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SUBJECT: **STAFF REPORT ON THE PERIODIC REVIEW OF THE MONTEREY COUNTY LOCAL COASTAL PROGRAM**

Staff Note

This is the preliminary staff report of the Periodic Review of the Monterey County Local Coastal Program (LCP). This document summarizes the staff analysis of Monterey County's implementation of its LCP, and includes preliminary recommendations for corrective actions to be taken by the County in twenty-eight specific issue areas. The full background report with supporting documentation, consisting of ten chapters and five appendices, is available for review on the Coastal Commission's web site: <http://www.coastal.ca.gov>. Appendices A, B, C, and D contain additional preliminary recommendations that are summarized in this report. (Appendix A was previously transmitted to the County in January 2003.)

The Commission identified Monterey County as the next priority for the Periodic Review Program in May of 2001, partly in recognition of a specific request from Monterey County. The County has been in the process of completing a comprehensive update of its General Plan and LCP, and in choosing to undertake this review, both the County and the Commission recognized that this presented a unique opportunity for allocation of additional resources from the Periodic Review program to this local planning effort. To this end, Commission staff has met with the Land Use Advisory Committees throughout the County on numerous occasions and has also participated in local meetings of the County Planning Commission and Board of Supervisors on pending planning proposals. Staff also allocated substantial time to commenting on draft 21st Century Monterey County General Plan update products and discussing these with Monterey County General Plan update staff. To provide early specific feedback to the County, staff submitted initial Periodic Review recommendations and comments on the draft General Plan in January 2003, which are contained in Appendix A. Many of these recommendations already have been incorporated into the current draft of the General Plan.

Nonetheless, more work remains to be done. This report is being presented at the Coastal Commission's December 2003 meeting for discussion and to initiate a public comment period, including further consultation with County staff. ***No formal Commission action is being recommended at this time.*** Staff anticipates returning to the Commission at its March 2004 Monterey hearing with a final report and recommendation.

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I. Introduction

A. Background to Periodic Review Process

The cornerstone of the coastal management program established in the California Coastal Act (Act) is the coastal planning partnership with local governments. Under the Act, once a Local Coastal Program (LCP) is certified by the Coastal Commission as capable of regulating development in conformance with policies of the Coastal Act, it is the local government that assumes the primary responsibility for issuing most coastal permits consistent with their certified LCP and the public access policies of the Act. The Commission maintains some permit jurisdiction, monitors local actions and retains authority to appeal certain decisions, with the certified LCP as the main standard of review for such appeals.

Because of the importance of the LCPs in managing coastal resources, Coastal Act Section 30519.5 requires that the Commission periodically review the implementation of certified Local Coastal Programs and determine whether the LCP is being effectively implemented in conformity with the policies of the Coastal Act. If the Commission determines that a certified local coastal program is not being carried out in conformity with any policy of the Act, the Commission submits to the local government recommendations of corrective actions that should be taken. Corrective actions recommended through a review can include suggested amendments to the LCP, such as changes in land use designations, policies, and regulations, as well as intergovernmental coordination measures, or actions by other state and local government agencies to improve implementation of the LCP.

By providing this mechanism for evaluation and feedback, the Coastal Act assures a type of adaptive management process that assures the LCP will be kept up to date and effective as a guiding standard for coastal management and decision-making at the local level. A periodic review offers the opportunity to enhance coastal management by reviewing whether an LCP is achieving the results it was intended to achieve. It allows for the incorporation of new knowledge into the LCP, and the adjustment of existing policies, programs, and implementation practices, informed by the lessons learned about what works in the coastal management process. It also can reflect the outcome of other implementation actions such as acquisition and operation of beach accessways, restoration of wetlands, execution of habitat conservation or resource management plans, and conduct of educational programs, all of which bring to reality the programs and recommendations of the LCP. It is also an opportunity to evaluate the cumulative effects of coastal development and management and revise and update the LCP to address these cumulative impacts. The Coastal Act envisions that this evaluation process would occur at least once every five years. However, in most cases, 15 to 20 years have passed with no evaluation, so the review process is faced with far greater challenges in policy analysis.

When the Coastal Commission reviews the implementation component of an LCP, or an amendment to it, the standard of review is consistency with the certified land use plan. When the Commission reviews a project on appeal, the standard of review is consistency with the certified LCP and Coastal Act access policies. It is very important, therefore, that a certified LCP is periodically reviewed and updated in order for the LCP to continue to function as an effective standard for sound coastal resource management decision-making.

B. Coordination and Ongoing Planning Efforts

Over the last two years, Monterey County, in full consultation with the public, has been working to comprehensively update its General Plan, including the LCP. In recognition of this planning opportunity and in response to a specific request from Monterey County, the Coastal Commission identified the Monterey County Periodic Review as the next priority in its Periodic Review program. The Review has enabled the Commission to more fully participate and provide input to the County's 21st Century Monterey County General Plan/LCP update process by making additional state and federal planning dollars available for LCP planning in Monterey County. Thus, Coastal Commission staff has met on numerous occasions with the Land Use Advisory Committees throughout the County and has also participated in local meetings of the County Planning Commission and Board of Supervisors on pending planning proposals. Coastal Commission staff also allocated substantial time to commenting on draft 21st Century Monterey County General Plan update products and discussing these with County staff. In coordinating with the County's update process, staff submitted initial Periodic Review recommendations and comments on the draft 21st Century Monterey County General Plan update in January 2003, which are contained in Appendix A. Many of these recommendations already have been incorporated into the current draft of the 21st Century Monterey County General Plan update. In addition, when major land use proposals were made in the last several years, particularly Measure A concerning development in the Del Monte Forest, Commission staff submitted extensive comments to the County, some of which are now incorporated into this Review.

The Commission recognizes that the 21st Century Monterey County General Plan update is itself resulting in substantial policy revisions and may have already developed means to address some of the issues raised in this Periodic Review. It is important to note that the Periodic Review recommendations will not be the Coastal Commission's sole comments on the 21st Century Monterey County General Plan update. The 21st Century Monterey County General Plan update consists of revising LCP policies beyond those examined in this Periodic Review. Because the portion of the 21st Century Monterey County General Plan update that constitutes the County's revised Local Coastal Program Land Use Plan will have to be reviewed and approved by the Coastal Commission as an amendment to the currently certified document, Commission staff will continue to work with County staff to provide feedback on the proposed Update.

Continued coordination between the County and the Commission as part of the ongoing update of the LCP will be critical to the successful implementation of the LCP improvements suggested by the Periodic Review. But, as noted in the review, many of the issues raised concerning LCP implementation can be addressed simply through improved post certification monitoring and procedures, including enhanced daily coordination and communication.

C. History of Monterey County's Local Coastal Program

Following the effective date of the Coastal Act on January 1, 1977, Monterey County had a jump start on the LCP planning process, as Big Sur was one of the pilot land use plans that had commenced under Proposition 20, the predecessor of the Coastal Act. The County decided to segment its LCP to cover four separate areas. As a result, the Monterey County LCP consists of four

Land Use Plan documents and the Coastal Implementation Plan, which is made up of 6 parts, including regulations for development in each planning area, zoning ordinances, and maps and appendices.

The four land use plans include: *North County Land Use Plan*, *Del Monte Forest Land Use Plan*, *Carmel Area Land Use Plan,* and *Big Sur Coast Land Use Plan*. The *Big Sur River Protected Waterway Plan* and the *Little Sur River Protected Waterway Plan* are also certified as components of the *Big Sur Coast Land Use Plan*. Background reports for each of these land use plans were prepared between 1979 and 1982. Certification of the four Land Use Plan segments occurred in June 1982 for the North County, April 1983 for the Carmel Area, September 1984 for the Del Monte Forest Area, and April 1986 for the Big Sur Coast.

Preparation of Monterey County's *Coastal Implementation Plan*, comprised of six parts, and followed in the mid-1980's. The complete *Coastal Implementation Plan* was effectively certified on January 12, 1988. The small areas of Malpaso and Yankee Beaches within the Carmel Area were not certified and remain Areas of Deferred Certification (ADCs). On February 4, 1988, Monterey County assumed authority for issuing most coastal permits in the county. It is worth noting that while final LCP certification occurred in early 1988, some parts of the LCP were developed earlier and based on information that was compiled beginning in the late 1970's.

D. Changes Since LCP Certification

In Monterey County, significant environmental, scientific, social, legal, economic, and other important changes have occurred since certification of the County's LCP in 1988. Most fundamental, population growth and development pressures continue to place significant pressure on coastal resources. By 2001 population had increased almost 32% since 1988 and is projected to increase 92% over the 1988 population by 2020. The County also has issued more than 2700 coastal development permits under the LCP. Most of these permits were for some type of residential construction.

The number of appeals to the Coastal Commission of coastal permits approved by the County has generally increased over the last ten years. As of October 2003, there have been 57 appeals from County coastal permit decisions. This number is the second highest number of appeals of all coastal jurisdictions. However, the Commission determined that the appeals raised a Substantial Issue (SI) with regard to conformance with policies of the certified LCP and the access policies of the Coastal Act in only about 23% of those appeals.[1] Of the appeals determined to raise a substantial issue, public access, protection of scenic and visual resources and landform alteration, and protection of environmentally sensitive habitat resources were the issues raised most often. In addition, the LCP has been amended 25 times.

Significant changes have also occurred that speak directly to the need for a periodic review of the Monterey County LCP. These include newly listed endangered species and environmental threats, acquisition and designation of new protected areas, changes in statewide resource policy, and

[1] Where "No Substantial Issue" was found, the County coastal permit remains the governing permit.

improved knowledge and public appreciation of coastal resources. For example, at least two new species that rely on coastal waters (red-legged frog and steelhead) have been identified as threatened under the federal *Endangered Species Act* since LCP certification. Protection of the riparian zones and creeks, therefore, is even more vital to adequate protection of coastal habitats. When coupled with the new knowledge about the limited capacities of the creeks, it becomes critical to revisit the applicable coastal policies, and update them to account for this new resource management condition.

Similarly, the emergence and spread of Pitch Canker disease among Monterey pine forest and a better scientific understanding of the pine forest habitat and its status as a special and limited species require new analyses and policies for incorporation into the LCP. These are only two examples where both science and resource conditions have evolved (without predictability) to the point that existing policies no longer anticipate, and are inadequate to address, the new resource circumstances.

In addition, new management policies and programs have been put into place that reinforce the need to review and update the policies of the LCP to reflect these changes circumstances. Among these are: the designation of the California Coastal Trail from Oregon to Mexico as the National Millennium Trail for the State, designation in 1996 of Route One in Big Sur as a National Scenic Byway and All American Road, Designation in 1992 of the *Monterey Bay National Marine Sanctuary* and in 2000, adoption of a new *Plan for California Nonpoint Source Pollution Control Program.*

E. Monterey County's Coastal Management Achievements

The Periodic Review shows that the County, local citizen groups, and others have taken significant steps to respond to changing conditions through LCP implementation and other resource management efforts. The County has been instrumental in helping to achieve major accomplishments in coastal management since 1988, including new acquisition of sensitive lands and access, protection of agricultural resources in North County, restriction of new development in the Big Sur Critical Viewshed and many new planning and resource management initiatives.

Effective coastal management relies on more than the coastal development permitting process. Nonetheless, even with significant accomplishments in furthering coastal resource protection and management in Monterey County, the Periodic Review also identifies major areas where the LCP and its implementation can be strengthened to respond to ongoing and new coastal resource management challenges in the County. A brief summary of the key findings and preliminary recommendations follows.

II. Summary of Monterey County Local Coastal Program Periodic Review

Initial LCP review and comments on several issues were transmitted to the County in February 2003 as part of the review of the Draft 21st Century Monterey County General Plan update and are included in Appendix A. In this Periodic Review report, staff evaluated the implementation of the LCP in detail for several other major issues areas. The findings are summarized below in the order of Coastal Act policy groupings, not necessarily in order of importance.

These recommendations, although extensive, do not mean that the entire LCP lacks conformity with the Coastal Act. On the contrary, in many policy areas the LCP remains effective in carrying out the goals and objectives of the Coastal Act. Major concepts in the LCP, such as Big Sur Coast's critical viewshed policy, remain exemplary today. While the recommended actions focus on suggested improvements, in most cases they reflect changed circumstances, new information, or language ambiguities, and build on the existing policies rather than recommend entirely new directions.

While recommendations suggest specific changes to the currently certified versions of the LCP, some flexibility in final wording, format, and location in the LCP is anticipated, since the County is completely revamping its current Local Coastal Program as part of a new 21st Century Monterey County General Plan update and policies now found in separate land use plans may be consolidated or otherwise reformatted.

Regarding the recommendations addressing implementation provisions, the Commission understands that the County will be preparing extensive zoning revisions after completing the 21st Century Monterey County General Plan update. The Commission recognizes that the County may decide to reformat the *Coastal Implementation Plan*. This task is not likely to occur within the yearlong period that the County is required to consider Periodic Review recommendations. The Commission anticipates working with the County to ensure that Periodic Review recommendations addressing zoning are factored into the work program for *Coastal Implementation Plan* revisions.

Similarly, regarding the recommended actions directed toward the County, the Commission recognizes the limited resources available for planning and management activities. For example, the local assistance planning grant program to support local government coastal management activities was eliminated from the Commission's budget this year. County staff has indicated that given the commitment to complete the 21st Century Monterey County General Plan update and then the zoning update, the need to perform basic infrastructure planning, and the lack of resources available, it is unlikely the County will be able to perform other planning activities any time soon. Nevertheless, as noted in this Periodic Review analysis, such actions are often central to assuring long-term protection, management and restoration of coastal resources as envisioned by the goals of the Coastal Act.

A. Geographic Overview of Recommendations

Following is synthesis of the significant coastal resource issues examined in this Periodic Review by planning area. The purpose of this section is to present how the individual resources concerns are geographically related and can be factored into an overall plan.

1. North County Planning Area

North County lands can be generally characterized as consisting of fertile coastal terraces, an extensive system of productive wetlands, a few developed communities, and inland rolling hills with diminished native vegetation coverage. The agricultural use of the terraces predominates, with relatively few threats from other land uses. The slough system proper is fairly well protected. However, it suffers from polluted runoff from farmlands and home sites, especially those on sloping lands. Some of the hillsides have been denuded of their native vegetation, including the sensitive Maritime chaparral plant community. The area's most precious and compromised resource is unseen-- the overdrafted underground aquifers. Agriculture is responsible for most of the water use. The water supply is also threatened by polluted runoff seeping into the ground.

A comprehensive approach to resource protection and restoration involves the integration of various elements. Maritime chaparral habitat should be preserved and allowed to naturally regenerate. This would directly result in protection of the habitat. Additionally, it would result in less polluted runoff and less groundwater use. Productive agricultural land off of steep slopes should be preserved, but managed to significantly reduce erosion and water consumption. Even with these steps, some type of water supply enhancement is necessary to protect and restore the groundwater basin and avoid resource impacts. Until that occurs, no net increase in water extraction should occur. To prevent continued fragmentation of the chaparral habitat and to avoid conflicts with farming, residential use and its associated development should remain concentrated in the current communities of Castroville, Oak Hills, Las Lomas, and Moss Landing. Redevelopment of Moss Landing should occur in manner that emphasizes coastal-dependent and visitor-serving uses, both because these are Coastal Act priorities and because, if forced out of Moss Landing, they may seek locations on surrounding agricultural land.

2. Del Monte Forest Planning Area

Del Monte Forest lands are home to diminished native Monterey pine habitat. Mixed in with the pine cover are sensitive dune and maritime chaparral habitats. The area is also a prime scenic and recreational attraction. Del Monte Forest does not cover a significant groundwater basin; its water supply comes from the overdrafted Carmel River system.

A comprehensive approach to resource protection and restoration relies on maximizing habitat protection and maintaining the forest cover. Monterey pine forest (and all of its subtypes) should be preserved and allowed to naturally regenerate. This would directly result in protection of the habitat. Additionally, it would maintain the scenic attraction of the area, contribute to water quality protection of Carmel Bay by maintaining pervious surfaces and avoiding increased non-point source pollution, and at least assuring that the water supply deficit does not worsen.

Reducing the point-source discharge of the Carmel Area Wastewater plant also advances water quality protection of the pristine Carmel Bay waters. The more reclaimed water the plant produces that can be used on Pebble Beach golf courses and other lands, the less wastewater that flows into the Bay and the less water that needs to be withdrawn from the Carmel River stream flow.

3. Carmel Planning Area

The Carmel Area around the city of Carmel-by-the-Sea is a special community that is a popular visitor destination point. The lack of vacant lots and available water supply keeps the area from being overwhelmed by greater density. Instead, the challenge comes from redevelopment of existing structures.

A comprehensive approach to resource protection and restoration relies on maintaining the community character as mandated by the Coastal Act. Protecting community character also contributes to habitat protection and restoration (by preserving and planting additional trees), to water quality protection of Carmel Bay (by maintaining pervious surfaces and avoiding increased non-point source pollution), to scenic protection and recreational attractiveness, and to protection of available water supply (by not increasing demand from expanded development).

The Carmel Area uplands, above Point Lobos and Carmel Highlands, is a still largely unspoiled area of scenic beauty, low-intensity recreational potential, and sensitive Maritime chaparral and other plant communities. Even low-density development in this area has the potential to harm these resources. For example, structures can directly intrude into the public viewshed or into an area of maritime chaparral. The development of improved access roads or of vegetation clearing associated with fire prevention can have indirect effects on the habitat and viewshed. Thus, a comprehensive approach to resource protection and restoration relies on minimizing and clustering any new development.

4. Big Sur Coast Planning Area

The Big Sur coast needs little description as its scenic beauty and attendant recreational attractions are known worldwide. Thus, one of its attributes is the lack of visible development. What little development exists is of a scale and location that historically does not detract from the beauty of the area. However, development pressure remains to build on vacant parcels and expand structures on developed parcels. Another attribute is Highway One, which enables visitors to see the spectacular scenery and residents to access their homes. However, the highway requires a high level of maintenance, and is, at times, threatened with overuse, visual clutter, and instability from rock and landslides.

A comprehensive approach to resource protection and restoration involves providing for residential and recreational needs in the least obtrusive, consumptive, and damaging manner. The mandate to protect the Big Sur viewshed is paramount among all County coastal policies. This mandate means foremost that the County should continue to prohibit new development in the viewshed and in the long-term, continue to remove or hide intrusive development. To further these objectives, utility and recreational facilities need consideration as well. The *Coast Highway Management Plan*, the goal of

which is to keep the highway open, yet manage it and its surroundings in a way that preserves the landscape, should be completed and implemented. New development that is allowed either outside the viewshed or as exemptions in the viewshed needs to be designed, scaled and located so that it does not adversely impact views as seen from public trails, does not change the overall Big Sur community character, does not impact riparian systems, does not intrude on sensitive habitats, and does not require obtrusive or habitat damaging fire protection measures.

B. Issue Overview of Preliminary Recommendations

This Periodic Review is organized by Coastal Act topic. Each of the following chapters covers a group of Coastal Act policies and corresponds to the chapters in the background report to this staff report.

Chapter 2 - Land Use And Public Works Infrastructure

Coastal Act policies require that new development be concentrated in and adjacent to existing developed areas that have sufficient public services to support such development. Where such areas are not available, development must be located where adequate public services exist and where development will not have significant adverse effects, individually or cumulatively, on coastal resources. The Periodic Review evaluated three main issues related to this policy: (1) preventing cumulative impacts to agricultural resources; (2) assuring adequacy of public services (especially water supply and road capacity); and (3) providing adequate land use designations.

Protection of Agricultural Resources

Productive agricultural land is concentrated in North Monterey County and prime coastal zone agriculture has not been faced with the development threat found in other California counties. Since certification of the LCP, the County has maintained fairly tight agricultural zoning and few permits have raised issues of prime land conversion. Some agricultural lands have been protected through acquisitions, such as those acquired by the Elkhorn Slough Foundation at Triple M Ranch.

Review of an overlay of prime land onto the land use designations revealed several other areas where prime agricultural land is designated for residential uses, which could threaten the long-term viability of the agricultural land and recommendations for appropriate designations have been made (Appendix A). Also, recommendations are made to protect the grazing lands of Armstrong Ranch, at the border of City of Marina by revising the outdated light industrial designation. Because agricultural land can also be impacted by adjacent incompatible development, recommendations are made to strengthen the LCP's buffer provisions.

However, the Periodic Review concludes that the biggest threat to protection of agriculture as a priority use under the Coastal Act comes from an overdrafted water supply.

Adequacy of Water Supply

Like other coastal counties, coastal Monterey County is dependent on its own water sources, not imported water. As a result much of Monterey County's coastal zone has groundwater or surface

water overdraft issues. The situation has worsened since LCP certification. Responses to date have including planning for supplementing the local supplies, but no major projects have yet come close to fruition. Permit review has revealed that new development has continued to be approved which uses even more water.

North County Water Supply and Agricultural Use

(Most recommendations addressing this issue are found on: pp. 35 –37.)

North Monterey County supports substantial agricultural land, and groundwater is the source of all water use in the planning area. The groundwater supplies in North Monterey County are depleted and the area is experiencing significant overdraft conditions resulting in depression of the water table and seawater intrusion into the underlying aquifers. This condition threatens the current level of agriculture in North County. In addition, the potential to increase cultivation in turn further threatens the groundwater supply and quality.

Impacts to groundwater supplies were identified at the time of LCP certification and the situation has worsened significantly since LCP certification. The County and water management agencies continue to recognize this important issue and pursue a variety of measures to address the groundwater resources. Among these are: completion of the Pajaro Valley Water *Basin Management Plan* (2001) that identified water supply and distribution options; construction of the Harkins Slough diversion project; purchase of contract rights to the Central Valley Project; completion of the North Monterey County Hydrological Study and *North County Action Plan* that proposed water quality recommendations; and completion of the County Water Resources Agency's *Comprehensive Water Resources Management Plan* that identified several actions including acquiring agricultural parcels to preclude additional agricultural or residential development, expanding the Salinas Valley Water Project, drilling new wells in the Salinas Valley, construct a pipeline to supply a potable water system for the Granite Ridge area and constructing a desalination plant at Moss Landing.

The review indicates that implementation of LCP policies have been mixed. Since certification, despite limited water resources, new development has occurred; 785 new lots or units had been approved within the North County coastal zone, out of the 1351 allowed. However, Coastal permits issued by the County since 1988 have reflected a progressive shift toward stricter water supply control. Controls on subdivisions have increased since 1988. In addition, as review of coastal permits indicated stronger water conservation requirements have been implemented. But, in terms of agricultural water use, no coastal permits have been identified for conversions of steep slopes to agricultural lands, as is required by the LCP. Thus, no agricultural management plans, which could address water use, were prepared to the Commission's knowledge.

Given the current overdraft condition of the groundwater supplies, LCP implementation must limit new development and address agricultural water consumption in order to conform to Coastal Act policies to protect continued agriculture as a priority use.

Indeed, the fact that the County has approved the removal of agricultural lands from production to offset new residential water demand highlights the need to further limit residential development. The temporary moratorium on new subdivisions is no longer in effect and the County has not yet

implemented any follow-up measures to further reduce buildout until a new water source is secured. Thus, LCP policies are not being completely followed at present. Given the known severity of the water problem, all intensifications must be of concern. For example, new homes on vacant lots are not being approved further south on the Monterey Peninsula due to a water shortage there. The County has also not yet implemented a comprehensive program to address agricultural water use.

In implementing its LCP through coastal permitting, the County has controlled new development to minimize impacts to the groundwater resources as required by the Coastal Act. However, in light of current overdraft and projected future overdraft even without new development, continuing the status quo of allowing any further development that increases use of groundwater would not fulfill Coastal Act objectives. The County could further restrict new subdivision and second units under existing policy. But, since the policy has not been consistently interpreted in such a manner, recommendations suggest more explicit language. Additionally, policy revisions are also needed to address new development on vacant lots. If more development is to be approved, it should not further contribute individually or cumulatively to the overdraft of groundwater in order to conform to Coastal Act Sections 30231 and 30250. Recommendations suggest the County require appropriate offsets if development allowed. And as recommended, the County should meter groundwater extraction in order to devise appropriate solutions to protecting the resource.

