

CALIFORNIA COASTAL COMMISSION

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PRELIMINARY ANALYSIS OF SOME PERIODIC REVIEW ISSUES AND RECOMMENDATIONS: PART I

NOTE: This is a draft staff product. It has not been reviewed by the Coastal Commission and is subject to change.

REVISED SEPTEMBER 2004

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I. INTRODUCTION

Under the California Coastal Management Program, planning for and regulating development in the coastal zone is shared by the Coastal Commission and local jurisdictions: upon completion of a certified Local Coastal Program (LCP), the local government assumes most permitting and planning responsibilities. Section 30519.5 of the Coastal Act requires that the Commission "review every certified local coastal program to determine whether such program is being effectively implemented in conformity with the policies" of the Coastal Act, and, where necessary, recommend corrective actions. The local government reviews the recommendations and within one year either takes the recommended action or forwards to the commission a report setting forth its reasons for not taking the recommended action. The Commission then reviews such report and, where appropriate, reports to the Legislature and recommends legislative action necessary to assure effective implementation of the Coastal Act.

The California Coastal Commission, in cooperation with Monterey County, is currently conducting a periodic review of Monterey County's Local Coastal Program (LCP). The program was certified at the beginning of 1988, and this is the first periodic review of its implementation. For more information about this process to date please see: <http://www.coastal.ca.gov/recap/rctop.html>. This preliminary report is based on an issue scoping exercise conducted in early 2002. The tables include a column for each issue indicating what the current LCP and Monterey County General Plan Update (published draft version of December 18, 2001) say about the issue. Heading this column in bold face are summaries of Commission staff's preliminary analysis as to how well the cited General Plan Update and LCP provisions address the issues. The right hand column of the chart contains preliminary recommendations, with brief summaries in bold.

This project is being managed by Elizabeth Fuchs and Rick Hyman. ReCAP staff who helped prepare this report include Kelly Cuffe and Michael Nowak. Numerous other Coastal Commission staff also contributed to this draft product.

This report was prepared with financial assistance from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, under the provisions of Section 309 of the Coastal Act Reauthorization Amendments of 1990.

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II. LAND USE & PUBLIC WORKS INFRASTRUCTURE

The California Coastal Act includes several policies that address the location, type, and intensity of new development to ensure the protection of coastal resources. To protect rural lands, agriculture and open space, as well as limit urban sprawl, Coastal Act Section 30241 requires the establishment of stable urban-rural boundaries. New development also must be located within, contiguous to or in close proximity to existing developed areas with adequate public works facilities such as water supply and wastewater treatment (Section 30250). Where such areas are not available, any approved development must be located where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. This includes protection of groundwater basins and sensitive habitats that may be affected by water withdrawals, wastewater disposal, and polluted runoff.

The Coastal Act also includes a specific policy that limits rural land divisions (Section 30250). Section 30254 provides that new or expanded public works facilities must be sized to serve planned development and not induce additional, unplanned development. Highway 1, however, must remain a two lane scenic road in rural areas. Where resources or services are limited, coastal dependent land uses, essential public services, basic industries, public and commercial recreation and visitor-serving land uses shall not be precluded by other development. Collectively, these requirements reflect a fundamental goal of the Coastal Act: protection of coastal resources by concentrating new development in existing developed areas able to accommodate it.

ISSUE LU-1: Caretaker Units

Ensure that provisions for caretakers units account for employee housing need in Big Sur consistent with Coastal Act requirements.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The Big Sur land use plan has detailed regulations for caretakers units in Big Sur. There is a limit of 50 so as not to overwhelm the area with residential units where traffic capacity is limited and there are significant resource constraints. Discussion with Big Sur advisory committee revealed that the real issue is not the caretaker limitations but the need for employee housing. The land use plan has some policies to provide for on-site employee housing, but not for off-site.</p> <p>To date the General Plan Update proposes more liberal standards for caretaker housing, which would not be consistent with Coastal Act policy objectives and would not solve the employee housing need.</p>	<p>Summary: Retain caretaker unit criteria; however, add flexibility that will allow an extra increment for local business employee housing.</p>

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GENERAL PLAN UPDATE

GPU Policy LU-6.9 states that for purposes of calculating allowable density on parcels, the County shall not include caretaker quarters....

GPU Policy LU-6.10 states that the County shall encourage the use of caretaker accommodations as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees. The caretaker shall be employed principally on the lot for purposes of care and protection of persons and facilities on-site or on contiguous lots under the same ownership. Applicants for detached caretaker residences shall demonstrate a need for the unit as part of the development review process. Detached caretaker residences shall not exceed 850 square feet in size. Subdivisions shall not be permitted to divide a principal residence from a caretaker residence. Only one caretaker unit shall be allowed on the parcel.

GPU Big Sur Table AS-2 same as Big Sur Land Use Plan Table 1 for caretaker units.

COASTAL LAND USE PLANS

Big Sur Land Use Plan:

Big Sur Policy 5.4.3.I.2.c encourages use of caretaker’s accommodations for providing affordable accommodations for caretakers, ranch hands, convalescent help and domestic help. Caretaker’s residences are limited to 850 square feet in size; subdivisions are precluded from dividing a principal residence from a caretaker residences; only one caretaker per parcel is allowed; all such units are considered to be part of the buildout allowed by this plan; a total of 50 such units are allowed in the area regulated by the Big Sur Land Use Plan.

GENERAL PLAN UPDATE

Revise GPU Policy LU-6.9 to be consistent with IP Sections 20.64.030.F, G H, & I.

GPU Policy LU-6.10 may be adopted.

