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Prepared February 26, 2009 (for March 12, 2009 hearing)

To: Commissioners and Interested Persons

From: Dan Carl, District Manager
Katie Morange, Coastal Planner

Subject: **Monterey County LCP Major Amendment Number 2-07 Part 1 (Castroville Community Plan).** Proposed major amendment to the Monterey County certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's March 12, 2009 meeting to take place at the Portola Plaza Hotel in Monterey.

1. Staff Recommendation

A. Summary of Staff Recommendation

Monterey County proposes to add the Castroville Community Plan to the certified Monterey County Local Coastal Program (LCP) as part of the LCP's North County Land Use Plan (LUP). The amendment would affect areas in and around Castroville, an unincorporated community that is located in the northern part of Monterey County inland of Highway One between Moss Landing and the City of Marina. Castroville is a small community (of approximately 6,700 residents) that is surrounded by some of the most productive prime agricultural land in the state, and that is known as the "Artichoke Center of the World" in light of the importance of that agricultural crop in the Castroville area and its relation to Castroville's identity.

The proposed amendment would allow for a significant expansion of the Castroville urban core into the surrounding agricultural lands, including by designating 289 acres of active and prime agricultural lands for a range of urban uses and development (residential, commercial, public, and industrial uses), and including by virtue of exempting such urban development from existing LCP groundwater use restrictions (that currently apply because the aquifer is in overdraft). All told, the Castroville Community Plan envisions some 1,050 residential units, 22,000 square feet of commercial space, 13,000 square feet of public facilities, 40 new industrial lots, 3 acres of parkland, and related development (roads, infrastructure, etc.) on the 289 acres of coastal zone land currently designated for and actively in agricultural production and land use. The result would be that 289 acres of agricultural land would be taken out of agricultural production and converted to these urban uses.

The proposed amendment is fundamentally inconsistent with the Coastal Act's agricultural protection policies because it does not meet any of the Coastal Act tests for allowing agricultural conversion. These inconsistencies are pervasive, and are not correctable thorough suggested modifications. In addition, the proposed amendment is also inconsistent with other critical Coastal Act provisions, including most significantly Coastal Act requirements that there be adequate public services (because there is neither adequate water nor roadway capacity to serve the development facilitated by the amendment without adversely impacting coastal resources) and that wetlands and ESHA be avoided and protected (because it would result in prohibited wetlands conversion and impacts to adjacent and downstream



wetlands/slough impacts), and also due to flooding hazard and traffic/circulation inconsistencies. **Staff recommends that the Commission deny the proposed LCP amendment;** the motion necessary to deny the proposed amendment is found directly below.

B. Staff Recommendation – Motion and Resolution to Deny

Staff recommends that the Commission, after public hearing, deny the proposed LCP amendment.¹ LUP amendments may only be certified by an affirmative vote of a majority of the appointed Commissioners or alternates. In other words, at least seven “yes” votes out of the twelve appointed Commissioners/alternates are required to certify an LUP amendment, regardless of how many Commissioners/alternates are present at the time of the vote.

Staff recommends a NO vote on the motion below.

If the motion is rejected, the LUP portion of the amendment will be denied certification as submitted, and the Commission will adopt the following resolution and the findings in this staff report. If the motion is passed, the LUP portion of the amendment will be certified as submitted, and staff will prepare revised findings for the Commission to consider in support of that certification action.

Motion. I move that the Commission **certify** Part 1 of Major Amendment Number 2-07 to the Monterey County Local Coastal Program Land Use Plan as submitted by Monterey County.

Resolution to Deny. The Commission hereby **denies** certification of Part 1 of Major Amendment Number 2-07 to the Monterey County Local Coastal Program Land Use Plan as submitted by Monterey County and adopts the findings set forth in this staff report on the grounds that, as submitted, the Land Use Plan amendment will not meet the requirements of and be in conformance with the policies of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act.

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¹ Note that the motions and resolutions refer to “Part 1 of Major Amendment Number 2-07.” The reason for this is that this amendment request is part one of a three-part LCP amendment submitted by the County, where the other two parts have been processed independently from this part.



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2. Findings and Declarations

The Commission finds and declares as follows:

A. Proposed LCP Amendment

1. Proposed Amendment Description

Castroville Background

The County proposes to amend the LCP's North County Land Use Plan (LUP) to incorporate the Castroville Community Plan (CCP) and to allow for implementation of the CCP for those areas of Castroville located in the County's Coastal Zone.² Castroville is an unincorporated community that is home to about 6,700 people that is located in the northern part of Monterey County, inland of Highway One, between Moss Landing and Elkhorn Slough (which is upcoast) and the City of Marina (which is downcoast), where Highways 1, 156, and 183 converge and about 2.5 miles from the shoreline (see Exhibit A for location map). Castroville is one of the oldest unincorporated communities in Monterey County (and one of the primary urban centers in North Monterey County), and it is in the center of the

² The County also originally included complementary proposed changes to the LCP's Implementation Plan as part of the proposed amendment, but the proposed IP changes had not been approved by the Board of Supervisors, and the County has since indicated that the IP changes are not part of their LCP amendment request. As a result, only LUP changes are proposed as part of this LCP amendment request.



largest artichoke growing region in the world. The developed portion of Castroville is located outside the Coastal Zone because the Coastal Zone boundary was established in such a way as to include the surrounding agricultural area, but to exclude the then (and now) largely developed Castroville urban core.³ Castroville is located within the North Monterey County segment of the County's Coastal Zone, and is most directly governed by the LCP's North County LUP and IP.

Castroville Community Plan Opportunity Areas

The proposed CCP applies to both Coastal Zone and non-Coastal Zone areas in and around Castroville, and targets five "Opportunity Areas". The Coastal Zone portion of the CCP (i.e., the only portion that is before the Coastal Commission) involves three of the five CCP Opportunity Areas totaling 313 acres, 289 of which are in the Coastal Zone: North Entrance (38 acres), Commuter Train Station (including the Tottino Property subarea) (140 acres), and New Industrial (111 acres) Opportunity Areas (see Exhibits E and H for maps showing the CCP area and Opportunity Areas).

The 38-acre North Entrance Opportunity Area is comprised of a mix of parcels owned by two landowners that are bordered by Highway 183/Merritt Street to the west, Washington Street to the south, and agricultural land to the north and east. Approximately one third of the area (14.29 acres) is comprised of cultivated agricultural land and approximately two thirds (23.76 acres) is developed with commercial agricultural greenhouses.⁴

The Commuter Train Station Opportunity Area (including the Tottino Property subarea) totals 145 acres, 140 of which are in the Coastal Zone. This area is bound by Highway 156 to the south, the eastern developed edge of Castroville and Castroville Slough to the west, and agricultural and grazing land to the north and east, and it is bisected twice by the existing Union Pacific Railroad (UPRR) tracks and Castroville Boulevard. Except for the train tracks and Castroville Boulevard that run through the site, the entirety of this opportunity area is active agricultural and grazing land.⁵

The New Industrial Opportunity Area totals 130 acres, 111 of which are in the Coastal Zone. It is bound by Highway 156 to the north, the existing industrial area of Castroville to the west, and agricultural fields to the east and south. The entirety of this area, both in and out of the Coastal Zone, is currently

³ As shown in Exhibit F, the Coastal Zone boundary in this area generally follows Highway 1 to the west of Castroville, the northern edge of the community near Washington Street, and along Castroville Slough and the eastern developed edge of the community.

⁴ This area has been the site of various development proposals over the years, including the Merritt Manor residential subdivision (Monterey Bay Investors II) and the Golden Fields Residential Subdivision. File review indicates that the owners and the County at one time indicated that up to 72 lots were created in this 38-acre area in 1887; however, no detailed review of this claim has ever been conducted by the Coastal Commission. In 1985, a portion of the western side of this area was deannexed from the Castroville County Sanitation District's (now Castroville Water District) boundaries as a condition of approval for the expansion of their service area (Coastal Commission CDP 3-84-001). This deannexation was required because the expansion of this urban water service area was not to include agricultural land and the 38-acre area was considered valuable prime agricultural land.

⁵ The Transportation Agency of Monterey County (TAMC) is currently pursuing a Caltrain train station project within this area on a parallel and directly related track as this proposed LCP amendment. TAMC's currently proposed project would convert about 9 acres of agricultural land at this location into a commuter train station (including rail line extension, parking lots, related road and infrastructure improvements, etc.). TAMC's project is dependent on the LCP changes proposed in this amendment, and thus the LCP amendment is project-driven in relation to the train station site to a certain degree. TAMC has completed its environmental documentation under CEQA for that potential project, and is awaiting the outcome of this LCP amendment prior to further pursuing necessary authorizations for it (including CDP authorization).



planted with artichokes.

LCP Amendment Components

The amendment proposes to:

- Amend LUP Figure 1 to redesignate the 289 Coastal Zone acres in the three Opportunity Areas from Agricultural Preservation (AP) to Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Mixed Density Residential (MXDR), Mixed Use (MU), Public/Quasi-Public (PQP), Industrial (IND), and Agricultural Conservation Buffer (AB). See Exhibit H for the proposed LUP land use designations.
- Amend LUP Agricultural Resources Policy 2.6.2.2 to allow divisions of prime and productive farmland designated Agriculture Preservation or Agricultural Conservation for non-agricultural uses within the Castroville Community Plan boundaries. Under the proposed amendment, the policy would read as follows (proposed changes shown in strikethrough and underline):

Divisions of prime and productive farmland, designated as Agricultural Preservation, or Agricultural Conservation shall be permitted only when such division does not adversely affect the land's long-term agricultural viability. During the subdivision review process the applicant shall be required to demonstrate that the proposed division will not diminish the economic viability of the agricultural land. All subdivided agricultural parcels must be of a size that agricultural use is not diminished. All divisions of agricultural land shall be conditioned to ensure continued long term agricultural use by requiring recording easements, Williamson Act contracts or other suitable instruments. Subdivision or conversion of Agriculture Preservation or Agricultural Conservation farmland for non-agricultural use shall be permitted only where there is an overriding need to protect the public health and safety, ~~or~~ where the land is needed to infill existing "developed" areas, or within the Castroville Community Plan boundaries.

- Amend LUP Water Supply Policy 2.5.3.A.2 to allow development proposed within the Castroville Community Plan area to be exempt from groundwater use limitations. Under the proposed amendment, the policy would read as follows (new text shown in underline):

The County's long-term policy shall be to limit ground water use to the safe-yield level. The first phase of new development shall be limited to a level not exceeding 50% of the remaining buildout as specified in the LUP except for development proposed within the Castroville Community Plan, which would result in a long-term decrease in the amount of groundwater being pumped from the Salinas Groundwater Basin. 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 only after safe-yields have been established or other water supplies are determined to be available by an approved LCP amendment. Any amendment request shall be based upon definitive water studies, and shall include appropriate water management programs.

- Insert the following new LUP Chapter 5.B after Section 5 (the LUP's Moss Landing Community Plan chapter would become Chapter 5.A) that incorporates the Castroville Community Plan into the



LUP:

5.B CASTROVILLE COMMUNITY PLAN

The Castroville Community Plan planning area includes areas in the North County Inland Planning Area as well as areas in the North County Coastal Planning Area of the County's General Plan, essentially straddling a portion of both those areas. The North Entrance, Commuter Train Station and New Industrial Opportunity Areas are located within the Coastal Area of the North County Local Coastal Program (LCP). For areas located within the Castroville Community Plan planning area, please refer to the Castroville Community Plan.

Thus, proposed new Chapter 5.B adds the CCP and its goals and policies as a component of the North County LUP. These goals and policies provide a generalized framework for how the community should grow and redevelop, and provide generalized design and compatibility parameters (see Exhibit D for the complete Community Plan document).

See Exhibit B for the proposed amendment and Exhibit C for the Monterey County Board of Supervisors' resolution in support of the amendment.⁶

2. Proposed Amendment Procedural History

In 2003, Monterey County Redevelopment Agency (RMA) began preparation of the Castroville Community Plan as a means to update the long-term planning framework for the Castroville area, both in and out of the Coastal Zone. The CCP states that it was prepared in order to address challenges such as limited affordable housing, infrastructure deficiencies, limited ability to attract new businesses, heavy traffic, lack of community amenities, public safety concerns, and flooding. The CCP planning area includes the existing developed community as well as undeveloped areas adjacent to them. The majority of the undeveloped area proposed for future development under the Community Plan is located in the Coastal Zone.

The County initiated the Castroville Redevelopment Citizen's Advisory Subcommittee to assist with CCP development. This group met 16 times between March 25, 2004 and April 25, 2007 to discuss the Plan. Coastal Commission staff attended numerous meetings on the CCP and TAMC's related proposed Castroville Train Station project with the County and TAMC beginning in 2004 and extending through 2008, and have provided extensive written and verbal comments on the CCP and Train Station project (including with respect to their corresponding CEQA documents).⁷ Commission staff has consistently

⁶ Exhibit C only includes Board of Supervisors' Resolution No. 07-103 (for the proposed LUP amendment). Resolutions 07-101 (for certification of the Final EIR and adoption of a Statement of Overriding Considerations) and 07-102 (for the amendment to the 1982 General Plan for the inland portion of the Community Plan area and for adoption of the Mitigation and Monitoring Reporting Plan) are available for review at the Central Coast District Office of the Coastal Commission.

⁷ Correspondence including: May 18, 2004 email to Marti Noel (Monterey County Housing and Redevelopment Office) regarding the CCP; July 7, 2004 letter to Monterey County Supervisor Lou Calcagno on the CCP and TAMC's Train Station project; March 16, 2005 letter to Monterey County Housing and Redevelopment Office on the CCP; March 16, 2005 letter to TAMC regarding the Train Station project; July 8, 2005 email to Bob Scales (Parsons Transportation Group) regarding the Train Station project; April 7, 2006 letter to Parsons Transportation Group and TAMC on Draft EIR for the Train Station project; June 16, 2006 letter to TAMC on Draft EIR for



raised significant Coastal Act consistency concerns regarding the proposed Community Plan and Train Station, primarily with respect to conversion of agricultural land. On April 10, 2007, the Board of Supervisors certified a final EIR, adopted a Statement of Overriding Considerations, and approved the CCP, including the proposed amendment now before the Commission.

The proposed LCP amendment package was received by the Central Coast District office of the Coastal Commission on June 20, 2007. Subsequently, the County provided additional information necessary for the Commission's review, and the proposed amendment was filed as complete on January 25, 2008. Originally, the 90-day deadline for Commission action on the proposed amendment was April 24, 2008, but on April 10, 2008, the Commission extended the action deadline by one year to April 24, 2009. Thus, the Commission has until April 24, 2009 to take a final action on this LCP amendment.

3. Effect of Proposed Amendment

Land Use Designation Changes

The primary thrust of the proposed amendment is the proposed changes to the LUP's land use designations for the 289 acres of agricultural land currently designated Agricultural Preservation (AP). The existing Agricultural Preservation (AP) designation requires the preservation of agricultural land exclusively for agricultural use. This designation is applied to prime and productive agricultural lands where the area does not generally exceed an average 10 percent slope. For this designation, the LUP states that major importance is given to the preservation of large, continuous areas of agricultural land capable of long term productivity in order to protect its viability from encroaching conflicting land uses. The designation allows for residences, accessory buildings and other uses required for agricultural activities; development of non-agricultural facilities is not allowed. Land divisions for agricultural purposes only are allowed under this designation, and a minimum parcel size of 40 acres applies.

The LUP land use designations proposed under the LCP amendment are new designations not currently contained in the LUP. Some of the designations are similar to existing designations but with small differences (like Low, Medium, and High Density Residential), and some are entirely new designations altogether (e.g., the Mixed Use and Agricultural Conservation Buffer designations). The new proposed LUP designations would apply only in North County, and only for the CCP Opportunity Areas. The proposed amendment defines these new designations as follows:

- Low Density Residential (LDR). Provides for detached single-family units and duplex units at a minimum of 7 dwelling units per acre (du/acre) and a maximum of 8 du/acre. Accessory structures, churches, schools, parks and recreational facilities, and libraries are also allowed.
- Medium Density Residential (MDR). Provides for attached and detached single-family units, including clustered development and duplexes, at a minimum of 8 du/acre and a maximum of 12 du/acre. Accessory structures, churches, schools, parks and recreational facilities, and libraries are also permitted.

the Train Station project; July 21, 2006 letter to Monterey County Housing and Redevelopment Office on the CCP Draft EIR; December 12, 2006 letter to the Monterey County Planning Commission regarding their consideration of the CCP.



- High Density Residential (HDR). Provides for higher density single-family detached dwellings and duplexes, townhomes, attached multi-family units, and clustered development at a minimum of 12 du/acre and a maximum of 20 du/acre.
- Mixed Density Residential (MXDR). Provides for a mix of medium and high density residential development within an integrated cohesive neighborhood, and the types of units include detached small-lot single family units and multi-family units at a minimum of 8 du/acre and a maximum of 20 du/acre.
- Mixed Use (MU). Provides for high density residential development on the same site as light commercial, retail, and office uses at a minimum of 15 du/acre and a maximum of 30 du/acre.
- Public/Quasi-Public (PQP). Provides for uses that are operated by a public agency or that serve a large segment of the public, such as train stations, schools, community centers, waste disposal, and parks and recreation facilities.
- Industrial (IND). Provides for light, heavy, and agricultural-related industrial development.
- Agricultural Conservation Buffer (AB) – Provides for pedestrian/bike trails, roadways, and landscaping in buffer areas between residential uses and agricultural operations.

Thus, removing the Agricultural Preservation (AP) designation and replacing it with the mix of new land use designations described above would allow for all of the identified urban uses and development (i.e., residential, light commercial, retail, office, public/quasi-public, industrial, etc.) to occur in the amendment area. The proposed land use designations do not envision or allow for agricultural uses. As such, it is expected that the 289 acres proposed to go from the AP designation to one of the new designations would be developed consistent with the various types of non-agricultural uses and development allowed under each designation. More specifically, the CCP indicates that the North Entrance Opportunity Area would support 215 new residential units (195 single family residences and 20 multi-family units), 12,000 square feet of new commercial space, 13,000 square feet of new public facilities, and 2 acres of parkland; the Commuter Train Station Opportunity Area would support 835 new residential units (600 single family residences and 235 multi-family residences), 10,000 square feet of new commercial space, and one acre of parkland; and the New Industrial Opportunity Area would support 40 new industrial lots.

Other Changes

The proposed amendment to LUP Agricultural Resources Policy 2.6.2.2 would allow divisions of prime and productive farmland designated Agricultural Preservation or Agricultural Conservation for non-agricultural use within the Castroville Community Plan boundaries whereas the existing policy prohibits such division. Given that the CCP removes all AP designations (and because there are no AC designations) for the land in the Coastal Zone, and there would be no AP- or AC-designated land within the CCP Coastal Zone area under the amendment, the effect of this change would be negligible under the proposed amendment. This policy would only become applicable in the future if some of the CCP land were redesignated to AP or AC, and that change were subsequently certified by the Coastal Commission. As proposed, then, this subdivision change does not have direct relevance except



inasmuch as it evinces an intent on the part of the LUP that the CCP area be dealt with differently with respect to agricultural protection (and potential subdivision) than are other areas of North Monterey County.

With respect to the proposed amendment to LUP Water Supply Policy 2.5.3.A.2, this policy currently requires groundwater use to be limited to the safe yield level, and mandates that the first phase of new development in north county (i.e., development following certification of the LUP in 1982) be limited to a level not exceeding 50 percent of the remaining buildout in North County, which percentage may be reduced if necessary based on new information or if required to protect agricultural water supplies. The amendment would exempt development proposed under the CCP area from this groundwater use limitation. As a result, the groundwater safe yield requirements of this policy would not apply to such CCP development. Given the specific CCP exclusion identified in the proposed policy, and given the LUP construct that looks to the area-specific LUP if there is an LCP interpretation question, it is likely that the broader groundwater protection policies of the LCP (i.e., other than the one proposed for amendment) would likewise be interpreted to not apply. As a result, development in the CCP area would likely be allowed to proceed independent of its impacts on groundwater supplies. Given the existing severe groundwater supply issues affecting north Monterey County (and precluding most development there), such an exemption would greatly facilitate development of the type envisioned under the proposed land use designations above.

Finally, the amendment would incorporate all of the text, goals, policies, and development standards of the Castroville Community Plan into the LUP. These provisions generally provide for and encourage development of the community consistent with the proposed land use changes, and provide generalized design and compatibility parameters. Thus, their addition to the LUP would mean that any development in the CCP area would not only have to comply with the existing LCP but also the goals and policies of the CCP. These provisions provide further implementation detail associated with the primary land use designation element of the proposed amendment, and are best understood as an extension of those proposed changes.

Conclusion

Thus, in summary, the proposed amendment would allow for a significant expansion of the Castroville urban core into the surrounding agricultural lands, including by virtue of exempting such development from existing groundwater use restrictions. All told, the Castroville Community Plan envisions some 1,050 residential units, 22,000 square feet of commercial space, 13,000 square feet of public facilities, 40 new industrial lots, 3 acres of parkland, and related development (roads, infrastructure, etc.) on the 289 acres of Coastal Zone land currently designated for and actively in agricultural production and land use. The result would be that 289 acres of agricultural land would be permanently taken out of agricultural production and committed to urban uses.