Recommendations are also made to continue and accelerate efforts to comprehensively address water supply issues that are accomplished in a manner that is consistent with the Coastal Act. Reductions in existing demand, which naturally would focus on agricultural water use, must account for Coastal Act priority uses policies and any development of any new projects must be consistent with resource protection policies of the Coastal Act. Desalination facilities are being considered as one option to increasing potable water supplies for the Monterey Peninsula. However, such plant facilities may physically be located in North County at Moss Landing and could possibly serve North County as well. The *North County LUP* does not contain explicit policies on the development of such facilities. As recommended, the LCP needs to be updated to incorporate policies to guide any future proposal for such desalination facilities in a manner consistent with Coastal Act policies. Policies to guide provision of adequate water supplies also need to assure protection of environmentally sensitive habitat areas (ESHA) and water quality.

California-American Water Company Service Area

(Most recommendations addressing this issue are found on: pp. 37 –38.)

Surface water from the Carmel River is the major source of water use within the California American Water Company (Cal-Am) service area, and the River withdrawals threaten the riparian habitat and the fish resources of the river. Thus, Cal-Am is under strict limits on the amount of water that can be withdrawn from the River and produced from other sources. The lack of sufficient water supply to serve existing uses and new development in the Monterey Peninsula was a significant issue at the time of LCP certification. The LCP thus has a priority allocation system for Del Monte Forest. It has policies to support and require water conservation.

Since certification of the LCP, the Public Utilities Commission has imposed the noted upper limit on the amount of water that Cal-Am can produce and as a result all available water supplies for the

Monterey Peninsula, including Del Monte Forest and part of the Carmel Area, are committed to serving existing development. Most new development approved and built since certification contributed to this situation; however, the PUC order and resultant Monterey Peninsula Water Management Agency (MPWMA) requirements have halted further development. For a time, the County continued approving coastal permits, placing applicants on a water waiting list, but more recently stopped deeming applications complete where water was lacking. As a result a few applicants have requested and received approval for individual on-site wells.

In light of the worsened water situation in the Cal-Am service area, it is clear that a multi-pronged approach is needed to work toward achieving the Coastal Act objectives of preventing groundwater depletion and also giving priority to agricultural production on suitable soils. The County should formalize its procedures regarding deeming when applications are complete with regard to water availability. It should clarify that individual private systems such as wells are not allowed in the Cal-Am service area. It should review and update its water allocation priority list for Del Monte Forest.

Finally, and most significantly, the County and other agencies are working on a number of fronts to address short-term and long-term water problems. Continued and accelerated efforts are needed to reduce or eliminate dependence on Carmel River surface flows. Several agencies are involved in such efforts and should coordinate their work. Each program needs to be accomplished in a manner that protects coastal resources. The LCP needs to be updated to strengthen policies to guide review of new water facilities, including potential desalination facilities. The LCP needs to be updated to guarantee that any proposal to develop new water supplies will ensure that such development will be consistent with Coastal Act Section 30254 that governs new or expanded public works facilities as well as other Coastal Act policies.

Big Sur Valley Water Supply

(Most recommendations addressing this issue are found on: pp. 38 –39.)

New scientific information on the habitat and species of the Big Sur River is available that raises issues concerning habitat protection, particularly the need to ensure that stream water withdrawals to serve new development do not adversely impact stream flows necessary for indigenous species. The Big Sur River supports threatened red-legged frogs and steelhead trout. Sycamore Canyon contains a small stream with very low to intermittent flows.

The certified Monterey County LCP recognizes the sensitivity of the water resources and the habitats dependent on them. Studies undertaken as background for the LCP revealed the low flows of Sycamore Canyon and tributaries of the Big Sur River. The LCP thus contains a series of policies written to ensure that Big Sur's water resources are protected and that land use development has available watery supply and will not diminish the surface flows in coastal streams to levels that result in loss of plant or wildlife habitat.

Since certification of the LCP, new residential uses that draw from the Big Sur River have been approved in the watersheds but water resource monitoring called for in the certified LCP has not been implemented and the County has not yet comprehensively evaluated the effects of water use in these watersheds. Additional data has been collected for the Big Sur River and its tributary Post

Creek, but none for Sycamore Canyon. A Big Sur Steelhead Enhancement Plan ahs recently been completed for State Parks and the Federal government is also preparing habitat enhancement plans for the segments of the Big Sur River that they control. But, there has been no overall assessment of minimum water flows needed to protect the fish resources in these watersheds and no updated assessment of current and projected water use. Thus, there is no way to accurately determine the cumulative effect of individual authorizations and whether individual projects adequately considered minimum water needs to protect habitat and species, especially in low flow conditions. Such data are needed to determine if resources are being protected consistent with the Coastal Act. New development approved and built in the 15 years since certification has resulted in more River water use, but whether there have been any adverse impacts on the streams as a result is unknown.

In light of the continuing information gaps, a definitive conclusion of whether the LCP has been implemented in a manner consistent with Coastal Act objectives cannot be made. Recommendations are made to implement monitoring provisions and studies called for in the LCP.

Road Capacity and Design

Highway One is the main coastal route through Monterey County. Capacity problems are most evident in the northern and southern (i.e., Big Sur coast) segments where, consistent with Coastal Act Section 30254, it remains a two-land road. Given proposals for widening the highway through North Monterey County and some ambiguous policy direction in the certified LCP, recommendations for policy updates are made. For the Big Sur Coast, there is no disagreement that Highway One will remain two lanes; the main problem is keeping it open due to winter storms and resultant landslides. In response, the Coastal Commission and Caltrans have engaged in a comprehensive planning effort for Highway One in Big Sur.

Big Sur Coast Highway Management Plan

(Most recommendations addressing this issue are found on: pg. 41-48.)

Highway One south of the Carmel River in Monterey County is one of the state's most spectacular scenic resources and provides access along this rugged shoreline for more than three million visitors per year. It is also extremely vulnerable to the elements and requires substantial maintenance just to keep it functional.

The certified Monterey County LCP is primarily concerned with Highway One capacity and traffic management issues, given that it is mandated and physically constrained to stay two-lane. The LCP contains various policies directed toward making highway improvements such as turnouts, shoulders, and parking. The LCP also contains a request for an overall design theme for the construction and appearance of improvements within the Highway 1 right-of-way be developed by Caltrans in cooperation with the State Department of Parks and Recreation, the U. S. Forest Service and local citizens.

Since certification of the LCP the need for more specific directives for Highway One has continued to be recognized, but emphasis has changed. A series of storm-induced road closures, followed by attempts to reopen it and dispose of the landslide material on the roadway has demonstrated the need for pre-planned responses. This has become more of a necessity due to the establishment of the

Monterey Bay National Marine Sanctuary with tightened restrictions on disposing material into the ocean. The County has approved several permits for Caltrans to perform highway improvements, but the agency desires more certainty, speed, and intergovernmental coordination to keep the highway open and make improvements. As a result Caltrans has prepared, in cooperation with the Coastal Commission, the Coast Highway Management Plan, with specific guideline documents that address landslides and storm events; protecting the highway's aesthetic characteristics; and managing vegetation within the corridor.

In light of this new initiative, it is timely to revise the LCP to account for the new information derived from the planning process. This can be accomplished by providing more specific guidance in the LCP for various types of highway improvements likely to occur, including bridge replacement, pullouts, sidecasting, culvert replacements, and the like. There are also opportunities to revise some other policies addressing new development that would impact use of the highway with regard to traffic generation mitigation measures and to ensure highway improvements will protect scenic resources and public access. Additionally, there is a need for the various agencies involved in regulating highway improvements to coordinate through implementation of the Coast Highway Management Plan, as County responsibility alone is somewhat limited due to Commission retained and federal jurisdictions.

Land Use Designation and Density Issues

The County has been effective in implementing the LCP provisions that ensure that more intensive development is concentrated in the more urban communities of Las Lomas, Moss Landing, Castroville, and the Monterey Peninsula, and follows Coastal Act directives. Nevertheless, issue identification revealed two communities where general land use patterns warranted review: Moss Landing and Carmel Area Uplands.

Moss Landing Community Plan

(Most recommendations addressing this issue are found on: pg. 39.)

Moss Landing is a special community containing recreational boating facilities and coastal-dependent industries. Competition for scarce land and water threatens the ability of the County to protect priority uses and to maintain the community fabric and its visual and natural resources.

The certified Monterey County LCP recognizes the historic, scenic, harbor, and, to some extent, environmentally sensitive habitat resources of Moss Landing. The LCP has a separate chapter devoted to the community with a series of policies to guide additional harbor development, provide access, and protect resources. In a nutshell, priority uses are each assigned different locations in Moss Landing, such as coastal-dependent, light industrial uses on the Island and visitor-serving commercial uses along portions of the west side of Highway One.

Since certification of the LCP there have been substantial changes in the Moss Landing area, the primary change being the expansion of coastal-dependent marine research facilities on the Island (MBARI) and off of Moss Landing Road (relocated Moss Landing Marine laboratory). Other developments approved by the County have included a convenience market, four retail shops, a bed and breakfast, fish processing, bait and tackle, a restroom at the harbor, and power plant

improvements. In all cases the approved projects were allowed uses and many incorporated mitigation measures to protect resources. But in some cases, they did not further the general vision articulated in the *North County Land Use Plan*. Recent proposals and planning exercises have revealed the immediate need to accommodate dredge spoils, address erosion in the harbor, provide drainage and other infrastructure improvements, and improve harbor facilities.

In light of land use decisions since 1988, available opportunity sites, and projected development, recommendations are made to revise and updated the plan for the Moss Landing area to protect community character and prevent resource damage. For some sites, updated designations are needed to accommodate the priority uses that have occurred and to determine the appropriate locations and densities for other priority uses.

Additionally, the County's land use authority is limited in this area and other agencies have significant roles to play. Thus there is a needed for coordinated planning and regulation by all the relevant agencies.

Carmel Area Uplands

(Most recommendations addressing this issue are found on: pp. 39 –40.)

The Carmel Uplands, east of Highway One and Carmel Highlands, consist of very scenic lands, rural residential development, and large tracts of grazing lands, public recreational lands, and environmentally sensitive habitats. Among the sensitive plant communities are Monterey pine, Gowen cypress, and central maritime chaparral. The 6,318-acre Uplands area contains approximately 81 parcels, of which about two dozen remain vacant and in private ownership.

The certified Monterey County LCP recognizes the sensitivity of these lands through application of protective scenic, habitat, and steep slope policies and generally very low residential density residential zoning, except for Odello East and substantial overnight accommodations on Point Lobos Ranch. The LCP contains many site-specific directives for these and other large holdings, with the general intent to cluster new development. The LCP states that the development of large properties (over 50 acres) and ranches should be guided by an overall management plan.

Since certification of the LCP several of these lands have been acquired for open space purposes, including much of Palo Corona Ranch, Odello-East, and Point Lobos Ranch. The latter acquisition ended plans for any new hotels. Several parcels have been developed pursuant to coastal permits. As part of the permit process, additional lands have been placed under conservation easements. In applying the protective policies of the LCP, the County has attempted to mitigate for adverse impacts. But in allowing new houses averaging over 5,000 square feet and associated structures, driveways, and septic systems, there has been resulting environmentally sensitive maritime chaparral habitat loss and additional visible development. The presence of the new homes and the background biological information associated with them has increased awareness of the sensitivity of the area. At the same time, some property acquisitions have increased the potential for additional public use of the Uplands.

The LCP needs updating in light of the changed development patterns, ownerships, and protective legal instruments in the Uplands. LCP updates are needed to better reflect new owners' objectives

for open space preservation over residential development. And, LCP policies need to be fully applied and in some cases clarified so that environmental damage is limited on any of the remaining parcels where development can occur. It is also desirable to re-examine the current designations and policies for the Uplands through preparation of a more detailed area plan. Such a plan could develop parameters for individual site developments, set priorities for acquisitions, identify candidate development transfer and receiver sites, integrate habitat and recreational enhancements, design criteria for new homes, update trail corridor locations, and possibly locate a hostel site. Many entities continue to be actively pursuing open space preservation in this area, and their efforts deserve support. In turn it is important that agreements reached that allow for some future development in return for some preservation be structured in a manner that best furthers Coastal Act objectives.

Other Land Use and Infrastructure Issues

Monterey County has established firm urban service limits with regard to wastewater collection as a result of Coastal Commission permits issued in the early 1980's for each of the County's urban systems. The County implementation of the LCP has continued to fully carry out policies to maintain these wastewater service limits. In rural areas dependent on on-site solutions, the LCP needs to be updated to include options to conventional treatment systems as alternatives to requiring either hookup to sewer systems or reduction in recreational opportunities due to capacity limitations to fully carry out Coastal Act policies. Recommendations are made in Appendix A to add such provisions. The initial review (Appendix A) also identified some additional areas where land use designation updates are needed, including: Gorda, Moss Landing Marine Lab, Oak Hills Open Space, Point Sur, and Fort Ord in order reflect current conditions, new acquisitions, protection of habitat and scenic resources and concentration of development policies of the Coastal Act. It also outlined recommendations for updating provisions for granting certificates of compliance which establish legality of parcels and updating standards guiding development of caretakers units and workshop conversions.

Chapter 3 - Environmentally Sensitive Habitat Areas (ESHA)

As noted the Monterey County coastal zone is rich in sensitive plant and animal habitats and the issue of their protection has arisen in many County permits. This issue was well established during LCP preparation and as a result the LCP has a comprehensive set of policies for protecting environmentally sensitive habitat areas (ESHA), covering all phases of ESHA evaluation and protection.

The Periodic Review indicates that some revisions to the overall ESHA policies are needed. The preliminary review (Appendix A) made recommendations to update a variety of policies to be consistent with current policy implementation and practices of the Commission and current scientific understanding. Not all ESHA policies in the four LUP segments contain the same protective components. For example, the LCP needs to update the policies that outline the process for identifying environmentally sensitive habitat areas. Clear definitions are needed and procedures to guide site-specific ESHA determinations and preparation of biological reports base on resources on the ground need to be revised. Such recommendations were made as part of the preliminary review comments. In addition, policy revisions are needed to emphasize that only limited uses are allowed

in ESHA, to prohibit creation of new lots that would result in building sites within ESHA, to strengthen required mitigation measures for habitat loss and strengthen policies for buffers and setbacks. The LCP currently lacks adequate policies to address some activities that new scientific knowledge has shown may affect environmentally sensitive habitat areas. Recommendations are made to add new or revised policies to address streambank protection activities, predator management, beach grooming, invasive species control, livestock grazing and night lighting. Recommendations are also made to address six areas where the LCP needs to update land use designations to reflect changed conditions and increased protection of ESHA, including Moro Cojo Slough Wetlands, Potrero Road Open Space, Odello-West, Sandholdt Road Area, Watertek Wastewater Plant, and Long Valley.

Also, since certification the status of some species has changed and more information has become available about the habitat requirements. Based on such knowledge, recommendations are made to update policies on Shoreline Resources, Monarch Butterflies, Steelhead Streams, Non-native Trees Timber Harvest, and Tree Removal. Several specific habitat concerns were evaluated in detail as follows.

Central Coast Maritime Chaparral

(Most recommendations addressing this issue are found on: pp. 52 –56.)

Since certification of the LCP, new information and better understanding of the importance of maritime chaparral habitat as an environmentally sensitive habitat area has emerged. And, resource managers know more about the resource management measures needed to more effectively to protect and restore the habitat. Efforts have increased to protect this habitat through land acquisitions. However, the overall extent of the habitat has been impacted by incremental development of existing residential lots and by agricultural development. The LCP does not fully protect maritime chaparral as ESHA and permit review revealed that the County has continued to authorize new development in and adjacent to maritime chaparral, which continues to incrementally fragment and impact this ESHA.

The County LCP regulatory measures are not as explicit, directive, and detailed as needed, and implementation has not resulted in full conformance to Coastal Act policies to protect maritime chaparral as ESHA. In addition, proactive management of the maritime chaparral ecosystem, including such measures as controlling invasive species and undertaking prescribed burns, is necessary for the long-term health of the environmentally sensitive habitat area. While some recent efforts are beginning in this regard, there has yet to be a level of resource management established to ensure the long-term health of the maritime chaparral community.

The Periodic Review suggests a multi-pronged approach to addressing maritime chaparral habitat protection. Regulatory provisions should be updated and revised to ensure full identification of maritime chaparral as ESHA. Better guidance for consultants, planners, and decision-makers needs to be developed. Improved and more consistently worded LCP policies and a guidance document for implementing the plan need to account for the historic and current extent of habitat and the needs of the habitat as a whole in directing protection and restoration of the habitat. Improved permit conditions and related easement provisions are necessary prerequisites. Also, it appears necessary

for some entity, probably other than the County, to accept such easements and monitor and manage them over time. Such an effort should be complemented by continued efforts to acquire additional maritime chaparral lands or easements over them.

For the long term, the sum total of these measures would best be guided by an overall comprehensive plan for preserving and enhancing the dwindling maritime chaparral habitat. This would allow for decisions about what areas need protection, for example, to be made on a collaborative, comprehensive basis, rather than on a case-by-case, site-specific, non-collaborative basis. It would provide the context for preparing biologic reports and resultant recommendations for individual parcels that is currently lacking and, hence would absolve each individual consultant report from having to do so.

The LCP needs to be revised and updated to strengthen protections for maritime chaparral and to promote protection and restoration of the overall maritime chaparral habitat ecosystem. Recommendations are made to better implement and revise some LCP policies, and also to develop provisions to guide maritime chaparral management.

Monterey Pine Forest

(Most recommendations addressing this issue are found on: pp. 56 –58.)

Monterey pine forest habitat is one of the most significant coastal resources found in Monterey County. Native Monterey pines are considered a sensitive species (CNPS 1B), and indigenous Monterey pine forest habitat occurs in only five locations in the world, three of which are in the California coastal zone (Año Nuevo, Monterey Peninsula, Cambria). The historic extent and range of Monterey pine was about 18,000 acres on the Peninsula, limited to coastal areas typified by summer fog, poor soils, and mild temperatures. A number of other rare, threatened, or endangered species also are associated with the Monterey pine forest, which further underscores its importance as a limited and unique coastal habitat type.

The certified *Monterey County LCP* recognizes the sensitivity of Monterey pine forest, and some Monterey pine forest areas in the Carmel and Del Monte Forest planning areas are identified as ESHA, including specific associations with Bishop Pine and Gowen Cypress. The LUP policies and related IP ordinances also include a variety of Monterey pine standards, including requirements to protect Monterey pine forest ESHA, to minimize impacts to the habitat and scenic resource values of Monterey pine, and to avoid, minimize, and mitigate tree cutting. The primary mechanism for protection of Monterey pine is the requirement that a forest management plan be prepared for each parcel, at the time an individual development first impacts the sensitive habitat on the parcel.

Since certification of the LCP in 1988, significant new knowledge about Monterey pine and the high sensitivity of this species and its habitat has been developed. This includes scientific studies of the genetics of Monterey pine, as well as the ecology of Monterey pine forest habitat and its various subtypes. On the Monterey Peninsula, the native pine forest has been classified into an "ecological staircase," and new, more focused conservation strategies for Monterey pine forest habitats have been developed. Environmental circumstances have changed as well. Most important, the species has been placed under significant new stress since the LCP was certified by the emergence of a pine

pitch canker epidemic. New development approved and built in the 15 years since LCP certification has also continued to impact Monterey pine forest habitat. Analysis of LCP implementation reveals that cumulatively, significant numbers of Monterey pines have been removed through individual developments. In Del Monte Forest, some areas of pine forest habitat have been further fragmented and degraded through residential subdivision and home construction, and major development proposals are pending that would result in significant impacts to large, intact, ecologically-connected acreages of Monterey pine forest habitat.

In light of new knowledge, changed environmental circumstances, and continuing development impacts on Monterey pine forest, it is clear that higher levels of protection for this sensitive habitat are needed. The LCP needs to be updated to assure that Monterey pine forest habitat is protected consistent with the Coastal Act. In particular, the LCP needs to be amended to clarify that Monterey pine forest habitat should be treated generally as ESHA unless site-specific circumstances and biological review show otherwise. Significant intact stands of Monterey pine remain in the Carmel and Del Monte Forest areas, and at the northern extremity of the Big Sur Coast area. All of these stands need to be consistently designated and protected as ESHA. Factors to consider in identifying Monterey pine forest ESHA include extent of the habitat, degree of fragmentation, health and relative degradation of the canopy and understory, and the relative uniqueness and diversity of the habitat.

The LCP also needs to be updated to reflect our improved understandings of Monterey pine as a sensitive forest habitat or biological community, not simply a sensitive tree species that is also a scenic resource. The current LCP has strong tree protection and mitigation standards, but it also allows tree removal pursuant to a forest management plan unless an area is specifically identified as ESHA. The policies do not adequately address the need to identify Monterey pine ESHA, focusing instead on the identification of "significant trees" and requiring mitigation through planting of new trees.

Given our current understandings of Monterey pine forest ecology, the regulatory emphasis should be shifted to stress a strategy of preservation of suitable growing areas (i.e., habitat areas), rather than the current strategy of protecting (or replanting) individual trees. Also, strengthened LCP policies are needed to clearly prohibit all non-resource dependent development within identified Monterey pine forest ESHA. Finally, the LCP should be updated to provide a framework for more comprehensive Monterey pine forest habitat management. This should include updated policies, standards, and management measures to address long-term preservation of identified habitat, protection of genetic diversity, management of pitch canker, new development and redevelopment within the forest canopy, and restoration of suitable habitat areas or currently degraded habitats.

Western Snowy Plover

(Most recommendations addressing this issue are found on: pg. 58.)

Since certification of the LCP, new information has identified threats to the plover habitat and species along shoreline areas. Recommendations are made to assure protection of snowy plover in a manner that protect public access.

Dune Habitat

(Most recommendations addressing this issue are found on: pp. 58 –59.)

Sand dunes occur along portions of the County's coastal zone and in neighboring jurisdictions. Some of the County's sand dunes are publicly owned (e.g., Salinas River State Beach, Salinas River National Wildlife Refuge, Fort Ord). Sand dunes in the Carmel Area are limited to locations on Carmel River State Beach. Privately owned dunes are located primarily in the Del Monte Forest.

Since certification of the LCP, portions of the natural dune system have been reduced and fragmented, increasing the threats to survival of its unique species. Policies need to be strengthened to identify indigenous dune plants as ESHA and to avoid or minimize further incremental loss of this environmentally sensitive habitat area. The LCP affords significant protection of dunes as ESHA in most of the LCP planning areas. Policies assure that where development is required to avoid a taking, development is minimized and sited and designed to be the least environmentally damaging alternative. However, in the Del Monte Forest Area, policies do not limit development in dune ESHA to the same extent as in other planning areas and do not adequately limit development and intensification of uses where a potential taking does not exist. The policies do not adequately limit development in this ESHA as a result of additions to or reconstruction of existing facilities. Recommendations suggest revising policies to limit development in dunes in the Del Monte Forest. As with other ESHA, recommendations suggest that guidance be developed to assist in biological delineation and assessments of this habitat. As resources allow, a comprehensive dune management plan should be developed to guide incremental site development and redevelopment to maximize protection of this ESHA.

Chapter 4 - Water Quality and Marine Resources

Protection of water quality and marine resources in coastal waters, including protecting the biological productivity of coastal waters, streams, wetlands, estuaries and lakes are fundamental objectives of the Coastal Act. To provide for water quality protection, the LCP contains a multi-faceted approach to controlling non-point source pollution that relies on overall land use prescriptions, density limitations, siting and design criteria, bare ground limitations, and comprehensive plans to carry out Coastal Act policies for water quality and resource protection. The Periodic Review evaluated in detail LCP implementation of water quality protection in two areas of high biological productivity threatened by point and non-point source pollution -- the Elkhorn Slough/Moro Slough Watershed complex and Carmel Bay.

North County Water Quality and Watershed Restoration.

(Most recommendations addressing this issue are found on: pp. 59 –60.)

The North County planning area contains a significant portion of the nearly 45,000-acre Elkhorn Slough/Moro Cojo Slough watershed complex. Elkhorn Slough is one of the few, relatively undisturbed coastal wetlands remaining in California. The watersheds draining into Elkhorn Slough and Moro Cojo Sloughs have experienced significant erosion and continue to be threatened from agricultural activities and new development. The Natural Resources Conservation Service has

indicated that without appropriate action, approximately 60 aces of wetlands could be lost due to the resultant deposition of these sediments within the watershed.

The County has sponsored individual wetland management plans for the Elkhorn and Moro Cojo Sloughs that included some watershed-wide provisions aimed at controlling non-point source pollution in the Elkhorn Slough/lower Salinas River watershed. Additional watershed restoration efforts have occurred through public and private projects designed to reduce erosion on agricultural lands, and help to restore natural tidal and stream flows in coastal lagoons, marshes and streams throughout the County's coastal zone.