GPU Big Sur Table AS-2 may be revised to also allow caretakers units in Rural Residential district, as requested by Big Sur LUAC. Note: given the limit of 50 caretakers units for Big Sur, this change would open the competition for these units. Thus, this proposal might be appropriately considered in junction with one that addresses overall house size and lot coverage (e.g., for large homes, a separate caretaker unit would not be such a necessity, see Recommendation for Issue SR-9 “Trophy Homes”)

COASTAL LAND USE PLANS

Big Sur Policy 5.4.3.I.2.c may be replaced with the following:

Caretaker’s Houses The County shall encourage the use of caretaker's accommodations as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and locally employed persons. Applicants for detached caretakers' residences shall demonstrate a need for the unit as part of the development review process. Detached caretaker's residences may be located in any designation where principal residences are permitted, provided there is sufficient developable building area and other Plan policies are complied with. Caretaker's shall derive a substantial portion of their livelihood from working on the property, which may include the amount rent is

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<p>Big Sur Policy 5.4.3.I.2.b addresses employee housing units, which like caretaker units are limited to a maximum of 850 square feet in size and have criteria to be met in order to retain units as such.</p> <p>Big Sur Land Use Plan Table 1 allows caretakers units in Watershed & Scenic Conservation designation at 1 per parcel, 50 maximum in Big Sur.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> IP Section 20.06.160 definition: Caretaker units means a permanent residence, secondary and accessory to an existing main dwelling for persons employed principally on-site for purposes of care and protection of persons, property, plants, animals, equipment or other circumstances on site or on contiguous lots under the same ownership.</p> <p>IP Section 20.64.030 contains REGULATIONS FOR CARETAKER UNITS: 1.Only 1 caretaker unit per lot shall be allowed.</p>	<p>reduced below fair market value as compensation for work on the property. Detached caretaker's residences, where allowed within the Big Sur Planning Area, shall not exceed 850 square feet in size. Subdivisions shall not be permitted to divide a principal residence from a caretaker's residence. Only one caretaker's unit shall be allowed per parcel, or per group of parcels in close proximity under the same ownership, whichever is less.... A total of 50 such units may be allowed within the Big Sur Planning Area; provided however, units that participate in a program to provide affordable housing for those employed within the Big Sur Planning Area shall be excluded when calculating whether the 50 unit limit has been reached. Such program shall be specific to the Big Sur Planning Area and shall be developed with input from the Big Sur and South Coast Land Use Advisory Committees.¹</p> <p>Big Sur Land Use Plan Table 1 may be revised to also allow caretakers units in Rural Residential district, as requested by Big Sur LUAC.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Revise IP provisions consistent with land use plan recommendations above.</p>
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¹ Source: Big Sur LUAC, Sept 13, 2002. Note: the LUAC recommendation also contained the following rental criteria, "Rent paid by caretakers, if any, shall not exceed 40% of the fair market value for comparable rentals in the locality, or as otherwise required by state law for low income housing." This or a similar formula would be acceptable for the County to include in its LCP in conjunction with its housing policies, but under the Coastal Act, the Coastal Commission cannot impose such a requirement.

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- 2.The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under the same ownership.
- 3.The minimum lot size for establishment of a caretaker unit in areas not served by public sewers shall be two acres. The minimum lot size for establishment of a caretaker unit in the Carmel Planning Area shall be 40 acres.
- 4.Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located, except in North County. In North County, caretakers units shall not be permitted on lots less than 5 acres if located in an area not served by public sewer systems.
- 5.The maximum floor area for a caretaker unit is 850 square feet.
- 6.A minimum of 1 covered off-street parking space shall be provided for the caretaker unit.
- 7.The caretaker unit shall not be separately rented, let, or leased to other than the caretaker whether compensation be direct or indirect.
- 8. Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning.
- 9.Caretaker units are not permitted on any lot less than 10 acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to a Coastal Administrative Permit.
- 10.The applicant shall record a deed restriction as a condition of project approval, stating that the caretaker unit shall not be rented to other than the caretaker.

IP Section 20.64.030.D.4 requires that adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.

IP Section 20.64.030.E.requires that any caretaker unit proposal which does not comply with the provisions of this Section with regard to size, height, or setbacks shall require a Variance.

IP Section 20.64.030.F states that there shall be a maximum of 50 Caretaker Units approved in the Big Sur Planning Area from the time of

Revise IP Section 20.64.030.E to not allow variances that increase the size of caretaker units.

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certification of the Big Sur Coast Land Use Plan (April 9, 1986).

IP Section 20.64.180 repeats density standards for caretaker units.

Big Sur IP Section 20.145.020 defines Caretaker's Quarters as a permanent residence, secondary and accessory to an existing main residence, for persons employed exclusively on-site, for purposes of security or to provide continuous plants, animals, equipment, care for persons, or other conditions on the site. The caretaker's unit may not be rented, let or leased.

b. Caretaker's Quarters

The caretaker's quarters shall be a permanent residence, secondary and accessory to an existing main residence, to be inhabited by a person employed exclusively on the parcel.

The caretaker shall be employed exclusively on the parcel for purposes of security or to provide continuous care for persons, plants, animals, equipment, or other conditions specific to the site. As such, prior to the application being considered complete, the applicant shall provide evidence which demonstrates necessity for such unit by demonstrating that: a) there is a security problem or b) some type of continuous care is required, and c) the owner is unable to personally perform the needed function, or requires additional assistance to a sufficient degree to warrant a caretaker. Acceptable evidence shall include such items as a letter from a doctor stating medical needs, a letter from a police department describing the area's security problems, or employee job descriptions.

One caretaker unit shall be allowed per parcel or per existing main residence.

The minimum parcel size for establishment of a caretaker unit shall be 2 acres.

Site characteristics shall be reviewed in order to determine that the site is both capable of sustaining the additional development and that the proposal is consistent with the policies of the Big Sur Coast Land Use Plan and the standards of this ordinance.