B. Analysis of Proposed LUP Amendment

1. Standard of Review

Pursuant to Coastal Act Section 30512.2, in order to approve an LUP amendment, it must be consistent



with and adequate to carry out the Coastal Act to the extent necessary to achieve the basic state goals specified in Coastal Act Section 30001.5. These goals include protecting, maintaining and restoring the overall quality of the Coastal Zone environment and its resources, and assuring orderly and balanced use and conservation of such resources:

Section 30001.5. The Legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

- (a) Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and artificial resources.*
- (b) Assure orderly, balanced utilization and conservation of Coastal Zone resources taking into account the social and economic needs of the people of the state.*
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.*
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.*
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the Coastal Zone.*

The goals in Section 30001.5 are reflected in and apply to each of the Chapter 3 applicable policies listed below under each issue area. Thus, although not re-cited with respect to each listed issue area below (to avoid unnecessary repetition), these Coastal Zone goals are applicable to each of the issues areas and Chapter 3 policies identified below in that same manner. In general, the Coastal Act establishes clear parameters and priorities for the location, intensity, type, and design of new development in the Coastal Zone as a means of protecting, and enhancing where feasible, Coastal Zone resources.

The proposed LCP amendment would facilitate intensive urban development of Coastal Zone agricultural land in and around wetland and related habitats in an area with severe groundwater problems. As such, the proposed amendment raises core Coastal Act issues, including those regarding preservation of coastal agriculture; concentration of development and maintaining stable urban-rural boundaries; water supplies; the protection of ESHAs, including wetlands; and flood hazards. These issues are discussed in the findings below.

2. Agriculture

Protection of agricultural land is a fundamental Coastal Act objective and requirement. Two of the three opportunity areas (Commuter Train Station and New Industrial, approximately 251 acres) are currently



entirely in agricultural use (cultivated agriculture and cattle grazing), and the North Entrance Opportunity Area (approximately 38 acres) is partially fallow cultivated agricultural land and partially in greenhouse agricultural uses. All three opportunity areas meet the criteria for being prime agricultural land, are currently designated and zoned Agricultural Preservation (AP), and are adjacent to areas of agricultural land that are also designated and zoned AP. The overall effect of the amendment would be to allow the conversion of 289 acres of prime agricultural land to non-agricultural urban use, with the potential to generate conflicts with adjacent and nearby agriculture. The amendment is thus inconsistent with the Coastal Act because it fails to retain the maximum amount of prime agricultural land and direct development away from agricultural lands; converts agricultural land to urban uses where such conversion does not meet Coastal Act test; breaks a stable urban-rural boundary and does not establish a new one; and fails to protect the productivity and viability of adjacent agricultural land.

A. Coastal Act Agriculture Policies

The Coastal Act requires the preservation of both prime and non-prime agricultural lands. In particular, the Act sets a high standard for the conversion of any agricultural lands to non-agricultural uses. Coastal Act Section 30241 also requires the maintenance of the maximum amount of prime agricultural land, to assure the protection of agricultural economies. Coastal Act Section 30241 states:

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

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*
- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

Coastal Act Section 30241(c) allows limited conversion of agricultural land that is surrounded by existing urban uses if that conversion would be consistent with Coastal Act Section 30250. Section



30250 covers general development siting issues, and states as follows:

Section 30250.

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*
- (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.*
- (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

Coastal Act Section 30241.5 identifies specific findings that must be made in order to address the agricultural “viability” of prime lands around the periphery of urban areas subject to conversion requests. Subsection (b) specifically requires that such economic feasibility studies be submitted with any LCP or LCP amendment request if the viability of existing agricultural uses is an issue. Section 30241.5 states:

Section 30241.5. *(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.

- (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.

Section 30242 establishes a general standard for the conversion of agricultural lands:

Section 30242. *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

The next Coastal Act section addresses protection of the soil resource itself:

Section 30243: *The long-term productivity of soils ... shall be protected....*

The definition of prime land is found in Coastal Act Section 30113:

Section 30113: *(Prime agricultural land) "Prime agricultural land" means those lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.*

These Section 51201 paragraphs define such lands as:

- 1. All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications.*
- 2. Land which qualifies for rating 80 through 100 in the Storie Index Rating*
- 3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.*
- 4. Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre*

Finally, Section 30254 requires new public works facilities (such as a train station) to be designed and limited to accommodate uses that are permitted consistent with the Coastal Act:

Section 30254. *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works*



facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

B. Consistency Analysis

1. Background: Monterey County Agriculture and Current Agricultural Use

The community of Castroville is located at the northern end of the Salinas Valley in northern Monterey County. Monterey County contains some of the most productive farmland in the United States, and the Salinas Valley accounts for nearly all of the agricultural production in Monterey County. The Salinas Valley is known as the “salad bowl of the world” because of its voluminous production of vegetable crops.⁸ The California Agricultural Resources Directory 2007 indicates that the County’s agricultural economy (\$3.49 billion in 2006) is the third largest in the state.⁹ Agriculture accounts for nearly 25 percent of countywide employment during peak seasons. In terms of dollar value, Monterey County is the state’s leading producer of lettuce, broccoli, miscellaneous salad greens, spinach, cauliflower, mushrooms, cabbage, and artichokes. The community of Castroville is surrounded by agricultural land and is considered to be the largest artichoke-growing region in the world. Castroville is the self-proclaimed “Artichoke Center of the World” and has held the annual Castroville Artichoke Festival every year since 1959.¹⁰ That title is borne out by the fact that eighty-three percent of artichokes produced in California in 2006 were produced in Monterey County¹¹ and total crop value for the 2007-2008 crop year was more than \$50 million, and average production for the past 5 years has been over 4 million cartons.¹²

The 38-acre North Entrance Opportunity Area supports cultivated agricultural land on the western one-third of the site and commercial agricultural greenhouses on the eastern two-thirds. The western portion of the Commuter Train Station Opportunity Area (approximately 80 acres west of Castroville Boulevard) in the Coastal Zone is actively planted with artichokes and lettuce and the portion to the east of Castroville Boulevard (approximately 60 acres) is currently used for cattle grazing. The entirety of the 130-acre New Industrial Opportunity Area, including the 111 acres in the Coastal Zone, is currently planted with artichoke crops.

2. Effect of the Proposed Amendment on Agriculture

The proposed amendment would have several effects on agriculture in the three Coastal Zone opportunity areas and beyond. Perhaps most fundamentally, it would ultimately be expected to result in a conversion of all of the agricultural land in the three opportunity areas, including the limited areas

⁸ Monterey County Planning and Building Inspection Department, *Draft Environmental Impact Report for the Monterey County 2007 General Plan*, Chapter 4.2 Agricultural Resources, Prepared by Jones & Stokes, September 2008.

⁹ Id.

¹⁰ Id.

¹¹ Id.

¹² California Artichoke Advisory Board, 2008 (<http://artichokes.org>).



proposed for Agricultural Conservation Buffer (AB), which the County has indicated would be used for roadways, trails, and drainage facilities. For any portion of the 289 acres not converted in the short term, the proposed land use designations do not allow for agriculture, and thus under the proposed amendment, continued agricultural activities would become a non-conforming use that would be out of compliance with the LCP.

Beyond the site, the proposed amendment has the potential to adversely affect adjacent agricultural uses as it introduces intensive urban development and attendant urban services next to them. The County has indicated that the proposed 200-foot wide agricultural buffers located along the west and east edges of the North Entrance Opportunity Area and the north edge of the Commuter Train Station Opportunity Area would assist in preserving adjacent farmland, and that applicants for future development within the three opportunity areas would also be required to record permanent conservation easements on adjacent farmland and/or within the buffer areas. However, the County's LCP amendment submittal indicates that these are only proposed or desired easements, and none have been secured and/or included as part of this LCP amendment. It appears that the County intends to condition future project applications in the opportunity areas to require these easements on adjacent properties as part of a mitigation program, but such a program is not included in the LCP amendment before the Commission. Thus, it is unclear how and by virtue of what LCP standard such mitigation would be required, what form such mitigation would take, whether individual applicants would be willing to accept such conditions, whether adjacent landowners would be willing sellers of land and/or easements, whether any easements would be affirmative agricultural easements, and ultimately whether any such mitigation program would successfully mitigate impacts. In general, the uncertain nature of such a requirement for future mitigation does not ensure protection of adjacent land, and in fact has the potential to adversely affect and result in potential conversion of adjacent agriculture to non-agricultural uses as the urban-agricultural interface is moved to encompass agricultural lands that heretofore weren't faced with this issue. Furthermore, the presence of immediately adjacent urban development such as that proposed could result in adjacent agricultural operations becoming highly constrained and less viable, with or without the potential protection provided by potential agricultural easements.

Thus, in summary, the proposed amendment would be expected to directly convert almost 300 acres of Coastal Zone prime agricultural land to urban uses and development, and to indirectly adversely impact an unknown number of acres of agricultural land located adjacent to the converted areas as they become the de facto "front line" for urban-rural boundary issues. These impacts are severe, and represent one of the largest – if not the largest – proposed conversions of Coastal Zone prime agricultural land to urban uses in the history of the Commission's coastal management program. These effects of the proposed amendment on agriculture clash with several provisions of the cited Coastal Act policies, as described in the findings that follow.

3. Prime Agricultural Land Determination

The agricultural capacity of the three opportunity areas is important to an evaluation of LCP amendment Coastal Act consistency. All three opportunity areas qualify as prime agricultural land under Coastal Act criteria. There is substantial evidence that the opportunity areas meet at least two of the four Coastal Act tests for prime agricultural land. First, however, it is important to address the context of the certified LCP.



Certified LCP

The North Monterey County Land Use Plan includes a three-tier system of land use categories for agricultural lands. The first tier, Agricultural Preservation (AP), is applied to all parcels containing prime and productive soils (Soil Conservation Service (SCS) Class I-IV) and other lands in cultivated agriculture of less than 10 percent average slope, and it includes large contiguous areas in order to restrict the encroachment of land uses that may threaten the agricultural viability of these lands. The second tier, Agricultural Conservation (AC), is applied to relatively small pockets of prime soils (SCS Class I and II) that are not within or adjacent to the more extensive agricultural areas designated AP, other productive lands generally characterized by slopes over 10 percent slopes with an agricultural management plan, grazing lands where it is the most compatible use of the area, lands not designated AP that are under Williamson Act contracts, and includes an emphasis on preserving the most viable areas of such lands for agricultural uses. The third tier, Rural Residential, is applied to areas of mixed residential and agricultural uses and areas suitable for very low density residential uses and characterized by topographical and soil conditions generally posing greater erosion, water quality, and public safety hazards under cultivation.

In the North County LCP Background Report, soils in the North Entrance Opportunity Area were rated as Class I and II under the land capability classifications. The other two opportunity areas were rated as a mix of Class I, II, III, and IV soils. All three opportunity areas are designated AP in the certified LUP and therefore afforded the highest level of protection not only because of the quality and productivity of the soils, but also because of their locations on the edge of an existing developed urban area and the inherent threat of development encroachment from that adjacent area.

Coastal Act Soil Type Tests

As described above, per the Coastal Act, if lands have a Natural Resources Conservation Service (NRCS) capability classification system rating of I or II, or they have a Storie Index rating of 80 or above, then they are considered prime agricultural lands under the Coastal Act.

The North Entrance Opportunity Area contains two soil types. The first, Cropley silty clay (CnC), 2 to 9 percent slopes, ranges from II to III on the NRCS land capability classification system and has a Storie Index rating of 48. The second soil type, Alviso silty clay loam (Ac), 0 to 2 percent slopes has a NRCS capability classification of VIII and Storie Index rating of 7.

The Commuter Train Station Opportunity Area contains three soil types. These include CnC, 2 to 9 percent slopes (described above); Santa Ynez fine sandy loam (ShC), 2 to 9 percent slopes, which has a land capability classification of IV and a Storie Index rating of 54; and Diablo clay (DbD), 9 to 15 percent slopes, which has a land capability classification of III and a Storie Index rating of 38.

The New Industrial Opportunity Area is comprised of ShC, 2 to 9 percent slopes; DbD, 9 to 15 percent slopes; CnC, 2 to 9 percent slopes; ShC, 9 to 15 percent slopes, which has a land capability classification of IV and Storie Index rating of 44; and Dibble silt loam (DdE), 15 to 30 percent slopes, which has a land capability classification of IV and Storie Index rating of 46.

Thus, the soils in the three opportunity areas range from II to VIII in the NRCS capability classification



system and from 7 to 54 on the Storie Index. The CnC found on portions of each opportunity area qualify as prime soil under the first Coastal Act test because of the land capability classification of II; however, none of the other soil types found on the three opportunity areas contain a capability classification or Storie Index rating that alone would qualify as “prime agricultural land” under the first two Coastal Act tests.

Coastal Act Grazing Land Test

Per the Coastal Act, if lands support livestock used for the production of food and fiber with an annual carrying capacity of at least one animal unit per acre, then they are considered prime agricultural lands under the Coastal Act. In this case, the approximately 60-acre portion of the Commuter Train Station Opportunity Area to the east of Castroville Boulevard is the only portion of the Coastal Zone lands in question that is currently used for cattle grazing. According to the County, this land supports more than one animal unit per acre.¹³ Thus, this land is prime under the third Coastal Act criteria.

Coastal Act \$200/acre Return Test

Per the Coastal Act, if lands are planted crops that have a nonbearing period of less than five years and normally return at least \$200 per acre annually, then they are considered prime agricultural lands under the Coastal Act. The remaining land in the three opportunity areas qualifies as prime agricultural land under this fourth test. According to the County, all of the agricultural land in the opportunity areas is in active or rotational cultivation, primarily artichoke and strawberry production, and has a per-acre production value exceeding \$200.¹⁴ In fact, both strawberry and artichoke production in general typically well exceeds \$200 per acre.¹⁵ With respect to the 23.76-acre area of the North Entrance Opportunity Area that supports commercial agricultural greenhouses, this land is also considered prime under this test. The Golden Fields Greenhouses are a permitted (Monterey County CDP No. PC-7758) soil-dependent use that start vegetables from seed, cultivate them in the existing onsite soil, and sell the seedlings to local farm operators who then transplant them into fields. This allows farm operators to harvest two or three times the amount of produce they would otherwise be able to harvest had they seeded their fields directly, increasing their per-acre return on investment.¹⁶ According to the County, this operation has a per-acre production value exceeding \$200.¹⁷

Other Tests

The Commission notes that while it must rely on the Coastal Act/Williamson Act definition of prime

¹³ Memo from Tad Stern, PMC, to Marti Noel, Monterey County Housing and Redevelopment Agency re: Castroville Agricultural Land Productivity, February 6, 2009.

¹⁴ Id.

¹⁵ Monterey County Planning and Building Inspection Department, *Draft Environmental Impact Report for the Monterey County 2007 General Plan*, Chapter 4.2 Agricultural Resources, Prepared by Jones & Stokes, September 2008; Gliessman, Stephen, et al., *Conversion to an Organic Strawberry Production System in Coastal Central California: A Comparative Study*, Agroecology Program, U.C. Santa Cruz, (1994); and California Artichoke Advisory Board, 2008 (<http://artichokes.org>).

¹⁶ Monterey County Housing and Redevelopment Department. *Castroville Market Analysis*. Prepared by Applied Development Economics, August 16, 2002.

¹⁷ Memo from Tad Stern, PMC, to Marti Noel, Monterey County Housing and Redevelopment Agency re: Castroville Agricultural Land Productivity, February 6, 2009.



agricultural land under the Coastal Act, other classification schemes have been developed to attempt to more appropriately categorize agricultural land. These have been offered in recognition that some lands which rate low on the Storie Index or land use capability system, including lands in all three opportunity areas, are extremely productive for certain crops, and that these indices may not fully account for other factors, such as climate and the economic return of certain crops that would make certain lands prime.

For example, under State Law, local agency formation commissions (LAFCOs) are required to use a definition of “prime agricultural land” that encompass the four criteria referenced in the Coastal Act uses plus two additional criteria (which are also found in the Williamson Act): land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than \$200 per acre for three of the previous five calendar years (this used to be a Coastal Act criteria, but was amended out) and “land which is used to maintain livestock for commercial purposes.” As another example, the State, through the Department of Conservation has developed the following categorization for important farmlands: “Prime Farmland,” “Farmland of Statewide Importance,” “Unique Farmland,” and “Farmland of Local Importance.”

Examining these other criteria, the majority of the farmed (i.e. non-grazing) land in the three opportunity areas is mapped as “Farmland of Statewide Importance,” with large areas of “Prime Farmland” and some areas of “Unique Farmland.”

Conclusion

In conclusion, the Commission finds that the 289 acres that comprise the opportunity areas is “prime agricultural land” as that term is understood in a Coastal Act context. All of this land meets the Coastal Act’s \$200/acre economic return criteria, 60 acres also meets the grazing capacity criteria, and roughly 40 percent of the acreage in cultivated agriculture also meets the soil type tests. In addition, other corroborating indicators, including the LCP Agricultural Preserve (AP) designation that applies to the 289 acres and the CCP and its supporting documentation, also point to all of the Coastal Zone land being prime agricultural land.

4. Direct Loss of Prime Land

The proposed amendment does not achieve the Coastal Act Section 30241 mandate that the maximum amount of prime agricultural land be maintained in agricultural production in order to assure protection of the agricultural economy of the area.¹⁸ Under the proposed amendment, a total of 289 acres of prime agricultural land would be converted to non-agricultural uses. This is inconsistent with the Coastal Act Section 30241 requirement that the maximum amount of prime agricultural land be maintained in agricultural production. In order to meet this requirement, the prime agricultural land would need to remain agricultural. In addition to direct removal of agricultural land in the three opportunity areas, the proposed amendment increases the potential to eliminate prime agricultural acreage on adjacent properties. As will be discussed in more detail below, the incompatibility of uses proposed within the

¹⁸ The Commission notes that even if the land in question were not prime, Section 30241 is still relevant. The determination of whether the land in question is prime agricultural land is not the only critical factor for understanding the requirements of Section 30241 and analyzing the proposed amendment. Section 30241 speaks to prime agricultural land preservation as well as agricultural preservation more generally (see also findings that follow for more discussion).



three opportunity areas (particularly residential uses) with adjacent agricultural activities (including with respect to pesticide usage, dust, noise, odors, etc.) and the lack of a stable urban-rural boundary increase the possibility that production on adjacent prime agricultural lands would be adversely affected. Again, this does not maximize prime agricultural land retention.

In addition, the amendment proposal directly applies to an agricultural area that makes a contribution to the agricultural economy of the region. In other words, the three opportunity areas are situated in the middle of an agriculturally productive area – one of the most productive in the state and even the world – that contributes significantly to the agricultural economy of the immediate surrounding area, Monterey County, the State, and, to a certain extent, the world. Preservation of this economy is a primary intent of Coastal Act policies addressing agriculture. Under this goal, the preservation of prime agricultural lands seeks to preserve those lands in production so that they continue to make a substantial contribution to this sector of the economy.

5. Lack of a Stable Urban Boundary, Diminished Productivity on Adjacent Agricultural Land, New Conflicts Created

The proposed amendment would not serve to create a stable urban-rural boundary required by Section 30241(a) of the Coastal Act, but instead would break an existing, established stable urban-rural boundary, and would result in new potential conflicts between urban and agricultural lands inconsistent with Section 30241. In addition, the proposed amendment does not ensure that the productivity of adjacent prime agricultural lands are not diminished (Section 30241(f)), and does not ensure the provision of adequate buffers to agricultural land use in the vicinity (Section 30241(a)).

On January 1, 1977 when the Coastal Zone boundary was established, the community of Castroville existed largely the same as it does today. The physical layout of the community to the north of Highway 156 is defined by a grid-like pattern of streets, with a downtown center surrounded by commercial and residential development. This pattern generally extends to the south of Highway 156, with the exception of industrial uses clustered near the Union Pacific railroad line. The approximately 500-acre developed area of Castroville is surrounded on all sides by active agricultural land, and in most locations, the edge between the developed community and fields is long-established and clearly defined. In accordance with the Coastal Act mandate to preserve prime coastal agricultural land, the Coastal Zone boundary was established around the developed northern edge of the community to include these productive and valuable coastal agricultural fields and exclude the developed area (see Exhibit G). The Castroville Community Plan itself acknowledges the importance of this urban-agricultural edge distinction, stating that:

Castroville is fortunate to have an existing urban design pattern that embodies many characteristics associated with desired “new urbanist” principles. These positive characteristics include a grid street system with short blocks that promote pedestrian activity, an existing downtown with many historic buildings located directly at the sidewalk, strong community “edges” created by Tembladero Slough and the surrounding agricultural fields...

In addition, the existing urban water and sewer service boundaries for the Castroville Water District (now part of the Castroville Community Services District per LAFCO approval on October 22, 2007)



follow the same urban-rural boundary line. In other words, no urban services extend beyond the boundaries of the developed area of Castroville into the agricultural areas.