The County has implemented LCP requirements for erosion control measures in new development, but it is not known if these measures have been successful in controlling polluted runoff consistent with the Coastal Act because long-term monitoring and implementation of remedial actions were generally not required by coastal permits. The County has not been fully successful in carrying out LCP policies to locate new development off of critical erosion areas, however, and has not adequately prevented additional clearing of steep slopes. Additionally, the County is limited in its ability to control polluted runoff from existing development or existing agricultural operations, since regulations are triggered only by new development. And while provisions of the Erosion Control Ordinance addressing existing erosion are comprehensive, the County lacks a coordinated effort that systematically and comprehensively enforces the requirements in a way that significantly reduces the impacts of polluted runoff

The LCP embraced the concept of Watershed Restoration Areas, designed to reduce erosion and sedimentation within the area to a level below a certain land disturbance threshold. However, restoration plans for designated Watershed Restoration Areas have not been prepared and thus individual developments proposed in WRAs have not been required to contribute their share toward erosion reduction, or to make financial contributions toward watershed restoration efforts. Other comprehensive planning called for in the LCP has yet to occur as well: the County has not implemented an agricultural runoff-monitoring program nor has it prepared the comprehensive natural resource and water basin management plan. Therefore, recommendations are made to more fully implement LCP policies, to continue and expand agricultural erosion control programs and to prepare a comprehensive non-point source pollution control plan.

Carmel Bay Area of Special Biological Significance and Watershed Restoration

(Most recommendations addressing this issue are found on: pp. 60 –61.)

Carmel Bay has been designated by the State Water Resources Control Board as an Area of Special Biological Significance, and by the Department of Fish and Game as an Ecological Reserve. The Carmel Bay ASBS receives surface water runoff from three main watersheds along the Carmel coast, including the Pescadero Creek watershed, which is located in both the Del Monte Forest and Carmel planning areas, the Carmel River watershed and the San Jose Creek watershed, which are both located in the Carmel planning area. The Carmel Bay ASBS and Ecological Reserve are threatened by both non-point and point source pollution due to urban runoff from residential, commercial and agricultural uses, as well as high levels of nitrogen and pesticides from golf course maintenance.

Because of the size of the watershed draining to the ASBS, which is at least 225 square miles, non-point source discharges from such areas constitute a considerable water quality threat.

In addition to the erosion and grading control ordinances, protection of water quality in the Carmel Bay ASBS relies on the *Del Monte Forest LUP* policy regarding specific site coverage limitations intended to minimize runoff from the development of single-family dwellings in the Pescadero Watershed. Although the County granted variances to nearly 19 percent of those projects that exceeded lot coverage limits, many resulted in a net reduction in overall impervious coverage because pre-existing coverage was removed or modified. However, while the County appears to have applied some requirements to limit impervious surface coverage for additions and new single family dwellings, the LCP provisions for monitoring have not been implemented, therefore it appears that data are lacking to determine whether implementation of current LCP policies and standards protecting water quality in Carmel Bay are consistent with Coastal Act requirements. In the absence of such data, the County, as a precautionary measure should assure that new development will not result in any increase in runoff from a site, and a monitoring program should be initiated to ensure that the required runoff controls are installed and remain functional. Recommendations have also been made to consolidate outfall systems that drain to Carmel Bay, consider options to modify and/or remove outfalls and replace or retrofit storm drains, control golf course runoff, and increase the use of reclaimed water.

Other Water Quality Issues

Additionally, since LCP certification new program and guidelines for addressing polluted runoff have been developed, such that existing LCP standards and programs need to be updated. Recommendations have been made to incorporate revised, up-to-date pollution prevention techniques into the LCP, including policies that: ensure environmentally acceptable disposal of dredge materials not suitable for beach replenishment; clarify that policies dealing with sewage outfall discharges apply to all wastewater-generating projects that discharge into any coastal water; ensure that erosion control and runoff policies are applied to all development; ensure that confined animal facilities do not result in water quality degradation; revise the septic ordinance to better prevent contamination consistent with RWQCB requirements; and adopt policies that address repair and replacement of pipelines in a manner most protective of water quality, habitat and public access.

Because watershed planning as a means to apply various individual water quality measures to an entire drainage basin is not yet well advanced in the County, recommendations are made to encourage development of a comprehensive approached to watershed planning.

And, enforcement of erosion control ordinance violations has not been as aggressive as authorized by the LCP. Full implementation of enforcement actions provided for in the LCP could reduce the amount and severity of erosion throughout the watershed, reduce the adverse impacts resulting from deposition into water courses or water bodies, and aid in recovering funds from violators that would support watershed restoration and other water quality protection efforts.

Chapter 5 - Public Access and Recreation

(Most recommendations addressing this issue are found on: pp. 61 –68.)

Protecting, providing and enhancing public access to the shoreline and recreation areas are fundamental objectives of the Coastal Act. The access policies of the certified LCP are generally comprehensive. Since certification of the LCP, a number of the specific access recommendations of the LCP have been implemented at least in part. Eleven (out of twelve) new access points have been provided through Commission permits at Spanish Bay in Del Monte Forest. Additional access improvements have been accomplished through Commission appeals of County permits in Del Monte Forest. The County required access to the Salinas River State Beach and to the shoreline north of Sandholdt Road. Public access has increased through State Park improvements at three access points in Big Sur and expansion of trails. New acquisitions by State Parks have occurred at Salinas River State Beach, Limekiln State Park, and Point Sur State Historic Park (through transfer of the former Point Sur Naval Facilities). And additional access will be provided through the planned transfer of federal lands to State Parks at the former military base at Fort Ord.

But while new access points are available, the County has made only limited progress in implementing the full range of general and site-specific recommendations of the Access Component designed to expand and enhance public access. Only 15% of all the access points identified throughout the county have had the full range of measures called for in the certified LCP fully implemented. Some of the actions to provide public access have occurred only through an appeal of County actions. In addition, while the County has been diligent in requiring some access management plans as conditions of development, continued condition compliance, monitoring and management of access that has been required is not always carried out as called for in the LCP. Access distribution has not been fully achieved and some access has been impacted through closure of trail segments and road abandonment.

Trail planning and development by a variety of agencies has occurred since certification, including efforts to plan for and develop the California Coastal Trail (CCT) and the Monterey Bay Sanctuary Scenic Trail (MBSST). Through LCP implementation the County has facilitated some trail enhancements and implemented some portions of the through coastal trail in the North County and Del Monte Forest planning areas. But the County has not been consistent in applying trail access requirements and in evaluating siting in order to facilitate implementation of the trail plan. A couple of trail segments have been closed, negatively affecting public access. Elimination of impairments to trail use and implementation of other trails that enhance recreational opportunities are needed in order to maximize public access consistent with the Coastal Act policies.

As recommended, an update of the Access Component is needed to incorporate new information to reflect current conditions at various access points and trails. Specific recommendations for access points and trail linkages are provided in Appendices B and C. Recommendations also suggest that revisions to expand access improvements and management measures are needed to maximize access and recreational opportunities. Recommendations call for the County to update the Trail Plan to reflect current conditions and a broader range of trail users, and to strengthen requirements to implement the CCT and maximize trail development. Recommendations also suggest LCP revisions address temporary events and to ensure access is managed to avoid impacts to environmentally

sensitive habitat areas. An update could also provide a consistent format and content for access requirements throughout all four LUPs.

The Periodic Review recommends LCP changes to assure that any proposed road abandonment or trail closures is reviewed through the permit process so that access is not diminished. It also encourages the County to update the LCP to include Malpaso Creek Beach and Yankee Point Beach, two areas of deferred certification, with adequate access provisions. Recommendations also urge the County to accept outstanding offers to dedicate easements to ensure public access.

Some additional visitor serving/overnight accommodations have been developed since certification, but to protect existing visitor serving facilities, the Periodic Review recommends protecting campground spaces, revising policies to assure the type and intensity of allowed facilities avoids impacts to resources and restricting timeshare conversions. Recommendations also suggest revising policies related to short-term rentals.

The evaluation also revealed that some general access policy updates were needed. Recommendations are suggested for revising and expanding policies to address public access in ESHA and to ensure that temporary events do not diminish access. (PA-2: Public Access in ESHA and PA-4: Temporary Events, respectively in Appendix A). Finally, although the County has adequate general policies regarding parking for shoreline access, changed circumstances at Monastery and Pfeiffer Beaches suggest the need for LCP text updates pertaining to these two locations (Issues PA-8: Sycamore Canyon and PA-9: Carmel River State Beach, respectively, in Appendix A).

Chapter 6 - Coastal Hazards

The certified Monterey County LCP has provisions to address steep slopes and unstable areas, shoreline hazards, coastal flooding and wildland fire. In general, the LCP seeks to site and design new development to minimize risks and to avoid new development in high hazard areas. Policies require that areas of a parcel subject to high hazard are generally not suitable for development and open space uses are preferred. Land divisions are restricted unless it can be demonstrated that development will not create nor contribute to hazards nor require construction of protective devices. Geotechnical reports are required for any new development in high hazard areas.

Shoreline Hazards

(Most recommendations addressing this issue are found on: pp. 68 –70.)

Since LCP certification relatively few shoreline protective devices have been approved in Monterey County, due in part to the rocky shoreline that protects most of the area. However, based on permit experience, in cases where shoreline protective devices have been approved, the County has generally favored mitigation over avoidance when evaluating such permit requests. And it is possible that additional shoreline armoring, especially along the scenic Del Monte Forest shoreline, may occur based on: (1) how the County has interpreted existing policies in the past; (2) a lack of adequate consideration of alternatives designed to avoid the need for armoring; and (3) lack of requirements to incorporate state-of-the-art mitigation measures to design and disguise such devices.

To avoid the need for future shoreline protective devices along this scenic shoreline, recommendations are made to update the LCP with more detailed policies to address setback methodologies, geotechnical reporting requirements, and guarantees that no future seawalls will be proposed for new development. Recommendations also suggest policies revisions to ensure that adequate alternatives analysis are conducted and state of the art techniques are applied to both structural and visual designs to protect public access and scenic resources. The LCP also needs more clarity in how to address additions and improvements to structures on the blufftops or in other hazardous areas. Recommendations are made to ensure that additions comply with hazard area setback requirements. Additionally, a recommendation has been made to develop a detailed shoreline management plan for the Del Monte Forest planning area that develops a comprehensive strategy to avoid or minimize armoring and, where armoring is allowed, to fully mitigate impacts through design standards.

Flooding Hazards

LCP policies address flood hazards by restricting new or intensified development in the 100- year floodplain. Policies generally note that non-structural means of flood control that do not result in significant impacts to the river or its scenic natural resource values are preferred. Structural controls are allowed, but only under limited circumstances (when outside the zone or riparian vegetation, if erosion and sedimentation is minimized, and if habitat and scenic values are maintained and protected).

Since LCP certification, the County Department of Water Resources has artificially breached both the Salinas and Carmel Rivers generally annually, sometimes without benefit of an approved permit. These coastal rivers and their lagoons support abundant aquatic and avian species, including some that are rare, threatened or endangered. The annual breaching of these coastal lagoons can have adverse impacts, both directly on the lagoon environments and indirectly due to impacts from heavy equipment necessary to carry out such activities. More extensive flood management planning to consider alternatives to breaching lagoon mouths at the Carmel River and Salinas River Lagoons is recommended. Planning for flood management at Tembladero Slough and along the Pajaro River will assure that the LCP will be implemented in conformance with the resource protection and hazard policies of the Coastal Act.

In addressing flood hazards along the County's rivers and sloughs, protection of environmentally sensitive habitat areas continues to be problematic. In light of direct and indirect impacts breaching has on environmentally sensitive habitats and water quality, it is clear that flood control efforts must also take into account potential resource protection requirements. The Periodic Review recommends the County require flood management projects to be designed within a watershed management framework that supports the consideration of alternatives to breaching of the Pajaro, Salinas, and Carmel River Lagoons. To ensure that the LCP is implemented in conformance with the resource protection and hazard policies of the Coastal Act, future flood management of the Tembladero Slough and the Pajaro River must seek environmentally superior alternatives that protect environmentally sensitive habitat area values in addition to increased flood capacity. The County should also seek to minimize the future need for increased flood capacity through requiring infiltration and detention of stormwater within the urban growth areas.

Fire Hazards

(Most recommendations addressing this issue are found on: pp. 70 –71.)

The LCP generally calls for new development to avoid being located in extreme fire hazard areas. Additionally, depending on the location of a proposed project and whether the access road is public or private, certain road standards will apply. The land use plans further require that roads serving new residential development be accessible by emergency vehicles, and that development approved within or adjacent to high or very high fire hazard areas use fire-resistant materials in the construction of exterior walls and fire-retardant roofing materials. In most cases, the LCP calls for submittal of development applications to the local fire district for their review and recommendations. Unfortunately, many of the policies relating to fire hazard prevention are scattered throughout the various LCP component documents and other referenced sources, which has lead to problems balancing fire protection efforts with other required habitat and scenic resource protection provisions.

Since certification, development has continued to occur in rural areas, which can be highly susceptible to wildfires. Development has also occurred along the coast in remote, rugged areas, difficult to reach by emergency vehicles. Many of these areas often contain sensitive habitats, are prone to erosion, and are accessible only by narrow, unimproved roads. LCP implementation has not always adequately considered alternatives in development standards that would minimize impacts to scenic and natural resources when applying required fire prevention standards. Recommendations are made to consolidate, revise and cross-reference the various provisions related to fire hazards in order to clarify the steps and measures necessary to provide fire safety while at the same time increasing awareness of siting and design measures to ensure the protection of scenic and other natural resources. The review also recommends that LCP revisions are needed so that greater consideration is given to changes in development siting and design as a means to minimize fire hazards and impacts to coastal resources and public viewsheds.

Chapter 7 - Scenic Resources

Protection of the County's scenic and visual resources is one of the most significant issues of the County's Local Coastal Program. Strong resource protection policies established in the County's LCP are intended to safeguard the County's natural appearance and scenic beauty throughout the coastal zone. Policies protecting visual resources are, therefore, aimed at protecting areas within the public "viewshed." The primary goals of the County's LCP protection policies are to preserve scenic resources in perpetuity, to protect unique landscapes, and restore visually degraded areas. The LCP also contains development standards to protect the character and historical resources of special coastal communities in areas such as Moss Landing, the unincorporated areas surrounding the City of Carmel-by-the-Sea, which are part of the Carmel Planning area, and rural community centers along the Big Sur Coast.

Based on staff review of the County's last 15 years of LCP implementation, the most significant LCP implementation issues concerning scenic resource protection in Monterey County fall into three main areas: protection of important viewsheds, including Big Sur's critical viewshed, community

character and historic resource protection, and mitigation of the adverse visual impacts of specific development types.

Big Sur Critical Viewshed

(Most recommendations addressing this issue are found on: pp. 75 –80.)

The coastal viewshed of the Big Sur coast has been recognized as a national treasure requiring a very high level of protection, thus the LCP includes a strong key policy that prohibits, with some specific exceptions, all future public or private development within the Critical Viewshed (defined in the *Big Sur Coast Land Use Plan* as any area visible from Highway 1 and major public viewing areas including turnouts and beaches). The policy provides some specific limited exceptions for: Rural Community Centers; essential ranching structures; public Highway 1 facilities; some private highway improvements; some utility improvements; State Park Parking areas; some coastal-dependent uses; and vacant residential parcels in the Otter Cove and Rocky Point areas that remained at the time of certification.

Implementation of Monterey County's critical viewshed protection policy for the Big Sur Coast can be heralded as one of California's great regulatory success stories. This policy is unique because it provides an objective, easily understood, unequivocal standard: either development is visible or not. Except for development in the excepted Otter Cove and Rocky Point tracts and three other exception categories, the pre-LCP proliferation of new residences on vacant lots in view of Highway 1 has been halted. So, too, has the LCP been remarkably successful in ending the creation of new vacant residential parcels in the Critical Viewshed.

However, the Big Sur coast critical viewshed continues to be threatened by man-made development. Review of coastal development permits issued since certification, backed by comprehensive staff field inspections and development and analysis of a visual resource inventory, has also revealed that some new development has continued to be approved that intrudes on the critical viewshed. First- and second-story additions have been allowed that were not supposed to be visible, but in fact have resulted in increased visibility in the critical viewshed; and in some cases, what were to be minor additions became complete replacements resulting in substantially greater visibility of the resulting structures.

Additionally, some activities not requiring coastal permit authorization (such as minor tree removal and minor additions to existing structures) have resulted in additional visibility of existing structures. Recent trends in residential and commercial accessory features have also impacted the scenic corridor along Highway 1. Elaborate gates, replacement of residential fences with solid walls, utility poles, intrusive lighting, landscaping that blocks public views, sign clutter, and other accessory developments continue to detract from the Big Sur Coast Highway's scenic values. Such incremental developments have resulted in some cumulative degradation of the viewshed.

Thus, with respect to the Big Sur critical viewshed, the LCP has not been implemented in a manner totally consistent with Coastal Act objectives to protect scenic resources. Part of this is due to the County not fully implementing LCP policies protecting the critical viewshed, and part of this is due to exceptions provided for in the LCP. Thus, recommendations have been made to clarify visibility

policies, especially for additions to and replacement of structures, as well as to continue eliminating the development potential of parcels in the critical viewshed.

Efforts to reduce the potential for development within the critical viewshed to date have included purchasing land, or easements on lands, in the critical viewshed to remove the development potential of a parcel, where no building site outside of the viewshed exists. While $20 million of Proposition 70 funds were used to purchase lands or scenic easements across lands that were within the public viewshed, at least 35 parcels with no apparent buildable sites outside of the viewshed remain. Therefore recommendations have been made to continue to retire the development potential on these parcels. However, review of the previous parcels purchased, and the first-come-first-serve manner in which the program was carried out in the past indicates that the County should develop a more proactive process to identify only those parcels with no buildable sites outside of the critical viewshed, and prioritize purchases so that the most problematic parcels with respect to potential for development within the critical viewshed get protected.

A transfer of development program which allows development potential of lots that have no buildable site outside of the critical viewshed to be transferred to lots with buildable sites outside of the critical viewshed, is also established in the LCP. Unfortunately, this program has been used only sparingly to date, and the legal paperwork necessary to establish scenic easements across the donor parcels in a manner consistent with County regulatory requirements (offers of dedication for scenic easements) has not always been obtained. Additionally, as currently written, the policy does not apply to the Rocky Point or Otter Cove exception areas, which still have some vacant parcels that could be developed. Therefore recommendations have been provided to extend use of the TDC program in these exception areas.

Other Visual Resource Issues

With regards to more general visual resources protection throughout the County, issue scoping and permit review also revealed that certain types of development (including power lines, wireless communication towers, and extra-large homes) elicit concern that they degrade scenic resources and public views where they are visible. Therefore, recommendations are made to clarify the exceptions to utility undergrounding requirements, require use of the latest technologies for reducing cellular tower visual impacts, and to develop a process and criteria to determine what type and where requirements for large home requirements should be imposed. Ridgetop protective policies vary by segment, therefore, recommendations have been made for more consistent and clarified polices to prevent ridgetop development. Additionally, recommendations have been made for preserving landmark trees.

Commission experience with County permitting also indicated that while the County does consider views from some beaches (those in North County and throughout Big Sur Coast), it generally has not considered views from vantage points located along the shoreline or offshore. Recommendations have thus been made for requiring consideration of these views where warranted.

In addition to protecting the County's highly scenic viewshed, the LCP requires that historic resources be protected, and that neighborhoods, which because of their unique characteristics are popular visitor destination points for recreational uses, be protected. The City of Carmel-by-the-Sea

is a popular visitor destination point for recreational use, and portions of the unincorporated Carmel area that surrounds the City share many of the same characteristics. These areas, which include Carmel Point, Carmel Meadows, and Hatton Fields, also serve as accessways to the City's popular natural and commercial attractions. Since these portions of the Carmel planning area are almost indistinguishable from lands within the City of Carmel-by-the-Sea, where the issues of community character and historic resource protection have been main concerns in developing the City's recent LUP, protection of community character in these areas is also of concern with regards to the County's LCP.

Permit review and field visits have indicated that recent approvals have allowed an increase in the scale of new structures and hardscaping (e.g., paving) along the streetscape, and a decrease in efforts to maintain the urban forest in the area by encouraging the planting of new native trees or by maintaining existing trees and native vegetation in these areas. Therefore, recommendations suggest: maintaining native tree canopy, planting new native trees to enhance the streetscape, and reducing the amount of hardscape adjacent to the street; maintaining a similar sense of scale and diversity of style as that found in the City of Carmel-by-the-Sea, and developing specific design criteria.

With regards to more general historic resource protection throughout the County, only the *North County* and *Big Sur Coast Land Use Plans* contain historic protection policies. North County policies apply only to the Moss Landing Community. The historic protection policies provided in these LUPs cover a range of historic preservation issues, but do not comprise a complete set of provisions necessary to ensure that community character is protected pursuant to Coastal Act policies. Therefore, recommendations suggest the County adopt preservation policies and design guidelines to define and protect historic resources.

Chapter 8 - Archaeological, Cultural & Paleontological Resources

(Most recommendations addressing this issue are found on: pp. 80 –82.)

At the time of Spanish contact Monterey County was occupied by three distinct aboriginal tribal groups which include the Esselen, Ohlone/Costanoans and Salinans. As a result, each of Monterey County's four coastal planning areas contains rich and diverse archaeological resources that remain as cultural evidence of these Native American groups.

The LCP's key archaeological policy requires that such resources be maintained and protected for their scientific and cultural heritage values. To accomplish this, the LCP contains additional policies that require early evaluation of sites during conceptual design phase, a determination as to whether or not a precious report has been conducted, and if no such a survey has been conducted, requires one be conducted, that includes recommendations for mitigation measures consistent with protection of the resource(s). The LCP further indicates that new land uses, both public and private, should be considered compatible with archaeological resource protection requirements only where they incorporate all site planning and design necessary to avoid or mitigate impacts to archaeological resources, and states that no development proposals in archaeologically sensitive areas shall be categorically exempt from environmental review. The LUPs, which are generally though not

uniformly similar, also address distinct characteristics of their individual planning areas. While consultation with Native Americans is not explicit in current LCP policy language, LCP policies do contain reference to compliance with Native American Heritage Commission (NAHC) guidelines, which include directions for selecting on-site cultural resource monitors and for coordinating with the NAHC in the event burial remains are discovered. The Coastal Act policy 30244 is embodied in County provisions requiring archaeology surveys and avoidance or mitigation of any adverse impacts. However, all LCP segments with the exception of Del Monte Forest area also allow waivers of the archaeological survey requirement when the development does not involve land clearing or land disturbance.

Since LCP certification, Monterey County has had a good record with regard to implementing its local coastal program in a manner consistent with the Coastal Act archaeology policy. The County has processed permits involving archaeological resources according to the LCP standards, has required archaeology reports, as mandated by the LCP for development in high archaeological sensitivity zones, and has made reasonable decisions for requiring or waiving archaeological surveys, and follow-up on-site monitoring. While such waivers seemed appropriate once more of the details were known, consistency evaluation of such determinations would be made easier if findings clearly stated when archaeological survey reports were waived and for what reason. Similarly, evaluation would be made easier if all permits for development in high sensitive areas had an archaeology finding, even if it only briefly stated that given the nature of the development, there was no likelihood of resource presence and hence no need permit conditions requiring surveys or mitigation measures.

In addition, since certification of the LCP, the Coastal Commission has focused increased attention on the protection of archaeological resources that include significant Native American sacred sites and the importance of consultation with local Native American representatives. Under current Coastal Act provisions, the Monterey County Local Coastal Program provides that all available measures be explored to avoid development on significant archaeological sites and requires that mitigation measures be developed in accordance with guidelines of the State Office of Historic Preservation and the Native American heritage Commission. However, the County's condition language as applied to several permits, as noted above, does not explicitly reference either required onsite monitoring or consultation with qualified Native American representatives regarding identification of sites or in review of the results of archaeological surveys. Thus, there is a need to update the LCP to incorporate Native American monitors in archaeological surveys and environmental assessments.

Recommendations are also made to avoid disturbing archaeological sites where possible, to limit access to archaeological sites, to prepare mitigation plans when impacts to impacted archaeological sites are unavoidable, to require archaeological reports in review of subdivision applications, and to require the County to adopt archaeological findings for all coastal permits issued in high archaeological sensitivity areas.

Chapter 9 - Energy and Industrial Development

North County is the only planning area that has energy and other coastal industrial uses. The major energy facilities are the Moss Landing Power Plant, owned and operated by Duke Energy of North America (DENA) and the adjacent electrical distribution complex, owned and operated by the Pacific Gas and Electric Company (PG&E). DENA purchased the power plant from PG&E in 2000. Just south of the power plant is the mostly abandoned National Refractories (formerly Kaiser) plant that has historically produced magnesia and refractory brick by precipitating minerals from seawater.