Caretaker units attached to the main residence are encouraged: however,

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<p>the maximum building size for an attached or a detached caretaker unit shall be 850 square feet.</p> <p>The caretaker unit shall not be rented, leased or otherwise let. Subsequent subdivisions which would divide a main residence from a caretaker's residence shall not be permitted. As a condition of project approval, the applicant shall record a deed restriction, pursuant to Section 20.142.130.B, prior to issuance of building permits, that the caretaker's unit may not be rented, leased, or let nor subsequently divided from the main residence. A maximum of 50 caretaker units may be approved in the Big Sur Coast Land Use Plan, after the certification of the LUP.</p>	
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ISSUE LU-2: Workshop Conversion
Ensure conversion of residential workshops to commercial enterprises in Big Sur is regulated in a manner consistent with the Coastal Act.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: Big Sur Land Use Plan policies and zoning provisions allow and actually encourage small-scale commercial enterprises in Big Sur, and do not restrict small-scale cottage industry to commercially zoned areas. Commercial use policies also take into consideration the impact of the use on surrounding land from a good neighbor point of view, which would seem to give the neighborhood some say in approval of the use. There is one outdated reference to renewal of use permits because the County no longer issues use permits in the Coastal Zone.</p> <p><u>COASTAL LAND USE PLAN</u> <u>Big Sur Land Use Plan</u> Big Sur Policy 5.4.3.E.5 states that cottage shop industry, defined as small-scale manufacturing of artistic or craft items, is encouraged as a traditional activity in the area. It shall be treated as an appropriate home occupation in any areas where residences are permitted and shall not be restricted to areas designated for commercial uses.</p> <p>Big Sur Policy 5.4.3.E.8 - Renewal of use permits for existing</p>	<p>Summary: Retain existing policies but update reference to use permits. If the County wishes to re-examine policies, then Coastal Act considerations of protection of special communities and limiting commuting traffic on Highway One need to be accounted for.</p> <p><u>COASTAL LAND USE PLAN</u></p> <p>Big Sur Policy 5.4.3.E.5 may be retained (Note: If the County wishes to re-examine policies, then Coastal Act considerations of protection of special communities and limiting commuting traffic on Highway One need to be accounted for.)</p> <p>Revise Big Sur Policy 5.4.3.E.8 reference to use permit renewal to</p>

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commercial uses or the establishment of new uses will require careful consideration of the impact of the use on surrounding land from a good neighbor point of view. Particularly where commercial activities are in proximity to residences, care must be taken to ensure that noise or visual modification do not affect the peace and tranquility of existing neighbors.

Big Sur Policy 5.4.3.J.2.states that studios and other small non-residential and non-commercial accessory structures such as tool sheds, workshops, or barns may be permitted on any size parcel provided the constraints of the parcel and other plan policies permit. None of these units shall ever be used for habitation purposes. For structures whose design does not preclude habitation, legal restrictions shall be applied...

COASTAL IMPLEMENTATION PLAN

BS IP Section 20.145.020.U definition of: Cottage Shop Industry is small-scale manufacturing of artistic or craft items as conducted out of the home or from a workshop accessory to an existing principal residence

Big Sur Section 20.145.140.B.2.c states that Cottage shop industry shall be permitted in areas where residential use is allowable, and shall not be restricted to commercially-oriented zoning districts. "Cottage shop industry" is small scale manufacturing of artistic or craft items as conducted out of the home or from a workshop accessory to an existing principal residence.

Big Sur Section 20.145.140.B.5.a states that small non-residential and non-commercial accessory structures, such as tool sheds, workshops, studios, and barns, may be permitted on any size parcel provided that the proposed development can meet the policies of the Big Sur Coast Land Use Plan and the standards of this ordinance.

Section 20.145.140.A.3 indicates that land use or development will not be permitted if found to be inconsistent in character, scale or activity level with the goal of preserving the coast's natural, undeveloped beauty and tranquility...and restricts ...manufacturing, other than for cottage industry or art production...

issuance of, or extension of, a coastal permit. (Note: the County may also want to tie this provision to other permits or licenses that it issues, such as a building license, since change of commercial uses that do not change intensity of use or otherwise result in development do not require coastal permits.)

Big Sur Policy 5.4.3.J.2 may be retained.

COASTAL IMPLEMENTATION PLAN

Retain IP Section 20.145.020.U

Section 20.145.140.B.2.c may be retained.

Big Sur Section 20.145.140.B.5.a may be retained.

Retain Section 20.145.140.A.3

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IP Section 20.16.040 allows home occupations, pursuant to Section 20.64.090 as a principal permitted use in the Rural Residential Development (RDR (CZ)) district and require a coastal administrative permit; so does Section 20.17.040 for the Watershed & Scenic Conservation (WSC(CZ)) district (Note most of Big Sur private land is in one of these two districts.)

IP Section 20.16.050.II says cottage industries pursuant to Section 20.64.095 are considered allowable conditional uses in RDR and require a coastal development permit. So does 20.17.050.C for WSC.

IP Section 20.64.090 contains Regulations for Home Occupations and limits them to those occupations using facilities, equipment and materials normally found in the home and within accessory structures, including but not limited to typing, seamstress or tailoring, computerized data processing, ceramics, music and instrument lessons, and lawn mower repair which do not interfere with the use or appearance of the home as a residence or the aesthetic character of the district...and require that there shall be no advertising for the home occupation allowed on the property.