Conversion of agricultural land to urban uses under the proposed LCP amendment would not serve to create a stable urban-rural boundary because one exists already, and the existing agricultural land in the three opportunity areas is essential to maintaining that existing boundary. The proposed LCP amendment does not contain urban development within the existing urban limit line. Redesignation of the opportunity areas to allow for urban uses would break the existing urban-rural line and result in urban development sprawling into prime, productive agricultural lands. In addition, breaking the existing urban-rural boundary as proposed increases the potential that the new boundary so established would be broken elsewhere, including because the LCP amendment does not include clearly enforceable mechanisms to establish and strengthen such a new boundary (e.g., utility prohibitions strips, third-party easements, etc.), it is not tied to a physical barrier (like a river or a mountain, etc.), and it would increase the dimension of the boundary interface. All of these things increase the potential for additional future encroachment of urban uses into other agricultural land that would be newly adjacent to the proposed urban uses when the boundary shifts, including because these lands to date were adjacent to other agricultural lands and weren't faced with this issue. The new urban-rural boundary that would exist under the proposed LCP amendment would therefore be less stable, and certainly does not ensure as permanent a limit to urban development as the existing urban-rural boundary currently established, including by virtue of the Coastal Zone boundary.

Even if a stable urban-rural boundary could be established, the LCP amendment does not guarantee the protection of adjacent prime farmlands. The proposed LCP amendment includes 200-foot agricultural conservation buffer zones on the edges of two of the three opportunity areas in the Coastal Zone that are contiguous with existing agricultural land (see Exhibit H). The County has indicated that appropriate uses in these zones would be pedestrian/bike trails, roadways, and landscaping. These buffer zones might assist in minimizing some conflicts between new urban uses and agriculture, but they, and the County's proposed easements on adjacent farmland, do not adequately ensure that prime agricultural lands adjacent to the opportunity areas would not be diminished or taken out of production. The County has indicated that it intends to require applicants for development in the opportunity areas to record agricultural conservation easements on adjacent farmland and/or within proposed buffer areas outside the Community Plan boundaries. However, as described above, the LCP amendment submittal indicates that these are only proposed or desired easements, and none have been secured and/or included as part of this LCP amendment. There is no assurance in the LCP amendment itself that these easements would actually occur. The County has indicated that these easements would be applied when land that is proposed for development and its adjacent land are in common ownership, but they have not made clear the current landowner information to know if and where this is the case, and if it is the case, what steps would be taken to ensure that it remained the case (i.e., ensuring that such land did not somehow transfer to differing ownerships) so that any such mitigation could effectively be applied. There are also no assurances that these easements be affirmative, i.e. that they will directly support and require the continued operation of agriculture on the properties.

The proposed amendment does not meet Coastal Act requirements to minimize urban-agricultural conflicts (Section 30241), to provide stable urban-rural boundaries (Section 30241(a)), and to prevent



the diminishment of the productivity of adjacent prime agricultural (Section 30241(f)).

6. Agricultural Viability not Limited by Conflicts with Urban Uses

The Coastal Act does allow for conversion of agricultural land in certain very limited situations, including where severe urban-agricultural conflicts have severely compromised agricultural viability (Section 30241(b)). Specifically, the conflict provision of Coastal Act Section 30241(b) is meant for situations where agricultural viability is severely limited by conflicts with urban uses, whether that be inherent agricultural-urban interface realities that may be perceived as a nuisance by urban uses (e.g., pesticides, dust, odors, etc.), urban uses that put direct stress on adjacent agricultural lands (e.g., destructive or dangerous particulate matter in the air from industrial development or high levels of vandalism creeping over onto agricultural lands), or other conflicts. In certain such cases, the Coastal Act allows for agricultural conversion.

In this case, there is no indication that the agricultural viability of the land proposed for conversion is severely limited. On the contrary, the land in question is prime, productive, thriving agricultural land. No evidence is apparent or has been presented by the County that existing urban uses in Castroville are severely limiting, impacting, or otherwise conflicting with agricultural land use in any of the three Coastal Zone opportunity areas. The County stated as much in the LCP amendment request, and, as such, did not prepare the economic feasibility evaluation that would subsequently be required by Section 30241.5 for cases where this argument in favor of conversion were proffered. As noted above, nearly all the land surrounding the developed area of Castroville is currently in agricultural production (see Exhibit G) and has been since the establishment of Castroville as an agriculture-based community in the late 1800s. Although agricultural land immediately abuts the community, those agricultural uses do not appear to be in conflict with urban uses and have co-existed for decades. The proposed amendment would facilitate conversion of agricultural land that is not currently severely limited by conflicts with existing urban uses, and thus does not meet this conversion standard of Section 30241(b).

7. Conversion Would Not Complete a Logical and Viable Neighborhood

Section 30241(b) also allows for agricultural land conversion where such conversion would complete a logical and viable neighborhood and contribute to the establishment of a stable urban-rural boundary. This portion of Section 30241(b) generally dovetails with the agricultural viability and conflict provision of that section as described above, and generally applies to situations where agricultural lands illogically intervene between components of a neighborhood (e.g., an agricultural property hemmed in by adjacent urban uses and/or otherwise cutoff from contiguous agricultural areas). Such is not the case in this LCP amendment.

The existing residential and other urban “neighborhoods” of Castroville are well defined, and have been for years. There is nothing that would indicate that the adjacent agricultural areas proposed for conversion would somehow more logically complete these neighborhoods. On the contrary, they are already complete. In fact, the existing community already constitutes a logical and viable neighborhood, or series of neighborhoods, with an established downtown, commercial uses, clearly-defined residential uses, and an industrial area that is generally separate from residences and other uses. As described above, the County itself considers Castroville fortunate to have an existing urban design pattern that



embodies many characteristics associated with desired “new urbanist” principles, including a clearly defined edge. Conversion of the three opportunity areas in the Coastal Zone from agriculture to urban uses would equate to sprawl-like expansion of the existing community, including with respect to forced connections with more outlying areas.¹⁹ In sum, the proposed conversion would not complete a logical and viable neighborhood.²⁰

Thus, the proposed amendment does not meet the standards for agricultural conversion provided by Section 30241(b) of the Coastal Act.

8. Agricultural Land Proposed for Conversion not Surrounded by Urban Uses

Coastal Act Section 30241(c) applies to existing agricultural land that is surrounded by urban uses, and presents a different variation of the same theme established by Section 30241(b). In this case, the agricultural land in question is not surrounded by urban uses and thus the proposed amendment does not qualify for application of Section 30241(c). As described above, the three opportunity areas proposed for redesignation are on the periphery of the developed area of Castroville and can in no way be considered to be surrounded by urban uses. Although at least one side of each opportunity area is adjacent to the Castroville urban area, their remaining borders are contiguous with other agricultural lands. In other words, the opportunity areas are not islands of agriculture in an urbanized setting. In fact, the developed area of Castroville is more appropriately considered an island of urban uses that is surrounded by a patchwork of agricultural and grazing fields that largely define this region of northern Monterey County.

Furthermore, even if the three opportunity areas were considered to be surrounded by urban uses, Coastal Act Section 30241(c) would only allow conversion if it were consistent with Coastal Act Section 30250. Section 30250 requires new development to be sited within, contiguous with, or in close proximity to existing developed areas able to accommodate it, or where such areas are not able to accommodate it, in other areas where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. As is described in greater detail below, there are other lands within the existing developed Castroville area that can accommodate some of the proposed development envisioned in the Community Plan and that would not necessitate the removal of prime agricultural land. Given the scale and scope of urban development envisioned (roughly a 60% increase as compared to the existing urban area of Castroville), not all of the envisioned development could be accommodated within developed Castroville, but it is clear that major and important components could be (e.g., TAMC’s proposed Caltrain station project).

In addition, even if the proposed conversion areas were surrounded by urban uses (and the Section 30250(c) conversion tests applied), and even if there were no areas able to accommodate such

¹⁹ For example, in the case of the Commuter Train Station Opportunity Area, agricultural conversion and urban development there would connect Castroville to the Monte del Lago mobile home community, located approximately three quarters of a mile from the existing edge of urban Castroville. However, the Monte del Lago community is not generally considered part of the core Castroville community, and rather is more connected to residential enclaves to the east and north (Oak Hills, the Moro Cojo subdivision, and more distant scattered rural residential development) than it is to Castroville.

²⁰ And, as previously detailed, would not establish a stable limit to urban development as is also required by this part of Section 30241(b) (see also previous urban-rural boundary findings above).



development (and there are not for the majority of the Plan components given the scale envisioned), the removal of almost 300 acres of prime coastal agricultural land for urban development would result in both individual and cumulative significant impacts on coastal resources (primarily coastal agriculture and groundwater, discussed in the following section) inconsistent with Section 30250. As has been discussed previously in these findings, prime and currently productive coastal agricultural land such as this, particularly land and soil that supports an agricultural commodity (artichokes) that is grown almost nowhere else in the world, is an invaluable resource that the Coastal Act requires be protected. The proposed amendment does not meet the conversion standard of Coastal Act Section 30241(c).

9. Other Land Available for Development Not Being Pursued

The amendment would result in conversion of agricultural lands prior to developing available land not suited for agriculture, which is inconsistent with Section 30241(d) of the Coastal Act.

Although the Castroville community may have limited options to expand urban development, there are other possibilities that do not involve agricultural land. For better or worse, the Coastal Commission is only in a position to decide on urban expansions into Coastal Zone agricultural lands. Thus, the Commission is not in a position to offer a detailed economic or other analysis of alternative urban expansion areas that do not involve conversion of Coastal Zone agricultural lands. Nor is it in a position to weigh the tradeoffs of developing certain agricultural lands instead of others where there is no choice but to expand onto farmlands. Nevertheless, the Commission has reviewed the documents associated with this discussion and notes that both urban infill (including redevelopment) in Castroville and urban development in other areas of the County appear to be viable alternatives to expanding on Coastal Zone agricultural land.

The Commission is also not in a position to decide on the necessity of the development envisioned in the Community Plan, but questions whether or not there is a need for the level of development proposed under the LCP amendment (again, roughly a 60% increase as compared to the existing urban area of Castroville). The Redevelopment Agency has indicated that some of the primary reasons for preparation of the Community Plan are to address specific housing needs required under the County's adopted General Plan Housing Element, provide job opportunities, and increase population to support a functioning downtown. However, the County did not provide data or evidence to support why the level of proposed development is necessary in Castroville. The 2003 General Plan Housing Element included the Coastal Zone-area proposed development in its projected buildout that the County now contends it needs to meet, but the General Plan does not regulate development in the Coastal Zone and does not (and cannot be interpreted to) direct that a certain level of development must occur there.

If some development or expansion is necessary, the community of Castroville contains available, vacant, and underutilized land within its existing boundaries that is not suited for agriculture and could accommodate a significant amount of new development and redevelopment, although perhaps less than that proposed in the Community Plan. This includes one of the two opportunity areas outside the Coastal Zone (Merritt Street Corridor Opportunity Area) which encompasses the existing downtown area, and is the only one of the five opportunity areas identified in the Community Plan that will involve targeted redevelopment and revitalization of the existing urban core. The Community Plan indicates that this opportunity area has the potential to support 150 new residential units and 30,000 square feet of new



commercial space. The Community Plan also includes policies and objectives for revitalization and infill development throughout the remaining developed areas of Castroville. According to the County, outside of the Merritt Street Opportunity Area, there are currently approximately 40 infill lots that are either vacant or underdeveloped and have been designated in the Community Plan for a mix of medium and high density residential and mixed uses (residential with retail and office uses). The County indicated that these infill lots have the potential to support 25 single family residences and 50 multi-family units.

The other opportunity area outside the Coastal Zone (Cypress Residential) is proposed for a mix of urban uses, including 380 new residential units. This opportunity area is currently designated for and supports agriculture, and shares many of the same soil and production attributes as the Coastal Zone opportunity areas. Although this area is clearly suited for agriculture and its conversion raises some if not all of the same problems as conversion of the opportunity areas in the proposed LCP amendment, it is outside the Coastal Zone, and the Commission does not have the authority to analyze or act on its conversion. The Commission does note, however, that the County intends to develop this area in the manner described, and such conversion will exacerbate all of the agricultural impacts in the Coastal Zone, including in terms of cumulative impacts.

In addition to land within the existing boundary of Castroville, the 2007 General Plan identifies other lands outside the Coastal Zone for future development to support expected County population growth between now and the year 2030 planning horizon. If the amount of residential, commercial, and industrial development that is proposed for the three opportunity areas in the Coastal Zone is in fact necessary, these other areas of the County outside the Coastal Zone, such as Fort Ord and Salinas, may be better suited for it and able to accommodate it without conversion of prime agricultural land.

With respect to the proposed Caltrain station (which would be located in the Commuter Train Station Opportunity Area), other available land exists for that as well. The EIR for the Caltrain extension to Monterey County evaluated two sites in Castroville for a passenger station (see Exhibit I). The first (Site 1) is located in the existing industrial area of Castroville outside the Coastal Zone, and Site 2, deemed the “Locally Preferred Alternative” in the EIR, is located within the Commuter Train Station Opportunity Area. Both are adjacent to the existing UPRR line that is anticipated to be used for the Caltrain extension. Historically, Site 1 was the site of the Castroville Depot, which served both the Coast main line and the Monterey branch line of the UPRR. The depot was removed years ago and UPRR recently removed the Monterey branch line turnout and track connection (which TAMC and the State Department of Transportation Division of Rail are actively working to restore for the Caltrain extension). The Caltrain station project EIR indicates that Site 1 would take advantage of an existing street (Del Monte Avenue) for all site parking access and circulation, and that an adjacent parcel could be acquired to expand parking supply as necessary. The EIR indicates that Site 1 presents more space constraints than Site 2, including with respect to necessary right-of-way and the station platform; however, TAMC staff has indicated that development of the station is not impossible or fatally flawed, and the EIR found such a project to be feasible and capable of meeting project objectives. In addition, the EIR indicates that development of a train station at Site 1 would be approximately half the cost of



developing the station at Site 2.²¹

Commission staff visited both sites with TAMC staff, once in 2004 and again in 2008, and assessed circulation and access, distances to existing residential and commercial uses and major roadways, and overall site feasibility. It appears that Site 1 is not only just as feasible as Site 2, but development of a train station there would be consistent with smart growth, “new urbanist” principles that are highlighted in the Community Plan. In fact, Site 1 is within an area identified with a “Future Study Area” overlay designation in the Community Plan; this overlay identifies areas that should be considered for conversion to another use in the future. The Plan states that many of the existing properties in this overlay area are currently developed with older industrial facilities, and over time these properties may be redeveloped. The Community Plan encourages the properties within the overlay designation to develop as residential or mixed use projects. Site 1 might require the removal or relocation of some industrial uses and/or the use of some underutilized street right-of-way,²² but it is an infill site that is within the same distance or closer to existing residential uses as Site 2,²³ and could enhance the area and spur revitalization of surrounding industrial elements, potentially to include some mix of live-work space and other transit-oriented development. While Site 1 would present some access issues from Highway 156, important for serving the regional commuter community, these would not be insurmountable. Circulation improvements on the routes to and around the train station, would also need to be made, but these could enhance the current agriculture industry traffic flows at the same time. Constructing the train station at Site 2 anticipates a new off-ramp from Highway 156 in association with the freeways’ expansion plans, and will require a new frontage road to the station; both infrastructure elements contribute to the amount of agricultural land that would be converted. A new interchange to service Site 1 from Highway 156 nearer to downtown Castroville similarly could be pursued in connection with the proposed Highway 156 plans, but would not involve the conversion of agricultural land, and could correct traffic circulation problems in the urban core area as a corollary benefit. More importantly for analysis of consistency with Coastal Act Section 30241(d), Site 1 is an existing paved,

²¹ And this DEIR calculation omitted any agricultural land mitigation that would be necessary were a train station to be allowed by the LCP (it is not currently) and pursued at Site 2 on prime agricultural land. In other words (and bracketing the need for this LCP amendment (or a more targeted subsequent LCP amendment) that would allow such agricultural land conversion for it to even be considered), if a train station were to directly remove 9 acres from production, and it were to extend urban uses further into agricultural lands (thus putting new agricultural land at risk due to urban-agricultural interface issues), then such direct conversion and related indirect agricultural impacts would require mitigation. Such mitigation would need to offset such agricultural losses (e.g., purchase of agricultural land currently developed with urban use, and return of such land to agricultural production, etc.), and would add considerable cost to a project at Site 2. Currently, agricultural land in North Monterey County and southern Santa Cruz County is valued at approximately \$27,000 to \$40,000 per acre. A recent case associated with agricultural mitigation programs, the Caltrans Salinas Road Interchange project (approved by the County and the Coastal Commission in 2008) requires such a program that will likely include the purchase of agricultural land along with other potentially costly measures to mitigate the direct loss of 26 acres of agricultural land. Also, in Northern California, as a result of three separate projects that are expected to impact 45 acres of agricultural land, Caltrans has recently committed \$2 million in compensatory mitigation funds through an MOU that will shore up the sustainable, organic agricultural teaching farm owned by the College of the Redwoods (Humboldt County’s community college) and support the endowment of a full-time teaching position. Thus, it can be presumed that train station development at Site 2 would cost considerably more than the DEIR estimates when such mitigation is factored in.

²² Del Monte Avenue runs along the proposed Site 1 train station site. This street connects Blackie Road to Wood Street, and this right-of-way could be incorporated directly into a train station project, including to limit any necessary use of existing areas in industrial use (e.g., the paved area opposite Del Monte Avenue from the proposed train station at Site 1).

²³ Including by virtue of an existing pedestrian bridge extending over Highway 156 and connecting the residential neighborhoods to the north of the Highway directly to Site 1.



developed area outside the Coastal Zone and use of it for the train station would not require the conversion of prime coastal agricultural land, unlike Site 2 which would lead to at least nine acres of direct conversion and an indeterminate indirect impact on then adjacent areas not directly converted.

In sum, Castroville contains land area within its existing boundaries, including significant areas outside the Coastal Zone, that is suitable for development and redevelopment (including perhaps more density than what is currently envisioned in those areas if high density, smart growth planning is employed). Other non-Coastal Zone areas in the County also contain available land not suited for agriculture where it may be more appropriate to locate the intensive level of development proposed under the CCP for the Coastal Zone. These options appear to be viable alternatives to expanding on Coastal Zone agricultural land, and the proposed amendment is inconsistent with Coastal Act Section 30241(d).

10. Public Service Costs and Air/Water Quality Impairment

The proposed amendment raises questions regarding its effect on impaired agricultural viability through increased assessments (Section 30241(e)). The Monterey County LAFCO has reviewed and approved the consolidation of the Castroville Water District (CWD) and County Service Area (CSA) 14 into the Castroville Community Services District (CCSD). The new CCSD currently includes only the land area previously covered by the CWD and CSA-14, which essentially covers the existing developed areas of Castroville and a 350-acre area to the northeast that includes the Moro Cojo subdivision and North Monterey County High school. The new CCSD does not include the three opportunity areas in the Coastal Zone or any other agricultural land outside the urban boundary. If the opportunity areas were annexed and included in the CCSD service boundaries, it is likely that that could result in increased assessment costs for customers in the CCSD, but since the amendment would designate these lands for urban (and not agricultural) uses and development, potential increased assessment costs for public facility expansions associated with these areas should not impair agricultural viability.

The same cannot be said, however, for the County's plan to offset water demand through requiring additional water recycling for agricultural lands that are not committed to urban uses by the CCP. Specifically, as a means to partially offset urban water demand associated with the CCP, the CCP envisions expanded recycled water assessment districts onto other agricultural lands that would not be converted pursuant to the CCP (see water findings that follow). Not only do such expansions present logistical hurdles (e.g., changes in service boundaries, LAFCO approvals, popular vote, etc.), but the potential increased costs associated with such water supply mechanisms could lead to increased costs of doing business for agricultural operators, thus impairing agricultural viability. In addition, the amendment does not assure that agricultural land would not be impaired by degraded air or water quality associated with such public facility expansions and non-agricultural development more generally. Most obviously, the proposed amendment would directly remove almost 300 acres of agricultural land, not only impairing its viability but more obviously eliminating it as agricultural land. For the land not directly converted, some of the uses that would be allowed in the opportunity areas, particularly those uses in the New Industrial Opportunity Area, could potential be air and water polluters and could impair the viability of agricultural lands that remained. The EIR provides mitigation measures that attempt to address air and water quality impacts associated with development in the opportunity areas, but these are only measures to lessen, and not necessarily avoid, these impacts. Allowing increased intensities of such uses would be expected to commensurately increase potential pollution problems, particularly non-point



source pollution from storm water runoff associated with new urban uses (and typical pollutants associated with same)²⁴ and areas of related impervious surfaces and more specific point source air pollution from new industrial uses. These have the potential to reach and affect adjacent farmlands in such a way as to impair their viability. In conclusion, the proposed amendment does not meet the Section 30241(e) requirements that new development not impair agricultural viability through increased assessment costs or degraded air and water quality.

11. Non-prime Agricultural Land Conversions

Coastal Act Section 30242 would apply if the agricultural land under consideration in this LCP amendment were non-prime and not suitable for agricultural use. However, as discussed above, that is not the case. The land in all three Coastal Zone opportunity areas is clearly suitable for agriculture and in fact may be some of the most suitable land for artichoke and other crop production in the world.

12. Productivity of Agricultural Soils

Coastal Act Section 30243 requires protection of the long term productivity of soils. In this case, almost 300 acres of productive agricultural soils would be allotted to urban uses. As such, the proposed amendment is inconsistent with Coastal Act Section 30243.

