as to how many special events can be held during the year. Given this ambiguity and the fact that no time limits are specified for guests, whether this facility will truly function as a visitor-serving use (regardless of changes in ownership) is questionable.

**Visual impact:** Because this project is located in a "Rural Community Center" it is exempt from the local coastal program critical viewshed policy to not build in view of Highway One. Instead, it must follow a set of design standards in *County Code* Section 20.145.030.C2. By and large, these standards are met by the approved project. However, the density of the development is such that there will be some unavoidable visual impact. If the density were reduced to be consistent with the *Land Use Plan* Table, then the project could be designed in a manner that would result in less visual impact. Furthermore, although this project is located in a "Rural Community Center," it is at the edge of the "center" on an undeveloped parcel almost a mile away from the Gorda store. Therefore, a lower intensity and careful design are warranted.

**Widened access road:** The site's access is off of a US Forest Service road; this service road in turn is accessed from Highway One by Los Burros Road. Conditions of the County permit approval require that the roads from Hwy. 1 to the site to be improved and widened to 20 feet from their present 12 feet or so. Los Burros Road is a County-maintained road on Forest Service land. There is a maintenance agreement between the County and the Forest Service. The applicant would have to seek permission from the County to do work on the road who in turn would need to discuss with the Forest Service whether the work fell under the terms of the maintenance agreement or whether the agreement would have to be modified to allow the widening. The applicants have a special use permit to use the service road on Forest Service land to access their property. Again, they would have to obtain an amendment to this permit to allow the road to be widened. None of this has been accomplished nor even analyzed to date. There was no environmental review of the road widening. Thus, *Big Sur Coast Land Use Plan* policy

5.4.K.3 directing that all criteria of policy 5.4.K.2 (e.g., biological and engineering assessment) be followed for greater than 12-foot roadway widths, has not been satisfied. Additionally, were the required environmental assessment of the road widening performed, other policy inconsistencies might be revealed.

**Ponding:** There is a brief mention in the geologic report that ponding occurs on the site. The biotic report says that there are no environmentally sensitive habitats on the site. Ponding may be indicative of wetlands, which is a sensitive habitat. This needs further evaluation in order to ensure consistency with *Big Sur Land Use Plan* section 3.3 habitat protection policies.