IP Section 20.64.095 contains Regulations for Cottage Industry which: requires a CDP, allows a total of 2 persons other than the resident and immediate family residing on site to be employed in the cottage industry...requires there to be no advertising except as may be incorporated within a 4 square foot nameplate allowed on the residence...requires that adequate access and parking be provided for residential use, employees and 2 customers... requires Zoning Administrator not approve a CDP for cottage industry unless findings can be made that:...the proposed use conforms to requirements...adequate sewer and water service exists or can be provided...adequate road and transportation facilities exist...use is compatible with area...property complies with all zoning standards and no zoning violations exist... and significant impacts are mitigated.

Retain IP Section 20.64.090

Retain IP Section 20.64.095.

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ISSUE LU-3: Certificates of Compliance	
Ensure that certificates of compliance are issued in a manner that accounts for Coastal Act policies.	
<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP has adequate standards based on the Subdivision Map Act for determining and processing certificates of compliance. However, the County does not currently inform the Commission when it renders unconditional COC determinations (which are also the equivalent of an exemption from coastal permit requirements), so there can be no independent verification to ensure that the COC determination process is adequately protecting coastal resources in conformance with Coastal Act requirements. Also, while the LCP correctly specifies that Conditional Certificates of Compliance require coastal permits, it does not explicitly link the two processes. If not monitored carefully, certificates of compliance can facilitate development that could undermine stable urban/rural boundaries and agricultural lands over the long run.</p> <p>To date, the General Plan update does not address this issue.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> IP Section 19.02.035 defines Certificate of Compliance as: a document describing a unit or contiguous units of real property and stating that the parcel complies with applicable provisions of the Subdivision Map Act and County Ordinances enacted pursuant thereto.</p> <p>IP Section 19.14.041 describes the procedure for a parcel legality Status Determination.</p>	<p>Summary: Adopt procedures for notifying and consulting with the Coastal Commission prior to approving certificates of compliance.</p> <p><u>GENERAL PLAN UPDATE:</u> Add an action to develop and implement a procedural guidance document for evaluating parcel legality requests, including, for example, notice forms, contact information, examples of acceptable documentation, coordination with Coastal Commission.²</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Add to IP Section 19.14.041 “Parcel Legality Status Determination” provisions for: 1) the County to submit to the Coastal Commission notice of the initial Parcel Legality Status Determination application for those</p>

2 See “Certificates of Compliance Workshop” [material presented to the Coastal Commission] presented by Jonathan Wittwer, Esq., November 30, 2001.

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<p>IP Section 19.14.045 describes Unconditional Certificate of Compliance and the criteria for qualifying and indicates if everything is in order, an unconditional certificate of compliance can be issued.</p>	<p>parcels located in the coastal zone, 2) the County to make available to the Coastal Commission evidence for such a determination, 3) the County to submit to the Coastal Commission tentative decisions to record Certificates of Compliance for parcels in the coastal zone, noting under which Code criteria the decisions are made, 4) a process, through which the Executive Director of the Coastal Commission may consult with the Director of Planning and Building Inspection about individual applications for certificates of compliance before Certificates of Compliance are recorded, 5) a reference to IP Section 20.70.115.E regarding resolution of disputes over exemptions from coastal permits..</p>
<p>IP Section 19.14.050 describes Conditional Certificate of Compliance, and indicates that if the parcel was created in violation of the provisions of the Subdivision Map Act, approval should be conditioned on doing what is necessary with regards to the requirements of the Map Act to bring the parcel into conformance.</p>	<p>Add in Section 19.14.050 a cross-reference to coastal permit requirement Sections 20.70.025& 20.06.310.4.d, so that the permit process occurs simultaneously with any decision to issue a Conditional Certificate of Compliance.</p>
<p>IP Section 20.06.310.4.a specifically defines subdivision pursuant to the Subdivision Map act as development.</p>	<p>Retain Section 20.06.310.4.a</p>
<p>CIP Section 20.06.310.4.d. specifically defines conditional certificates of compliance as development.</p>	<p>Retain Section 20.06.310.4.d</p>
<p>CIP Section 20.70.025 states that all development as defined in Section 20.06.310 shall require a Coastal Development Permit except development exempted by Section 20.70.120. (Note: COCs and subdivisions are not exempted.)</p>	<p>Retain Section 20.70.025 with regard to certificates of compliance.</p>

ISSUE LU-4: Gorda Rural Community Center
Ensure that the remote and scenic area around Gorda is appropriately designated to conform to Coastal Act concentration of development, as well as scenic resources, policies.

<i>County Policies and Comments</i>	<i>Recommendations</i>
Summary Comment: Current LCP designations for intensive development and viewshed exceptions do not match aerial photo	Summary: Revise Land Use map so that the Rural Community Center designations cover only the extent and location of the existing

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analysis indicating that development is concentrated in Treebones, CalTrans Maintenance Yard and Gorda Springs Resort areas. Given the highly scenic and rural nature of this area and the purpose of the Rural Community Center to cover existing developed enclaves, its designation elsewhere is not consistent with Coastal Act scenic protection and concentration of development policies. Although the Rural Community Center designation does not cover the Caltrans Maintenance Yard, its designation of National Forest remains appropriate at this time, pending the outcome of the Coast Highway Management Plan. The sentence in the Rural Community Center policy that says the designation is approximate is not consistent with Coastal Act requirements for specificity and could lead to an interpretation that inappropriate development beyond its boundaries is permissible.

To date the General Plan Update does not directly address this issue other than retaining the land use designations.

COASTAL LAND USE PLANS

Big Sur LUP

Big Sur land use map Detail E shows Rural Community Center designation on four parcels around Gorda: Treebones campground, adjacent vacant Forest Service parcel, Gorda Springs resort, and portion of former Coastal Conservancy, now Forest Service, oceanfront parcel.

Big Sur land use map shows Caltrans maintenance yard as Forest Service.