13. Train Station Only Allowed to Serve Coastal Act-permitted Uses

Coastal Act Section 30254 requires new public works facilities (such as a train station) to be designed and limited to accommodate needs generated by development or uses that are permitted consistent with the Coastal Act. The Caltrain station that would be accommodated in the Commuter Train Station Opportunity Area (and is currently proposed there by TAMC) would serve new development in that opportunity area as well as the other opportunity areas. Although it is also premised on serving larger than local needs, and serving as a regional transportation hub,²⁵ it is also partly designed to serve and to facilitate service for the new urban development contemplated by the CCP. As discussed in these Agricultural Resources findings, those new uses cannot be found consistent under the Coastal Act because they involve the conversion of prime agricultural land. Therefore, because the proposed amendment provides for new public works facilities to accommodate development and uses that cannot be found consistent with the Coastal Act (i.e., the urban expansion into the 289 acres of prime agricultural lands), it cannot be found consistent with Section 30254.

C. Coastal Act Agricultural Protection Consistency Conclusion

In conclusion, the proposed amendment is clearly inconsistent with the Coastal Act's agricultural protection policies for several overarching reasons. First, it does not maximize prime agricultural land preservation, but instead results in a direct removal of 289 acres of prime agricultural land. Second, it does not minimize conflicts between agricultural and urban land uses, but rather would introduce new

²⁴ Pollutants of concern found in urban runoff include, but are not limited to: sediments; nutrients (nitrogen, phosphorous, etc.); pathogens (bacteria, viruses, etc.); oxygen demanding substances (plant debris, animal wastes, etc.); petroleum hydrocarbons (oil, grease, solvents, etc.); heavy metals (lead, zinc, cadmium, copper, etc.); toxic pollutants; floatables (litter, yard wastes, etc.); synthetic organics (pesticides, herbicides, PCBs, etc.); and physical changed parameters (freshwater, salinity, temperature, dissolved oxygen).

²⁵ See also traffic and circulation findings.



potential conflicts for the agricultural lands at the new periphery of the new urban uses. Third, it does not establish a stable urban-rural boundary, but instead results in a breach of an existing stable urban-rural boundary established by the Commission and increases the possibility that any boundary that is established would be further breached again in the future. Finally, it allows for development in prime coastal agricultural land prior to development of other available land not suited for agriculture. The proposed amendment is fundamentally inconsistent with the Coastal Act's agricultural protection policies. These inconsistencies are pervasive, and are not correctable thorough suggested modifications. As a result, the proposed amendment must be denied.

3. Water Supply

The Coastal Act requires that adequate public services be available to serve new development. These public services must be able to be provided without significant adverse effects on coastal resources. Castroville is located in an area that suffers from severe groundwater overdraft and seawater intrusion related to at least a century of groundwater pumping for agricultural and urban uses. At the current time, there are inadequate public water supplies to serve existing development, let alone the level of development associated with the proposed Castroville Community Plan. Development that would be accommodated by this LCP amendment would increase groundwater withdrawals from this severely overdrafted aquifer, and exacerbate water supply problems in the basin. The amendment is thus inconsistent with the Coastal Act because it would lead to development outside of an existing developed area (i.e., development on what are currently agricultural lands) without adequate public services, where such development would have significant adverse effects on coastal resources, including agricultural resources (see preceding findings) and the area's slough and wetland systems and other natural features which rely on groundwater to maintain a natural equilibrium (see ESHA, Wetland and Related Habitats finding that follow).²⁶

A. Coastal Act Public Services Policies

Coastal Act Section 30250 requires that new development be served by adequate public services that do not have the potential to impact coastal resources.

Section 30250.

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing

²⁶ This finding is specific to the question of the adequacy of public services to serve the development envisioned by the proposed amendment. Related coastal resource impacts are noted here, but are described in more detail in separate findings.



developed areas.

- (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

Coastal Act Section 30231 explicitly prohibits groundwater supply depletion as a means to maintain and restore the biological productivity and quality of coastal waters, including streams and wetlands such as are found in and around the Castroville area. Coastal Act Section 30231 provides:

Section 30231. *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

B. Consistency Analysis

The LCP amendment would allow for an intensive level of new urban development that would worsen chronic overdraft and seawater intrusion problems in North Monterey County. The County proposes to amend one of the key North County LUP groundwater protection policies (LUP Policy 2.5.3.A.2) to accommodate this new development. Policy 2.5.3.A.2 is an overarching LCP directive that states that the County's long-term policy shall be to limit groundwater use to the safe yield level, and that additional development beyond a first phase shall be permitted only after safe yields have been established or other water supplies are determined to be available by an approved LCP amendment. The proposed LCP amendment would be inconsistent with Coastal Act Section 30250 because although the three Coastal Zone opportunity areas are adjacent to an existing developed area, adequate public services (in this case, water) do not exist to accommodate the anticipated level of new development without resulting in significant adverse impacts on coastal resources.

LUP Policy 2.5.3.A.2 was developed and adopted by the County and the Coastal Commission in 1982 in acknowledgment of the severe and chronic groundwater overdraft problem in North Monterey County known to exist at that time and that is still present today. This and other companion policies in the LUP were deemed necessary to protect the coastal aquifers and put a limit on development so that it did not result in significant adverse effects to the groundwater on which North Monterey County agriculture, residences, and other uses rely and which assists in maintaining the ecological balance of the area's slough systems and other natural features. The safe yield level and a long term water supply have not been established for North Monterey County, and the groundwater overdraft and seawater intrusion have worsened since it was first discovered in the 1940s (see Exhibit J).

Castroville lies on the edge between the North County hydrogeologic sub-basins and the Salinas Valley groundwater basin. Groundwater from the Pressure subarea within the Salinas Valley aquifer is the primary water source for the Castroville community. The Salinas Valley groundwater basin has been experiencing seawater intrusion and associated groundwater quality and overdraft problems since the early 1900s. These problems have intensified over the years in relation to increasing demands on such



water supplies, including increased urban development, that have increased the amount of groundwater pumped from the aquifers, while the ability of watersheds to recharge the underlying aquifers has not been able to keep up. Both the 180-foot and 400-foot groundwater aquifers of the Pressure subarea are now contaminated with seawater (see Exhibit J), and seawater is close to threatening the domestic water supply of the City of Salinas, approximately 8 miles inland from the Pacific Ocean. Seawater intrusion also threatens the entire region's multi-billion dollar agricultural economy.

In 1998, Monterey County began a reclaimed water program, the Castroville Seawater Intrusion Project (CSIP), to provide tertiary-treated wastewater from the Monterey Regional Water Pollution Control Agency (MRWPCA) treatment plant near Marina to farmers in the Castroville area to augment (and correspondingly decrease) the amount of groundwater pumped for irrigation. CSIP currently supplies recycled water for irrigation of 12,000 acres of farmland in the area around Castroville and is capable of producing an average of 29.6 million gallons per day (mgd) (or 33,181 acre feet per year (afy)) of recycled water. The recycled water produced at the treatment plant is augmented by 22 groundwater wells. According to the County, in the 2003-2004 fiscal year, approximately 20 mgd (21,892 afy) of CSIP water was delivered, 12.37 mgd (13,873 afy) of which (or roughly two thirds) was recycled water. Because of limited storage capacity at the wastewater treatment plant, the MRWPCA estimates that currently only two thirds of CSIP demand can be met using recycled water; the rest of the demand is met by pumping water from the supplemental wells.

The County anticipates that future modifications to the Nacimiento Dam (under the Salinas Valley Water Project, discussed next) will provide water diverted from the Salinas River that will replace a majority of local groundwater pumped from the supplemental wells;²⁷ however, this diversion system will only operate from April 1 through October 31 each year. Also, the MRWPCA water reclamation facility does not operate when water from the plant is below certain quality levels. Even if and when the Salinas River diversion/Nacimiento Dam project comes online, the County estimates that the existing supplemental wells would still provide about 10 percent of the total CSIP irrigation demand during times when the diversion project and wastewater treatment plant are not operating at full capacity.

The Salinas River diversion project is one component of the Salinas Valley Water Project (SVWP), a large-scale project that is intended to eventually halt (but not reverse) seawater intrusion in the Salinas Valley groundwater basin and balance groundwater withdrawals. However, as discussed below, the SVWP is only in early construction phases, and although reports and models show basinwide improvements with its implementation over a 46-year hydrologic cycle, the project's effects on groundwater overdraft and seawater intrusion have yet to be realized, and are still largely unknown.

Water to serve new development proposed under the Community Plan (both in and out of the Coastal Zone) would come from the Pressure subarea. The County estimates that the 289 acres of Coastal Zone land in the three opportunity areas currently uses approximately 2 acre feet per year (afy) per acre of irrigation. Approximately 172 acres of the 289 acres receive recycled wastewater from CSIP. As discussed above, currently only two thirds of CSIP demand is met using recycled water, and the rest of

²⁷ The Engineer's Report for the SVWP (dated January 2003) states that the diversion project is expected to divert up to 12,800 afy of water into the CSIP distribution pipeline to be delivered to agricultural users to augment recycled water used within the CSIP service area for irrigation



the demand is met with 22 supplemental wells. Therefore, the estimated groundwater demand for the 172 acres using CSIP water is approximately 115 afy.²⁸ Based on a water demand of 2 afy per acre, the remaining 117 acres would have an estimated groundwater demand of approximately 234 afy. Thus, the current total estimated groundwater demand for agricultural irrigation in the three Coastal Zone opportunity areas is approximately 349 afy.

According to the CCP, the estimated groundwater demand (from Pressure subarea groundwater) for the envisioned range of urban development in the North Entrance, Commuter Train Station, and New Industrial Opportunity Areas would be approximately 829 afy,²⁹ or 480 afy more than current groundwater use in the same area (i.e., 829 afy – 349 afy = 480 afy). To accommodate such additional demand relative to current demand, the Community Plan requires that for every acre of land taken out of production in the CSIP service area, two acres of agricultural land that are currently pumping groundwater will need to be converted to CSIP water to meet irrigation needs. Based on this formula, the County concluded that converting the 172 acres currently using CSIP water to urban uses requires that 344 acres of existing agricultural land currently pumping groundwater (and not part of the CCP conversion) switch over to CSIP water for their irrigation needs. If this were to occur, groundwater pumping associated with those 344 acres is estimated to be reduced by approximately 459 afy.^{30,31} Therefore, it appears that for the Coastal Zone area of the Community Plan, development envisioned there would result in an increase in groundwater being pumped from the Pressure subarea of approximately 21 afy (480 afy more groundwater demand under the CCP for this area, and only 459 afy under the proposed offsetting mitigation to account for that).

This increase in groundwater pumping that would occur due to the proposed LCP amendment would further deplete groundwater supply and worsen overdraft in the aquifer, ultimately reducing and threatening current and future supplies for existing users, including Coastal Act priority agricultural uses. This would be a significant individual and cumulative impact on coastal resources, including on the aquifer itself, coastal agriculture, the area's slough systems and other natural surface water features and the species and habitats they support.³² Depletion of the area's groundwater could also result in the need for additional water sources that have the potential for their own impacts on coastal resources (e.g.

²⁸ 172 acres using CSIP water multiplied by 2 afy/acre = 344 afy of CSIP water. Based on MRWPCA estimates that two-thirds of CSIP water is recycled water, one-third of that amount, or 114.5 afy, is from groundwater wells.

²⁹ The estimate for only Coastal Zone portions of these opportunity areas would be expected to be slightly less because, as described in the Proposed Amendment Description section, the North Entrance, Commuter Train Station, and New Industrial Opportunity Areas contain some land outside the Coastal Zone (a total of 289 acres in the coastal zone and 24 acres outside of the coastal zone). The County has not attempted to describe the amount of such water that would be used in versus out of the coastal zone, but given that over 90% of the area involved is in the coastal zone, it can fairly be presumed that a large proportion of the 829 afy would be used in the coastal zone.

³⁰ 344 acres using 2 afy/acre (for a total of 688 afy) of which two-thirds (or 459 afy) would then be recycled water and not groundwater.

³¹ Although the County anticipates that the Nacimiento Dam improvements will result in a need for only 10% in supplemental groundwater pumping, that project is not yet completed. Furthermore, it is expected that diversion of water as a result of the dam improvements will only occur during certain times of the year. Furthermore, as described, the regional wastewater treatment plant does not appear to have storage capacity or ability to supply additional reclaimed water and does not operate during certain times. It appears speculative that only 10% groundwater will be used to supplement CSIP water in the future. Therefore, the calculations to arrive at the amount of groundwater expected to be used in the three Coastal Zone opportunity areas is based on the current combination of two-thirds CSIP water and one-third groundwater.

³² See also preceding and next finding for further detail on such impacts.



desalination, reliance on other troubled aquifers in the region, etc.). There is no assurance that planned water projects (such as the SVWP and CSIP expansion) would ameliorate the area's chronic overdraft and intrusion problems and/or help to offset increased development demands such as are proposed here. As such, the LCP amendment cannot be found consistent with Section 30250 with regards to water supply.³³

In addition, even if the LCP amendment would not result in an increase in groundwater withdrawals, the uses proposed under the LCP amendment require a permanent, reliable, long-term water source whereas the existing agricultural uses are more flexible in this regard. As long as the properties in the three Coastal Zone opportunity areas remain primarily in agricultural use, water consumption can be more easily adjusted in response to water supply and quality issues (e.g., water conservation measures, crop substitutions, temporary fallowing schemes, etc.). Urban uses are much less flexible. Also, water use for agriculture can vary greatly based on the types of crops, grazing practices, and yearly rainfall.³⁴ In contrast to agricultural water use, which can be adaptively managed over time, residential, commercial, and industrial uses require a commitment to a permanent long-term water supply, which could not be served with the same flexibility to adapt to changing climatic and groundwater storage conditions.³⁵

Furthermore, problems exist with the proposed requirement to convert non-CSIP agricultural land (i.e. agricultural land not proposed for conversion by the CCP that is currently using groundwater for irrigation) to CSIP water at a 2:1 ratio. The EIR for the Castroville Community Plan states that the Monterey County Water Resources Agency will not allow any transfers of CSIP water prior to the anticipated completion of the Salinas River Diversion project in 2008. Construction of the Nacimiento Dam component of the diversion project only began in April 2008 and is expected to take two years. It is unknown at this time when it will actually be completed. Other components of the diversion project, including a rubber dam on the Salinas River (needed for surface water diversion), would occur in subsequent phases which are unknown at this time. Therefore, it is unclear if and when completion of the diversion project will occur, and, like the SVWP as a whole, the project's effects on groundwater overdraft and seawater intrusion through replacement of groundwater pumping with delivery of Salinas River water have yet to be realized, and are still largely unknown. Thus, the effect of the CSIP water replacement to offset new water demand is unknown as well, and reliance on it is inappropriate given the consequences associated with additional groundwater withdrawals from an already overtapped basin.

In addition, the 344 acres that the County is proposing to convert to CSIP water under the 2:1 mitigation ratio are outside the current CSIP service area boundaries. The County has indicated that these agricultural lands would need to be annexed into Zone 2B (CSIP service area). The annexation of additional agricultural lands into the CSIP service area is a potentially long and difficult process with an

³³ The LCP amendment is also inconsistent with Coastal Act Section 30231, which requires the biological productivity of coastal waters, streams, wetlands, and estuaries be maintained through the prevention of groundwater depletion. As described above, the amount of groundwater withdrawals that would be necessary as a result of the proposed LCP amendment would worsen overdraft and seawater intrusion problems in aquifers that assist in maintaining the ecological balance of the area's slough and wetland systems and the species and habitats they support. See ESHA, Wetlands, and Related Habitat findings that follow.

³⁴ This also raises questions about the constant 2 afy/acre figure utilized by the CCP. It may be that agricultural production uses that amount, but it can also vary considerably, including for the reasons identified. So even if transferring such water from agricultural users to urban users was consistent with the Coastal Act (and it is not, see also below), the baseline used is questionable.

³⁵ And thus could lead to even more groundwater deficit than estimated under the CCP mitigation scheme above.



unknown and unpredictable outcome. The decision to annex would likely require a vote or votes from participating landowners with an unknown outcome; the landowners who could be asked to join Zone 2B may not want to participate and pay required assessment fees; and the necessary LAFCO process to annex land into the service district has an unknown outcome as well. It is possible, if not likely, that the CSIP assessment on properties not currently so assessed could impair agricultural viability inconsistent with Coastal Act Section 30241(e) (see previous Agricultural Resources findings). This is particularly the case since the CSIP costs would presumably go up to account for the components currently under construction and/or planned that would provide it water pursuant to the SVWP. In addition, it is possible that the CSIP boundaries would be expanded in the future and additional agricultural land would be converted to CSIP irrespective of and with or without the Community Plan mitigation requirements. In other words, steps need to be taken—and are being taken—to reduce groundwater problems irrespective of the CCP, and new (and thirsty) urban development need not be pursued to ensure these steps are taken. In that sense, the County’s proposal to convert land currently using groundwater to CSIP water to offset future urban development can be considered double-counting or even false mitigation.

Finally, the CCP water ledger sheet is premised on converting existing agricultural demand to urban demand (i.e., for both the 349 afy of existing use for the acreage currently in agricultural use that would be transferred to urban uses under the CCP, and for the 344 acres outside the CCP that would be converted to CSIP water) as if these two user types have the same status under the Coastal Act. They do not. It is inappropriate under the Coastal Act to consider priority agricultural water use to be the same as non-priority urban use as if their demand was interchangeable (as the CCP does). Presuming that cessation of one use and applying its water supply to the other as if they were the same cannot be squared to the Coastal Act. In fact, if agricultural water use were to cease here, the Coastal Act would dictate that the reduction in demand be applied not to facilitating inappropriate urban uses on agricultural lands, but rather to other Coastal Act priority uses (like to other existing agricultural uses; to existing Coastal Act priority uses other than agriculture; to improving groundwater conditions overall, to improving hydrology of ESHA, wetlands, and related habitats; etc.).³⁶ Thus, the reality is that there is no water to serve the range of urban uses contemplated by the CCP. Even if the agricultural conversion proposed here were consistent with the Act, which it is not, any associated reduction in demand would need to be applied not to urban uses but to other Coastal Act priorities.³⁷

C. Coastal Act Water Supply Consistency Conclusion

In conclusion, the proposed amendment is inconsistent with the Coastal Act provisions that require adequate public services and require that groundwater supplies not be depleted. The development that

³⁶ That is not to say that it would never make sense under the Coastal Act to reduce agricultural water use and apply the water savings to other uses. For example, if an agricultural property were marginal agricultural land with significant constraints to successful agricultural production (e.g., steep slopes, significant erosion, impacts from agricultural production on ESHA, etc.), it is conceivable that retiring that property (and its water use) as part of a programmatic and targeted approach designed to benefit the whole basin, including applying a greater than 1:1 savings ratio (e.g., for every 3 afy saved, 1 afy would be allowed to used elsewhere and 2 afy permanently retired), could be found consistent with the Coastal Act. Again, though, that presumes that such an approach results in improvements to the groundwater basin and other Coastal Act priorities (i.e., ESHA better protected, etc.).

³⁷ In those terms, the true new demand associated with the development allowed by the CCP can be considered in some ways to be the full 829 afy estimated to be needed to serve those uses, and not some smaller amount based on transferring existing agricultural water demand directly to those uses.



would occur as a result of the LCP amendment would result in an increase in groundwater withdrawals, thereby worsening well-documented aquifer overdraft and seawater intrusion in the region and leading to individual and cumulative impacts to coastal resources, including coastal agriculture. For these and related reasons articulated above, the LCP amendment cannot be found consistent with Coastal Act Sections 30250 and 30231. The proposed amendment is fundamentally inconsistent with the Coastal Act's water supply policies. These inconsistencies are not correctable thorough suggested modifications. As a result, the proposed amendment must be denied.

4. ESHA, Wetlands, and Related Habitats

The Coastal Act provides for the protection of environmentally sensitive habitat areas (ESHA), wetlands and other related habitats. As discussed in the previous finding, the proposed amendment would result in further groundwater depletion that would be expected to have wide-ranging adverse effects on the wet resources in and around Castroville, including significant slough/wetland systems and related habitats, as their hydrology would be affected. On that same broad scale (and also as touched on in the Agricultural Resources finding), the urban development envisioned by the Community Plan would be expected to substantially increase impervious surfaces and polluted runoff which would be directed to the same slough/wetland systems further adversely affecting them, and the increased noise, lights, and activities associated with these urban use would further adversely impact wildlife habitat in these areas. On a very specific note with respect to the Commuter Train Station Opportunity Area, the County's wetland delineations indicate that at least 1.5 acres of wetlands would be allowed to be filled for urban development in that area.³⁸ These uses are not resource dependent, and are not otherwise allowed in wetlands. The plan does not require any wetland buffer area, such as is required by the current LCP, and this lack of buffer further exacerbates potentially harm to these wetland resources and related habitats and wildlife. The amendment is thus inconsistent with the Coastal Act in that it fails to protect ESHA, wetlands and related habitats both from direct and indirect impacts.