The LCP carries out the objectives of the Coastal Act with *North County LUP* policies that encourage energy and coastal industrial uses to locate and expand within existing sites. Location and expansion beyond an existing site are permitted only if alternative locations are infeasible or more environmentally damaging, to do otherwise would adversely affect the public welfare, and adverse impacts are mitigated to the maximum extent feasible. New industrial development is required to be located within or contiguous to existing developed areas able to accommodate it except that new hazardous industrial development is required to be located away from existing developed areas where feasible.

Since LCP certification, there has been little new energy development. The California Energy Commission granted approval for expansion of the Moss Landing Power Plant, which has resulted in the construction of two new power-generating units, improvements to existing power-generating units, and the removal of a number of towers and massive fuel tanks that were no longer needed. Monterey County also issued coastal permits at the Moss Landing Power Plant for installation of an air pollution control system, tank farm removal, and installation of an energy management center and oily water separator system in association with amendments to the Power Plant's master plan. While the National Refractories/Kaiser plant site remains covered with industrial facilities, they are no longer in much use, and the site is currently for sale. Interests regarding use of the site for a seawater desalination plant have been expressed and the potential for such use is currently being evaluated by interested parties (e.g., the Cal-Am Water Company).

The Periodic Review process revealed some specific concerns with provisions for energy and other industrial facilities. Recommendations reflect LCP revisions needed to update facility descriptions, ownership, and operations. LCP references to the PG&E power plant are outdated, so recommendations are made to reflect the change in ownership to Duke Energy North America (DENA). The policies for oil and gas leases are adequate, but the corresponding zoning is somewhat ambiguous; therefore recommendations are made to clarify provisions against such leases in Sanctuary waters. Recommendations are made to ensure all references to federal activity are included in the LCP and are consistent with current legal requirements. Finally, policies for large industrial facilities were found lacking only as to an overall development plan requirement. Recommendations are thus made to add such a policy, consistent with *County Code* provisions.

Chapter 10 - Implementation

The procedures for administering the LCP are a key aspect of implementing the plan. The County is focusing efforts on updating the General Plan and LCP, but does not anticipate preparing ordinance revisions for another year. Anticipating these revisions, the Commission did not suggest detailed

recommendations for procedural changes at this time but will continue to work with the County and the community to review and improve procedures to address some of the concerns identified, including possible specific revisions in the updated zoning code. Some of the issues raised may best be addressed through discussions on improved staff procedures rather than ordinance changes. The Implementation review does list preliminary issues derived from Issue Scoping. Specific focus is on two key concerns: Enforcement and Easements.

Regarding enforcement, the County is actively enforcing the LCP and has handled over 700 cases since certification. These have included cases of unpermitted grading, unpermitted placement of trailers and removal of major vegetation (i.e. trees, maritime chaparral, pickleweed, etc.) in or near wetlands and other environmentally sensitive habitat areas. To make enforcement efforts more effective in resolving resources impacts, the Periodic Review identifies the need to improve tracking of the cases, strengthening penalties, and improving interagency coordination.

Regarding easements, the County has effectively implemented LCP requirements to mitigate development impacts by requiring open space easements as conditions of authorizing coastal permits. Over 90 open space easements have been required in North County planning area and as many as 50 more in the rest of the County. These easements represent significant resource protection and mitigation. The resource values of this mitigation may be lost, however, if the easements are not documented, tracked, monitored and enforced. The Periodic Review outlines several specific components that would ensure development of an effective easement program.

The Periodic Review suggests other improvements needed in various administrative procedures, including procedures for: resolving questions related to jurisdiction, making sure exemptions and emergency do not impacts resources, improving review of permit amendments and extensions, clarifying the principle permitted use, improving application requirements and public notice, and reviewing LCP amendments and documents. Steps to improve intergovernmental coordination and information updating are also identified.

III. Periodic Review Preliminary Recommendations to Monterey County

The following are LCP policy revisions and implementation actions recommended to Monterey County, organized by Chapter of this Periodic Review. In recognition of the County's current updating of its entire LCP, the following suggested wording might be modified to fit within the new LCP's format, provided that the intent of the recommendations is captured.

Chapter 2 - Land Use and Public Works:

For Issues AG-1 through AG-2 - see Appendix A, pp. 122-124.

For Issues LU-1 through LU-7 - see Appendix A, pp. 4-19.

Issue LU-8: Protection of North County Water Supply and Agriculture

LU-8.1 Do not allow increased groundwater extraction: Revise *North County LUP* policy 2.5.3.A.2 and corresponding *County Code* provisions as follows:

The County's long-term policy shall be to limit ground water use to ~~the safe yield level~~ prevent both the depletion of ground water supplies and to avoid potential impacts to riparian and wetland habitats that receive natural ground water discharge. ~~The first phase of new development shall be limited to a level not exceeding 50% of the remaining buildout as specified in the LUP. This maximum may be further reduced by the County if such reductions appear necessary based on new information or if required in order to protect agricultural water supplies. Additional development beyond the first phase shall be permitted~~ In order to achieve this objective a project(s) must be implemented to assure that: (1) the amount of water extracted annually does not exceed the amount that recharges the aquifer; (2) the amount of water extracted is further reduced and/or ground water is injected from other sources such that the aquifer is brought back to its historic levels, and (3) the extent and location of water extraction does not result in further seawater intrusion or in significant adverse impacts on riparian, wetland or other environmentally sensitive habitat areas. (see also Recommendation LU-8.4 for new water supply projects and LU-9.6 for additional criteria for desalination projects). Until such projects are implemented, no new lots shall be created nor additional units beyond the first single-family dwelling (or equivalent) on an existing parcel be constructed that would use a groundwater supply. This policy shall in part be implemented by adding a B-8 zoning district overlay to all of North County and/or rezoning all of North County to a density of one dwelling unit per existing legal lot of record (and equivalent for non-residentially designated lands). ~~only after safe yields have been established or other water supplies are determined to be available by an approved LCP amendment.~~ Any amendment request to remove this restriction or increase density shall be based upon definitive water studies, and shall include appropriate water management programs as well as consideration of the individual and cumulative impacts on other infrastructure and coastal resources.

In the interim only minimal development necessary to give people economic use of their land shall be allowed. Any approved development shall result in no net increase or reduction of water demand. Any water offset used to comply with this policy to allow non-agricultural development shall occur on non-agriculturally designated land (i.e., reduction of agricultural water use on agriculturally designated land is not permissible to allow residential development to occur).

LU-8.2 Limit agricultural fallowing: Add a policy to the LCP to guide any programs that might be developed to fallow agricultural land as follows: Any agricultural fallowing requirements or program should reduce cumulative groundwater consumption. A groundwater management program should be developed that includes multiple techniques, not only fallowing. Any fallowing component should not threaten prime agricultural land, but be targeted at lands less appropriate for farming, such as those on steep slopes or having poor soils.

LU-8.3 Develop programs to achieve no net increase in water use: Add an action to develop programs to facilitate no net increase in water use (e.g., retrofit opportunities, well retirement, irrigation application reductions), including a methodology for determining water off-set calculations

LU-8.4 Prepare design and mitigation standards for new water projects: Add a coastal zone wide policy to the LCP as follows: Water supply projects shall: (1) Avoid displacement of existing land uses, (e.g., bisecting existing developed land use with pipelines) and be developed in existing street right-of-ways, farm roads and along railroad rights-of-way, wherever possible; (2) Minimize disturbance of prime farmland and conserve topsoil; (3) not restrict the quantity of water dedicated to agricultural uses on prime farmland or convert significant acreage of prime farmland to non-agricultural uses unless such conversion is part of a wetland/riparian restoration project; (4) be designed and limited to assure that any water supplies made available as a direct or indirect result of the project will accommodate needs generated by development or uses consistent with the kinds, location and densities specified in the LCP and Coastal Act, including priority uses as required by PRC 30254. Techniques to achieve this objective include: not providing excess capacities in water lines; locating water lines to serve only the project; delineating a service area; using legal instruments such as deed restrictions, non access easements, zoning overlays, urban service area boundaries, and annexation prohibitions to prevent future inappropriate system expansions; not requiring financial contributions from landowners outside of the service area; setting charges proportional to use pursuant to LCP land use designations and densities; performing full additional reviews of any project revisions or expansions to ensure that the intent of this policy is still met; and having all relevant agencies (e.g., County, LAFCO, PUC, water purveyor) agree to such restrictions and accordingly include them in their permit conditions, contracts, ordinances, etc.

LU-8.5 Meter groundwater extractions: Add an action to meter groundwater extractions in unmonitored overdrafted groundwater basins.

LU-8.6 Do not allow private water supplies in urban service areas: Revise *North County Land Use Plan* and corresponding *County Code* provisions to state that private water supplies (e.g., individual wells) are prohibited to serve existing and new development within the urban service areas.

LU-8.7 Support coordinated water conservation and new water supply initiatives: Add an action to support and participate in initiatives to promote water conservation, identify possible water-off-sets, decide on a new water project, and coordinate water planning to the extent that resources allow.

Issue LU-9: Water Supply in the California-American Water Company Service Area

LU-9.1 Strengthen Permit Processing Requirements concerning Water Availability: Revise *County Code* Sections 18.46.040, 20.70.130 and other relevant sections to require proof of issuance of or intent to issue a MPWMD (or any successor agency) permit demonstrating availability of water in the Cal-AM service area for a complete coastal permit application.

For applications deemed complete no coastal development permit should be issued without a County determination that (1) no new water is required to serve the new development; or (2) there is unallocated water available in the County's MPWMD (or successor agency) allocation to support the new development. This determination should include an evaluation of the proposed development's water demand, based on MPWMD's, or its successor's, water unit value system.

Prior to the commencement of construction of new development, evidence of water service, in the form of a current water use permit from the MPWMD, or its successor, shall be provided to the Department of Planning and Building Inspection.

LU-9.2 Do not allow private water supplies in Cal-Am service area: Revise *Carmel Area Land Use Plan* and corresponding *County Code* provisions to state that private water supplies (e.g., individual wells) are prohibited to serve existing and new development within the Cal-Am service area.

LU-9.3 Update Del Monte Forest water allocation: Revise *Del Monte Forest LUP* Section "Water Allocation in Del Monte Forest," including Table 2, to reflect the revised land use designations in recommendation SH-29.2; the use of reclaimed water for golf course irrigation; and the current water supply conditions on the Peninsula.

LU-9.4 Add review criteria for any proposed desalination facilities: Add coastal zone wide policy standards to the LCP to guide review of any proposed desalination facility as follows: Desalination facilities must:

A. Be public as warranted by application of Coastal Act policies;

B. Avoid or fully mitigate any adverse environmental impacts to coastal resources;

C. Be consistent with all LCP and Coastal Act policies, including those for concentrating development, supporting priority coastal uses, and protecting significant scenic and habitat resources;

D. Be designed, sized, and located as part of a comprehensive regional water management program that includes conservation and recycling, and is based on adequate land use planning and adopted growth projections;

E. Use technologies that are most energy-efficient. Estimates of the projected annual energy use and the environmental impacts that will result from this energy production, and evidence of compliance with air pollution control laws for emissions from the electricity generation should be submitted with permit applications;

F. Use, where feasible, sub-surface feedwater intakes (e.g., beach wells) instead of open pipelines from the ocean, where they will not cause significant adverse impacts to either beach topography or potable groundwater supplies (see Recommendation LU-11.3);

G. Use technologies and processes that eliminate or minimize the discharges of hazardous constituents into the ocean and ensure that the least environmentally damaging options for feedwater treatment and cleaning of plant components are selected. Opportunities for combining brine discharges with other discharges (e.g., from a sewage treatment facility or power plant) should be considered and the least environmentally damaging alternative pursued. Applicants should provide information necessary to determine the potential impacts to marine resources from the proposed intake and discharge. Obtaining this information may require new or updated engineering, modeling and biological studies, or in some cases may be obtained from pre-operational monitoring, monitoring results from other desalination facilities, and pilot studies conducted before building a full-scale facility; and

H. Be designed and limited to assure that any water supplies made available as a direct or indirect result of the project will accommodate needs generated by development or uses consistent with the kinds, location and densities specified in the LCP and Coastal Act, including priority uses as required by PRC 30254.

LU-9.5 Protect the Carmel River and allocate water for priority uses: Add an action to support water projects and strategies that maximize protection of the Carmel River and other coastal resources and allocate water consistent with Coastal Act priorities to the extent that resources allow.

Issue LU-10: Big Sur Valley Water Supply

LU-10.1 Coordinate with U.S. Fish and Wildlife Service: Add to *Big Sur Coast Land Use Plan* policies 3.4.3.A.4; 3.4.3.B.1; 3.4.3.C.2; and 3.4.4.1 and corresponding *County Code* provisions (e.g., Section 20.145.050.B.3) coordination with National Marine Fisheries Service and U.S. Fish and Wildlife Service (as well as Department of Fish and Game) for steelhead trout and other listed species.

LU-10.2 Update *Big Sur River Protected Waterway Plan*: Add an action to update the *Big Sur River Protected Waterway Management Plan* to reflect current assessments of resource issues, including stream diversions, water supply and transport, water quality, instream flow requirements, recreation, etc. and update the Management Policies and Recommendations. Submit as an LCP amendment to the Coastal Commission.

LU-10.3 Undertake waterway monitoring programs: Initiate Community Water Resource Monitoring Programs for Sycamore Canyon Creek and Big Sur River watersheds pursuant to *Big Sur Coast LUP* policy 3.4.3.C.2. The County should collect the approximately $12,600 due from permit conditions to help fund the programs; explore contracting with or otherwise coordinate with the Department of Fish and Game to use the funding to prepare an Instream Flow Incremental Methodology to protect sensitive species including steelhead, Coho salmon, red-legged frogs, pink salmon, and macroinvertebrates; and support formation of citizen watershed councils.

Issue LU-11: Moss Landing Community Plan

LU-11.1 Redesignate Elkhorn Slough Foundation parcel to Resource Conservation: Redesignate APN 133-221-007 from Recreation and Visitor Serving Commercial to Resource Conservation Wetlands and Coastal Strand or other appropriate designation and rezone accordingly.

LU-11.2 Update Moss Landing Community plan: Update the *North County Land Use Plan* Chapter 5 "Moss Landing Community Plan," based on an analysis of existing and potential Coastal Act priority uses. Amend the plan to ensure that priority uses, including an upland dredge rehandling and/or disposal site and dry storage, are accommodated in a manner that protects scenic, habitat, wetland, historic, and other coastal resources. Assure that: the redevelopment of the Harbor District's North Harbor parcels preserve Bay and Harbor views; the redevelopment of the former National Refractories accommodates necessary priority uses and redesign of the transportation system (including any road realignment, parking area, and rail line) that furthers the objective of maintaining Highway One as a two-lane road in the Moss Landing corridor (see Recommendation LU-14.1); and comprehensive shoreline management is completed (see Recommendation SH-31.2).

LU-11.3 Avoid or minimize damage to marine organisms from seawater pumps: Add a policy to the LCP as follows: Prior to approval of any new or expanded seawater pumping facilities, require the evaluation of alternatives, selection of the least environmentally damaging alternative, use of Best Available Technologies, and provision of maximum feasible mitigation measures to avoid and/or to minimize damage to marine organisms due to entrainment in accordance with State and Federal law (see also Recommendation LU-9.4 regarding pumping for desalination plants).

LU-11.4 Support comprehensive planning in Moss Landing: Add an action to support and participate in, to the extent that resources allow, initiatives to pursue multi-agency planning and regulatory streamlining for Moss Landing, evaluate responses to erosion, and manage dredge materials.

Issue LU-12: Carmel Area Uplands

LU-12.1 Update Carmel Area land use designations: Amend Carmel Area land use designations as follows along with corresponding zoning designations and policy text:

A. For the Odello-West Parcel(s) - Remove Special Treatment designation; redesignate to Agricultural Preservation; specify densities and standards for agricultural labor housing;

B. For the Quail Meadows Parcel(s) - Redesignate to Resource Conservation or Scenic and Natural Resource Recreation and amend LCP to memorialize rezoning to open space;

C. For the Palo Corona Parcel(s) - When land transfer is complete, redesignate to Scenic & Natural Resource Recreation;

D. For the Point Lobos Ranch parcel(s) - Redesignate in-holdings to visitor-serving or residential uses; redesignate remainder to Scenic & Natural Resource Recreation;

E. For the Point Lobos Ridge parcel(s) - Redesignate parcels purchased by Big Sur Land Trust to Resource Conservation or Scenic and Natural Resource Recreation, if transferred to a parks agency;

F. For the former BSI parcels - Delete special treatment and density bonus;

G. For the Rancho San Carlos parcels - Add Special Treatment overlay designation over all parcels of the Ranch (in the coastal zone) to facilitate an overall plan for these holdings; and

H. For the Keig parcels (formerly Hall and Sawyer parcels) - Retain Watershed & Scenic Conservation designation; rezone per permit condition; delete Special Treatment.

LU-12.2 Allow transfer of density credits in Carmel Uplands: Amend the LCP to allow transfer of density credits for the remaining potential single-family homes in the Carmel Area uplands to more suitable locations, including outside of the Coastal Zone and revise *County Code* Section 20.64.190 to add in the Carmel Area (or add a similar section for the Carmel Area).

LU-12.3 Add review of lot line adjustments to management plan requirement: Add a subsection to *County Code* Section 20.146.070.A.1 concerning overall development and management plans that states: For any other development [on parcels 50 acres or larger or designated Special Treatment], an evaluation is required to demonstrate that the development will not compromise implementation of all Plan policies applicable to the sites in question or that comprise the entire Special Treatment designation.

LU-12.4 Prepare area plan for Carmel Uplands: Add an action to prepare a plan of where and how the Carmel Uplands should develop, as an amendment to the LCP. Existing and potential private residential and public recreational ownerships and land uses should be addressed; Consider parameters for individual site developments, priorities for acquisitions, and identification of candidate transfer and receiver sites; integrate habitat, recreational, and public access enhancements that might not otherwise be achievable through individual developments. (See also, Recommendations for Issue SR-9 and Recommendations PA-11.6 and PA-13.7.)

LU-12.5 Review and support acquisition strategies: Add an action to coordinate with organizations, such as land trusts, that acquire fee title to or easements in land. The County should share its priorities (based on the LCP) with such organizations, and request that such organizations discuss their acquisition strategies with the County so that the County may offer advice on how to structure agreements consistent with LCP objectives. Emphasis should be placed on avoiding the creation of privately owned remainder parcels where development would conflict with LCP objectives. The County should support future acquisition proposals that help implement LCP objectives to the extent resources allow.

Issue LU-13: Big Sur Coast Highway Management Plan

LU-13.1. Address Coast Highway Management Plan in permit review: Add the following definitions and procedure to the LCP:

A. Big Sur Coast Highway (Coast Highway) definition: State Highway Route 1 along the Big Sur Coast, from the Monterey-San Luis Obispo county line to the Carmel River, which is designated as a State Scenic Highway, and as an All-American Road under the National Scenic Byways Program.

B. Coast Highway Management Plan (CHMP) definition: The *Big Sur Coast Highway Management Plan* (CHMP) provides strategies, actions and practices to guide the California Department of Transportation (Caltrans) and other partnership agencies in the protection and enhancement of the intrinsic scenic, natural, recreation, historic, archaeology and cultural values of the Big Sur coast byway corridor, while maintaining the transportation function of the highway. The CHMP consists of the Corridor Management Plan, and Guidelines for Corridor Aesthetics, Vegetation Management, and Landslide Management and Storm Damage Response. The CHMP is structured so that it may be amended from time to time, and guidelines on additional topics may be added in the future. However, any additional guidelines or amendments to the CHMP will not be in effect for purposes of the National Scenic Byway until accepted by the Federal Highway Administration (FHWA). While improved governmental coordination is a primary goal for the CHMP, it does not alter or change the authority, jurisdiction or responsibility of any governmental agency or organization. The certified Monterey County Local Coastal Program (along with the applicable public access and recreation policies in Chapter 3 of the California Coastal Act) shall provide the standard of review for coastal development permits. The CHMP, or components of it, will only become the standard of review when adopted into the LCP or separately approved as a public works plan by the Coastal Commission.

C. Application requirement: Applicants for all highway-related development and all development projects adjacent to the highway right-of-way or otherwise located so as to have the potential to directly impact the intrinsic values of the Scenic Byway for that portion of State Highway Route 1 south of Rio Road shall be required to document that they have consulted the CHMP management strategies and guidelines in designing their project. Such documentation shall explain how the project will help to maintain or enhance the Scenic Byway consistent with the CHMP; or will have no effect on the Scenic Byway's intrinsic values; or, if the project deviates from the CHMP provisions, why such deviation is warranted.

D. Public works project review procedure: The County may review and comment to the Coastal Commission on CHMP-derived public works plans and on public works projects that do not require County coastal permits pursuant to *California Code of Regulations* Section 13357.

LU-13.2. Add design standards for Highway 1 in Big Sur (Coast Highway): Add policies and corresponding implementing provisions to the LCP as follows:

A. Avoid improvements that would detract from the rough-hewn, generally untamed character of Highway One south of the Carmel River. Examples of highway improvements that are not appropriate along the Coast Highway include: standard curb-gutter-sidewalk treatments, permanent stoplights, street lighting, and similar urban-style "street furnishings." Where highway projects are needed to correct public access or safety deficiencies, or to mitigate for geologic instability, the least visually intrusive feasible options shall have priority over those that impose a greater structural presence or degree of visible landform alteration. Where feasible, non-rigid measures that conform to the shape of the landform (e.g., wire mesh rock netting) will be preferred over alternatives that materially alter the scenic landscape. Where feasible, non-structural measures that will effectively address the need (e.g., scaling of loose rocks) will be preferred over solutions that rely on materials that appear manufactured.

B. Turnouts, pullouts, vista points and rest areas: Unless there is a compelling public access or safety reason to do otherwise, existing unpaved pullouts shall be retained in usable condition for stopped motorists, and generally shall not be paved. Temporary uses, modifications or closures may be warranted in particular instances for maintenance, repair or construction activities, landslide disposal functions, or to protect adjacent sensitive resources. Select, strategically placed paved pullouts and turnouts may be provided where recommended by the California Highway Patrol for enforcement of the slow-moving traffic rules. Also, rest areas or new vista points may be provided on public lands, consistent with the Big Sur Coast Highway Management Plan recommendations and any applicable State Park General Plans, National Forest management plans or National Marine Sanctuary interpretive plans. The development of such facilities should occur only where the critical viewshed would not be degraded, and Caltrans, State Parks or the U.S. Forest Service will take responsibility for long-term management. In order to protect Big Sur's untamed, non-urban character, the aggregate total of all paved turnouts, improved vista points, paved rest areas, and paved pullouts together shall not exceed an average of one per two miles, each direction, south of the Carmel River.

C. Stream crossings—replacement of fills, culverts and bridges: Where the highway crosses a stream or drainage course, replacement or modification of fill prisms, culverts and bridges shall be subject to the following design considerations:

1. All reasonable measures shall be applied to avoid impairment of natural stream flow regimes, to avoid interference with any anadromous fish run, to retain indigenous riparian vegetation, to minimize erosion and sedimentation impacts, and to provide a safe off-highway stream crossing for pedestrians walking along the coast.

2. Where an off-highway pedestrian stream crossing is not already provided or planned, and is not feasible to provide in conjunction with the project, a separate pedestrian walkway will be provided on the fill slope, highway shoulder or bridge structure.

3. When culvert or bridge replacement becomes necessary, the site shall be considered for its potential value as a pedestrian (and where applicable, equestrian) under-crossing to facilitate, for example, safe public access from inland parking areas to shoreline access

points or scenic overlooks, or to accommodate the continuity of an off-highway alignment for the California Coastal Trail. Similarly, within grazed ranch lands, the need and potential for cattle undercrossings shall also be considered. Where existing or potential under-crossing need is identified, the project shall, if feasible, be designed to accommodate such under-crossing(s).

4. Culverts shall be designed to accommodate the largest expected stream flow (based on best engineering practices and best estimates of 100 year event probability).

5. Instream work shall be strictly regulated, in concert with the National Marine Fisheries Service and the California Department of Fish and Game, to avoid adverse impacts to steelhead. Culverts and other instream structures shall be designed to allow any steelhead runs that are present in the stream to continue unimpaired.