Big Sur LUP policy 3.2.5.A provides an exception from the policy for no visible development in the critical viewshed, stating: Rural Service Centers Development within ... Gorda... provide essential services to the community and visiting public, and shall be permitted under careful design and siting controls as provided for in the County Zoning Ordinance... and by Policy 5.4.3 of this Plan.

developed enclaves (see Map LU-4).

COASTAL LAND USE PLANS

Retain Rural Community Center designation for Gorda Springs resort.

Redesignate vacant parcel adjacent to Treebones to National Forest as well as former Coastal Conservancy parcel now owned by National Forest.

Retain designation of Caltrans Maintenance Yard as Forest Service. (Note this issue may be revisited later in conjunction with Coast Highway Management Plan.)

(Note Big Sur LUP policy 3.2.5.A with regard to design criteria will be separately reviewed.)

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<p>Big Sur LUP Section 5.3.2: A special land use classification, called Rural Community Center, is depicted by a dotted line circumscribing portions of the Big Sur Valley, Pacific Valley, Lucia, and Gorda. This is intended to illustrate the approximate area within which a variety of land use activities are now carried on. The plan proposes that these areas continue to provide a spectrum of functions for both the visiting public and for residents of the adjoining rural areas. Major categories of land use activities appropriate are those found in the Outdoor Recreation; and Recreational, Visitor-Serving Commercial, Public and Quasi-Public classifications.</p> <p>Big Sur LUP section 5.3.1.1 describes the National Forest designation: Non-federal development within this designation will be subject to the same development standards and criteria as Watershed and Scenic Conservation category. Existing administrative and community uses may continue to operate on National Forestland (e.g. Caltrans maintenance stations...</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> IP Zoning is Visitor-Serving Commercial for Treebones campground, adjacent vacant Forest Service land; part of Caltrans maintenance yard, Gorda Springs resort, and former Coastal Conservancy oceanfront parcel. IP Zoning is PQP Public-Quasi-Public for Caltrans Maintenance station.</p>	<p>Delete “approximate” from second sentence of Big Sur LUP Section 5.3.2 or delete entire sentence.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Rezone National Forest holdings (vacant parcel adjacent to Treebones and former Coastal Conservancy parcel) from Visitor-serving Commercial to Public-Quasi-Public. Retain other VSC designations around Gorda. Retain PQP Public-Quasi-Public for Caltrans Maintenance station.</p>
<p>ISSUE LU-5: Moss Landing Marine Lab. Ensure that the former and current Moss Landing Marine Lab sites are appropriately designated, accounting for the priority that the Coastal Act affords to coastal-dependent uses.</p>	
<p><i>County Policies and Comments</i></p> <p>Summary Comment: The current LCP has not been updated to reflect Board of Supervisors’ resolution approving the coastal permit</p>	<p><i>Recommendations</i></p> <p>Summary: Redesignate MLML site to Public/Quasi-Public Educational-Scientific. Redesignate former MLML parcels to Scenic</p>

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for the new MLML that also committed to redesignate current MLML site to Public Quasi Public and the former MLML site to Outdoor Recreation.³ Given that the former site is now owned by and has been restored to a dune environment by State Parks, the Outdoor Recreation designation for moderate intensity recreational use is no longer appropriate from a Coastal Act resource protection standpoint.

To date the General Plan Update does not address this issue other than retaining the land use designations.

COASTAL LAND USE PLANS

North County Land Use Plan

No Co. LUP map shows MLML college site near cemetery (APN 133-201-021) as Low Density Residential (LDR) 2.5 to 10 acres per unit, General Commercial and Public/Quasi-Public Cemetery

No Co. LUP map shows most of former MLML site that is now part of a Salinas River State Beach (APNs 133-232-007 and -008) as Public/Quasi-Public, Educational-Scientific.

No Co LUP map shows the MLML salt-water lab (AP# 133-191-001) as Coastal-Dependent Light Industrial.

COASTAL IMPLEMENTATION PLAN

CIP zoning map shows new Marine Lab parcel as LDR/2.5 (CZ), MLC, and PQP.

Zoning map shows former Marine Lab parcel that is now State Parks as PQP. (Adjacent State Parks land is zoned OR)

Zoning map shows MLML salt-water lab as LI(CZ) Light Industrial.

and Natural Resource Recreation.

COASTAL LAND USE PLANS

Redesignate new Moss Landing Marine Lab parcel from Low Density Residential, General Commercial and Public/Quasi-Public Cemetery to Public/Quasi-Public, Educational-Scientific.

Redesignate the former marine lab parcels now part of the State Beach (APNs 133-232-007 and -008) from Public/Quasi-Public to Scenic and Natural Resource Recreation (Note: this land use designation is also applied to adjacent parts of Salinas River State Beach.)

Redesignate the MLML salt-water lab facility on APN 133-232-006 to Public/Quasi-Public, Educational-Scientific.

COASTAL IMPLEMENTATION PLAN

Rezone all of Moss Landing Marine Lab parcel to PQP (CZ).

Rezone former MLML parcels that are now State Park to OR (CZ) Open Space Recreation.

Rezone MLML salt-water lab facility parcel to PQP (CZ).

³ Monterey County PC resolution 93-097 approved, among other things, a major lot line adjustment and relocation of MLML facilities to the new site 5/12/93. BOS public hearing 5/18/02 approved and required amendments to CIP zoning and LU designations; but these don't appear to have been completed.