A. Coastal Act ESHA Wetlands, and Related Habitat Policies

The Coastal Act is very protective of sensitive resource systems such as wetlands, riparian corridors and other environmentally sensitive habitat areas (ESHAs). The Coastal Act defines environmentally sensitive areas as follows:

Section 30107.5. "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Almost all development within ESHAs is prohibited, and adjacent development must be sited and designed so as to maintain the productivity of such natural systems. In particular, Coastal Act Section 30240 states:

Section 30240(a). Environmentally sensitive habitat areas shall be protected against any

³⁸ And possibly more since the County's delineation was based on ACOE's federal delineation methodology.



significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

Section 30240(b). *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Article 4 of Chapter 3 of the Coastal Act also describes protective policies for the marine environment and specifically calls out wetland resources. Coastal Act Section 30231 provides:

Section 30231. *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

In addition, Coastal Act Section 30233 also addresses wetlands protection. In particular, Coastal Act Section 30233(a) limits development in wetlands to a few limited categories where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects:

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

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (6) Restoration purposes.*
- (7) Nature study, aquaculture, or similar resource dependent activities.*



Finally, Coastal Act Section 30250(a) requires protection of coastal resources that may not qualify as ESHA or wetlands more broadly, staying in applicable part:

***Section 30250(a).** New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....*

B. Consistency Analysis

The community of Castroville is situated between two significant wetland slough systems: the Tembladero Slough system on the west, and the Castroville/Moro Cojo complex on the east (see Exhibit G). These two slough systems flow generally to the north and extend to the Monterey Bay at Moss Landing Harbor and the mouth of Elkhorn Slough. Prior to the late 1800s, these systems functioned as a large estuarine slough network, receiving significant year round freshwater inputs from the Salinas, Gabilan, and Moro Cojo watersheds. Much of the historic extent of these wetlands has been reduced to small, channelized deep water drainages with limited shallow water habitat as a result of a century of agriculture in the upper Salinas Valley. These slough systems also experience water quality degradation as a result of intensive row crop and urban pollutant sources, and are listed as impaired for numerous contaminants including pesticides, nutrients, bacteria, and sediment.³⁹

Castroville Slough, an arm of the larger Moro Cojo slough system, runs along the western edge of the Commuter Train Station Opportunity Area, roughly along the Coastal Zone boundary. The lower Moro Cojo Slough area (including Castroville Slough) experienced extensive conversion of wetlands for agricultural use beginning in the early 1900s.⁴⁰ Castroville Slough has been substantially filled for agriculture, bermed, and channelized over the years. According to the Community Plan, Castroville Slough is now essentially a drainage area that the Monterey County Water Resources Agency and adjacent property owners occasionally grade to remove vegetation and sediment.⁴¹ A large portion of the Commuter Train Station Opportunity Area (and some of the North Entrance Opportunity Area) is identified as a historic portion of the Castroville Slough system and is classified as wetlands in regional planning documents, including the *Moro Cojo Slough Management and Enhancement Plan* and *Moss Landing Marine Labs 1995 Flood Report* and the U.S. Fish and Wildlife Service National Wetlands Inventory (see Exhibit K). Both the *Moro Cojo Slough Management and Enhancement Plan* and *Northern Salinas Valley Watershed Restoration Plan* target the Castroville Slough for restoration and water quality enhancement. The Coastal Commission and the Monterey County Board of Supervisors approved the *Moro Cojo Slough Management and Enhancement Plan* in 1997 as a condition of approval for a Monterey County Water Resources Agency project in the Moro Cojo Slough (CDP 3-89-004 and

³⁹ California Regional Water Quality Control Board, Central Coast Region, List of Water Quality Limited Segments, 2009.

⁴⁰ Monterey County Planning and Building Inspection Department and California Coastal Conservancy. *Moro Cojo Slough Management and Enhancement Plan, Final Report*. Prepared by The Habitat Restoration Group. Adopted by the Monterey County Board of Supervisors on October 22, 1996, and approved by the Coastal Commission on June 11, 1997.

⁴¹ The Coastal Commission has found no evidence of any coastal development permits for any such grading or vegetation removal that may have occurred on the Coastal Zone side of the slough.



Coastal Conservancy Project No. C-2-97). Various restoration and enhancement projects detailed in that plan have been and continue to be implemented since plan approval; however, the restoration work envisioned for the Castroville Slough, including restoration of the slough to its 1977 dimensions and development of a buffer and maintenance plan, has not yet occurred.⁴²

The wetland delineations prepared for the CCP indicate that approximately 1.5 acres of wetlands occur in the Commuter Train Station Opportunity Area.⁴³ The CCP also indicates that a swale located in the southeastern portion of this opportunity area (in the grazing area) was previously identified as vernal pool habitat in the Moro Cojo EIR (Jones and Stokes, 1994). The Community Plan then states that more recent surveys performed by H.T. Harvey and Associates in January 2003 indicate that the swale currently lacks the characteristics of vernal pool habitat.

Castroville Slough and its inherent wetland areas meet the Coastal Act definition of environmentally sensitive habitat area (ESHA). Although altered from its natural state, Castroville Slough is part of a slough system that plays a special role in the North Monterey County ecosystem, particularly with respect to plant and wildlife species habitat and migration corridors (including for special-status species such as Santa Cruz long-toed salamander, California tiger salamander, and California red-legged frog) and natural filtration of pesticides, herbicides, and other urban runoff contaminants. The slough system has been greatly disturbed and degraded by human activities over the years. The North County LUP reiterates the Coastal Act definition of ESHA and includes all coastal wetlands and lagoons in the list of North County ESHAs, and identifies sloughs as perhaps the most unique and sensitive habitats in North County. LUP Policy 2.3.3.B.5 requires all wetland areas of the North County Coastal Zone to be protected and preserved for their plant and wildlife values, and LUP Policy 2.3.3.B.4 requires a 100-foot setback from all coastal wetlands.

On a very broad level, and as discussed in the previous finding, the proposed amendment would result in further groundwater depletion in and around these wet resource areas. Such groundwater depletion would be expected to have wide-ranging adverse effects on the wet resources in and around Castroville, including these significant slough/wetland systems and related habitats, due to potential decrease/change in hydrologic inputs as a result of further groundwater extractions. On that same broad scale (and also as touched on in the Agriculture finding), the urban development envisioned by the CCP would be expected to substantially increase impervious surfaces and polluted runoff which would be directed to the same slough/wetland systems further adversely affecting them, and the increased noise, lights, and activities associated with these urban uses would further adversely impact wildlife habitat in these areas.

⁴² Any proposed development project that conflicts with the approved *Moro Cojo Slough Management and Enhancement Plan* for the Commuter Train Station Opportunity Area, such as TAMC's proposed train station project that would be developed there under the CCP, would first require an amendment to Coastal Commission CDP 3-89-004 before it could even be considered.

⁴³ The wetland delineations prepared for the site concluded that 1.5 acres of wetlands exist in the Commuter Train Station Opportunity Area. However, review of the delineations indicates that they are based on a three-criteria federal delineation methodology, and thus that they do not necessarily encompass all wetland areas that would appropriately delineate under the Coastal Act and LCP one-criteria model. In other words, all of the thus far delineated area would meet Coastal Act wetland criteria, and some additional area may as well. Given the historic extent of the wetlands in this area were much larger than the CCP delineation, given planning documents identifying additional wetlands in this area, given there may be vernal pools (aka wetlands) in this area, and given the lack of a Coastal Act delineation, if anything, there may be more wetland areas that would be affected at the Commuter Train Station Opportunity Area than has been determined to date.



The proposed CCP does not provide adequate safeguards to prevent such impacts (e.g., siting and design criteria, adequate buffers, etc.). More importantly, perhaps, it does not value these resources in the way that they are required to be valued under the Coastal Act, including by requiring restoration of such resources where feasible. As indicated, the slough/wetland resources that would be affected by increased urban development under the CCP are significant coastal resources whose values have been degraded over time. They are precisely the type of resources that the Coastal Act calls out for focused protection and restoration as part of development as opposed to further confinement and isolation as would occur under implementation of the CCP. The amendment cannot be found consistent with the above-cited Coastal Act ESHA, wetland, and related habitat policies for these reasons.

On a more focused scale at the level of individual opportunity areas and the slough/wetland interface, the proposed CCP is equally problematic. Under the proposed LCP amendment, wetland areas in the cultivated agricultural field of the Commuter Train Station Opportunity Area would be redesignated from Agricultural Preservation to a range of urban use designations and would be allowed to be developed with intensive urban development (including the train station). The Community Plan also identifies a 5.5-acre portion of the slough from the Coastal Zone boundary line to the edge of the existing developed edge of the community to the west as an “enhancement area.” The Plan proposes to modify the existing channel to have a minimum base width of 12 feet, with 3:1 side slopes, and a depth of at least 3.7 feet. A revegetated riparian corridor would be established along the modified channel above the two-year floodplain bench. The County also proposes a 3-acre passive recreation park in the southern portion of the 5.5-acre area “enhancement area” (outside the Coastal Zone).

With respect to allowing development in ESHA and wetlands, the proposed LCP amendment cannot be found consistent with Coastal Act Sections 30240(a) and 30233 because the proposed urban uses that would be located in wetland areas are not uses that are dependent on the wetland resource, and are not one of the allowed uses in wetlands otherwise. The existing agricultural use on the site is not resource dependent either, but it preceded the Coastal Act and it does not involve paving or permanent hardscaping that would preclude future restoration and returned productivity of this area of the slough. Removal of wetlands that would occur as a result of the proposed LCP amendment would also result in a significant disruption of habitat values, primarily because the wetlands would no longer exist. Similarly, the proposed amendment is inconsistent with Section 30231 which requires the biological productivity and quality of wetlands to be maintained and, where feasible, restored. Because the wetlands in the Commuter Train Station Opportunity Area would be removed and permanently paved over as a result of the LCP amendment, it is not possible for those same wetlands to be maintained or restored. Furthermore, the proposed LCP amendment would preclude restoration of the site as it is outlined in the Coastal Commission- and Monterey County Board of Supervisors-approved *Moro Cojo Slough Management and Enhancement Plan*.

With respect to allowing development adjacent to ESHA and wetlands, the proposed LCP amendment cannot be found consistent with Coastal Act Sections 30240(b) and 30231 either. Section 30240(b) requires development in areas adjacent to ESHA to be sited to prevent impacts that would significantly degrade such areas or be incompatible with preserving such areas. Section 30231 requires the biological productivity of wetlands be maintained and if feasible restored by, among other things, minimizing alteration, preventing groundwater depletion (as discussed in previous finding), maintaining natural



vegetation buffers, and controlling runoff. The development proposed in the Commuter Train Station opportunity area would be immediately adjacent to the remaining Castroville Slough area that is already constrained by existing urban development to the west. The LCP amendment does not propose any buffers to the Slough (as would currently be required by the LCP), except in the northwesternmost corner where the agricultural conservation buffer area could act as a wetland buffer of sorts. Absent significant filtration and treatment of urban runoff in a buffer zone, urban development in this opportunity area would have the effect of negatively impacting water quality by contributing additional urban contaminants to the Castroville Slough, and by extension, the Moro Cojo Slough system. Such increased polluted runoff can result in significant adverse impacts to aquatic ecosystems, public use, and human health including ground and surface water contamination, damage to and destruction of wildlife habitat, decline in fisheries, and loss of recreational opportunities. Urban runoff is known to carry a wide range of pollutants including nutrients, sediments, trash and debris, heavy metals, pathogens, petroleum hydrocarbons, and synthetic organics such as pesticides. Urban runoff can also alter the physical, chemical, and biological characteristics of water bodies to the detriment of aquatic and terrestrial organisms.⁴⁴

Although there is currently agricultural runoff from agricultural production that affects the slough resources at the Commuter Train Station Opportunity Area, it is not clear that swapping the negative impacts of this agricultural runoff for urban runoff constituents would be more protective of slough resources. A change from agriculture to urban development could continue (or even increase) the input of pesticides and herbicides draining into the slough system (e.g., fertilizers, pesticides, and herbicides applied to lawns, ornamental landscaping etc.). Moreover, urban contaminants, such as heavy metals and hydrocarbons, can cause toxicity in invertebrates or be accumulated by these species which are fed on by other fish and birds. Equally important, agriculture is a fundamental Coastal Act priority use, while the urban development that would be accommodated under the proposed CCP is not, and equivalent runoff impacts cannot be valued and balanced similarly as a result.

The CCP proposes to “enhance” portions of the adjacent Castroville Slough wetland areas outside the Coastal Zone and a small strip on the Coastal Zone boundary line by creating a new channel and revegetated riparian corridor as well as a passive recreation park. Any restoration of this system is valuable, but the limited scope proposed defeats its utility overall. In addition, the small amount of this work that would occur on the Coastal Zone boundary line does not take into account the true and historical extent of the slough and it may be relatively ineffective in actually restoring or enhancing habitat appropriately. Finally, as envisioned, the proposed channel and riparian corridor components appear to be more appropriate for restoration of a river, and not a wetland. As such, the LCP amendment is not consistent with Section 30231 because it does not maintain or appropriately restore the biological productivity and quality of wetlands, and it is not consistent Sections 30233(a) and 30240(a) related to such restoration because there is no way to ensure that the proposed restoration would be effective based on its current design and because of a lack of a buffer between it and new urban development. .

C. Coastal Act Consistency Conclusion

In conclusion, the proposed amendment is inconsistent with the Coastal Act’s ESHA, wetland and

⁴⁴ Id (pollutants of concern).



related habitat protection policies for several reasons. It would allow non-resource dependent development in ESHA, it would allow wetland removal and fill for uses and development not allowed by the Coastal Act, and it would lead to degradation of ESHA, wetland, and related habitat resources not directly removed/filled by allowing urban development at an intensive scale and scope immediately adjacent to these resources where such use/development is not sited and designed to adequately protect resource values (including in terms of groundwater depletion, urban runoff, and increased urban noise, lights, and activities). In addition, since these resources feed into other resource systems “downstream”, the intensive urban development that would be allowed under the proposed amendment would also result in cumulative impacts on the larger slough system. Finally, although located primarily outside the Coastal Zone, the proposed “enhancement” planned for the slough does not take into account the historical and current extent of wetlands, and is not of a scale designed to offset CCP impacts nor fulfill the preservation/restoration requirements of Section 30231 and 30233. The proposed amendment is fundamentally inconsistent with the Coastal Act’s ESHA, wetland, and related habitat policies, and must be denied.

5. Flooding Hazards

The Coastal Act requires flooding hazards to be minimized, requires new developed to be sited and designed in such a manner as to be stable and structurally sound, and requires that substantial interference with surface water flow be prevented to protect coastal wetlands and slough systems such as those present in and around Castroville. The CCP would allow development to be constructed in the 100-year flood zone, which could lead to adverse coastal resource impacts similar to the types identified in the previous findings. The CCP would also allow for intensive urban development that would be expected to significantly alter surface water flows, including to the detriment of the wetland/slough systems here. The CCP cannot be found consistent with Coastal Act flood hazard policies.

A. Coastal Act Flooding Hazard Policies

Coastal Act Section 30253 requires new development to avoid hazards and assure stability. Section 30253 states in applicable part:

Section 30253. *New development shall do all of the following:*

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity...

Coastal Act Section 30231 mandates that coastal waters, streams, wetlands and estuaries be maintained by preventing substantial interference with surface water flow:

Section 30231. *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation*



buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

B. Consistency Analysis

Castroville is located in the Salinas River Watershed, which encompasses approximately 4,600 square miles. Castroville is situated in the lower portion of that watershed, and the developed area of Castroville sits on a small ridge between the Tembladero and Castroville Sloughs, which are the primary receiving waters for surface water in the community. According to the Flood Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM), an extensive floodplain exists in the community that is the result of floodwaters from the Salinas River. That map shows that the urbanized area of Castroville (between the two sloughs) lies outside the FEMA 100-year floodplain (Zone B), but that a substantial portion of the agricultural lands surrounding the community are within FEMA Zone A area (i.e., the approximate 100-year floodplain). The eastern one-third of the North Entrance Opportunity Area and almost the entirety of the Commuter Train Station Opportunity Area west of the train tracks are within this Zone A floodplain area.

The LCP amendment would locate various types of residential development (low-, medium-, and high-density) and a train station in the areas designated as Flood Zone A. Development within the 100-year floodplain would expose life and property to flooding from a 100-year storm event. The County's LCP amendment application states that future development in Zone A would be required to be constructed in accordance with FEMA building guidelines (e.g., lowest floors at or above the Base Flood Elevation Level). Preliminary flood analysis prepared for the Community Plan was used to determine a minimum FEMA flood elevation of 10 feet. Applicants for future development would be required to submit proof to the Monterey County WRA that the development meets FEMA requirements, including the minimum flood elevation.

Compliance with FEMA requirements may reduce risks to life and property, but it appears generally inappropriate to locate new development in the 100-year floodplain when other areas exist outside the floodplain where new development could be sited (see Agricultural Resources findings above). In addition, although flood elevation and related measures designed to abate flood hazards may resolve certain FEMA issues, they can lead to coastal resource issues of their own (e.g., excessive structural heights that lead to public viewshed impacts, to increased visibility of activity areas and lights from habitat areas, to increased noise directed into habitat areas, etc.; increased costs (including public costs associated with flood insurance programs; etc.). Good public policy and planning dictate that flood hazards be avoided, and Section 30253 has generally been understood in the same hazard avoidance (where feasible) vein. Therefore, the LCP amendment does not adequately minimize flooding risks to life and property as required by Coastal Act Section 30253.

In addition to hazards to life and property from locating development in the floodplain, new development and impervious surfaces in the floodplain could impact water quality and slough and wetland resources (see also previous findings). Castroville Slough is one of the primary drainages in Castroville that would be expected to transport stormwater runoff to the ocean from the approximately 289 acres of new development in the three Coastal Zone opportunity areas. The Community Plan proposes new stormwater drainage systems to deal with the increase in impervious surfaces and runoff expected under Community Plan buildout, and requires applicants for future development to prepare



detailed drainage studies and drainage control plans, but it does not identify specific water quality or quantity standards nor specific filtration/treatment requirements for anticipated runoff. Lacking such standards and requirements, the true effects of anticipated development on surface water flows and downstream resources are speculative. Based on the Commission's experience with such runoff, and to apply the most conservative assumptions when faced with such uncertainty, it cannot be presumed that the LCP amendment would result in adequate control of runoff, nor can it be presumed that it would not cause substantial interference with surface water flows, nor can it be presumed that it would adequately protect water quality of receiving water bodies. As a result, the proposed amendment is inconsistent with Coastal Act Section 30231.

Thus, the proposed amendment is inconsistent with the Coastal Act's flooding hazard policies, and must be denied.

6. Traffic and Circulation

As described above in the Water Supply finding, the Coastal Act requires that adequate public services, including roadway capacity, be available to serve new development. These public services must be able to be provided without significant adverse effects on coastal resources. Castroville sits at a crossroads of several major regional highways and roadways that provide access to, from, and along the coast. Some area highways and roadway intersections currently suffer from unacceptable levels of service, and development that would be facilitated by this LCP amendment would exacerbate these conditions, impacting the public's use of these roadways to access the coast. In addition, some of the County's proposed mitigation is problematic in that it would result in conversion of Coastal Zone agricultural lands and wetlands impacts.

A. Coastal Act Traffic and Circulation Policies

Coastal Act Section 30250 requires that new development be served by adequate public services that do not have the potential to impact coastal resources:

Section 30250.

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*
- (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.*
- (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*



Section 30254 requires new public works facilities (such as a train station) to be designed and limited to accommodate uses that are permitted consistent with the Coastal Act, and reserves limited public facilities for Coastal Act priorities. Section 30254 states:

***Section 30254.** New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

B. Traffic and Circulation Consistency Analysis

The Castroville community is located at a crossroads of three major arterial highways (Highways 1, 156, and 183) and surrounded by several primary roadways that provide regional access (e.g., Blackie Road and Castroville Boulevard). The EIR for the CCP states that some of the intersections and roadway segments in the area suffer from unacceptable levels of service (LOS) during peak AM and PM travel times. The EIR provides expected trip generation rates for each of the five opportunity areas at buildout of the CCP. The three Coastal Zone opportunity areas would generate 1,798 peak AM trips (83 percent of the total expected CCP AM trip generation) and 2,055 peak PM trips (81 percent of the total expected CCP PM trip generation). The EIR found that four intersections and roadway segments in the area would decrease to unacceptable LOS during peak hours as a result of buildout of the CCP.⁴⁵

Coastal Act Section 30250 requires that new development be served by adequate public services, including roadways. It is clear from the CCP traffic estimates that there aren't adequate circulation systems in place to serve the development contemplated under the CCP. The addition of this amount of trips to the regional roadway system and subsequent decrease in LOS as a result would be inconsistent with Section 30250 because it would adversely affect the public's use of these roadways to access the coast. This is particularly significant given that the affected roadways provide major access to the coast from inland areas, and in the case of Highway One, the only major access up and down the coast. The CCP provides various mitigation measures to accommodate increased traffic volumes and to reduce LOS impacts, including the construction of new roadway segments and intersections. Some of these improvements would occur in the Coastal Zone, including a new, alternate intersection and roadway segment at Highway 1/Highway 183 (called Artichoke Avenue), and these would have their own impacts to prime agricultural land, wetlands, and other coastal resources (including, potentially, visual resources). In other words, existing services are inadequate to serve the development contemplated under the CCP, and the mitigations proposed do not adequately offset such inadequacies without their own coastal resource impacts, inconsistent with the Coastal Act.