6. Culvert inlets shall be designed to minimize risk of obstruction by soil flows and organic debris, at locations where there is a significant risk from these causes.

7. Culvert outlets shall be at natural grade of the stream course where feasible; and, where needed to prevent erosion impacts, shall be equipped with energy dissipaters that will be concealed from public view or blend with natural background rocks.

8. A list of candidate stream crossings, where hydraulic, wildlife and public access needs could better be served by a bridge than by a culvert, shall be developed and maintained. When it is necessary to replace an existing stream crossing due to the catastrophic loss of an in-stream fill, the replacement crossing should if feasible be accomplished instead by bridge. Where this is demonstrated to be unreasonable or infeasible, or would detract from the scenic qualities of the highway corridor, a specific finding shall be made to this effect. Fills that have a history of loss ("blow-outs"), or are potentially especially susceptible to such loss in the future, should be replaced by bridges before the loss occurs (as funding becomes available).

D. Landslide management--handling and disposal of excess material: The preferred strategy for responding to closures due to landslides will be that which reopens the highway to public use, within a reasonable time, using feasible measures, and with the least long range environmental impacts on Big Sur's coastal resources. The goal is to maintain natural inputs to the sediment transport system in a manner that resembles pre-highway conditions. Therefore, rock, earth and natural organic debris from landslides shall, where feasible, be retained in-system. Generally, in-system for this purpose refers to the watershed where the landslide sediments originated, or the adjacent shoreline, or (as a second priority) elsewhere south of the Carmel River watershed and seaward of the Coast Ridge watershed divide.

The appropriate combination of measures will vary with each landslide location and availability of resources. Best practices for material handling, as detailed in the *Big Sur Coast Highway Management Plan*, shall be employed. These best practices include overall reduction, recycling and beneficial re-use of material. The hierarchy of strategies, which shall be employed individually or in combination, is as follows:

1. **Reduce** overall quantities by selecting maintenance and repair techniques and practices that reduce the overall footprint of disturbance and in the case of repairs are the least disruptive beyond the event that destabilized the highway.

2. **Reuse** material that is viable for other highway maintenance or reconstruction projects. Rock and soil suitable for other highway repairs may be re-used in the highway corridor or elsewhere, as needed. Similarly, topsoil and organic matter should be segregated where feasible and made available for revegetation efforts. However, care must also be taken to avoid the spread of exotic plant species within the Big Sur Coast area.

3. **Recycle** material for non-highway uses, either along the corridor or elsewhere. This involves transferring material that has commercial value for use in other approved public or private development projects or activities.

4. **Replenish** sediment supplies to natural systems by removing or bypassing manmade barriers (e.g., the highway) and practices that may inhibit natural flow of sediment. Sediments, as used here, include the full range of grain sizes, with particular reference to materials appropriate for beach replenishment, and cobbles and boulders that protect the toe of the bluff from wave erosion.

5. **Dispose** of any remaining excess material that cannot be put to any other beneficial use. However, this shall be considered the least desirable practice, because retention of natural materials within the Big Sur Coast ecologic system is an important goal, because suitable receiver locations within the corridor are extremely limited, and because truck transport produces its own set of impacts.

E. Sidecasting: The placement of fill, landslide debris or other sediments over the downhill side of the highway constitutes sidecasting. Sidecasting, as a technique of highway construction, repair or maintenance, is prohibited if: the sidecasted materials would comprise fill into the ocean or freshwater stream or wetland; or, would decrease the usable area of any beach; or, would significantly disrupt any marine mammal haul-out area, seabird nesting habitat, tidepool habitats, or any vegetated bluff face that comprises an environmentally sensitive habitat area. Exceptions to this prohibition may be allowed in a particular case, provided the following findings can be made:

1. The project is otherwise consistent with the applicable policies of the California Coastal Act and the certified Monterey County Local Coastal Program; *and*,

2. There is no feasible less environmentally damaging alternative, that can be employed consistent with the limitations on construction of shoreline structures and other applicable policies of the California Coastal Act and the certified Monterey County Local Coastal Program; *and*,

3. Feasible mitigation measures have been provided to minimize adverse environmental effects; *and*,

4. In any instance where the sidecasting would constitute fill into a wetland or open coastal waters, such fill is limited to that which is restoration or is incidental to public service purposes (including State Highway maintenance or repair), or other allowable purposes identified in Coastal Act Section 30233; *and,*

5. Any disruptions of environmentally sensitive habitat areas are fully mitigated, and over the long term will not be significant; *and,*

6. The proposed sidecasting is part of a systematic, long-range planned beach replenishment or an approved landslide materials disposal program; *or,*

7. The withholding of sidecast sediments would constitute an impairment of natural inflows to a coastal stream, beach or the marine environment, (projects meeting this test must involve sediments that are natural materials and the sidecasting methods and timing must mimic the normal, natural temporal flux); *or,*

8. The proposed sidecasting is needed to prevent failure of the supporting slope for the highway, in locations where the existing slope will collapse if not buttressed or reconstructed in a timely manner; *or,*

9. The proposed sidecasting is needed to replenish the natural rock rubble at the toe of the coastal bluff, if such replenishment would preclude the need for rock armor (rip-rap), gabions, seawalls, crib walls or similar shoreline structures that, in a particular location, would otherwise be necessary to maintain the stability of the Big Sur Coast Highway.

F. Bridge rails, guard rails, and similar barriers: To the maximum extent feasible, consistent with acceptable safety standards, bridge and viaduct railing, guard rails and other permanent structural barriers with the potential to block public views shall be designed to allow public enjoyment of scenic views from the highway.

LU-13.3. Update policy for limiting new road access to Highway 1 in Big Sur: Revise *Big Sur Coast Land Use Plan* policy 4.1.3.A.4 to add "protecting highway capacity and aesthetic values" as a reason for limiting new road access (including private driveways) onto Highway One.

LU-13.4. Delete outdated Hurricane Point policy: Delete outdated *Big Sur Coast Land Use Plan* policy 4.1.3.A.6 regarding realigning Highway One at Hurricane Point.

LU-13.5. Address domestic employee trip generation: Add the following category to *Big Sur Coast Land Use Plan* policy 4.1.3.C.2 and corresponding *County Code* Section 20.145.130.A.1 lists of projects that require a traffic analysis: Residential developments containing over 2,400 square feet of habitable floor space, in aggregate.

LU-13.6. Provide public access within the Highway 1 right-of-way: Add a policy to the LCP to ensure that highway corridor projects help implement the Big Sur Coast Trail (as described in Recommendation PA-11.1) as follows:

A. Big Sur Coast Trail. Segments of the Big Sur Coast Trail within the highway corridor (and other roadside paths) shall be considered essential highway facilities for non-motorized travel; and, where warranted by documented need or trail planning, shall be provided in new highway projects where feasible, because of their potential to better link schools, commercial services, campgrounds, resorts, and trailhead parking. The range of appropriate improvements includes, in addition to the trail proper, low-profile interpretive and informational signs and displays, wildlife observation blinds, foot bridges, stiles, wooden benches, picnic tables, trash receptacles, handrails (in high use areas), and (well-screened) restrooms, as well as gates and fencing to protect agriculture, sensitive habitats, and private property. In providing continuity between public parks and National Forest lands, it is recognized that the Highway 1 right-of-way will often provide the only reasonable way to avoid physical constraints, sensitive habitat areas or private property. And, because of constraints within the highway corridor, the alignment will in places need to weave from one side of Highway 1 to the other.

B. Highway 1 projects: required public access determination. When a bridge or fill prism is replaced, or a large dimension (36" diameter or greater) culvert, viaduct, crib wall, retaining wall or similar structure is installed within the Highway 1 right of way, or the highway is realigned or widened at a particular location, a pedestrian walkway shall be incorporated in the project design--unless it is determined that a suitable off-highway route is, or soon will be, available. Any coastal development permit, or public works plan project notice, for such highway project shall include a Finding to this effect. The pedestrian walkway, if needed, shall be designed consistent with the standards for hiking trails or other roadside paths, below.

C. Standards for hiking trails located in State Highway right of way. The preferred alignment for the Big Sur Coast Trail portion of the California Coastal Trail (CCT), and other lateral public paths, is within sight and sound of the sea, but away from the intrusions of highway traffic. When such lateral access paths must be located in close proximity to the highway, they shall be aligned and designed to provide maximum feasible vertical, horizontal, earthen berm and/or vegetative separation from motor traffic. To the maximum extent feasible, effective separation from the sight, sounds, and smell of motor vehicle traffic shall be provided through appropriate design and alignment.

Appropriate techniques for providing vertical separation include use of stepped fill slopes below and seaward of the roadway (that can be used as trailbeds); using existing bridges to pass the trail safely under the highway; converting existing box culverts and cattle undercrossings on public lands to dual use as pedestrian undercrossings; and installation of new pedestrian undercrossings to safely connect public lands on the inland side of the highway to public access on the seaward side. Where there is not sufficient room within the right of way, lateral separation should be pursued on adjacent public or institutional lands through cooperative agreements with the respective landowner or manager.

Where the trail must necessarily be close to the roadway, vegetative screening, boulder barriers, berming, guardrail, or other design measures should be employed to achieve the

desired level of safety and separation, as feasible—provided, scenic views from the roadway are not blocked. If such walkway is located on a bridge or viaduct structure, it should be separated from traffic by a vertical curb, barrier, or handrail. If located on a fill slope, the benched surface for the trail should be located at least 6 feet lower than the edge of the roadway, where feasible. And, where the trail or interim trail alignment must necessarily be located on the shoulder of the highway with no barrier or lateral separation, a cleared surface width of at least 2 feet beyond the paved shoulder (on the seaward or downslope side) should be provided for pedestrian use. Trails should not be paved, except when on a bridge or similar structure.

D. Standards for other roadside paths located within State Highway right of way. Roadside paths serve the needs of workers and students commuting to work or educational institutions, as well as residents and recreational visitors seeking non-motorized transportation alternatives. Along certain portions of the Big Sur Coast Highway, the need for supplemental roadside paths is evident. These locations include, but are not limited to: Gorda; Lucia; Esalen Institute main entrance to South Coast Center; Big Sur Valley (Castro Canyon to Andrew Molera State Park); Garrapata State Park to Malpaso Beach; Yankee Point Drive to Spindrift Road (south entrance); Spindrift Road (north entrance) through Carmel Highlands to Bay School. Such paths will generally be located on, or close to the highway shoulder. Otherwise, the standards for such paths will be the same as for recreational hiking trails.

LU-13.7 Require contributions to Highway 1 improvements in Big Sur: Apply *Carmel Area Land Use Plan* Policy 3.1.3.9 which calls for new traffic-generating projects to pay their "fair-share" towards Highway 1 improvements to Big Sur Coast segment as well.

LU-13.8 Regulate parking prohibitions: Add to the *County Code* Section 20.06.310.5 definition of "Development:" the following: "...including measures that preclude or restrict public parking."

LU-13.9 Allow for incidental work in riparian and wetland areas: Add a provision to the LCP as follows: notwithstanding other policies, installation of minor culvert extensions and/or additional areas of fill for the purpose of maintaining Highway One may be permitted even if they cause disturbances within the stream and/or streamside vegetation (riparian habitat), only if the following circumstances apply:

A. The improvement is necessary to protect human life or property, or to protect or restore wetland or other natural habitat values, or to maintain basic public access along the Big Sur Coast;

B. There is no feasible less environmentally damaging alternative, including the "no project alternative," consistent with the transportation function of Highway 1;

C. The improvement will not result in an increase in traffic capacity of the road;

D. No significant disruption of habitat values will result, considering the local habitat system as a whole;

E. No net loss of viable wetland or riparian habitat will result in the local habitat system (i.e., the coastal streams that cross the Big Sur Coast Highway corridor);

F. No net loss of any other environmentally sensitive habitat area will result in the local habitat system;

G. The project will maintain or enhance the functional capacity of the wetland or estuary; and

H. Feasible mitigation measures have been incorporated to minimize other unavoidable adverse environmental effects.

Improvements that cannot meet this or other LCP resource protection policies will require LCP amendments.

LU-13.10 Coordinate with Caltrans and federal agencies: Add an action to participate, to the extent resources allow, in planning initiatives to complete the CHMP and related, follow-up products, the *Los Padres National Forest Management Plan*, and MBNMS's *Proposed Action Plan* and to audit and reduce signs along Highway One. After completion of the CHMP and subsequent follow-up products, review their provisions for possible incorporation into the LCP.

Issue LU-14: Highway One and the Moss Landing Corridor

LU-14.1 Improve Highway 1 while maintaining two-lane configuration: Delete *North County Land Use Plan* policy 5.2.2.A and revise policy 3.1.2.1 and corresponding text and *County Code* provisions as follows: Highway One between Castroville and Salinas Road intersections shall remain a two-lane scenic road. The addition of through travel lanes, beyond the existing single lane in each direction, is prohibited. Necessary safety improvements that do not add travel lanes may be permitted, provided that the overall rural and scenic character of the roadway is not substantially altered. Safety improvements may include: alignment of Dolan Road with the Moss Landing Road intersection with some possible grade separation; improvement of the Springfield Road intersection with some possible grade separation; widening the existing motor vehicle travel lanes to a full 12 feet; paving shoulders up to 8 feet in each direction; adding or improving turnouts, paved pullouts, vista points, rest stops, trailhead parking areas, bus stops, shoulder tapers at intersecting roads, left turn safety pockets, merge lanes, access control features (i.e., frontage roads, median barriers, right-of-way fencing), and park-and-ride facilities. Also permitted are projects that maintain the existing scenic and rural character of the area and restore beneficial tidal circulation to the maximum extent feasible with a net restoration of productive wetlands in the Elkhorn Slough system, including highway realignment to avoid wetland encroachments (e.g., at Struve Pond); replacing long sections of wetland fill with causeways (e.g., at Bennett Slough and Moro Cojo Slough); and/or installing a new bridge span across Elkhorn Slough to provide the opportunity to reduce tidal flux to less-damaging pre-1946 levels.

All development must occur within the current Highway One right-of-way or elsewhere without disruption of adjacent agricultural lands. Notwithstanding *North County Land Use Plan* policy 2.3.2.1 and corresponding provisions, wetland fill to accomplish incidental safety improvements or

restoration projects that do no increase the overall capacity of this highway segment, is permitted provided there is no feasible less environmentally damaging alternative and feasible mitigation measures have been incorporated to minimize adverse environmental effects. Required compensatory mitigation (see recommendations for Issues SH-6: Mitigation for Habitat Loss) shall favor restoration of wetland areas filled from past construction on Highway One in the vicinity of the proposed work. Restoration plans shall address complete restoration of wetland habitats affected and include monitoring, performance criteria, and contingency remediation measures to assure the success of the hydrologic and revegetation mitigations. Pursuant to policy 4.3.5.9, all other resource protection policies also must be fully followed.

Filing Requirement for Subsequent LCP Amendment. Requests to amend the LCP to allow any highway project that does not meet these criteria shall not be filed absent supporting documentation that demonstrates (1) a comprehensive regional planning process has been conducted (based on thorough and up-to-date origin and destination studies for the entire area) and has identified all feasible alternatives to the proposed project; (2) the project is necessary for addressing regional transportation needs; (3) all other feasible alternatives for meeting these regional transportation needs are exhausted, including: regional demand reduction (through measures such as reduced allowable zoning densities and encouragement of telecommuting); increased use of existing passenger and freight rail lines; improved transit service; more car-pool facilities; permanent signage and/or changeable message signs to encourage Highways 1 to 101 cross-over traffic to use less congested arterial roads east of Elkhorn Slough; identification of an east-of-Elkhorn bypass route to relieve the Santa Cruz-Salinas component of traffic demand; linkage of existing County roads west of Highway 1 to provide an alternative route for farm equipment movements; identification of a west-of-Highway 1 scenic byway linking existing County roads, to provide a bypass alternative for recreational traffic and improved access to Zmudowski State Beach; and encouragement of non-motorized transportation, especially through linking existing bikeways to complete the Monterey Bay Sanctuary Scenic Trail around the perimeter of the bay; (4) policies are incorporated to ensure that impacts to agricultural lands, environmentally sensitive habitat areas, including wetlands, from any additional projects allowed by the LCP amendment will be avoided, minimized and/or mitigated to the maximum extent feasible; and (5) an analysis of impacts to Agricultural lands, if the viability of existing agricultural uses is an issue, following the specific requirements of Coastal Act Section 30241.5.[2]

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[2] Coastal Act Section 30241.5 Agricultural land; determination of viability of uses; economic feasibility evaluation:

(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:

(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

LU-14.2 Upgrade and design Salinas Road interchange to address safety and protect coastal resources: Add a policy to the LCP as follows: To address ongoing safety and congestion problems at Salinas Road and Highway 1, the intersection should be upgraded by eliminating eastbound traffic queuing and left turns across the opposing lane of Highway 1. Project design should: (1) minimizing visual impacts by keeping any grade separation structure at the lowest elevation feasible and not projecting above the approximate original natural surface of the surrounding landscape; (2) maintain Highway 1 as a two lane road south of the new grade separation structure; (3) encourage smooth traffic flow in the directions of greatest demand (i.e., southbound and northbound on Highway 1, eastbound onto Salinas Road from Highway 1, and northbound from Salinas Road to Highway 1); (4) accommodate bicycle, pedestrian and park-and-ride facilities as appropriate; (5) Protect wetlands to the maximum extent feasible and allow relocation of existing man-made features, such as adjacent settling ponds, to accommodate traffic lane connection and avoid unnecessary conversion of farm lands so long as the relocated features have the same or better wetland or riparian characteristics and functions within the same hydrologic system; (6) protect agricultural lands by having the minimum feasible footprint on cultivated agricultural lands, and fully mitigating for any loss of agricultural land; and (7) not induce growth or be larger than is necessary to accommodate the actual projected demand that can occur consistent with this Plan.

LU-14.3 Design Castroville interchange to address traffic safety and congestion: Add a policy to the LCP as follows: Upgrade the Highway 156/Highway One and/or the Highway One/Molera Road intersections to provide a southbound off-ramp to Highway 156 northbound traffic prior to other Highway 183 congestion reduction projects. Highway 1 shall not be widened from two to four lanes north of the Highway 156 interchange. Intersection design(s) should be at the lowest elevation feasible; have the minimum feasible footprint on cultivated agricultural lands, and mitigate for the loss of agricultural land; incorporate bicycle, pedestrian and park-and-ride components; and not be growth inducing, i.e., no larger than is necessary to accommodate the actual projected demand that can occur consistent with this Plan.

LU-14.4 Ensure Highway 156 expansion is environmentally sound: Add the following to *North County Land Use Plan* policy 3.1.2.2 supporting expansion of Highway 156 to four lanes: "consistent with the resource protection policies of this plan. Such consistency shall include ensuring the project is aligned and designed so that: there is a reduction, or no net increase, in the amount of wetland fill as a result of the project; unavoidable erosion and siltation impacts are minimized; productive agricultural lands are avoided to the greatest extent feasible; and any reductions in agricultural lands, or negative impacts to agricultural operations on adjacent lands, are fully mitigated. Highway signage north of Marina shall encourage through northbound traffic to use Highway 101 via Highway 156 to reach northerly and easterly destinations."

LU-14.5 Allow rail improvements with mitigations: Add a policy to the LCP governing rail improvements that: a) requires retention of branch lines that serve Moss Landing (along Dolan

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(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the Executive Director of the commission.

Road), and from Castroville to the Monterey Peninsula along with their necessary supporting facilities and b) allows for all necessary improvements that will insure rail safety through the wetlands, including replacement of outmoded bridges; contingency plans for spills; restoration of wetland circulation by replacement of fills with causeways; and right-of-way and station enhancements needed for restored rail service to the Monterey Peninsula area. However, rail stations must comply with all Plan siting criteria and not be sited on agricultural land or sensitive habitats. New and replacement bridge and causeway structures crossing the Elkhorn Slough wetlands should be designed to incorporate pedestrian access, where consistent with protection of the NERR. Elsewhere, public access should be sought parallel to the rail right of way, and improvements such as fencing and warning signals installed where needed to protect public safety.

Notwithstanding *North County Land Use Plan* policy 2.3.2.1 and corresponding provisions, wetland fill to accomplish these incidental safety improvements along the existing railroad alignments within the Elkhorn-Moro Cojo Slough system, and along the Castroville-Monterey branch line, is permitted provided all of the following circumstances apply, as applicable: the improvement is necessary to protect human life or property, or to protect or restore wetland or other natural habitat values; there is no feasible less environmentally damaging alternative to achieve restored or continued rail service; no significant disruption of habitat values will result, considering the local habitat system as a whole; no net loss of viable wetland or other environmentally sensitive habitat area will result in the local habitat system; the project will maintain or enhance the functional capacity of the wetland or estuary; feasible mitigation measures have been provided to minimize unavoidable adverse environmental effects; and, considering other alternatives including the "no project alternative," the project on balance is the most protective of significant coastal resources. Improvements that cannot meet this or other LCP resource protection policies will require LCP amendments.

LU-14.6 Limit industrial traffic generation: Amend *North County Land Use Plan* policy 4.3.6.F.3 to allow new agricultural facilities of an industrial nature in the Heavy Industry land use designation. Uses that can feasibly utilize rail transport and would otherwise generate substantial impacts on Highway One traffic should have priority for sites that are served by rail (i.e., the former National Refractories site and other locations along Dolan Road); All feasible traffic generation reduction measures shall be required of any new or expanded facility that would generate significant freight and employee traffic on the segment of Highway 1 between Castroville and Salinas Road. No expansions of agricultural facilities should be allowed if they would generate new traffic that would necessitate road improvements that involve wetland fill.

LU-14.7 Support regional transportation planning: Add an action to support and participate in initiatives for regional transportation planning, improved rail service, expanded transit service, demand reduction, and providing signing and other travel instructions that follow LCP objectives to the extent that resources allow.

Issue LU-15: Fort Ord

LU-15.1 Add Fort Ord to local coastal program: Add an action to incorporate into the LCP provisions to govern coastal Fort Ord, in anticipation of the federal government relinquishing ownership of this land. Review the applicability of the *North County Land Use Plan* provisions and corresponding *County Code* sections to Fort Ord; identify issues and policies (using this Periodic

Review as a guide) that may need revision. Submit an LCP amendment, including land use and zoning designations and a public access component, to the Coastal Commission for certification.

LU-15.2 Coordinate Fort Ord planning: Add an action to coordinate with member agencies of the Fort Ord Reuse Authority and other stakeholders in preparing policies and zoning regulations that will apply to the former Fort Ord land within the coastal zone.

Issue LU-16: Armstrong Ranch

LU-16.1 Designate Armstrong Ranch Agricultural and/or Resource Conservation: Redesignate portion of the Armstrong Ranch within the coastal zone (APNs 203-011-003 and 203-011-021), from "Light Industrial" to "Agricultural Conservation" and/or "Resource Conservation-- Wetlands and Coastal Strand," and revise zoning designations accordingly; and delete the Special Treatment overlays.

Chapter 3 - Environmentally Sensitive Habitat Areas

For Issues SH-1 through SH-27 - see Appendix A, pp. 21-94.

Issue SH-28: Protecting Central Maritime Chaparral Habitat

SH-28.1. Protect all central maritime chaparral habitat: Delete *North County Land Use Plan* Policy 2.3.3.A.2 which allows conversion of maritime chaparral for residential uses on slopes less than 25% and which discourages, but allows, conversion of maritime chaparral to agricultural uses.

SH-28.2 Protect Manzanita Park's maritime chaparral: Redesignate Manzanita Park, outside of its developed enclave, to Resource Conservation or Scenic and Natural Resource Recreation.

SH-28.3 Prohibit subdivisions that further fragment central maritime chaparral habitat: Add to *North County LUP* policy 2.3.2.4 and corresponding *County Code* sections the following: no subdivision of land that will result in an additional potential building within the historic extent of maritime chaparral habitat shall occur unless consistent with a Central Maritime Chaparral Management Plan and Conservation Strategy [prepared pursuant to Periodic Review recommendation SH-28.5] (and other provisions such as *Land Use Plan* map densities and water supply policies).

SH-28.4 Protect Maritime Chaparral Habitat as ESHA and Mitigate for Unavoidable Impacts. Revise the LCP to strengthen protection of maritime chaparral and other environmentally sensitive habitat areas (ESHAs) and to ensure adequate mitigation of impacts. Add provisions to the LCP to address the following:

A. <u>ESHA Identification.</u>

The extent of maritime chaparral habitat or other environmentally sensitive habitat area shall be determined by the physical extent of habitat meeting the definition of environmentally sensitive habitat area on a project site based on site specific biological study and independent evidence.