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<p>ISSUE LU-6: Oak Hills Open Space Ensure that the permanent open space in Oak Hills, established through permits and easements, is appropriately designated consistent with Coastal Act habitat, wetland, and scenic resource protection policies.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: The current LCP designates areas in Oak Hills that are to be permanent open space as residential, which could lead to inappropriate development of habitat and habitat buffer areas.</p> <p>To date the General Plan Update does not address this issue other than retaining the land use designations.</p> <p><u>COASTAL LAND USE PLANS</u> No. County LUP shows all of Oak Hills area designated as Medium Density Residential 1-4 units/ acre.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> IP Zoning Map has all of Oak Hills designated MDR, which is a medium density residential district.</p>	<p>Summary: Redesignate open space parcels to Resource Conservation Wetlands & Coastal Strand and Scenic and Natural Resource Recreation or Outdoor Recreation, as appropriate.</p> <p><u>COASTAL LAND USE PLANS</u> Redesignate those parcels with scenic, open space and recreational easements to Wetlands and Coastal Strand where they contain wetlands or to Scenic and Natural Resource Recreation or Outdoor Recreation where they contain other open space or recreational areas. (See Map LU-6)</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Rezone the wetland open space parcels to RC(CZ) and the other open space parcels to Open Space Recreation OR(CZ).</p>
<p>ISSUE LU-7: Alternative Wastewater Treatment: Ensure consideration of new alternative technologies for wastewater treatment in remote or rural areas to serve development appropriate under the Coastal Act in an environmentally sound manner.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: To date the certified LCP does not have policies allowing alternative wastewater systems. Options to conventional treatment systems are desirable from a Coastal Act perspective as alternatives to requiring either hookup to sewer systems in rural areas or reduction in recreational opportunities (due</p>	<p>Summary: Adopt policy allowing alternative individual sewage disposal systems to replace failed systems.</p>

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to capacity limitations). The County prepared revisions to the Sewage Disposal Ordinance to allow for graywater systems and other alternative systems when existing septic tanks need repair, but never submitted the revisions as amendments to the LCP. The State is preparing to adopt “specified regulations or standards for the permitting and operation of prescribed onsite sewage treatment systems” pursuant to AB885, which may be relevant to the LCP.

To date the General Plan Update has a welcome policy addressing this issue for failed systems.

GENERAL PLAN UPDATE

GPU Policy PS-4.13 states that alternative individual sewage disposal systems may be considered for replacement of systems that have failed on approved lots of record. Such alternative systems are to be approved in advance by the Regional Water Quality Control Board and the Director of Environmental Health.

GENERAL PLAN UPDATE

Adopt GPU Policy PS-4.13⁴ and add the following:
 Alternative systems are defined as any system other than a standard system. They shall be used on parcels where site and soil conditions will not support a standard system or where increased treatment is needed and reviewed on a case-by-case basis. They are generally characterized as having increased design and performance criteria. They shall be designed by a California Registered Geologist, California Registered Geotechnical Engineer, California Registered Civil Engineer or a California Registered Environmental Health Specialist. The use of alternative systems shall be combined with a reasonable testing and monitoring protocol.

Adopt an action for the Director of Environmental Health to maintain information on, and a list of approved, alternative individual sewage disposal systems and to seek the resources to be able to monitor these.⁵ The Director should coordinate with State Parks, National Forest Service, and other entities that provide recreational facilities served by septic systems to determine the potential need for alternative systems and the best means for accommodating and monitoring them.

4 US EPA, Small Wastewater Systems: Alternative Systems for Small Communities and Rural Areas, provides basic information about many of these systems and situations where they may be applicable. Another EPA publication, Design Manual-Onsite Wastewater Treatment and Disposal Systems, is a 400-page book that gives an in-depth look at various conventional and alternative wastewater treatment systems.

5 The proposed amendments to Ch 15.20 and the Central Coast Basin Plan require the Director of Environmental Planning to have the resources necessary to monitor alternative systems prior to approving them.

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<p><u>COASTAL LAND USE PLANS</u> Do not address this topic directly.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> IP Ch 15.20 contains Sewage Disposal regulations, which require flush toilets (e.g., no composting toilets) and septic tanks with leachfields or seepage pits.</p>	<p>Adopt an action to address recommendations from AB885 process when completed.</p> <p>Adopt an action to have the Director of Environmental Health authorize temporary solutions to any additional recreational park septic tank problems in the intervening period (until the above actions are completed) in locations where septic tank repairs or replacements are not possible or would result in a significant reduction in the amount of recreational facilities.</p> <p><u>COASTAL LAND USE PLANS</u></p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Revise Ch 15.20 to allow for graywater systems and alternative systems for septic systems that need repair.⁶</p>
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6 See Report to Monterey County Board of Supervisors, February 2, 1999.

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III. ENVIRONMENTALLY SENSITIVE HABITATS

One of the primary objectives of the California Coastal Act is to preserve, protect, and enhance environmentally sensitive habitat areas (ESHA). Section 30107.5 of the Coastal Act defines an “Environmentally sensitive area” as, “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.” Section 30240 prohibits any significant disruption of habitat values, and limits development within ESHA to uses that are dependent on the resources. It also requires that development adjacent to ESHA to be sited and designed to prevent significant degradation, and be compatible with the continuance of the habitat. Section 30230 applies to marine habitats, and calls for the maintenance, enhancement and restoration (where feasible) of marine resources, with special emphasis on areas and species of special biological or economic significance. Pursuant to this section, all uses of the marine environment must sustain the biological productivity of coastal waters, and maintain healthy populations of all marine organisms. Section 30231 provides that the biological productivity of coastal waters, streams, wetlands, estuaries, and lakes must be maintained and, where feasible, restored. This is to be achieved by, among other means: minimizing adverse effects of wastewater discharges and entrainment; controlling runoff; preventing depletion of groundwater supplies and substantial interference with surface water flow; encouraging wastewater reclamation; maintaining natural buffer areas that protect riparian habitats; and minimizing alteration of natural streams.