⁴⁵ The exact contribution of the Coastal Zone opportunity areas to expected LOS reduction is not known, but it is significant given that 83% of peak AM trips and 81% of peak PM trips would come from these areas.



Of course, the CCP seeks to also improve traffic and circulation in the Castroville area and more regionally through providing for a train station in the Train Station Opportunity Area. Although the proportion of such train station designed to accommodate new urban development under the CCP cannot be found consistent with Coastal Act Section 30254,⁴⁶ the other proportion is worth additional discussion. Namely, it seems clear that a regional train station in the Castroville area of the type currently contemplated by TAMC would help to alleviate circulation and LOS issues in the Coastal Zone. It can also play a part in a regional traffic and circulation strategy designed to pull traffic off of Highway One and direct it to inland roads better able to accommodate it (thus improving coastal access along Highway One, and also reducing pressure for its expansion inconsistent with the Coastal Act requirement that it remain a two-lane road). However, a regional train station facility can feasibly be accommodated in Castroville without the agricultural conversion proposed for the Train Station Opportunity Area by the CCP. As previously described, there is a feasible alternative train station site outside of the Coastal Zone, and thus this type of project—a project with independent utility with or without the CCP—can be pursued there without raising the fatal Coastal Act consistency problems associated with the CCP’s proposed conversion of prime agricultural lands to urban uses.⁴⁷

In sum, the LCP amendment cannot be found consistent with the above-cited traffic and circulation policies of the Coastal Act.

C. California Environmental Quality Act (CEQA)

Public Resources Code (CEQA) Sections 21080.9 and 21080(b)(5), and Sections 15270(a) and 15042 (CEQA Guidelines) of Title 14 of the California Code of Regulations (14 CCR) state in applicable part:

Public Resources Code (CEQA) Section 21080.9. *Local coastal programs or long-range land use development; university or governmental activities and approvals; application of division. [Relevant Portion.]...certification of a local coastal program...by the...Commission...shall be subject to the requirements of this division.*

Public Resources Code (CEQA) Section 21080(b)(5). *Division Application and Nonapplication. ...(b) This division does not apply to any of the following activities: ...(5) Projects which a public agency rejects or disapproves.*

CEQA Guidelines (14 CCR) Section 15042. *Authority to Disapprove Projects. [Relevant Portion.] A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.*

CEQA Guidelines (14 CCR) Section 15270(a). *Projects Which are Disapproved. (a) CEQA does not apply to projects which a public agency rejects or disapproves.*

Section 21080.9 of CEQA provides that actions to certify LCPs (and LCP amendments) are subject to

⁴⁶ See also previous Agriculture findings for more detail on this point.

⁴⁷ See also Agriculture findings above, and specifically the analysis of train station siting consistent with agricultural protection.

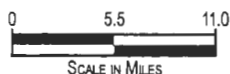
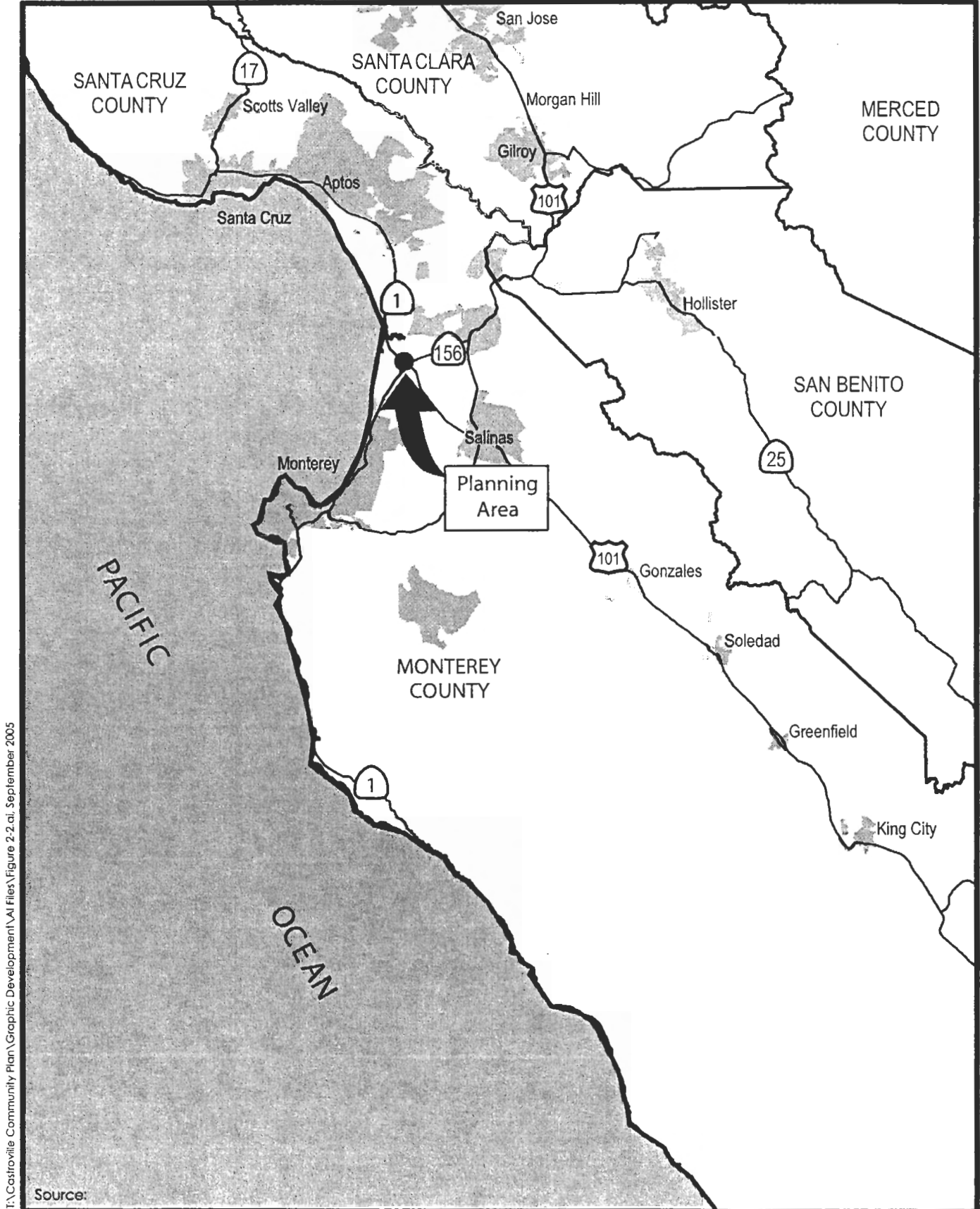


CEQA. The County, acting as the lead CEQA agency, certified an EIR on April 10, 2007. Commission staff commented on that EIR (and separately on the EIR for the proposed and related TAMC train station) and raised similar concerns as have been identified in this report.⁴⁸ In sum, this staff report has discussed the relevant Coastal Act consistency issues with the proposed LUP amendment. All above Coastal Act consistency findings are incorporated herein in their entirety by reference. All public comments received to date have been addressed in the findings above. As detailed in the findings above, the proposed project would have significant adverse effects on the environment as that term is understood in a CEQA context, and there are environmentally preferable locations that could accommodate the proposed development.

Pursuant to CEQA Guidelines (14 CCR) Section 15042 “a public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.” Section 21080(b)(5) of CEQA, as implemented by section 15270 of the CEQA Guidelines, provides that CEQA does not apply to projects which a public agency rejects or disapproves. The Commission finds that denial, for the reasons stated in these findings, is necessary to avoid the significant adverse effects on coastal resources that would occur if the project were approved as proposed. Accordingly, the Commission’s denial of this project represents an action to which CEQA, and all requirements contained therein that might otherwise apply to regulatory actions by the Commission, does not apply.

⁴⁸ See footnote 7.





Source : Monterey County
Housing and Redevelopment
Office

FIGURE 2-2
REGIONAL LOCATION

SECTION 2.0 – ADOPTED AMENDMENTS

The proposed amendment to the *North County Land Use Plan Local Coastal Program* would involve the following actions:

- 1) Amend Policy 2.5.3.A(2) on page 19 of the *North County Land Use Plan Local Coastal Program* to allow development within the *Castroville Community Plan* boundary beyond 50 percent of the remaining buildout specified in the LUP and amend Policy 2.6.2(2) on page 28 of the *North County Land Use Plan Local Coastal Program* to allow subdivision or conversion of agricultural preservation or agricultural conservation farmland for non-agricultural uses within the *Castroville Community Plan* boundaries.
- 2) Amend Section 5, Moss Landing Community Plan of the *North County Land Use Plan Local Coastal Program* as "Section 5.A" and insert "Section 5.B, Castroville Community Plan" to the *North County Land Use Plan Local Coastal Program* to incorporate the *Castroville Community Plan* into the Local Coastal Program.
- 3) Add note in Section 20.144.170 of the *North County Land Use Plan Coastal Implementation Plan* that refers readers to the *Castroville Community Plan* for Development Standards.
- 4) Amend Figure 1, Land Use Plan.

Once the LCP amendment is approved by the California Coastal Commission, Section 20.41, *Castroville Community Plan* or "CCP DISTRICTS" will be added to Title 20 of the Monterey County Code (Monterey County Coastal Implementation Plan, Part 1) to incorporate land use designations and development standards from the *Castroville Community Plan*.

LOCAL COASTAL PROGRAM POLICY REVISIONS

Amend Policy 2.5.3.A(2) on page 19 of the *North County Land Use Plan Local Coastal Program* as follows:

2.5.3 Specific Policies

A. Water Supply

2. The County's long-term policy shall be to limit groundwater use to the safe yield level. The first phase of new development shall be limited to a level not exceeding 50 percent of the remaining build-out as specified in the LUP except for development proposed within the Castroville Community Plan, which would result in a long-term decrease in the amount of groundwater being pumped from the Salinas Groundwater basin. The 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 only after safe yields have been established or other water supplies are determined to be available by an approved LCP amendment. Any amendment request shall be based upon definitive water studies and shall include appropriate water management programs.

Amend Policy 2.6.2(2) on page 28 of the *North County Land Use Plan Local Coastal Program* as follows:

Policy 2.6.2 General Policies

2. Divisions of prime and productive farmland, designated as Agricultural Preservation or Agricultural Conservation shall be permitted only when such division does not adversely affect the land's long-term agricultural viability. During the subdivision review process, the applicant shall be required to demonstrate the proposed division will not diminish the economic viability of the agricultural land. All subdivided agricultural parcels must be of a size that agricultural use is not diminished. All divisions of agricultural land shall be conditioned to ensure continued long-term agricultural use by recording easements, Williamson Act contracts or other suitable instruments. Subdivision or conversion of Agricultural Preservation or Agricultural Conservation farmland for non-agricultural use shall be permitted only where there is an overriding need to protect the public health and safety, ~~or~~ where the land is needed to "infill" existing developed areas, or within the Castroville Community Plan boundaries.

LOCAL COASTAL PROGRAM TEXT REVISIONS

Revise page 62 of Section 5, Moss Landing Community Plan in the *North County Land Use Plan Local Coastal Program* to be "Section 5.A."

Insert "Section 5.B, Castroville Community Plan" to the *North County Land Use Plan Local Coastal Program* on page 86 as follows:

5.B CASTROVILLE COMMUNITY PLAN

The Castroville Community Plan planning area includes areas in the North County Inland Planning Area as well areas in the North County Coastal Planning Area of the County's General Plan, essentially straddling a portion of both those areas. The North Entrance, Commuter Train Station and New Industrial Opportunity Areas are located within the Coastal Area of the North County Local Coastal Program (LCP). For areas located within the Castroville Community Plan planning area, please refer to the Castroville Community Plan.

LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN REVISIONS

Add Section 20.144.170, Castroville Community Plan Development Standards to page NC-133 of the *North County Land Use Plan Local Coastal Program Implementation Plan* as follows:

20.144.170 CASTROVILLE COMMUNITY PLAN DEVELOPMENT STANDARDS.

Intent of Section: The intent of this section is to present development standards to allow the orderly development of the Community of Castroville (Reference Design Guidelines and Development Standards for the Castroville Community Plan).

The Castroville Community Plan includes Design Guidelines, Development Standards and an Implementation Plan for all development within the Community Plan boundary. Please refer to the Castroville Community Plan for the Development Standards.

MAP CHANGES

Amend Figure 1, Land Use Plan to include those portions of the *Castroville Community Plan* (Proposed figure changes are attached for the North Entrance, Commuter Train Station, and New Industrial Opportunity Areas), which are located within the Coastal Zone.

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. 07-103

Resolution of the Monterey County Board of Supervisors proposing to amend the North County Land Use Plan of the Monterey County Local Coastal Program to incorporate the Castroville Community Plan as applicable in the coastal zone, amend certain policies of the North County Land Use Plan, and direct staff to submit the resolution together with materials sufficient for a thorough and complete review to the California Coastal Commission

The Castroville Community Plan came on for public hearing before the Board of Supervisors of the County of Monterey on April 10, 2007. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors makes the following decision with reference to the following facts:

RECITALS

1. Section 65300 et seq. of the California Government Code requires each county to adopt a comprehensive, long-term general plan for the physical development of each county. On September 30, 1982, the Board of Supervisors of the County of Monterey ("County") adopted a comprehensive update of the County's General Plan ("General Plan" or "1982 General Plan"). Subsequent amendments to the 1982 General Plan established various area plans, including the North County Area Plan adopted in 1985.
2. Pursuant to the California Coastal Act (California Public Resources Code sections 30000 et seq.), the County has adopted a Local Coastal Program, certified by the California Coastal Commission, for that portion of the county that lies within the coastal zone. On April 28, 1982, the Board of Supervisors adopted the North County Land Use Plan. This Land Use Plan became part of the County's Local Coastal Program (LCP), certified by the California Coastal Commission.
3. In 2003, Monterey County initiated the preparation of the Castroville Community Plan to provide a long-term planning framework for the community. The Community Plan is intended to be incorporated into and become a part of the County's General Plan and Local Coastal Program. The Community Plan area straddles the coastal zone boundary and includes areas governed respectively by the inland area North County Area Plan and the coastal area North County Land Use Plan. The Board of Supervisors must amend the 1982 General Plan, including the North County Area Plan, to incorporate the Community Plan as applicable in the inland area of the County. The Local Coastal Program, including the North

April 10-, 2007

County Land Use Plan, must be amended to incorporate the Community Plan as applicable in the coastal zone of the County. While the Community Plan has been prepared to provide a comprehensive approach to future development in Castroville, it is structured to allow adoption and implementation of the Community Plan as applicable in the inland area in advance of and separate from adoption and implementation of the Plan as applicable in the coastal area of the County.

4. The Castroville Community Plan establishes new land use designations that would replace the land use designations in the North County Land Use Plan (coastal) for the Community Plan area. The Castroville Community Plan also establishes specific policies for the planning area that supplement the existing General Plan and Local Coastal Program policies. In addition, to ensure internal consistency, the Board proposes to make the following amendments to North County Land Use Plan policies, shown by strike-out and underlining:

Amendment to North County Land Use Plan Policy 2.6.2.(2):

Divisions of prime and productive farmland, designated as Agricultural Preservation or Agricultural Conservation shall be permitted only when such division does not adversely affect the land's long-term agricultural viability. During the subdivision review process, the applicant shall be required to demonstrate the proposed division will not diminish the economic viability of the agricultural land. All subdivided agricultural parcels must be of a size that agricultural use is not diminished. All divisions of agricultural land shall be conditioned to ensure continued long-term agricultural use by recording easements, Williamson Act contracts or other suitable instruments. Subdivision or conversion of Agricultural Preservation or Agricultural Conservation farmland for non-agricultural use shall be permitted only where there is an overriding need to protect the public health and safety, ~~or~~ where the land is needed to "infill" existing developed areas, or within the Castroville Community Plan boundaries.

Amendment to North County Land Use Plan Policy 2.5.3.A (2):

The County's long-term policy shall be to limit groundwater use to the safe yield level. The first phase of new development shall be limited to a level not exceeding 50 percent of the remaining build-out as specified in the LUP except for development proposed within the Castroville Community Plan, which would result in a long-term decrease in the amount of groundwater being pumped from the Salinas Groundwater basin. The 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 only after safe yields have been established or other water supplies are determined to be available by an approved LCP amendment. Any amendment request shall be based upon definitive water studies and shall include appropriate water management programs.

5. The Community Plan will provide new affordable housing opportunities, new employment opportunities, provide flood protection, improve the circulation system, provide recreational and open space amenities, and will facilitate revitalization of the downtown.
6. The policies of the California Coastal Act, Monterey County Local Coastal Program and North County Land Use Plan have been reviewed to ensure that the proposed amendments maintain the compatibility and internal consistency of the General Plan and the Land Use

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Plan. The Board of Supervisors finds that, with the amendments proposed herein, the Castroville Community Plan is consistent with the General Plan and Local Coastal Program and, in respect to that portion affecting the coastal zone, conforms to the policies of the Coastal Act. The Board of Supervisors declares its intention to carry out the proposed amendments in a manner fully in conformity with the California Coastal Act.

7. New zoning classifications, consistent with the new General Plan and North County Land Use Plan land use designations, and adoption of specific design guidelines and development standards for the Community Plan area will be considered under separate future actions.
8. Pursuant to the California Environmental Quality Act, a Final EIR ("FEIR") has been prepared for the Castroville Community Plan, which analyzed the environmental impacts associated with adopting and implementing the Community Plan.
9. Pursuant to Government Code sections 65350 et seq., the County may amend the adopted General Plan provided the County follows certain procedures, including that the County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the General Plan and that the Board of Supervisors hold a noticed public hearing on the proposed amendment..
10. Pursuant to Public Resources Code section 30514, related regulations, and the County's certified Local Coastal Program, the County may amend the adopted Local Coastal Program, provided that the County follows certain procedures, including obtaining certification by the California Coastal Commission of major amendments. Accordingly, prior to formally amending the Local Coastal Program to incorporate the Castroville Community Plan as applicable in the coastal zone, the Board must adopt a resolution of intent, submit the proposed amendment to the California Coastal Commission together with sufficient materials to allow a thorough and complete review, and obtain Coastal Commission certification of the amendment.
11. The Planning Commission considered the FEIR and Castroville Community Plan at noticed public hearings on January 31, 2007, February 7, 2007, and March 14, 2007. On March 14, 2007 the Planning Commission adopted Resolutions (Resolutions No. 07007 and 07007A) recommending that the Board of Supervisors certify the FEIR and adopt a Statement of Overriding Considerations; amend the 1982 General Plan to incorporate the Castroville Community Plan as it applies in the inland area; adopt a resolution of intent to amend the Local Coastal Program; and adopt the Mitigation Monitoring and Reporting Program.
12. On April 10, 2007 the Board of Supervisors held a duly noticed public hearing to certify the EIR, amend the 1982 General Plan and North County Area Plan to incorporate the Castroville Community Plan as it applies in the inland area, approve the Mitigation Monitoring and Reporting Program, and adopt a Resolution of Intent to amend the Monterey County Local Coastal Program and the North County Land Use Plan to incorporate the Castroville Community Plan as it applies in the coastal zone. At least 10 days before the public hearing date, notices of the hearing before the Board of Supervisors were published in the Monterey County Herald and the Salinas Californian and were also posted at the Castroville Library. A copy of the Castroville Community Plan (dated March 22, 2007), revised to include changes recommended by the Planning Commission and other minor

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clarifications, was distributed to each of the Supervisors and was available to the public for review.

13. Prior to adopting this resolution, the Board of Supervisors by separate action certified the Final EIR, adopted CEQA findings, and adopted a Statement of Overriding Considerations. Also by separate action of even date herewith, the Board of Supervisors amended the 1982 General Plan and North County Area Plan to incorporate the Castroville Community Plan as applicable in the inland area of the County.

DECISION

NOW, THEREFORE, the Board of Supervisors of the County of Monterey, State of California, hereby takes the following actions in regard to the Castroville Community Plan, set forth in a separate volume dated March 22, 2007 and incorporated herein by reference:

1. Adopts a Resolution of Intent to amend the North County Land Use Plan of the Local Coastal Program to:
 - a. incorporate the Castroville Community Plan as applicable in the coastal area of the County;
 - b. adopt the land use designations set forth in the Castroville Community Plan for the coastal Community Plan area, as depicted in Figure 4 of the Castroville Community Plan, to replace the land use designations set forth in the North County Land Use Plan for the coastal Community Plan area;
 - c. amend the following North County Land Use Plan policies in the manner indicated below by strike out and underlining:

Adopt the following amendments to General Plan policies:
Amendment to North County Land Use Plan Policy 2.6.2.(2):
Divisions of prime and productive farmland, designated as Agricultural Preservation or Agricultural Conservation shall be permitted only when such division does not adversely affect the land's long-term agricultural viability. During the subdivision review process, the applicant shall be required to demonstrate the proposed division will not diminish the economic viability of the agricultural land. All subdivided agricultural parcels must be of a size that agricultural use is not diminished. All divisions of agricultural land shall be conditioned to ensure continued long-term agricultural use by recording easements, Williamson Act contracts or other suitable instruments. Subdivision or conversion of Agricultural Preservation or Agricultural Conservation farmland for non-agricultural use shall be permitted only where there is an overriding need to protect the public health and safety, where the land is needed to "infill" existing developed areas, or within the Castroville Community Plan boundaries.