Update requirements for the biological study to require that the following be considered in determining whether an area qualifies as ESHA:

1. Whether the parcel is in an area that historically contained environmentally sensitive habitat area; Add to *County Code* Sections 20.144.040.A.4.c and 20.145.040.A.4c, "identify the type(s) of plant and animal habitats found on the site currently or historically (and/or on adjacent properties..." and revise Attachments 2 of *County Code* Chapters 20.146 and 20.147 similarly;

2. Whether the soil type, climate, nearby vegetation, or other factors support continuation or regeneration of the environmentally sensitive habitat area on the site;

3. Whether indicator plants remain throughout the parcel or were on the parcel in the last five years and were not permitted to be removed;

4. Whether indicator plants are present in a number and pattern so that any development would result in the removal (or would have resulted in the removal) of at least one indicator plant; and

5. Factors such as the size of the area, adjacency to unfragmented habitat, health of the vegetation, presence of ecological functions, and other relevant biological considerations.

As part of carrying out the Recommendation in Issue SH-1: ESHA Identification, SH-6 concerning mitigation ratios, and SH-15: Public Agency Coordination, prepare a guidance document to assist in identification and protection of the Central maritime chaparral habitat, in accordance with the above criteria.

B. Development Standards.

Development on parcels located within current or historic extent of maritime chaparral (and other environmentally sensitive habitat areas) shall be required to avoid and protect identified environmentally sensitive habitat area, minimize significant disruption of habitat values, mitigate impacts, and provide maximum restoration, as determined by site-specific biological review.

Non resource-dependent development in ESHA is prohibited unless otherwise allowed pursuant to 1(b), below, or a comprehensive habitat management plan incorporated into the LCP, pursuant to Recommendation SH-28.5 and prepared according to these criteria for the following three general development scenarios:

1. Existing vacant parcels that are all or substantially ESHA or ESHA buffer (delineate ESHA on property based on site-specific biological review)

   a. Prohibit non-resource dependent development. Pursue acquisition or retirement of development rights through purchase of an open space easement or transferring development rights to another parcel.

   b. If necessary to avoid an unconstitutional taking of private property, allow minimum

non-resource dependent development disturbance to provide an economic use. Development shall be consistent with the procedure and standards of Code Section 20.02.060.B and all other applicable policies. The maximum allowable building site disturbance envelope (including areas for utilities and vegetation clearance for fire prevention requirements) shall be the minimum necessary to provide an economically viable use of the property.

c. Site and design development to maximize habitat values on site and in system, including minimizing site fragmentation, maximizing connectivity with adjacent habitat, clustering with existing development, etc. Minimize the possibility of direct or indirect intrusion into any preserved open space or onto adjacent properties (e.g., fence off the habitat, if appropriate and site any expansion where it will be furthest from indicator vegetation)

d. Minimize and mitigate construction impacts/disturbance. Require on-site restoration and conservation where appropriate (see below).

e. Mitigate offsite for disturbance envelope at a minimum of 3:1 compensation. Required habitat restoration and enhancement shall be monitored for no less than 5 years following completion. Specific mitigation objectives and performance standards shall be designed to measure the success of the restoration and/or enhancement. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be submitted to the County annually and at the conclusion of the 5-year monitoring period that documents the success or failure of the mitigation. If performance standards are not met by the end of the 5 years, the monitoring period shall be extended until the standards are met. The restoration will be considered successful after the success criteria have been met for a period of at least 2 years without any maintenance or remediation activities other than exotic species control.

f. Restore and protect remainder of site with conservation restriction. All remaining areas of maritime chaparral ESHA outside the building/site disturbance envelop, including any mitigation areas, shall be protected in open space through an endowed easement to a third party that allows management of the habitat within the easement area. Landscaping requirements shall prohibit planting of invasive species.

g. Manage/maintain protected habitat on site in perpetuity (3rd party).

2. Existing developed sites where the remainder of site is all or substantially ESHA or ESHA buffer (delineate ESHA on property based on site-specific biological review)

   a. Prohibit new development in ESHA:

      (1) Prohibit additions or expansions of existing development into ESHA. Define the current non-ESHA disturbance envelope, where habitat is no longer present due to building or other structural improvements on the grounds (e.g., paved driveway).

(2) Prohibit other new development (grading, landscaping, major vegetation removal, accessory and second units, etc.) outside existing disturbance envelope, unless necessary for fire safety, pursuant to Recommendation CH-9.3.

(3) Limit replacement structures to existing non-ESHA areas on site. Uses or structures that do not conform to ESHA policies should not be enlarged or expanded into additional locations. When demolition and reconstruction results in significant replacement of a nonconforming structure should not be permitted unless brought into conformance with the ESHA policies, including and building/site disturbance standards.

b. Site and design development to maximize protection of ESHA. Prohibit new development within 100 feet of ESHA (see 1a-1g and 2a above).

c. Mitigate impacts of development on adjacent ESHA (see 1a-1g and 2a above).

d. Restore and Protect ESHA on-site (see 1a-1g and 2a above).

e. Manage and maintain ESHA on-site (see 1a-1g and 2a above).

3. Vacant or developed parcels that are partially or devoid of ESHA, or so degraded as to not constitute ESHA, located within the larger ESHA habitat area, and that have significant ESHA restoration potential.

a. Prohibit new development in ESHA. Buffer existing ESHA a minimum of 100 feet.

b. Designate maximum site disturbance envelope. Limit to no more than the average size of disturbance areas in the vicinity or to no more than appropriate size as determined through a comprehensive habitat management plan incorporated into the LCP (note this size may be determined by factors other than habitat, such as neighborhood character and visual resource protection).

c. Protect remaining restoration potential area as required. Require that an area within the remaining area be restored with plant community species equivalent to the disturbed area (i.e., 1 to 1 mitigation), unless biological evaluation concludes that the habitat will and should regenerate on its own.

d. As a condition of new development, require an offer to dedicate an easement for a period of 21 years over the remainder of the parcel that allows restoration and management of the habitat within the easement area, contingent on a restoration program being established within the area within the time period.

SH-28.5 Prepare comprehensive chaparral management plan: Include in *North County LUP* action 2.3.4.1 preparation of a comprehensive Central Maritime Chaparral Management Plan and Conservation Strategy to guide and regulate buildout and maritime chaparral management so that the long-term conservation of the ecosystem can be ensured and enhanced. The Plan should include:

A. Map of the extent of Central maritime chaparral community, based on historical range;

B. Standards applicable to remaining vacant parcels within the community (to carry out Recommendation SH-28.4);

C. Standards applicable to additions to, improvements to, and replacements of development in the community (to carry out Recommendation SH-28.4);

D. Identification of disturbed areas suitable for either restoration or development;

E. Identification of key areas for maritime chaparral preservation and management;

F. Consideration of a transfer of development credit program for remaining vacant parcels that would best be left undeveloped to achieve overall habitat protection;

G. Consideration of acquisition and other preservation methods;

H. Measures for on-going management and maintenance of the chaparral including prescribed burning and control of invasive species, and the appropriate authorities to undertake management and maintenance;

I. Items for future research and mechanisms for integrating results of future studies into the management strategies; and

J. Methods of information dissemination.

SH-28.6 Support comprehensive maritime chaparral management: Add an action to support and participate in to the extent that resources allow initiatives to preserve intact tracts of central maritime chaparral; coordinate management of chaparral areas, including prescribed burning and removal of invasives; and continue research aimed at understanding and protecting maritime chaparral. Revise or delete *North County Land Use Plan* policy 2.3.3.A.5 accordingly.

Issue SH-29: Protection of Monterey Pine Forest Habitat

SH-29.1 Protect Monterey pine habitat; consider all Monterey pine trees to be of equal significance: Amend the policies and standards governing Monterey pine, including the Forest Management Planning process, to clarify the importance of identifying, evaluating, and protecting pine forest habitat. Specific changes include: delete the definition of "significant" Monterey pine (currently those over 12 inches in diameter) in *Del Monte Forest LUP* policy 32, corresponding OSAC standards, and corresponding *County Code* sections. Also delete from these provisions the following phrase: "trees may be thinned to promote growth of neighboring trees" found in referenced OSAC Plan Forest Maintenance Standard for Shepherds Knoll (Parcel No. 4) Require maximum protection of identified pine forest habitat areas, including areas suitable for pine forest regeneration.

SH-29.2 Designate remaining large tracts of native Monterey pine forest as Open Space: Evaluate remaining vacant sites for potential preservation of Monterey pine forest habitat. At a minimum, redesignate and rezone the following areas:

A. Area B portion that is not cleared or roadway to Open Space Forest (RC)

B. Area C to Open Space Forest (RC)

C. Areas F-1, F-2, and F-3 to Open Space Forest (RC)

D. Area G to Open Space Forest (RC)

E. Area H to Open Space Forest (RC)

F. Areas I-1 and I-2 to Open Space Forest (RC)

G. Area J to Open Space Forest (RC)

H. That portion of Area K west of Stevenson Drive to Open Space Forest (RC)

I. Area L to Open Space Forest (RC)

J. That portion of Area M that is not former quarry to Open Space Forest (RC)

K. Area N to Open Space Forest (RC)

L. Those portions of Areas PQR that are undeveloped to Open Space Forest (RC)

SH-29.3 Protect Monterey Pine Forest Habitat and Mitigate Unavoidable Impacts. Protect remaining Monterey pine forest by prohibiting non-resource dependent development in ESHA (unless otherwise allowed pursuant to a comprehensive habitat management plan incorporated into the LCP), mitigating impacts to ESHA, and providing for maximum restoration and management. See Recommendation SH 28-4 for details on amended policy framework necessary to protect ESHA.

SH-29.4 Prepare comprehensive Monterey pine forest management plan: Add an action to prepare a comprehensive Monterey Pine Forest Management Plan and Conservation Strategy to guide and regulate buildout and forest management so that the long-term conservation of the Del Monte Forest pine forest ecosystem, and each of its component subtypes, can be ensured and enhanced. The Plan should be coordinated with the recommended Asilomar dunes conservation and management plan (see Recommendation SH-31.2) and should include:

A. Standards for developing remaining vacant parcels;

B. Standards for additions to, improvements to, and replacements of development in the forest;

C. Identification of disturbed areas, by subtype, suitable for either restoration or development;

D. Identification of key areas for Monterey pine forest preservation and management, by subtype;

E. Consideration of a transfer of development credit program if review of remaining vacant parcels indicates that overall habitat protection would be better achieved if they were not developed;

F. Consideration of acquisition and other preservation methods;

G. On-going management and maintenance of the forest and the appropriate parties to undertake management and maintenance;

H. Items for future research and how to integrate the results of future studies into the management strategies; and

I. Methods of information dissemination.

SH-29-5 Retain interim protection of Monterey pine forest: Add a provision that does not allow removal of the Resource Constraint overlay on a parcel until the Monterey Pine Forest Management Plan and Conservation Strategy (pursuant to Recommendation SH-29.4) is complete and the underlying designation is (or is amended to be) consistent with the Strategy.

SH-29.6 Prepare guidance for evaluating Monterey pine forest: As part of carrying out the recommendation in Issue SH-1: ESHA Identification, SH-6 concerning mitigation ratios, and SH-15: Public Agency Coordination, add an action to prepare a Guidance document for Monterey Pine forest.

SH-29-7 Manage forests to address pine pitch canker: Add to required contents of Forest Management Plans: Examination of all trees potentially infected with pitch canker in order to identify and map all healthy (i.e., non-symptomatic) and/or disease-tolerant trees. Include recommendations to address any trees infected with pine pitch canker, including proper disposal if they are removed, based on latest scientific information and recommendations of Pitch Canker Task Force.

SH-29.8 Support comprehensive Monterey pine management: Add an action to support and participate in, to the extent that resources allow, initiatives to coordinate management of Monterey pine forest and continue research aimed at understanding and protecting Monterey pine forest.

Issue SH-30: Protection of Snowy Plover Habitat

SH-30.1 Strengthen protection for snowy plover habitat: Add an action to develop guidance for identifying western snowy plover nesting, foraging, and wintering habitat as environmentally sensitive habitat areas and for strengthening standards for regulating appropriate development and activities, mitigating impacts, restoring degraded habitat, and monitoring restoration.

Issue SH-31: Protection of Sand Dune Habitat

SH-31.1 Mitigate for habitat impacts: Delete the last sentence of *Del Monte Forest Land Use Plan* policy 16 that allows development on sand dunes (see Recommendation SH-28.4 as the alternative).

SH-31.2 Strengthen protection for sand dune habitat: Add an action to provide for increased protection of sand dune habitat by developing guidance for identifying sand dune environmentally sensitive habitat areas and strengthening standards for regulating appropriate development and activities, mitigating impacts, restoring degraded habitat, and monitoring restoration.

SH-31.3 Prepare comprehensive sand dunes management plan: Add an action to prepare a dune conservation and management plan for the preservation and restoration of the Asilomar Dune

complex, in cooperation with the Department of Fish and Game, U.S. Department of Fish and Wildlife Service, City of Pacific Grove, and other appropriate parties. The dune plan should be coordinated with the recommended Monterey Pine conservation and management plan (see Recommendation SH-29.4) and should include:

A. Standards for developing remaining vacant parcels;

B. Standards for additions to, improvements to, and replacements of development in the dunes;

C. Identification of disturbed areas suitable for either restoration or development;

D. Identification of key areas for dune preservation and management;

E. Consideration of a transfer of development credit program if review of remaining vacant parcels indicates that overall habitat protection would be better achieved if they were not developed;

F. Consideration of acquisition and other preservation methods;

G. On-going management and maintenance of the dunes and the appropriate parties to undertake management and maintenance;

H. Items for future research and how to integrate the results of future studies into the management strategies; and

I. Methods of information dissemination.

Chapter 4 - Water Quality and Marine Resources

For Issues WQ-1 through WQ-7 - see Appendix A, pp. 94-121

Issue WQ-8: North County Water Quality and Watershed Restoration

WQ-8.1 Monitor implementation of erosion control plans: Add an action to develop a program to monitor implementation of erosion control plans, including appropriate staff training.

WQ-8.2 Prepare comprehensive North County resources management plan: Initiate a coordinated effort to prepare the comprehensive natural resource and water basin management plan required by *North County LUP* Action 2.3.1.4 as soon as possible. Use the plan to guide preparation of more geographically specific plans and identify priorities for allocating resources. Evaluate the effectiveness of the other planning efforts that have occurred, so as not to duplicate efforts. Examine how voluntary programs may need to be modified, or mandatory programs implemented, in order to significantly reduce the total amount of erosion occurring in the North County planning area. Develop a strategy to coordinate funding sources (e.g., permit and mitigation fees, grading violation fines, grants), personnel, training, equipment, and other resources among the various entities with programs currently in place.

WQ-8.3 Enforce erosion control ordinance: Take action to fully enforce the erosion control ordinance, including imposing fines where justified and billing responsible property owners for sediments that the County must remove.

WQ-8.4 Support efforts to continue and expand non-point source programs: Add an action to support and participate in initiatives to prepare agricultural management plans, expand the Environmental Quality Incentives Program (EQIP), and evaluate the success of the Elkhorn Slough Permit Coordination Project to the extent that resources are available.

Issue WQ-9: Carmel Bay Area of Special Biological Significance and Ecological Reserve

WQ-9.1 Do not allow an increase in site runoff: Amend the *Del Monte Forest and Carmel Area Land Use Plans* and corresponding *County Code* sections to mandate that development within Pescadero Canyon, Carmel River, and San Jose Creek watersheds retain runoff so that there is no net increase in runoff from a development site.

WQ-9.2 Monitor non-point source pollution control measures: Add an action to develop a program to ensure that non-point source pollution control measures are implemented and monitored. Include a component to train staff how to review pollution control plans and perform inspections.

WQ-9.3 Consolidate outfalls and include treatment: Add an action to evaluate the storm-water outfall system for purposes of reducing impacts to Carmel Bay. Consider options to modify and/or remove outfalls and replace or retrofit storm drains with filters or treatment devices to reduce water quality impacts.

WQ-9.4 Increase use of reclaimed water: Add a policy to the LCP to require use of reclaimed water for irrigation wherever possible.

WQ-9.5 Control golf course runoff: Add an action to work with golf course superintendents to implement water quality control plans to address irrigation and fertilizer use through turf and integrated pest management. Plans should be prepared by a qualified resource specialist to:

A. Minimize or eliminate the use of pesticides, herbicides, fungicides, fertilizers, and other chemicals. These products should be used in a way that minimizes impacts to water quality and should not be placed near streams;

B. Restrict chemicals used on site to those with the lowest toxicity to aquatic life;

C. Implement measures to retain non-stormwater runoff onsite;

D. Designate chemical storage area(s) and include measures to prevent unintended transport of chemicals outside the storage area;

E. Favor non-chemical strategies over chemical strategies for management of pests onsite; and

F. Include a monitoring component, where necessary to demonstrate compliance with "a" through "e" above, that describes the methodology for monitoring, including which pollutants of concern will be monitored, specific threshold levels and sampling protocols, location of

monitoring sites, schedule for monitoring, reporting of results, and actions to be taken if water quality impacts are discovered.

Chapter 5 - Public Access

For Issues PA-1 through PA-9 - see Appendix A, pp. 127-148.

Issue PA-10: Coastal Access Points

PA-10.1 Revise and update the Public Access chapters: Revise and update the public access provisions of the four land use plan segments (e.g., access inventory tables and maps and corresponding land use plan text and policies and *County Code* provisions) to maximize public access opportunities.

The update should include revisions to reflect current status and condition of existing public access, such as: (1) new public acquisitions, (2) new place names, and (3) new access improvements that have occurred since certification.

The update should also include revised or additional access requirements needed to maximize access and recreational opportunities pursuant to Coastal Act policies. The update should include: (1) a listing of additional acquisitions and improvements that are needed to maximize access; (2) identification of tasks needed to open and manage accessways to maximize access opportunities; and (3) measures to protect existing access from closure. Certain specific recommendations for maximizing public access are identified in Appendix B (Access Points) and Appendix C (Trails) of the Periodic Review for the currently identified access points. See also Recommendations LU-15.1, SR-10.2, and SR-10.19 and Recommendations for Issues PA-5: Malpaso Creek Beach, PA-6: Yankee Point Beach, PA-7: Stillwater Cove, and PA-9: Carmel River State Beach (aka Monastery Beach) Parking. Where necessary, further evaluation of identified access points should occur, and further recommendations derived from such evaluation should also be included in the update, including recommendations for additional access points and trails not currently in the LCP. At a minimum, new access points should include: -in the North County planning area: an overlook at the north end of Bluff Road; an overlook at the Pajaro River Trail (south bank, east of Thurwachter Bridge); the Moss Landing RV Park and Playground; the Moss Landing Marine Lab Monterey Bay overlook and boardwalk to the Old Salinas River salt marsh south of Sandholdt Road Bridge; Royal Oaks County Park; and Manzanita County Park. - In the Del Monte Forest planning area: directional signage, interpretive signs and seating to aid in public recognition and use of the Sloat Building overlook and improved coastal access opportunities in and around the Pebble Beach Lodge area; available public parking areas in the vicinity of the Stillwater Cove access point; - and in the unincorporated Carmel planning area: Carmel Point; Rio Park; Hatton Canyon trailhead; Palo Corona Ranch Trailhead; Point Lobos Ranch; Garrapata State Park – Wildcat Canyon headwaters area; Malpaso Beach access; and Yankee Beach access. (See also Recommendation PA-11.1.)

The update should result in a specific access component consistent with requirements of Coastal Act Section 30500 and *California Code of Regulations* Section 13512. The access provisions of the four LCP segments may be consolidated into one chapter or can remain four separate chapters. If they remain separate, their formats should be made consistent. Examples of consistent formatting include

placing all site-specific recommendations (including those now found in land use policies or other text) into tables; integrating the multiple tables in the *North County*, *Del Monte Forest* and *Big Sur Coast Land Use Plans* into one table per segment; and moving text in the tables that are really recommendations from the "constraints" column into a "recommendations" column.

If the revised access component format retains both general access policies as well as site-specific recommendations, then provisions need to be included (e.g., as a revision to *Del Monte Forest Land Use Plan* policy 145 and *Carmel Area Land Use Plan* policy 5.3.2.1) to ensure that for all new access development, the applicable general access policies as well as the site-specific recommendations govern.

The updated access component also needs provisions applicable to all segments to ensure that the applicable access requirements are implemented through conditions on coastal development permits (e.g., using the language of *Carmel Area Land Use Plan* policy 5.3.2.1).

PA-10.2 Regulate access point closures: Add to *County Code* Sections 20.06.310.4 & .5 definition of "Development" the following:...including closures of access points that had been open to the public. (See also Recommendations PA-11.7 and PA-12.1.)

PA-10.3 Document and pursue prescriptive rights: Add an action to develop a procedure to document informal public use and potential prescriptive rights where the potential existence of such rights is an issue. Information developed under this documentation effort shall be used to protect prescriptive rights in future County planning and permit review. Such a program could be coordinated with the efforts of the Coastal Commission's Public Access program to document prescriptive rights and could include the participation of other agencies and interested groups.

PA-10.4 Support and monitor access implementation: Add an action to support and participate in initiatives to implement access recommendations, prepare access management plans, and coordinate access points with the California Coastal Trail to the extent that resources allow. Activities could include: 1) tracking and ensuring implementation of any access provisions associated with coastal permits (e.g., deed restrictions, easements); 2) periodically evaluating improvements/ challenges of providing and maintaining maximum public access opportunities consistent with resource protection needs; 3) facilitating the most appropriate agencies or non-profit groups to open and manage access points; 4) prioritizing and accomplishing acquisition and management goals through coordinated efforts; 5) supporting funding for access improvements; and 6) monitoring and updating public access information (access point, acquisition/provisions, management, improvements, constraints, etc.) in a way that maximizes public access and recreational opportunities (e.g., incorporation of a GIS system into the planning process would allow tracking of such information, and could easily be updated regularly to include new public land acquisitions and access points as they are developed by public agencies or private landowners).

Issue PA-11: Coastal Trail System

PA-11.1 Revise and update LCP trail provisions: Update and revise the LCP's trail provisions pursuant to Recommendation PA-10.1 to reflect current circumstances (see Appendices B & C); and evaluate whether additional trails should be added and include them in the LCP.

The update shall include depictions and policies for the California Coastal Trail system, including the Monterey Bay Sanctuary Scenic Trail, pursuant to Recommendation PA-11.2. The Coastal Trail system, including the MBSST, is the compilation of trail segments identified in Tables PA-11a, b, and c as "CCT" and "MBSST" and depicted on Maps PA-11a, b and c for North County, Del Monte Forest, and the Carmel Area. (The Coastal Trail system on the maps is the compilation of all categories of existing and proposed trails shown, except for the category "Proposed-Substantial Impairment Recommend Alternative Alignment.") The update should ensure that bicycle routes are linked to provide continuous bicycle access along the coast, including from Pacific Grove to Carmel, through Del Monte Forest.

The update shall also encompass inland and linking trail corridor locations, including at a minimum: a trail along the east levee of the Old Salinas River Channel (from Sandholdt Bridge to Monterey Bay Dunes Way); trails in the Moss Landing Wildlife Area; Elkhorn Slough National Estuarine Research Reserve trails; a trail northward from Kirby Park along easterly side of Elkhorn Slough; Gabilan Trail (connects Pajaro River Trail to Royal Oaks County Park, as shown on *North County LUP* Figure 6 map); additional linking trails from Elkhorn Slough to the Royal Oaks and Manzanita County Parks; a Castroville to Old Salinas River greenway trail along Tembladero Slough; a trail around Elkhorn Slough; other relevant trail recommendations from the *North County Trails Plan*[3] and the *General Bikeways Plan*;[4] a trail through Hatton Canyon, (see Recommendation PA-11.5); a trail along Carmel River; a trail along Point Lobos Ridge; and the Sur Sur Trail.

Maps included in the update should all be of a consistent format. Elements of a consistent map format could include: having consistent legends; including the Pacific Coast bicycle route throughout the County; distinguishing existing versus proposed trails and trails open to the public versus not open to the public; exact trail locations versus proposed locations within wider corridors; trails on public versus private property; and essential trails to remain open versus others that may be closed. Accompanying text should be revised as necessary to match the revised maps.

The update shall be prepared in consultation with agencies responsible for trails planning and management (including the Transportation Agency of Monterey County, State Parks, Moss Landing Harbor District, Elkhorn Slough National Estuarine Research Reserve, Monterey Peninsula Regional Park District, Pebble Beach Company, U.S. Forest Service, State Coastal Conservancy, and California Coastal Commission).