Additional guidance is provided as follows:

- The provision of maximum public access and recreation opportunities must be consistent with protecting natural resource areas from overuse and must take into account the fragility of natural resources (Sections 30210 and 30214).
- The diking, filling, or dredging of coastal waters is limited to specific purposes, and permitted only where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects (Section 30233).
- The alteration of rivers and streams are limited to necessary water supply, flood control, and habitat restoration projects, and must incorporate the best mitigation measures feasible. (Section 30236)

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ISSUE SH-1: ESHA Identification:

Ensure that the County has adequate procedures and policies to identify all ESHA so as to ensure that ESHA protective policies can be fully applied.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP segments all have definitions that mirror the Coastal Act definitions and are broad enough to encompass newly added species to special status lists and newly discovered or more precisely mapped habitat areas. However, a selective reading of the DMF LUP has led some to interpret that Appendix A is a complete unmodifiable list of all ESHA, rather than a complete list of examples of ESHA at the time that the LUP was written. Since new species have been found to be present and/or rare since that time (i.e., Monterey pine, Yadon’s piperia, Beach laia, hooker’s manzanita) full ESHA protection would not be achieved under this incomplete interpretation.</p> <p>The current LCP segments use some different terminology and categories to explain more specifically what habitats fall under the ESHA definition. Because the ESHA definition is broad, the LCP needs to provide clear guidance so that biologists will ensure all ESHA is identified and protected. All segments define the habitats of all state and federally listed rare, endangered, and threatened species as ESHA. As to other sensitive species, there is not complete coverage. Some specific inadequacies and discrepancies include, but are not limited to: - wetlands are not included in the DMF ESHA list, although they are afforded protection;</p> <ul style="list-style-type: none"> - rookeries, but not other types of nesting areas are listed as ESHA in DMF and Carmel; nesting areas are missing from the Big Sur ESHA list; - important roosting sites are listed as ESHA in DMF and Carmel, not in the other two segments; - indigenous dune plant habitats are listed in Big Sur and No Co, not the more encompassing coastal sand dunes, which is not listed at all for Carmel; 	<p>Summary: Adopt revised (and preferably uniform) provisions for identifying and locating ESHA to ensure that ESHA protective policies apply to all ESHA.</p>

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- **central maritime chaparral is not listed for Big Sur and Carmel; the less common term Chamise-Monterey manzanita dwarf coastal chaparral is listed in Carmel**

To date, the General Plan Update does not fully carry over existing ESHA definitions and policies, nor does it correct the deficiencies noted above. The General Plan Update attempts to address resource protection through Ecologically Sensitive Areas, but their definition is not as encompassing as the ESHA definition and they are not afforded as much protection as ESHAs are under the Coastal Act.

GENERAL PLAN UPDATE

GPU Policy ER-1.2 Proposed Ecologically Sensitive Areas for Monterey County in new General Plan include habitat areas of federal and state listed threatened, endangered and special status species, and locally important resources that are supportive to these species. The latter include habitat such as:

- Coastal strand and dunes
- Perennial grasslands
- Maritime chaparral
- Chaparral
- Oak woodland and savannas
- Redwood forests
- Native Monterey Pine forests
- Salt marshes
- Vernal pools
- Riparian forests
- Willow seeps

Policy ER-1.2 also states the County shall make every effort to map “Ecologically Sensitive Areas...” in coordination w/state, federal and local resource agencies

GPU Policy ER-3.1 indicates that the County is firmly committed to protect, maintain, restore and enhance sensitive plant communities including, some of the above plus:

GENERAL PLAN UPDATE

If proposed GPU Policy ER-1.2 and other related ones are to be adopted to govern in the coastal zone, they will have to be revised to embody the Coastal Act ESHA definition and protection measures. (see recommendations regarding retaining and updating current LCP policies below).

The General Plan Update would benefit from having a uniform ESHA definition that states that the following habitat types are ESHA:

- All habitats important to species listed pursuant to either the state or federal Endangered Species Acts as rare, threatened, endangered, or candidate
- All habitats important for other sensitive species such as species of restricted occurrence and unique or especially valuable examples of coastal habitats (including CNPS List 1A, 1B, and 2 species, Species of Special Concern identified by DFG, etc)¹⁴
- Any plant communities identified by CNDDDB as high priority¹⁵
- All coastal wetlands, salt marshes, lagoons, sloughs and estuaries
- All freshwater wetlands including vernal pools, sag ponds, seeps, marshes, wet meadows, and any wetlands associated with stream corridors
- All riparian habitat types
- Coastal Terrace Prairie/Valley Needlegrass Grassland
- Oak Woodland

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<p>Sycamore alluvial woodland marshes, wet meadows</p> <p>GPU Action ER-1.a directs the County to utilize the most current available information regarding state and federal rare, threatened, and endangered or special status plant and animal species. The action further indicates that data for these maps will continue to be collected and updated by the County as new information becomes available.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No. County Land Use Plan</u> No Co LUP Appendix B Glossary & Section 2.3 intro Defines ESHA as 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. Lists categories of ESHA (see Summary Table below)</p> <p>No County LUP policy 2.3.2.5 requires field surveys to determine precise locations of habitats.</p> <p>No County LUP Introduction section 1.2 incorporates resource maps (that were prepared in 1982) but notes that their intended use is for</p>	<ul style="list-style-type: none"> • Central Maritime Chaparral • Bishop Pine forest • Chamise-Monterey manzanita dwarf coastal chaparral • Coastal strand • Coastal sand dunes • Central dune scrub • Coast Redwood forest • All nesting areas including rookeries • Important roosting sites • Monarch butterfly mass overwintering sites • Wilderness and primitive areas identified by US Forest Service <p>Proposed GPU Action ER 1.a should be adopted as is.</p> <p>Adopt as an action for the County to prepare, in consultation with relevant resource agencies, a procedural guidance document that details how important habitats are to be delineated for specific species. This would be used by staff and consultants in delineating specific habitat areas and would be in a form that would be updated as new information is available and as agencies determine appropriate delineation protocols. (See also Recommendations for SH-15 Public Agency Coordination.)</p> <p><u>COASTAL LAND USE PLANS</u> Retain No Co LUP Appendix B Glossary & Section 2.3 intro ESHA definition (this may be incorporated into one coastal zone wide ESHA listing and definition).</p>
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generally illustrative purposes only and that they are not definitive and do not substitute for careful field checking. Says as new information becomes available maps will be updated.