Amendment to North County Land Use Plan Policy 2.5.3.A (2):

The County's long-term policy shall be to limit groundwater use to the safe yield level. The first phase of new development shall be limited to a level not exceeding 50 percent of the remaining build-out as specified in the LUP except for development proposed within the Castroville Community Plan, which would result in a long-term decrease in the amount of groundwater being pumped from the Salinas Groundwater

April 10-, 2007

basin. The 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 only after safe yields have been established or other water supplies are determined to be available by an approved LCP amendment. Any amendment request shall be based upon definitive water studies and shall include appropriate water management programs; and

- d. adopt Mitigation, Monitoring and Reporting Program for the Castroville Community Plan.
2. Declares the County's intention to carry out the amendments in a manner fully in conformity with the California Coastal Act.
3. Directs staff to submit this Resolution of Intent to amend the Local Coastal Program to the California Coastal Commission for certification, , together with materials sufficient for a thorough and complete review of the proposed amendments.

PASSED AND ADOPTED on this 10th day of April 2007 upon motion of Supervisor Calcagno, seconded by Supervisor Salinas by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, and Potter

NOES: None

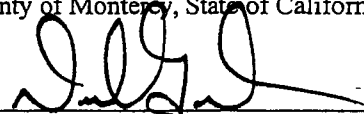
ABSENT: Supervisor Smith

I, Lew C. Bauman, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 73 for the meeting on April 10, 2007

Dated: April 10, 2007

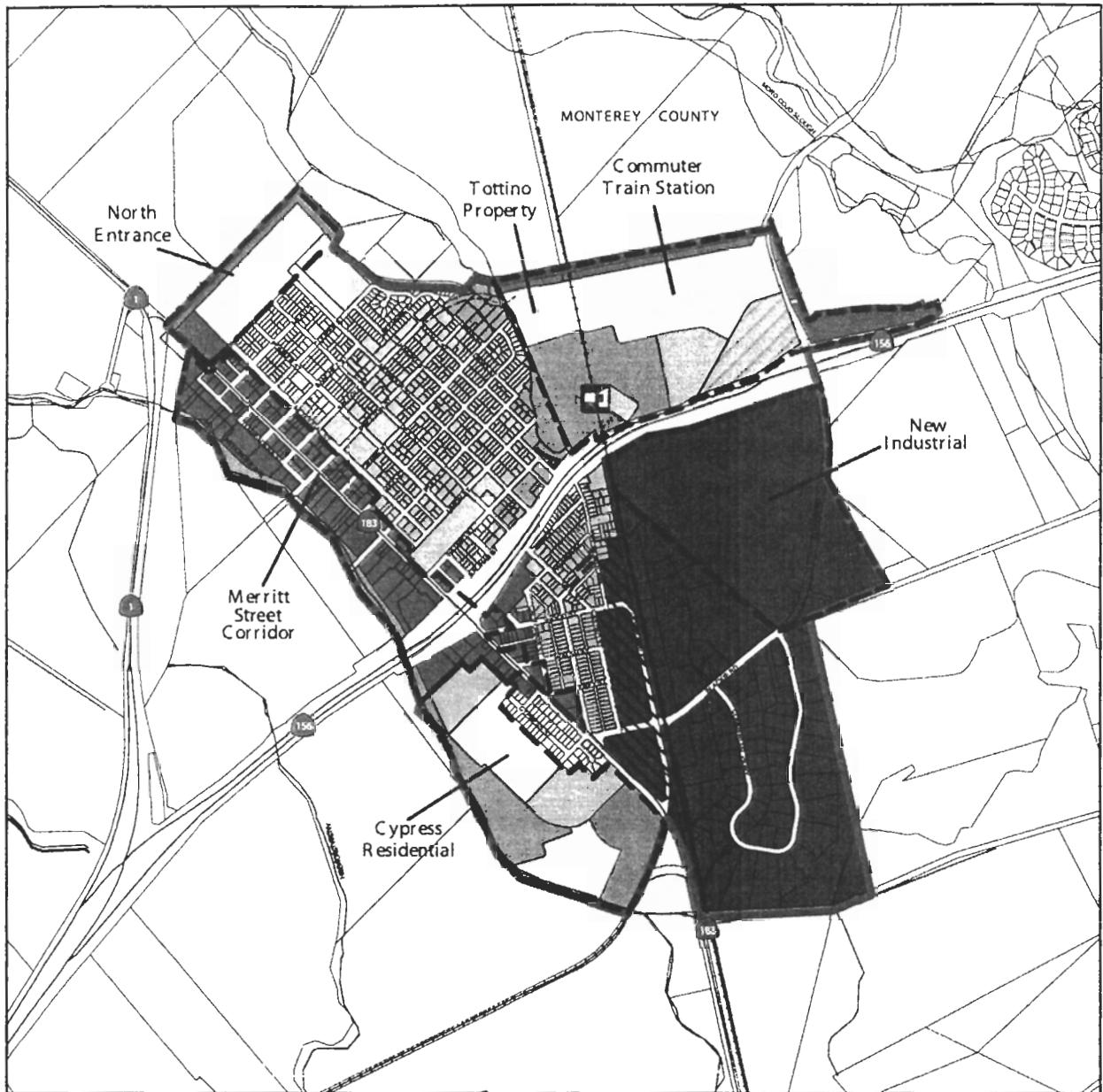
Lew C. Bauman, Clerk of the Board of Supervisors,
County of Monterey, State of California

By



Darlene Drain, Deputy

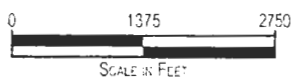
T:\Castroville Community Plan\Graphic Development\AI Files\Figure 2.5.ai, September 2005



LEGEND

	Proposed Community Plan Boundary		Medium Density Residential		Mixed Use
	Opportunity Areas		High Density Residential		Industrial
	Future Study Area		Agricultural Conservation Buffer		Train Station
	Low Density Residential		Resource Conservation		
	Medium Density Residential/ High Density Residential		Public/Quasi-Public		

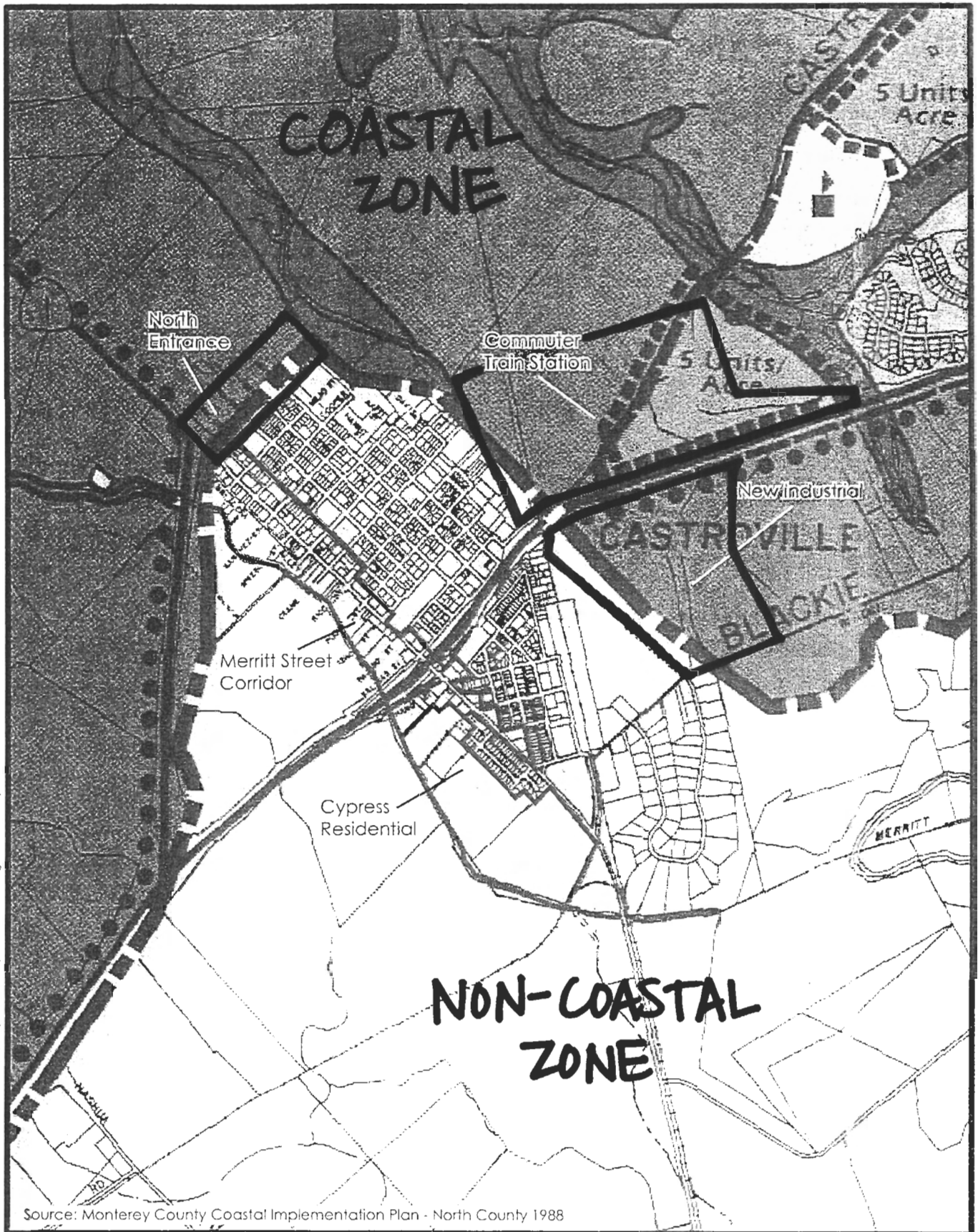
Source: Castroville Community Plan 2006



Source: Monterey County
Housing and Redevelopment
Office

FIGURE 2-4
PROPOSED LAND USE MAP

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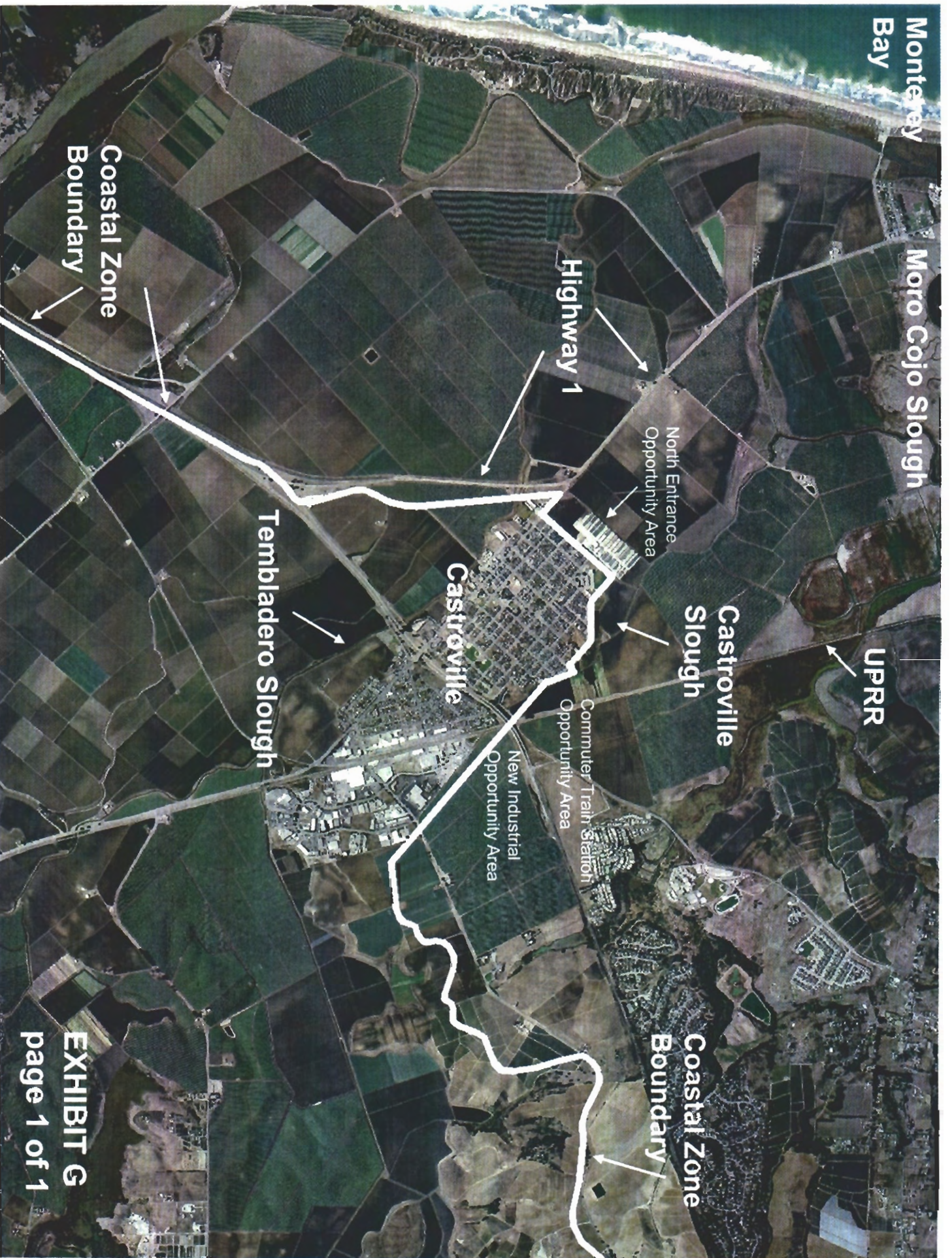
Source: Monterey County Coastal Implementation Plan - North County 1988

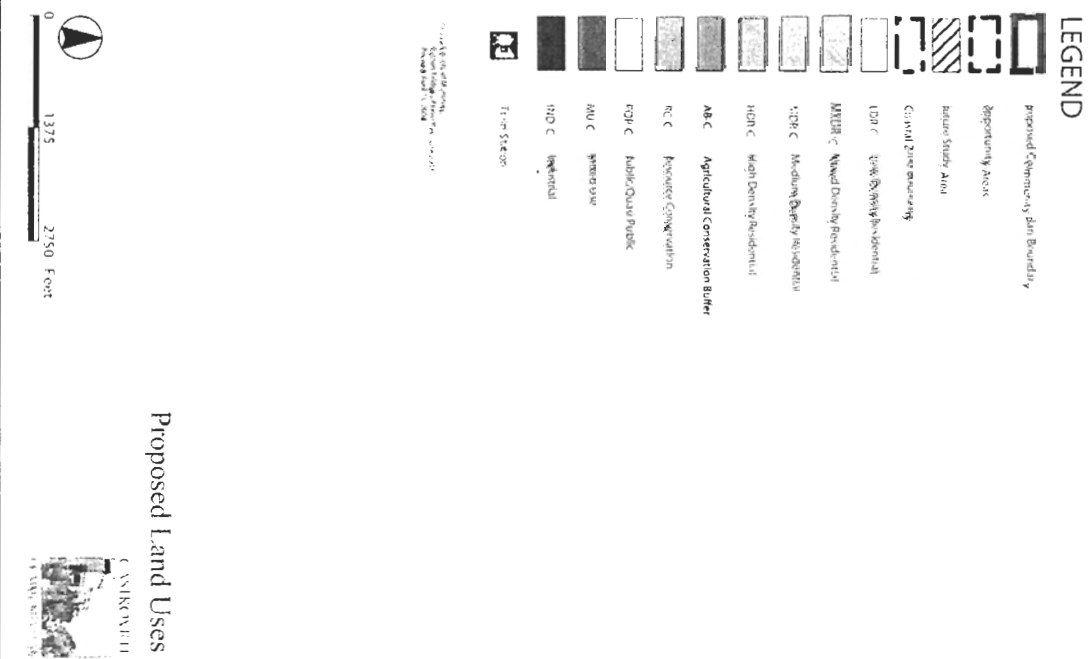
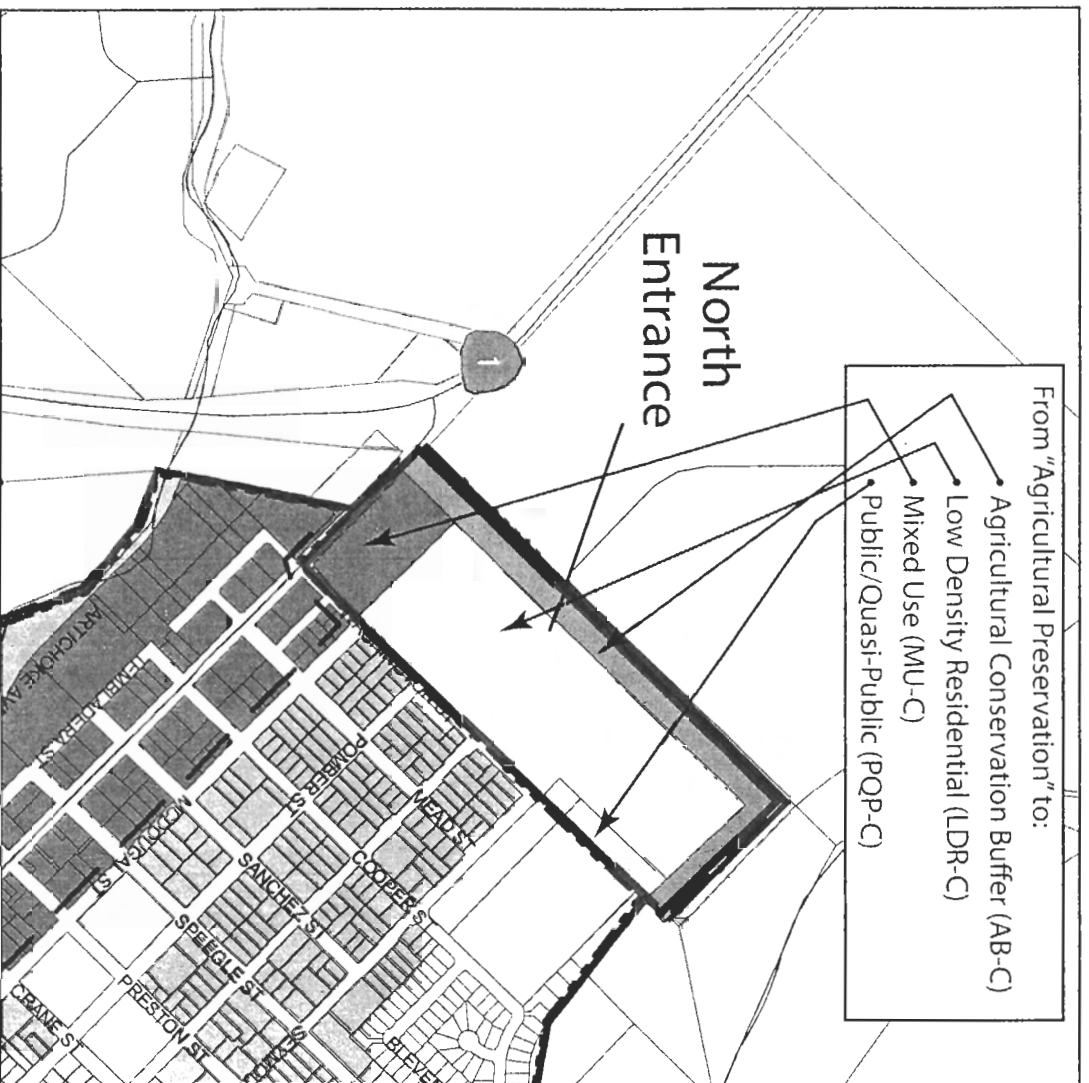
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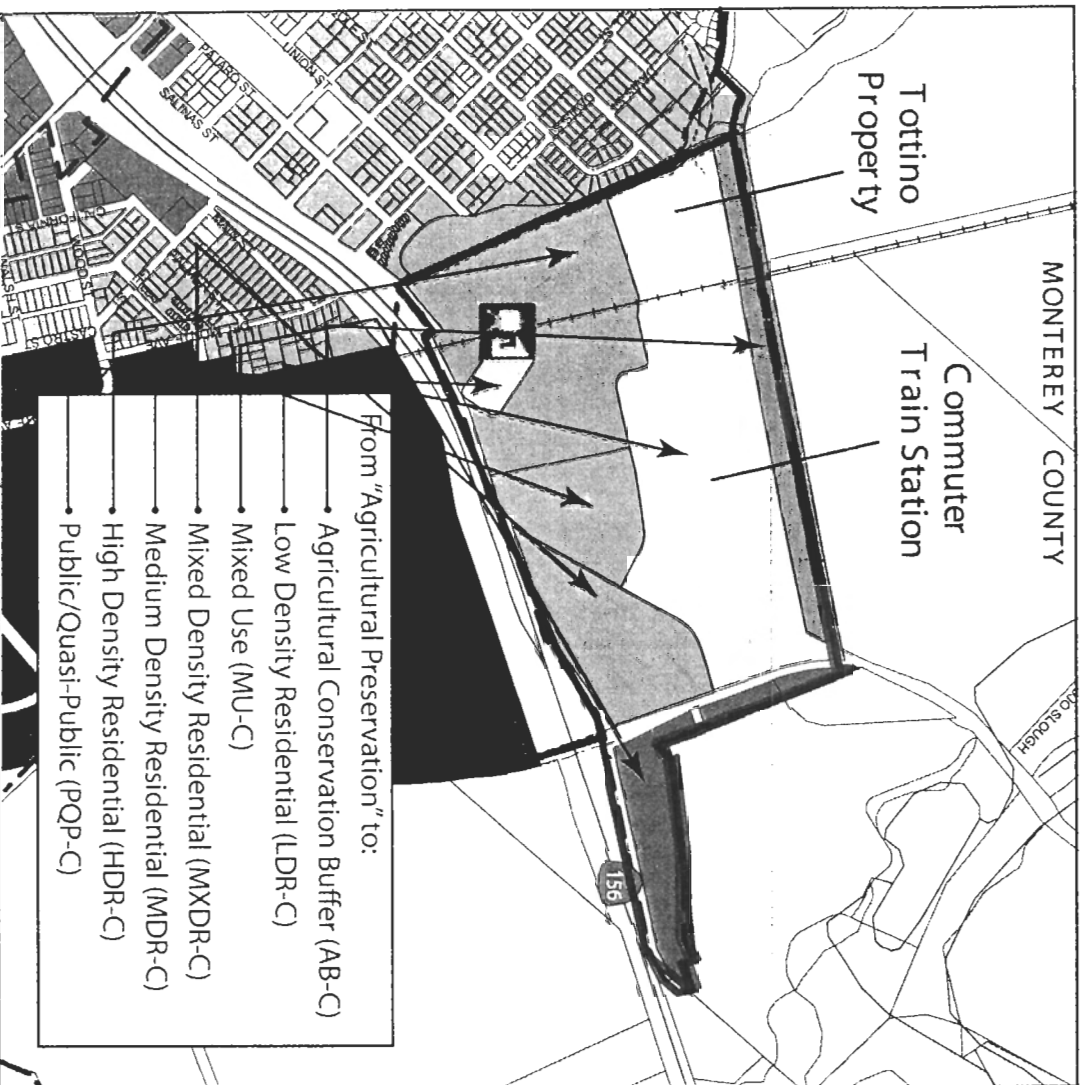
CCC Exhibit F
(page 1 of 1 pages)