PA-11.2 Support continuous coastal trail system: Add to the LCP's public access component the following descriptions of the California Coastal Trail and Monterey Bay Sanctuary Scenic Trail:

A. California Coastal Trail: The California Coastal Trail (CCT) is a "continuous public right of way along the California coastline; a trail designed to foster appreciation and stewardship of the scenic and natural resources of the coastal zone through hiking and other complementary modes of non-motorized transportation."[5] It is anticipated that the CCT would be comprised

[3] Monterey County Planning and Building Inspection Department, *North County Trails Plan*, adopted October 10, 1989.

[4] Monterey County Department of Public Works, *2001 Monterey County General Bikeways Plan*, 2001.

[5] State Coastal Conservancy, *Completing the California Coastal Trail*, Review Draft, January 21, 2003, p.1.

of several strands trending along the coast, including beach routes, boardwalks and hiking trails for pedestrians, and where appropriate, a paved-surface multi-modal trail to accommodate all non-motorized users including recreational and commuting bicyclists, and wheelchairs. The multi-modal pathway will also serve as the Monterey County portion of the Monterey Bay Sanctuary Scenic Trail (MBSST).

Both the CCT and MBSST would also be designed to link to connecting spur trails, loops and inland recreational corridors and facilities. Spur trails, connector trails, seasonal alternates, side loops, beach accessways, scenic overlooks, and trailhead parking would all be considered part of the California Coastal Trail system. The range of appropriate improvements would include low-profile interpretive and informational signs and displays, wildlife observation blinds, foot bridges, stiles, wooden benches, picnic tables, handrails (in high use areas), (well-screened) restrooms, and gates and fencing as needed to protect agriculture, sensitive habitats, and private property.

In Monterey County, the overall vision for the alignment of the CCT follows the shoreline south from the Pajaro River, along the beaches around the perimeter of Monterey Bay, connecting to the existing Monterey Peninsula Recreation Trail. Further south, the CCT utilizes parts of the Del Monte Forest Hiking and Equestrian Trail System to connect from Asilomar Beach, along the shoreline and through the forest, to Carmel Beach. Restoration of the historic Redondo Trail, in Pescadero Canyon, would also facilitate connections with other Monterey Peninsula trails. An alternative route, that would further facilitate a loop trail around the Monterey Peninsula, is through Hatton Canyon, including an extension of the existing bike path south from Monterey to the mouth of Carmel Valley. South of Carmel, both summer and winter seasonal crossings of the Carmel River will be needed to provide linkage to the Point Lobos trail system. The CCT will then continue along Highway 1, Spindrift Road and Yankee Point Drive to Malpaso Creek and the northern end of the Big Sur Coast planning area. An additional inland route would go through the Palo Corona Ranch and along Coast Ridge.

The remaining approximately 75 miles south to the San Luis Obispo County line will be comprised of several parallel strands and connecting trails through Los Padres National Forest, the nine state park units south of the Carmel River, open space lands administered by the Monterey Peninsula Regional Park District, along historic backroads, and where necessary, within the State Highway Route 1 right-of-way.

Where feasible and appropriate, sections of the original pre-highway era Big Sur Coast Trail can be reconnected and restored (e.g., along the Buckeye Trail, north of Salmon Creek). In the Big Sur Coast planning area, the CCT would be aligned along this historic route. The reconnected Big Sur Coast Trail will be located entirely on public lands or rights of way, or elsewhere under cooperative agreements with landowners, and will provide a continuous connection through to Ragged Point in San Luis Obispo County. This revived trail will roughly parallel the shoreline of the Pacific Ocean, loosely along the alignment of the more utilitarian pre-highway era trail. The modern alignment can weave from one side of Highway 1 to the other. Such alignment flexibility will allow for the optimum recreational experience,

and take advantage of opportunities to incorporate and link existing trail segments. An essential goal is to assure maximum feasible separation from motor vehicle traffic, as needed to provide a sense of wildness--as it might have been experienced on the original Big Sur Coast Trail. However, it is recognized that the Highway 1 right-of-way will often provide the only reasonable way to avoid physical constraints, sensitive habitat areas or private property. The paved shoulder of Highway 1—comprising the Pacific Coast Bicycle Route through Big Sur—will be maintained and where possible upgraded to accommodate bicyclists. Equestrians will be encouraged to use the Coast Ridge Trail southwards from Carmel Valley, and a roadside path will allow pedestrians to walk between State Park units where private ownerships, hazards or extreme topography preclude a coastal trail location on the immediate shoreline.

B. Monterey Bay Sanctuary Scenic Trail: The Monterey Bay Sanctuary Scenic Trail is a multi-modal recreational trail, generally following the shoreline of Monterey Bay, incorporating existing recreational trails and providing a continuous connection between the cities of Santa Cruz and Pacific Grove. Spur trails, feeder trails, seasonal alternates, side loops, beach accessways, overlooks, vista points, connector trails to schools, businesses and commuter routes, and potential future extensions to Pt. Lobos State Reserve that connect to the Monterey Bay Sanctuary Scenic Trail would all be considered part of the Sanctuary Trail system. The range of appropriate improvements would include interpretive and informational signs and displays, stairways, wheelchair ramps, boardwalks, wildlife observation blinds, restrooms, parking areas, bike lockers, emergency phones, and gates and fencing to protect agriculture, sensitive habitats, and private property. The trail would be serviceable as a Class 1 bikeway, i.e., separated from motor traffic with pavement or boardwalk surface width generally not greater than 12 feet and with separate unpaved pedestrian and equestrian alignments provided where needed and feasible.

PA-11.3 Update trail design standards: Revise the LCP's general standards for trails located in the coastal zone to provide additional specificity with respect to the different types of trails, trail locations, and design elements. Overall, the standards for trails should reference or be consistent with the California Department of Parks and Recreation *Trails Handbook* (and, comparable U.S. Forest Service standards on federal lands).[6] Bicycle facilities shall be developed consistent with Chapter 1000 of the Highway Design Manual.[7]

Paved trails, boardwalks and similar trail structures in high use areas should be a minimum of 5 feet wide to allow two wheelchairs to pass one another. Such trails shall be designed and constructed to eliminate physical barriers and promote equal accessibility, consistent with the purposes of the Americans with Disabilities Act.

Special standards are needed for hiking trails south of the Carmel River, to insure that in providing pedestrian access, the rugged and undeveloped character of the natural landscape is protected. Such

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[6] For example, USDA, Forest Service *Standard Specifications for Construction and Maintenance of Trails*, September 1996.

[7] Caltrans, *Highway Design Manual,* n.d.. Chapter 1000 is "Bikeway Planning and Design." Available on the web site: http://www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm#hdm.

standards should include the following: Hiking trails shall be carefully located, designed and maintained consistent with the wild character of the Big Sur Coast. Any newly constructed trail links should be established, where feasible, through minor improvement of existing fire or farm roads, animal paths, vegetative definition, and other measures that do not substantially alter the natural landform. Installation techniques should anticipate future rest-and-recovery cycles, and alignment adjustments as needed to respond to changing environmental conditions. Careful attention should be given to drainage design, while maintaining a strictly informal, non-engineered finished appearance. Visible evidence of any necessary construction work should be minimal. In order to rigorously maintain the unimproved (i.e., non-urban) appearance of the Big Sur landscape, trail surfaces shall remain unpaved (except on bridge decks or similar engineered structures). Any surface binders or other surfacing materials such as crushed rock shall have a natural appearance and blend inconspicuously with the surrounding environmental context. Trails shall be maintained at the minimum surface width needed to provide a clearly discernable and functional path for persons in a good state of fitness. Generally, a 1-2 foot tread width, together with a 4-6 foot vegetation clearance at shoulder height, will be sufficient. Greater widths may be warranted, but only for high use locations such as popular beach accessways and where fully accessible trails are to be located. (See also Recommendations LU-13.2 and LU-13.8.)

PA-11.4 Provide for bicycle access: Add a provision to the LCP public access component(s) to require that provisions for bicycles be included in any road or trail projects where bicycle facilities are planned (pursuant to Recommendations PA-11.1 through 11.3) and that improvements for bicycling be considered in other road projects as well. Ensure that any road improvements along the non-freeway portions of Route 1 through North County and Carmel Area maintain or provide adequate shoulders for bicycles (see parallel Recommendation PA-11.2 for Big Sur coast).

PA-11.5 Add Hatton Canyon to the LCP: Revise the *Carmel Area Land Use Plan* and corresponding *County Code* provisions to show the new coastal zone boundary encompassing the Hatton Canyon corridor. Designate the area as Scenic and Natural Resource Recreation and provide for a trail through the Hatton Canyon corridor. Zone the trail corridor OR(CZ) Open Space Recreation and zone the remaining area RC(CZ) Resource Conservation with standards for the appropriate forms and intensities of public use. Include management measures for State Parks to officially establish management authority and protect natural resources (e.g., Monterey pine, Hickman's onion, riparian/wetlands).

PA-11.6 Use GIS for trail inventorying and planning: Add an action to use a GIS system to maintain an updated map and inventory of existing trails and proposed trail corridors, in coordination with various agencies involved in trails planning and development (see also Recommendation 10.4).

PA-11.7 Regulate trail closures: Add to the *County Code* Sections 20.06.310.4 & .5 definition of "Development" the following:...<u>including closures of trails that had been open to the public</u>. (See also Recommendations PA-10.2 and PA-12.1.)

PA-11.8 Support efforts to provide trails: Add an action to support and participate in initiatives to plan actual trail segments, implement LCP trail provisions, and maintain free bicycle access through Del Monte Forest.

Issue PA-12: Road Abandonment

PA-12.1 Regulate road abandonments: Add to *County Code* Sections 20.06.310.4 & .5 definition of "Development" the following:...including road abandonments. (See also Recommendations PA-10.2 and PA-11.7.)

Issue PA-13: Recreational Units in Big Sur

PA-13.1 Update campground definitions: Add the following definitions to the *Big Sur Coast Land Use Plan* and corresponding *County Code* sections:

A. *Hike-in & Environmental Campsites* - Hike-in and environmental campsites shall be defined as campsites without road or vehicular access, and which have no facilities or services other than a source of water, a sanitary facility, a safe place for a campfire, possibly a table, and a cleared site for camping.

B. *Rustic Campsites* - A rustic campsite shall be defined as a campsite that is unpaved, and that does not have utility, sewage, or similar conveniences at the site.

C. *RV and Tent-cabin Campsites* - A recreational vehicle (RV) or tent-cabin campsite shall be defined as a campsite that is paved, or that has electrical, sewage or other utility conveniences at the site.

PA-13.2 Regulate bed and breakfasts in Big Sur: Add the following policy for bed and breakfasts to the LCP for the Big Sur coast: Bed and Breakfasts shall be defined as a visitor facility that is occupied and managed by the owner of the property on which the facility is located, and which does not exceed 5 guestrooms. There is no acreage per guestroom density requirement for Bed and Breakfasts. The number of guestrooms shall not be subject to increase (e.g., by use of TDCs, TDRs, etc.). Bed and Breakfasts shall be located within Rural Community Centers or Watershed and Scenic Conservation areas. Bed and Breakfasts within Rural Community Centers shall not be located on parcels less than 10 acres in size. Bed and Breakfasts located within Watershed and Scenic Conservation Areas shall not be located on parcels less than 40 acres in size. Bed and Breakfasts shall demonstrate adequate parking, sewage treatment, and road capacity, and shall otherwise comply with all policies in this Plan. Bed and Breakfasts shall only be located where they have direct access to an existing, improved public road, or, where they have use of a common driveway or private road that intersects a public road with permission from all owners of property served by the driveway or private road. Bed and breakfasts shall not be located where shared-use single-lane roads also function as coastal trail links, and the added traffic would degrade public access quality (e.g., Sycamore Canyon Road and Palo Colorado Road).

PA-13.3 Update and revise the number and distribution of visitor units for Big Sur: Revise entries #2 and #3 in Table 1 of the *Big Sur Coast Land Use Plan* to accurately depict the number and distribution of visitor-serving units as follows: place numbers under the appropriate headings (e.g., move all numbers that are totals to the final column and rename this last column from "estimated additional units" to "total number of units"); update the totals; add an entry for "Bed and Breakfasts" (pursuant to Recommendation PA-13.2) under the "Visitor Accommodations" heading; increase the total maximum number of hostel beds from 50 to 100; move RV campground entry from under

"Visitor Accommodations" to under "Campground" heading and expand RV category to encompass tent cabins (pursuant to Recommendation PA-13.1); and add a note that existing campgrounds can retain their current densities (pursuant to Recommendation PA-13.4).

PA-13.4 Maintain campground inventory: Add to *County Code* sections applicable to Big Sur the following: Any proposal that would result in a loss of campground spaces can only be approved if they are being replaced elsewhere. An exception to this provision may be considered if there are overriding resource protection reasons for the proposal that cannot be otherwise addressed and if there are no feasible relocation or replacement opportunities, based on an analysis of alternatives to the reduction of campground spaces. Grandfather existing campgrounds at their current density.

PA-13.5 Encourage campgrounds: Add a provision to the LCP (such as to *Big Sur Coast Land Use Plan* policy 5.4.3.C.2) to promote campgrounds when considering visitor-serving projects.

PA-13.6 Make WSC(CZ) regulations consistent with *Land Use Plan*: Revise *County Code* Section 20.17.050 to add a category of conditional uses in the Watershed and Scenic Conservation District: Recreational facilities permitted in the Outdoor Recreation category including rustic inn or lodging units, and hostels.

PA-13.7 Locate a hostel site within the Big Sur Coast Planning Area: Add an action to coordinate with State Parks, Hostelling International, the Coastal Commission, and any other interested parties to locate a suitable site or sites for a hostel.

Chapter 6 - Coastal Hazards

For Issues CH-1 through CH-7 - see Appendix A, pp. 148-165.

Issue CH-8: Del Monte Forest Shoreline Erosion

CH-8.1 Fully analyze alternatives to shoreline structures: Add a coastal zone wide policy to the LCP that explicitly requires evaluation of alternatives to new shoreline protective devices, before processing permits for these devices, and add an action to develop a procedure for ensuring that an alternatives finding for shoreline protective device permits are made for all such projects. Alternatives analysis shall include consideration of potential relocation of existing development landward as well as the removal of portions of existing development.

CH-8.2 Guide permit decisions using shoreline management plans: Add a provision to the LCP and accompanying procedural guidance to require preparation of shoreline management plans for portions of the Del Monte Forest shoreline in non-residential use to guide how LCP shoreline structure policies are to be applied to these areas. Applications for shoreline protective measures must demonstrate consistency with the shoreline management plan. The plan may be updated periodically. The plan(s) should:

A. Identify areas of the Forest shoreline that are threatened by erosion in both short (1-2 years) and medium to longer terms (5 to 10 years). Assess specific sections of the coastline based on factors including, but not be limited to, geology and wave conditions and regional average annual erosion rates;

B. Identify areas where bluff top erosion could occur due to irrigation;

C. Identify existing areas of armoring;

D. Identify environmentally sensitive habitat areas where encroachment of structures is to be avoided;

E. Specify requirements and guidelines for evaluating alternatives to avoid armoring. Identify options for relocating facilities or portions of facilities as alternatives to armoring when facilities are modified, renovated or reconstructed. Evaluation should include, but not be limited to, the use of technical evaluations of the site (geotechnical reports, engineering geology reports, etc.), the consideration of the type of and permanency of the feature along the shoreline in question (e.g., golf course fairway versus green), an examination of all other feasible options (removal, relocation, "do nothing", sand replenishment, etc.), and adequate evidence to conclude that a shoreline protective device would be the "best option" (most protective of the public trust, best long term solution, etc.) for the site.

F. Where avoidance of armoring is not feasible, specify requirements and guidelines that sets design parameters to minimize beach encroachment and adverse visual impacts. Include standard engineering plans defining the specific types of armoring which would be acceptable for specific areas, and where appropriate, identification of the types of armoring that should never be considered for certain areas in order to minimize risks and adverse impacts to public access and scenic resources from the shoreline and adjacent recreational areas;

G. Specify measures to address drainage and to ensure that irrigation does not contribute to erosion (see Recommendation WQ-9.3);

H. Specify measures to allow access by the general public;

I. Specify requirements for monitoring and maintenance of shoreline protection devices that may include discussion of mechanisms to ensure shoreline protection effectiveness and public safety with provisions for the removal of ineffective or hazardous protective structures, as well as programs to address beach replenishment and sand supply;

J. Specify requirements to address emergency armoring, such as: procedures for field inspections before and after storm seasons; guidance for types of preferred temporary structures, and provisions for removal of temporary structures if no follow up permit is filed within 30 days; and

K. Specify implementation requirements such as deed restrictions to assure long-term compliance with the terms of the Shoreline Management Plan.

CH-8.3 Limit "existing structure" concept: Add a provision to the *County Code* declaring that new development approved after the date of enactment of this provision shall not be considered an "existing structure" for purposes of shoreline protection proposals.

CH-8.4 Support Sanctuary's regional shoreline management strategies: Add an action to support and participate in the Monterey Bay National Marine Sanctuary's Coastal Armoring Action Plan to the extent that resources allow. The County should review and implement where relevant the Action Plan's strategies for regional and subregional responses to shoreline management (see Recommendation CH-8.2).

Issue CH-9: Rural Fire Standards

CH-9.1 Consolidate and make consistent all fire safety provisions: Consolidate, revise, and cross-reference the various *Coastal Implementation Plan* provisions related to roads and vegetation clearance (e.g., the referenced General Plan policies, the referenced "Fire Safe Guide for Residential Development in California, and *County Code* Chapter 18.56) to avoid repetition and to clearly promote the intent of these various provisions that alternative fire protection standards shall be used to minimize road surfacing and vegetation clearing where such activities conflict with other resource protection policies.

Add an action to prepare procedures for ensuring that specific findings will be made that explain how, in any rural project as approved or conditioned: (1) the siting and design standards result in using fire protection techniques that maximize ESHA protection; and (2) the development (including structures and driveways) is sited and designed to avoid hazardous areas to the maximum feasible extent.

In consolidating and rewriting the standards for roads, delete the qualifier "new" from provisions that should apply to all road work, whether maintenance, improvement, or new development; i.e., all provisions except those that apply to the initial siting of a road.

CH-9.2 Minimize and mitigate vegetation clearance required for existing development: Add a provision to the LCP [and revise or delete *North County Land Use Plan* policy 2.3.3.A.5 accordingly] that applies to existing development that cannot comply with restrictions limiting additional development and vegetation clearing for building in ESHA (see Recommendation SH-28.4), as follows:

For purposes of fire safety, vegetation clearing may be approved in environmentally sensitive habitat areas only where vegetation encroaching within 30 feet of an existing development presents a fire hazard, and where compliance with the recommended procedures for addressing fire hazards (see Recommendation CH-9.1 above) results in a recommendation to remove the vegetation because no other fire hazard reduction measures are feasible or sufficient, provided the following requirements are applied:

A. Define the resulting disturbance envelope for all vegetation removal and any additional development;

B. Provide compensatory mitigation for the area to be cleared at a 3 to 1 ratio; this may be accomplished onsite by setting aside a currently disturbed area to return to habitat (e.g., by reducing the size of lawn or ornamental landscaping), by contributing to a similar off-site reservation, or by a combination of these two measures; and

C. Preserve the remainder of the parcel in open space (including the current disturbance envelope, and any on-site mitigation area) through an endowed easement to a third party that allows management of the habitat within the easement area.

Note: this provision would apply to any developed parcel where additional vegetation removal is proposed for fire protection purposes including parklands.

CH-9.3 Build on least hazardous portion of a site: Add a provision to the *County Code* governing Big Sur that provides:

Development in high to extreme (very high) fire hazards areas shall be located on the least hazardous portion of the site otherwise suitable for development in an manner consistent with the policies of the *Big Sur Coast Land Use Plan* and corresponding ordinances.

CH-9.4 Prepare procedural flow chart for resolving fire protection issues: Add an action to develop procedural guidance for resolving fire protection issues, including a flow chart that incorporates consultation with fire officials concerning fire protection standards and consistency with other resource protection policies. Ensure that permit applications include all proposed fire protection measures.

CH-9.5 Revise fire hazard handouts: Add an action to prepare and/or revise handouts to property owners in fire hazard areas to be consistent with revised and clarified procedures and standards. Also, review public handouts, press releases, etc., of other agencies that direct people to clear around their existing structures for fire prevention and suggest any necessary revisions to assure consistency with other LCP ESHA protection policies.

Issue CH-10: Carmel River Mouth Breaching

CH-10.1 Obtain permits for breaching: Take action to obtain all necessary permits prior to any further breaching of the Carmel River lagoon. Complete the necessary background studies and permit application as soon as possible to obtain approval of interim breaching until a longer-term alternative is chosen.

CH-10.2 Pursue an alternative to breaching: Add an action to evaluate alternatives, including installation of a floodwall, that would alleviate the need for most, if not all, lagoon breaching and commit to a firm time line to implement the selected least environmentally damaging alternative.

CH-10.3 Designate contacts to address breaching: Add an action to designate a lead department or staff person responsible for lagoon management. Also, pursue an adequate funding source to manage the Carmel River lagoon environment consistent with permit requirements, such as extending a flood district to cover Mission Fields.

CH-10.4 Support coordinated and watershed responses to breaching: Add an action to support and participate in initiatives to coordinate agency responses to breaching and to prepare a Carmel River watershed plan that includes a lagoon management component to the extent that resources allow.

Issue CH-11: Salinas River Mouth Breaching

CH-11.1 Obtain permits for breaching: Take action to obtain all necessary permits prior to any further breaching of the Salinas River lagoon. The County should not conduct any breaching activities on the Salinas River National Wildlife Refuge property in the absence of U.S. Fish and Wildlife Service authorization and an amended federal consistency authorization by the Coastal Commission. Complete the necessary background studies and permit application as soon as possible to obtain approval of interim breaching until a longer-term alternative is chosen.

CH-11.2 Reconvene Salinas River Task Force: Take action to immediately reconvene the Salinas River Task Force to address the remaining work tasks and items to be reevaluated, and present the results to the Coastal Commission. Included in this effort should be a work program and time limit for following through on various items, including pursuing the alternatives to breaching. State Parks staff also should actively involved in development of any breaching management plan as breaching has historically occurred across State Parks property, and they share in resource management of the Salinas River Lagoon adjacent to the Salinas River State Beach.

CH-11.3 Pursue alternatives to breaching: Add an action to pursue flood proofing of existing structures and fields and/or compensating farmers for allowing their fields to occasionally flood that would alleviate the need for most, if not all, lagoon breaching after the Salinas River Task Force has reconvened and reported pursuant to Recommendation CH-11.3.[8] The County should commit to a firm timeline to implement the selected least environmentally damaging alternative for lagoon management.

CH-11.4 Support coordinated and watershed responses to breaching: Add an action to support and participate in initiatives to coordinate agency responses to breaching and to prepare a Salinas River watershed plan that includes a lagoon management component to the extent that resources allow.

Issue CH12: Tembladero Slough

CH-12.1 Prepare comprehensive management plan for Tembladero Slough: Add Tembladero Slough to the list of wetlands needing comprehensive management plans in *North County LUP* action 2.3.4.2.

CH-12.2 Consider habitat needs and water quality in flood planning: Take action to emphasize habitat value and water quality improvements in the on-going planning for the Tembladero Slough and Reclamation Ditch, while supporting current flood control. Work in concert with state agencies and local land owners to identify opportunities for restoration of Tembladero Slough which provide water quality improvement, address flood control needs, and are respectful of land owner rights, similar to those outlined in the *Moro Cojo Slough Management and Enhancement Plan.*

[8] This would involve raising a strip of the Leonardini farmland as mentioned in the *Salinas River Lagoon Management and Enhancement Plan,* p.81. John Gilchrist and Associates, et. al., March 1997, prepared for Salinas River Lagoon Task Force and Monterey County Water Resources Agency.

Issue CH-13: Pajaro River

CH-13.1 Prepare comprehensive management plan for the Pajaro River lagoon: Add "Pajaro River lagoon" to the list of wetlands that should be comprehensively planned under *North County LUP* Action 2.3.1.4.

CH-13.2 Consider habitat needs and water quality in flood planning: Take action to complete the comprehensive flood control management plan called for in the LCP (in concert with an updated wetland management plan pursuant to Recommendation CH-13.1) that follows these Coastal Act and LCP parameters:

A. The riparian corridor and wetland habitats of the Pajaro River shall be protected by future flood management plans to the greatest extent possible.