COASTAL ZONE BOUNDARIES

PMC





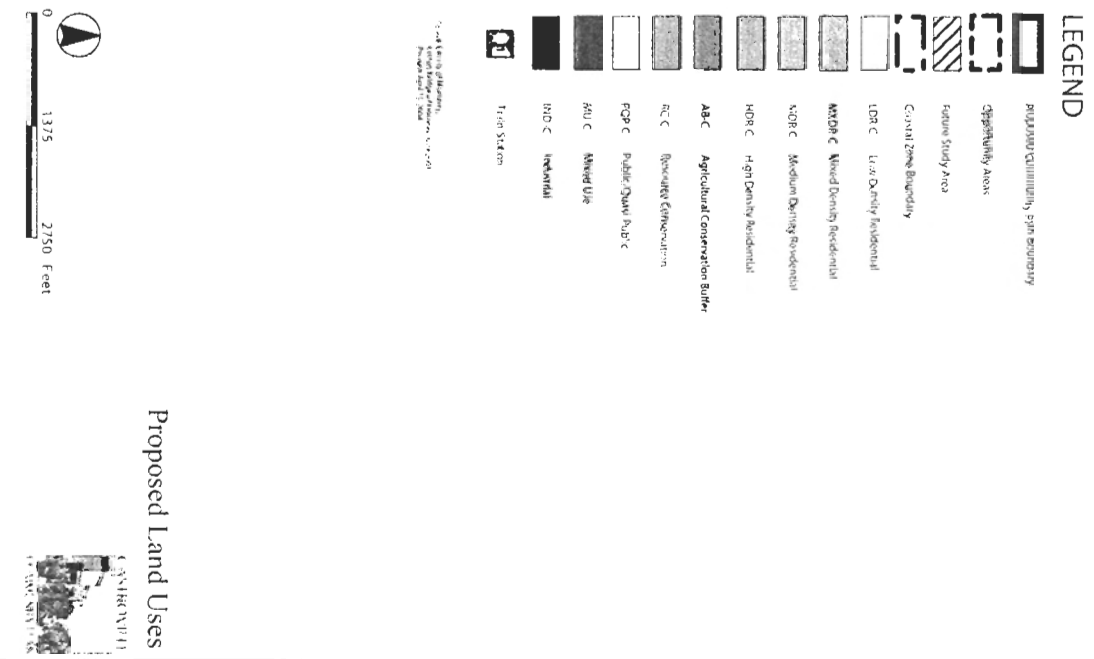
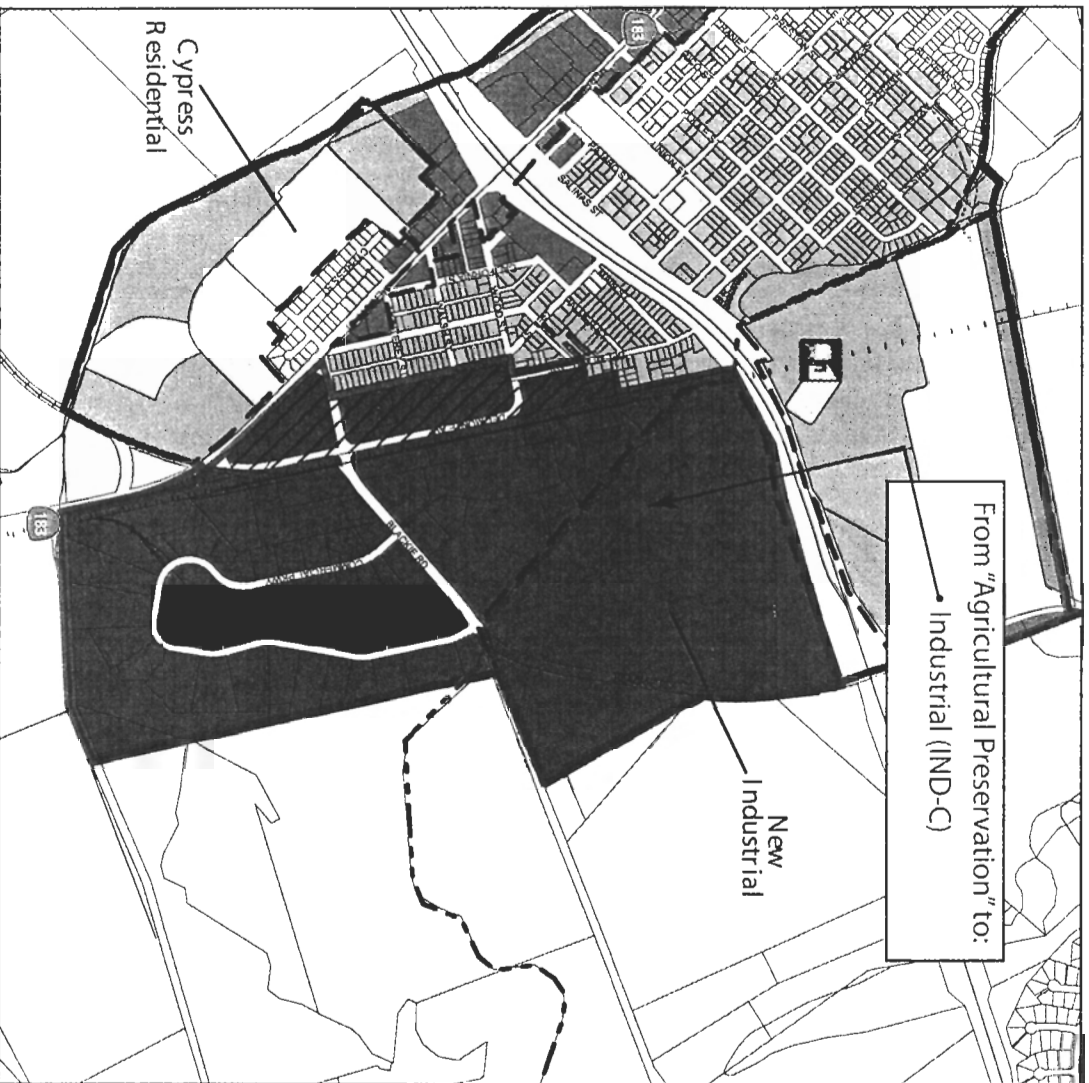


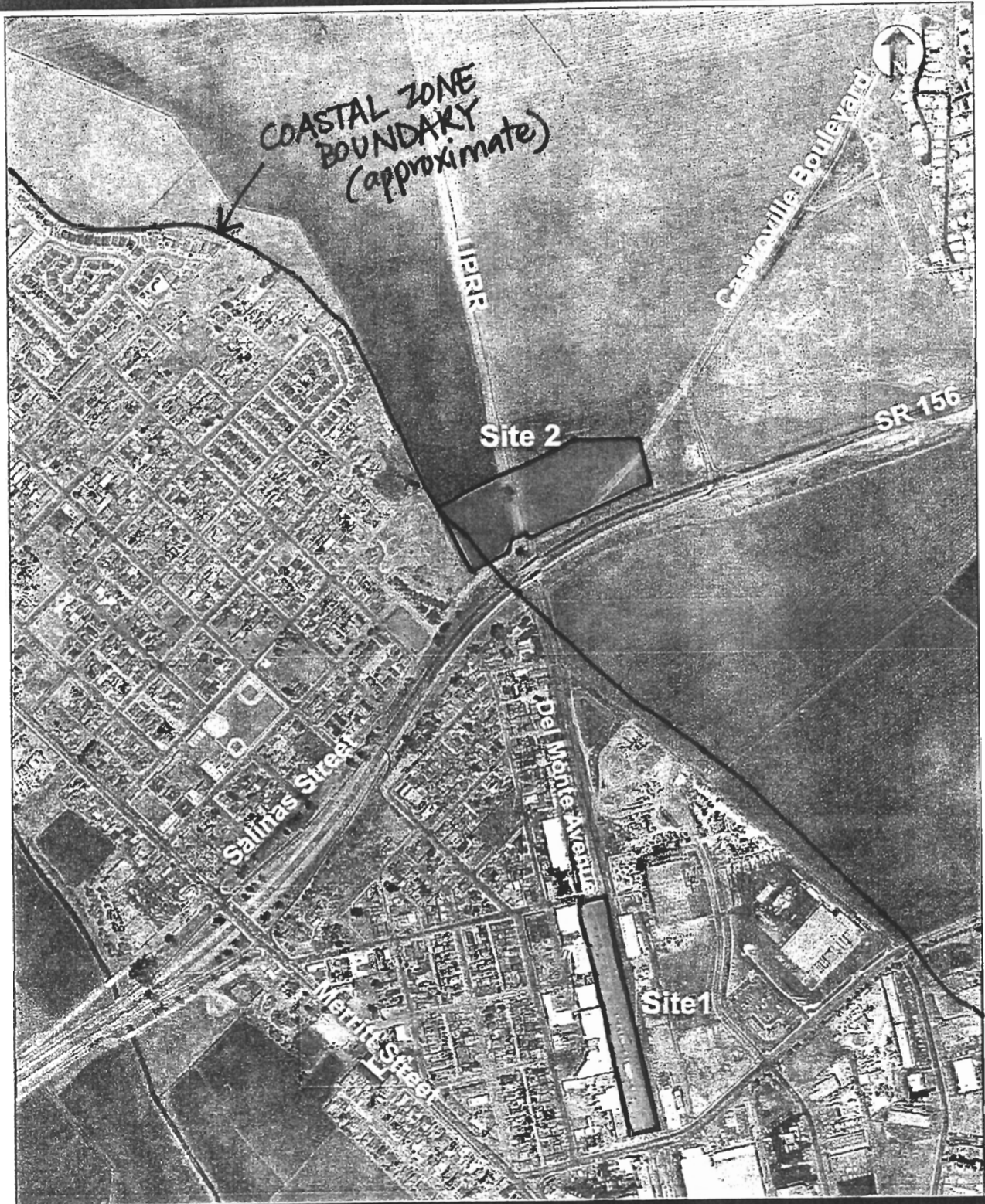
LEGEND

- Proposed Community Plan Boundary
- Opportunity Areas
- Future Study Area
- Central Core Boundary
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Agricultural Conservation Buffer
- Resource Conservation
- Public/Quasi-Public
- Mixed Use
- Unincorporated
- Town Station



COMMUTER TRAIN STATION
NORTH COUNTY LAND USE PLAN
LOCAL COASTAL PROGRAM

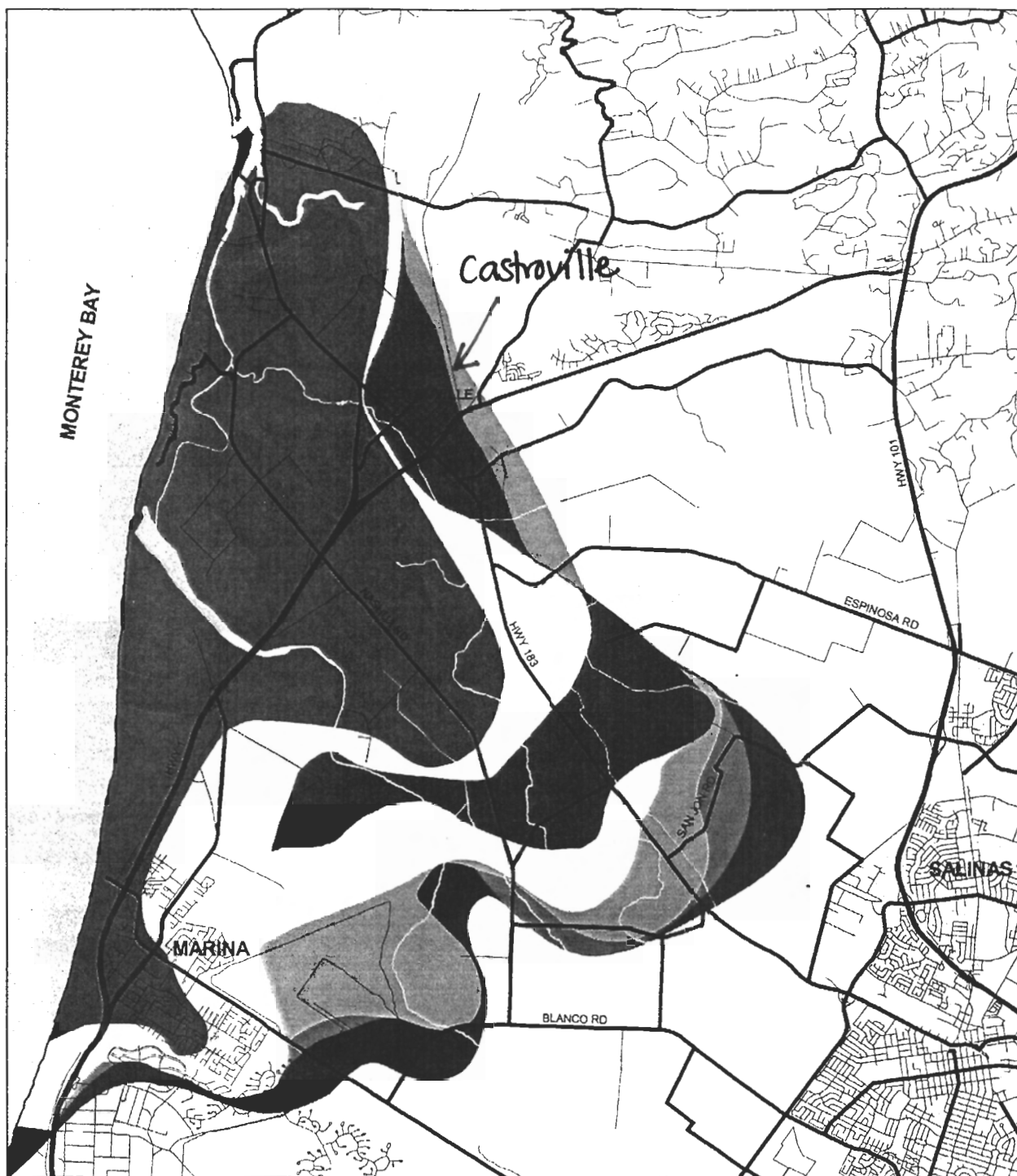




Castroville Site Location

PARSONS

Source: Transportation Agency for Monterey County



Legend:

Seawater Intruded Areas By Year



- Major Roads
- Minor Roads
- Incorporated Areas
- Monterey County
- Water Bodies

Historic Seawater Intrusion Map
Pressure 180-Foot Aquifer - 500 mg/L Chloride Areas



1 0 1 2 Miles

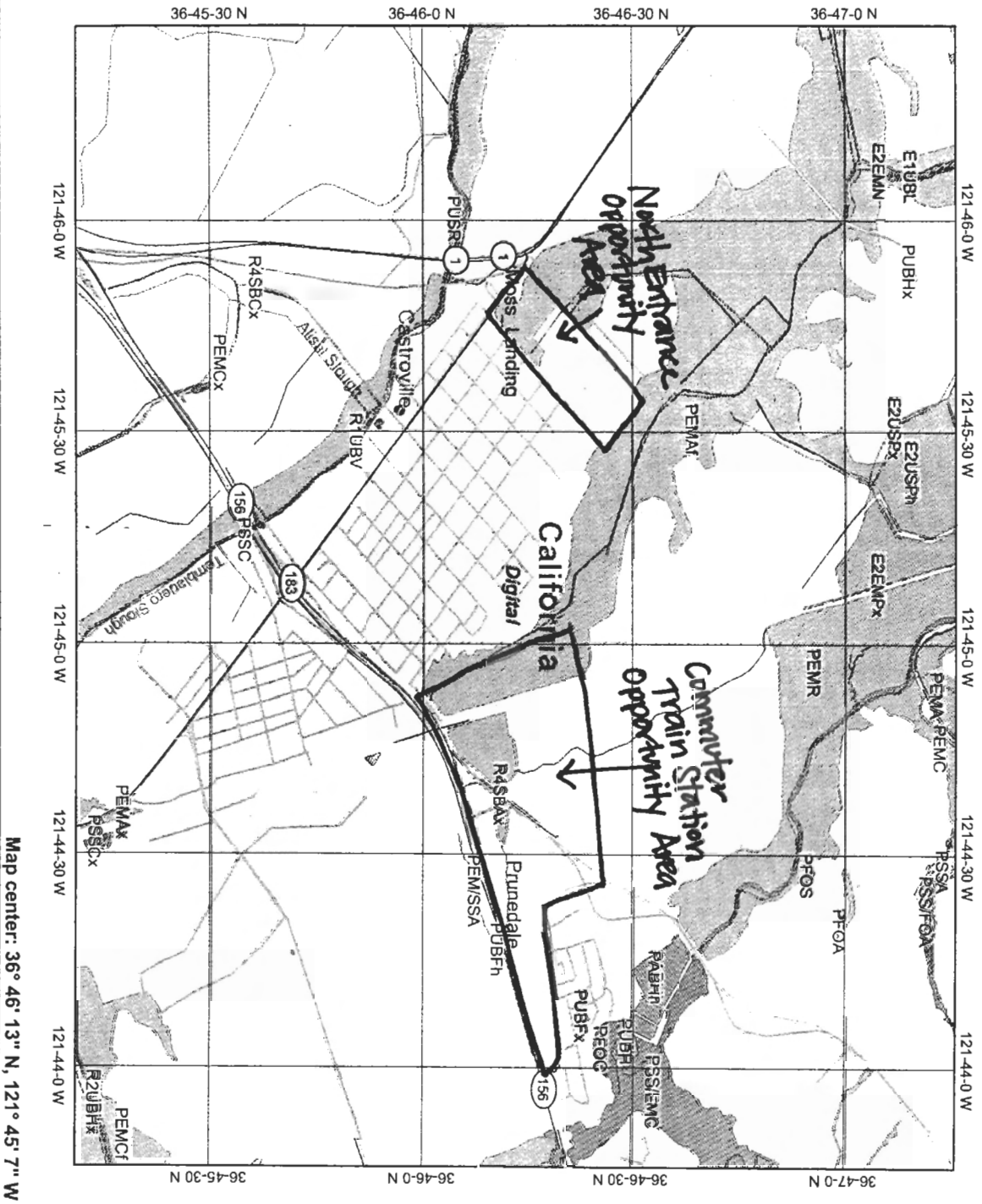


Source: MCWRA, 2005 Water Quality Data

Note: The scale and configuration of all information shown herein are approximate and are not intended as a guide for design or survey work.

Map Date: February 27, 2006

Castroville wetlands



Legend

- Interstate
- Major Roads
- Other Road
- Interstate
- State highway
- US highway
- Roads
- Cities
- USGS Quad Index 24K
- Lower 48 Wetland Polygons
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine
- Lower 48 Available Wetland Data
- Non-Digital
- Digital
- No Data
- Scan
- NHD Streams
- Countries 100K
- States 100K
- South America
- North America



Scale: 1:26,942

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Source: US Fish and Wildlife Service, 2004

CCC Exhibit **K**

(page 1 of 1 pages)