B. Flood management shall give priority to non-structural improvements to the corridor that allows the river to interact with its floodplain as it had historically to the maximum extent feasible (see Recommendations for Issue SH-10: Streambank Protection).

C. Changes to the river channel, when necessary, shall focus on widening the area between levees without removing the existing riparian corridor or altering the low-flow river channel.

D. Flood easements on adjacent agricultural lands (with low level berms to protect settled areas) shall be evaluated. The occasional flooding of farmland presents a mixture of benefits and costs to agricultural production and the environment. It has been argued that periodic flooding of agricultural land is beneficial to the soil productivity of the flood plain. However, depending on the crop and farming practices, such flooding can introduce harmful chemicals into the wetland and marine habitats. Such water quality concerns should be evaluated. The potential immediate loss of value to winter crops is also of concern and should likewise be evaluated. Funding for the loss of harvests or the installation of efficient drainage devices should be considered if agricultural flood easements are to be used. These remediation measures may still be more cost effective than expensive structural flood protection.

E. The existing riparian vegetation in the Pajaro River corridor, particularly the established habitat corridor downstream of Highway One, shall be preserved and enhanced.

F. Revegetation of the levee banks and the river channel to provide erosion protection and enhanced riparian habitats shall be required, including remediation and mitigation for all habitat disturbances.

G. Large-scale vegetation or sediment removal as a flood control practice shall be given low priority and shall be discouraged.

H. Levee rehabilitation and/or levee raising shall be conducted with minimal impact on riparian vegetation and water quality.

I. Increased use of water conservation and groundwater recharge programs shall be encouraged; particularly efforts to reduce creek diversions and groundwater consumption from the Pajaro River watershed during summer months.

J. Continuous monitoring of water quality, species, and habitat in the riparian corridor and the lagoon shall be included with any flood management measures. Such monitoring shall evaluate the effects of any associated activities such as lagoon breaching, levee repairs, and vegetation clearance.

K. Water quality measures designed to filter and treat all sources of polluted runoff, including agricultural runoff, shall be included in any Pajaro River levee designs considered.

L. Artificial river breaching shall be discouraged, and alternatives to artificial breaching (including flood-proofing structures, flood easements, alternative land drainage systems, pumping of lagoon water, and the construction of a by-pass channel) given relative priority.

M. Upstream runoff prevention mechanisms (such as increased vegetation, management of development and resource activities, reduction of impacted or impervious ground surfaces, site-based storm water detention ponds and groundwater infiltration structures) shall be encouraged.

N. Both the lagoon and riparian corridor extending to Highway One shall be evaluated for opportunities to create nature observation trails and overlooks. Any modification of the Highway One crossing of the river shall include provisions for a small parking area to the extent that habitat can be protected. Such recreational development shall be done with sensitivity to the riparian habitat, leaving significant areas undisturbed.

O. The upper floodplain areas of the Pajaro River shall be considered as appropriate sites for recreational use. Playing fields may also be able to meet a dual purpose of providing local open space and creating a maintained flood channel outside of the low flow riparian habitat.

P. The Pajaro River riparian corridor is a scenic resource of great local and statewide importance that shall be protected for the preservation of these scenic values. Thus, any necessary levee improvements shall limit alterations to the river corridor vegetation and be sensitive to visual impacts of such construction. Extreme river corridor vegetation clearance (such as that that occurred upstream of Highway One in 1995) shall be avoided in the future. Any flood control project shall consider the scenic qualities of the river in designing flood management strategies.

Q. The full length of the river system, including the lagoon and the upper watershed, shall be considered in any flood management project even if physical planning only considers a segment of the River or watershed.

R. Flood control management shall avoid vegetation clearance or sediment removal in the riparian corridor, particularly seaward of Highway One. Sediment removal or vegetation clearance upstream would have significant impact on habitat and water quality in the Coastal Zone, and such activities are discouraged.

S. Levee rehabilitation or improvement shall not effect coastal resources or flow within stream channels. Repairs shall avoid alterations of stream hydrology and riparian habitat, and any disturbance from construction activities shall be followed by re-vegetation.

T. Resource agencies (including but not limited to: California Department of Fish and Game, National Marine Fisheries Service, Regional Water Quality Control Board, and U.S. Fish and Wildlife Service) shall be consulted early in the development of any flood control projects, and their input and recommendations shall be incorporated into project design and development.

CH-13.3 Support coordinated and watershed-wide responses to breaching: Add an action to support and participate in initiatives to coordinate agency responses to breaching and to prepare a Pajaro River watershed plan that includes a lagoon management component to the extent that resources allow.

Chapter 7 - Scenic and Visual Resources

For Issues SR-1 through SR-9 - see Appendix A, pp. 165-208

Issue SR-10: Big Sur Critical Viewshed

SR-10.1 Detail more explicit critical viewshed exceptions: Clarify *Big Sur Coast Land Use Plan* Policy 3.2.5 "Exceptions to the Key Policy" and corresponding *County Code* sections (prohibiting visible development in the critical viewshed) by adding provisions for demolitions, replacements and additions, and revise as follows:

A. 3.2.5.A: Rural Service Centers: Add the following: Apply design criteria of Policy 5.4.3.L.4 to all of these areas, not only Big Sur Valley. (See Recommendation SR-10.7 for additional design criteria that might be developed and Recommendation SR-10.8.)

B. 3.2.5.B: Essential Ranching Structures: Add the following design criteria: Design shall be in keeping with the traditional rustic Big Sur character as represented by windmills, traditional-style wood barns, and redwood water tanks. All such structures should be sited, painted, and/or screened to be unobtrusive. (See Recommendation SR-10.7 for additional design criteria that might be developed.)

C. 3.2.5.C.1: Highway One Facilities Public Highway Facilities: Add temporary landslide materials storage in the form of berms and roadside stockpiles pursuant to a pullout management plan as a use that may be allowed in the viewshed (see Recommendation LU-13.12).

D. Add a reference to follow the design standards of Recommendation LU-13.2.

E. Delete the requirement for public agency signs to be framed with unpainted redwood and add the following: Operational, safety and informational signs and markers shall be limited to the minimum necessary, and shall be of the minimum size needed to effectuate their intended purpose. Informational resource signs, including historic bridge signs and coastal access signs, shall be of a size and design that is subordinate to and appropriate for their setting. Large-scale roadside signs, such as those that announce State Parks, National Forest boundaries, and major institutions and commercial visitor-serving developments may be allowed in the same manner as other highway signs. Public agency and other such permanent

monument signs shall be of a design complementary to the rural setting and character of Big Sur, with preference for natural materials. Generally, such signs should be constructed of natural local rock masonry, unpainted redwood, or framed with unpainted redwood.

F. 3.2.5.C.2: Highway 1 Improvements: Private Highway Improvements: Add the following design criteria:

1. Driveway entry paving should be no wider than 12 feet.
2. Fences should be standard open-slat redwood or multi-strand wire range fencing less than four feet high. Other fence designs, which are open enough so as not to block public views and are in keeping with the scenic character of the community, may be considered.
3. Entry gates should be of a simple, traditional design.
4. Multiple aluminum urban-style mailbox structures, walls other than native stone; walls over four feet; walls or fences that block public views or detract from the rustic character of the Big Sur Coast, neon commercial lighting; residential street lighting; and standard suburban, curbs, gutters, and sidewalks should not be permitted.

G. 3.2.5.D: Utilities: Add additional criteria for lighting as follows: No floodlights are permitted that are visible from Highway One. Residential and commercial lighting, as well as public agency security lighting, must be installed so that all fixed light sources are shielded from critical viewshed vantage points. Interior-lit outdoor signs are generally not appropriate within this area. Permitted signs may be illuminated by indirect or reflected lighting. Interior-lit commercial signs placed in the window at a place of business may be allowed. In addition to having a shielded light source, landscape spotlights must be the minimum necessary for the intended security purpose, and must not be directed at the marine environment. The County should work with landowners cooperatively to encourage replacement on lighting inconsistent with these standards. These limitations do not apply to official aids to navigation, nor to temporary traffic safety flashers or signals.

H. 3.2.5.E. State Park Parking: Revise as follows: In order to provide for parking and other low intensity support facilities for the State of California system of parks on the Big Sur coast, flexibility in the basic viewshed policy may be permitted to allow use of excavating, berming, and indigenous plant screening at the mouth of Soberanes ~~Point~~ Creek canyon, east of Highway 1 at Garrapata Beach, ~~Little Sur River Mouth, and~~ at the former Point Sur ~~Lighthouse~~ Naval Facility, in the vicinity of the Andrew Molera State Park ranch house complex, in the vicinity of Big Sur Lodge and the Multi-Agency Facility in Pfeiffer-Big Sur State Park, at McWay Canyon in Julia Pfeiffer Burns State Park, at John Little State Reserve, and east of the Highway 1 bridge at Limekiln State Park, if no environmentally suitable site is available that meets the critical viewshed criteria. Other new parking facilities shall be provided at off-highway locations rather than on the Highway One shoulder. The creation of new parking lots between Highway One and the ocean shall be avoided wherever possible to avoid detracting from scenic coastal views. This policy shall also apply to new units within the system that may be opened to the public. Parking and support facilities existing at current facilities shall be removed from Highway One

whenever the necessary off-highway parking is provided, sufficient to accommodate all the uses that the parking serves, consistent with turnout policies [see Recommendation LU-13.2] and programs [see Recommendation LU-13.12], and done in a manner that does not require excessive signing [see Recommendations LU-13.14 and LU-13.15]. New off-highway facilities shall be designed, to conform to viewshed policy 3.2.4.A.3 ~~if located in the critical viewshed (except for necessary entrance ways, which cannot be hidden from Highway One), and to policy 3.2.4 if located outside the critical viewshed~~. Existing facilities shall be brought into conformance to the greatest extent possible. Land acquired for viewshed protection shall not be developed for parking or visitor serving facilities. Parking facilities for Soberanes Point, Garrapata Beach, and ~~Little Sur River Mouth~~ McWay Canyon shall be located on the east side of Highway One and be completely out of the view of the Highway through the use of excavation, ~~indigenous forestation~~ screening with native vegetation and berming techniques which shall obscure all vehicles and facilities. Restroom facilities shall be located with the parking facilities. For public safety at Soberanes Point, Garrapata Beach, ~~Little Sur River Mouth,~~ and any new State Park units located on the ~~east~~ west side of Highway One, pedestrian underpasses connecting the parking and beach areas are highly desirable. Parking shall be provided for a maximum of 75 vehicles at these facilities.

I. 3.2.5.F & G: Rocky Point Area and Otter Cove vacant parcels: Clarify that the first paragraph in each of these sections applies only to development of vacant parcels, while the second paragraph in each of these sections (additional standards) applies to both vacant parcels and developed parcels. Furthermore, additional development on already developed parcels must also follow the criteria listed below in this recommendation for replacements and structural additions and alterations and that these criteria override the standards in the second paragraphs of these two subsections if there are conflicts.

J. Replacements: Add a new subsection [and revise or delete *Big Sur Coast Land Use Plan* Policy 3.2.3.A.7 accordingly] as follows: Replacement structures lost in fire or natural disaster within the critical viewshed shall be permitted on the original location on the site, provided no other less visible portion of the site is acceptable to the property owner, and provided the replacement does not increase the visibility of the structure beyond that of the original structure. Landowners will be encouraged to resite such replacement structures out of critical viewshed or to redesign such replacement structures to be less visible.

K. When a structure within the critical viewshed is voluntarily replaced or structural alterations of more than 50% of the structure (exclusive of permitted additions) are proposed, the replacement or altered structure shall conform to the critical viewshed policy (e.g., by resiting, redesign, or similar means); provided however, this shall not be construed as precluding replacement of an existing structure within the critical viewshed if a less visible alternative is not feasible. Voluntarily replaced or altered structures shall not be more visible than the structure replaced or that has been altered. The Director of Planning and Building Inspection may require that a termite inspector, registered engineer or other professional(s) acceptable to the Director be retained at the applicant's expense to certify that portions of the structure which the plans show as proposed to remain are in fact structurally sound and that it will not be necessary to alter such portions of the structure during the course of construction.

L. Structural additions and alterations: Add a new subsection [and revise or delete Revise *Big Sur Coast Land Use Plan* Policy 3.2.3.A.7 accordingly] as follows: Landowners will be encouraged to resite structures out of the critical viewshed as an alternative to proposing additions to (or additional development on parcels with) structures that are visible in the Critical Viewshed or will be encouraged to reduce the visibility of existing structures as part of applications for additions. Additions to existing structures visible in the Critical Viewshed may be allowed, provided that the original structure(s) were constructed prior to April 9, 1986 (the certification date of the *Big Sur Coast LUP*) or conform to an approved permit and provided the addition itself complies with the LCP standards and does not increase visibility. That is, as seen in profile, the addition will not, in aggregate, result in any greater amount of development visible in public views as seen from the defined critical viewshed vantage points (measured as *apparent* surface area of visible development; thus, new visible structures that merely profile against existing visible structures would not increase the area within the *apparent* developed profile). Additional structures on the same parcel, or parcels resubdivided or combined to facilitate such additions must meet the same criteria, considering all visible development in aggregate. For purposes of applying this policy, planted non-native landscaping shall be disregarded (unless its retention and maintenance is specifically required under the terms of a coastal development permit). Additions not in conformance with this section will not be permitted. Short-term visual impacts during construction or installation may be discounted.

M. Demolitions: Add a new subsection as follows: Demolition of buildings and restoration of the scenic quality of an area are allowed in the critical viewshed.

N. Correspondingly, clarify *County Code* Sections 20.06.1260, 20.68.040.A, and 20.68.040.C that allow some additions to legal non-conforming structures to specify that the structural change must also conform to the *Big Sur Coast Land Use Plan* critical viewshed policies.

SR-10.2 Clarify critical viewshed vantage points and improve County staking procedures: Add an action to revise "County-wide Staking and Flagging Criteria" to require better visual representations of proposed development including project changes that may occur during development review. Require evaluations of visibility be made on clear days from a representative and comprehensive sample of all public viewpoints contained in the critical viewshed definition (*Big Sur Coast Land Use Plan* policy 3.2.2.1) that have a line of sight to the proposed project. For sites where staking and flagging may not be adequate to determine visibility, netting or other measures may be required. Incorporate these criteria in the local coastal program. Clarify *County Code* Section 20.145.030.A.1.a's Critical Viewshed determination as follows: Visibility from Highway 1 shoulders, turnouts and pullouts will be determined while standing on a graded surface or other roadside areas, such as compacted berms, that show evidence of consistent public use.

SR-10.3 Increase enforcement of LCP Viewshed Protections: Add an action to prepare an enforcement program component to address unauthorized development in the critical viewshed and implement *Big Sur Coast Land Use Plan* policy 3.2.3.B.1 (requiring that any portion of the structure that ultimately becomes visible in the critical viewshed must be removed). Elements of such a program could include requiring bonds in certain cases, inspecting developments periodically

throughout the construction period and immediately halting inappropriate construction, and requiring greater penalties for those in violation of viewshed policies, with monies contributed to a coastal viewshed restoration fund.

SR-10-4 Regulate tree removal and planting in critical viewshed: Add the following qualifier to *County Code* Section 20.145.060.A.1.c, regarding tree cutting exemptions: except where this would result in the exposure of structures in the critical viewshed. Add a requirement that in approving new development, the County modify project plans and apply conditions so as to avoid, over the long run, the growth or removal of vegetation that would detract from public views.

SR-10.5 Require coastal permits for improvements in critical viewshed: Define the critical viewshed in the *Big Sur Coast Land Use Plan* as "highly scenic."[9] Revise *County Code* Sections 20.70.120.A and B to not exempt improvements to structures, including landscaping, in highly scenic areas from coastal permit requirements, pursuant to *California Code of Regulations* Sections 13250 and 13253.

SR-10.6 Ensure design review of fences: Add to *County Code* Section 20.44.020 that design permits are required for fences in the Critical Viewshed along the Big Sur Coast (other than standard open-slat split redwood fencing less than 4 feet in height or multi-strand wire range fencing less than 4 feet in height).

SR-10.7 Adopt design criteria for Rural Service Centers: Add an action to prepare design and siting criteria for Big Sur Valley, Lucia, Gorda, Pacific Valley, Rocky Point Restaurant, Big Sur Inn, and Coast Gallery in conformance with Policies 5.4.3.C.2, 5.4.3.E.2, and 5.4.3.L.4. Such design controls should be developed with local community input and should serve to protect the community character of these areas (see Recommendation for Issue LU-4: Gorda Rural Community Center). Additional design criteria may also be prepared for essential ranching structures.

SR-10.8 Minimize visible development in Rural Community Centers: Amend *Big Sur Coast Land Use Plan* Policy 5.4.3.L.4 concerning minimizing visual impacts through design in the Big Sur Valley to require further minimizing visibility where appropriate as follows: However, this policy shall not be interpreted to mean that maximum structural exposure is always desirable. If site evaluation determines that viewshed protection is better achieved through minimizing structural visibility, then appropriate siting, design, and/or screening techniques shall be required.

SR-10.9 Allow TDCs for remaining vacant exception area parcels: Delete last sentence of *County Code* Section 20.64.190.040.1 ("If a parcel is a buildable parcel upon which a residential building site could be developed under the Big Sur Coast LCP's detailed exception policies, it cannot qualify as a donor site.")

SR-10.10 Do not require covered parking in critical viewshed: Add to *County Code* Section 20.58.050.F requiring covered parking the following: An exception to this requirement may be granted if it furthers protection of the Big Sur critical viewshed.

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[9] Pursuant to *California Code of Regulations* Sections 13250b.1, 13253.b.1 and 13253.b.2.

SR-10.11 Manage Proposition 70 lands: Add an action to establish a program to manage, in perpetuity, properties acquired through use of Proposition 70 funding. Such a program could include contracts with local land trusts, citizen organizations, adjacent landowners or other public agencies to perform the necessary management activities, subject to County oversight. The County should also develop and implement a monitoring and management mechanism to ensure that these lands are properly protected and provide for public access opportunities (subject to public access management plans) where appropriate.

SR-10.12 Support other methods to protect viewshed: Add an action to support and participate in initiatives to identify: TDC receiver sites, funding sources for viewshed protection, measures to protect remaining viewshed parcels, restoration opportunities, and community programs to retrofit or eliminate lighting visible in the Big Sur critical viewshed to the extent that resources allow.

Issue SR-11: Carmel Area Community Character

SR-11.1 Prepare design guidelines to protect community character around Carmel-by-the-Sea: Add an action to prepare and implement design guidelines for the neighborhoods in the unincorporated areas adjacent to the City of Carmel-by-the-Sea to parallel its Design Traditions Report and certified LUP. Guidelines should address lot coverage, development scale, tree planting and removal, exterior design and materials, hardscaping/softscaping issues, etc. Specific development guidelines should be developed for particularly sensitive areas. Guidelines should apply to public projects as well, including street improvements.

Chapter 8 - Archaeological, Cultural & Paleontological Resources

AR.1 Incorporate Native American monitors in archaeological surveys: Revise *County Code* Sections 20.144.110.B 4, 20.147.080 B.4, 20.146.090.B.4, and 20.145.120.B.4 describing preparation of archaeological survey reports, to add: "...Surveys that involve any excavation or earth disturbance shall be conducted with an appropriate Native American cultural resource monitor selected consistent with NAHC guidelines."

AR.2 Incorporate Native American monitors in environmental assessments: Revise *County Code* Sections 20.144.110.C.1, 20.147.080.C.1, 20.146.090.C.1, and 20.145.120.C.1 on requirements for environmental assessments to add: "...Where survey reports indicate the presence of prehistoric or ethnohistoric Native American cultural resources, the Environmental Assessment shall be conducted in consultation with a qualified Native American cultural resource monitor selected in compliance with NAHC guidelines."

AR.3 Prepare mitigation plans for impacted archaeological sites: Revise *County Code* Sections 20.147.080.D.3, 20.145.120.D3; 20.144.110.D3 and 20.146.090.D4 and D5 as follows:

> "Where construction on or construction impacts to an identified archaeological or paleontological site cannot be avoided, as verified in the archaeological report prepared for the project, a mitigation plan shall be required for the project. Prior to the application being considered complete, this mitigation plan shall be required by, submitted to and approved by the County.

The plan shall be prepared at the applicant's expense by a qualified archaeologist, either on the County's list of archaeological consultants or a member of the Society of Professional Archaeologists. Included in the plan shall be recommended preservation measures in accordance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission. The consulting archaeologist shall file the report with the State Office of Historic Preservation and to the Regional Historical Resources Information Center. The mitigation plan shall be developed in consultation with a qualified Native American cultural resource monitor selected in compliance with NAHC guidelines.

Where a mitigation plan has been prepared for a proposed development, a condition of project approval shall be that:

A. The preservation measures, and any additional mitigation identified during permit review, be undertaken and completed prior to the issuance of building or grading permits; or

B. Where appropriate according to the recommendations contained in the mitigation plan, the preservation measures shall be undertaken concurrent with grading or other soil-disturbing activities and shall be undertaken in accordance with the mitigation plan, as a condition of the grading or building permit. Onsite monitoring by a qualified archaeologist(s) and appropriate Native American consultant of all grading or other soil-disturbance shall be required. Native American cultural resource monitors shall be selected in conformance with the NAHC "Guidelines for Monitors/Consultants of Native American Cultural, religious and burial sites".

C. The results of the preservation activities shall be compiled into a final report prepared by the archaeologist and submitted to the County and Regional Historical Resources Information Center prior to the issuance of building or grading permits. Two copies of the report shall be submitted. All artifacts discovered in connection with any cultural resource shall be recorded in the manner required by the State of California. All site records, field notes, maps, photographs, notes by monitors, reports by consulting archaeologists, and other records resulting from the conduct of any cultural resource review shall be catalogued in accordance with the U.S. Department of Interior Guidelines.

AR.4 Avoid disturbing archaeological sites where at all possible: Replace *County Code* Sections 20.144.110.D.1, 20.145.120.D.1, 20.146.090.D.1, and 20.147.080.D.1 with the following General Development Standards:

A. Where significant archaeological, paleontological or cultural resources are identified in consultation with the State Historic Preservation Officer and the Native American Heritage Commission all available measures including purchase of archaeological easements, dedication to the County, tax relief and purchase of development rights, etc. shall be considered to avoid impacts on significant archaeological and other sensitive cultural resources.

B. When an archaeological or cultural resource site has religious significance, emphasis should be placed on preserving the entire site. Where the site is of known regional significance, consideration shall be given to nominating the site to the National Register and preserving it.

1. Development proposed on parcels with an identified archaeological or other sensitive cultural resources shall be designed and located to avoid development on or impacts to the resource site. All available measures shall be explored to avoid the site including, but not limited to alternative siting or location and reduction of project size.

2. When sufficient planning flexibility does not permit avoiding construction on paleontological, archaeological or other types of cultural sites, impacts of development on resources will be mitigated to the maximum extent feasible. Mitigation shall be designed consistent with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission and where appropriate in consultation with qualified Native American cultural resource monitors.

AR.5 Limit access to archaeological sites: Add to Big Sur Coastal Implementation *County Code* Section 20.145.120 a new subsection D.5 and to North Monterey County Coastal Implementation Section 20.144-110 a new subsection D.4 and revise County Code Section 20.147.080.D5 (for Del Monte Forest) and 20.146.090.E2 (for Carmel Area) to provide the following:

A. Off road vehicle use, unauthorized collecting of artifacts and other activities that could destroy or damage archaeological or cultural sites shall be prohibited.

B. Public access to or over known archaeological, paleontological or significant cultural sites shall be limited to designated access easements as recommended by a qualified archaeologist in consultation with qualified Native American cultural resource monitors where applicable and approved by the Director of Planning and shall be concentrated in areas where supervision and interpretive facilities are available.

AR.6 Control public access over known sites: Revise *County Code* Section 20.146.090.E.2 as follows: Public access to or over known archaeological, paleontological or cultural sites shall be limited to designated access easements as recommended by a qualified archaeologist in consultation with qualified Native American cultural resource monitors where applicable and approved by the Director of Planning and Building Inspection and shall be concentrated in areas where supervision and interpretive facilities are available.

AR.7 Require archaeological reports for subdivisions: Add to *County Code* Section 20.144.110.B1 (for North County) and Section 20.145.120.B1 (for Big Sur) the following new subsection:

Subsection (e) all new subdivisions.

AR.8 Require archaeological findings: Add an action to develop a procedure for including an archaeological finding for all coastal permits issued in archaeologically sensitive areas. Even if the survey requirement is waived or if there is no archaeological condition, a brief finding should state the basis for this.