Del Monte Forest Land Use Plan

DMF LUP: ESH Introduction defines ESHA similar to No Co. Provides “examples” of ESHAs. Says a “complete listing” is included as Appendix A (see chart below) and the locations are shown in Figure2 ESHA map. Figure 2 is included in the LUP. Has a note that precise boundary for Cypress habitat is dependent on site-specific survey. Appendix A states that ESHAs include the following (see Summary Table below):

DMF LUP Introduction says supporting maps may be outdated and are superseded by the maps in the LUP.

Del Monte Forest LUP ESHA map: similar to No Co

Carmel Area Land Use Plan

Carmel LUP Section 2.3.1 defines ESHA similar to No Co definition; (see chart)

Carmel LUP policy 2.3.3.5 similar to No Co’s on field surveys.

Carmel LUP Introduction section 2.1 Similar in wording to No Co.

Carmel LUP Policy 2.3.2 further elaborates what is ESHA (see Summary Table); includes language that in addition to listed species in the policies, other species from time to time may be added or deleted from the list.

Carmel LUP ESHA map: similar to No Co

Big Sur Land Use Plan

Big Sur LUP Section 3.3 defines ESHA similar to No Co. (see Summary Table)

Big Sur LUP Introduction section 3.1 Similar in wording to No Co.

Revise wording of DMF LUP ESHA introduction to clarify that Appendix A is a listing of **examples** of known ESHAs at the time and not the complete list. Also revise DMF LUP Introduction to incorporate language from No Co Intro Section 1.2, or as suggested above, replace with a coastal zone wide ESHA listing and definition based on No Co’s and the above recommendation.

Retain Carmel LUP Section 2.3.1 ESHA definition (this may be incorporated into one coastal zone wide ESHA listing and definition).

Retain Big Sur LUP Section 3.3 ESHA definition (this may be incorporated into one coastal zone wide ESHA listing and definition).

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Big Sur LP Policy 3.3.2.2. Similar to No Co's on field surveys.

COASTAL IMPLEMENTATION PLAN

IP Intro to Resource Maps Appendix 2 states they are to be used in conjunction with site inspections for purposes of requiring biological reports... As new information is received, County staff will update the maps.

North County IP Chapter

No Co IP ESHA map show key wildlife areas such as seabird rookeries, water-associated bird habitat, coastal wetlands etc.

No Co IP definition section 20.144.020.EE: Environmentally Sensitive Habitats are areas in which plant or animal life or their habitats are rare or particularly valuable because of their special nature or role in an ecosystem. Environmentally sensitive habitats are also areas susceptible to disturbance or degradation by human activities and developments. Examples are riparian corridors and Areas of Special Biological Significance identified by the State Water Resources Control Board; rare and endangered species habitat; all coastal wetlands and lagoons; all marine wildlife haul-out, breeding and nesting area; education, research and wildlife reserves, including all tideland portions of the California Sea Otter State Fish and Game Refuge; nearshore reefs; tidepools; sea caves: islets and offshore rocks: kelp beds: indigenous dune plant habitats: Monarch butterfly mass overwintering sites: and wilderness and primitive areas. The California Coastal Act limits uses to those which are dependent on such resources: examples include nature education and research, hunting, fishing and aquaculture.

No Co IP Section 20.144.040.A has requirements for biologic reports to locate sensitive habitats.

Del Monte Forest IP Chapter

Del Monte Forest IP ESHA map: similar to No Co

COASTAL IMPLEMENTATION PLAN

Retain IP Intro to Resource Maps Appendix 2

Retain No Co IP definition section 20.144.020.EE (this may be incorporated into one coastal zone wide ESHA listing and definition).

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DMF IP Section 20.147.020(H) defines ESHA similar to No Co

DMP IP Section 20.147.040.A has requirements for biologic reports to locate sensitive habitats similar to No. Co.

Carmel Implementation Chapter

Carmel IP ESHA map: similar to No Co

Carmel IP Sections 20.146.020 GG & HH definitions of Sensitive Native habitats: Any of the native habitats described in this ordinance and/or those identified on maps maintained by the County of Monterey and/or any species determined by the Board of Supervisors to be unique and worthy of a special protection. Any dispute over the extent or sensitivity of any specific habitat shall be decided by the Monterey County Planning Commission.

Sensitive Species: Those locally rare or unique plants defined as endemic, relict or disjunct. In the Carmel area, rare/endangered and sensitive species include Hickmans' Onion, Sandmat manzanita, Monterey Ceonothus, Hutchinsons' Delphinium, California Dichondra, Point Lobos Eriogonum, Gardners' Tampah, Rhododendrons and other species that from time to time may be added or deleted from this list.

Carmel IP Section 20.146.040.A has requirements for biologic reports to locate sensitive habitats similar to No. Co.

Big Sur Implementation Chapter

Big Sur IP ESHA map: similar to No Co.

Big Sur IP Section 20.145.020.EE definition of ESHA same as No Co IP

Big Sur IP Section 20.145.040.A has requirements for biologic reports to locate sensitive habitats similar to No. Co.

Summary Table of ESHA Types Specifically Mentioned in the LCP:

	NCo	DMF	Car	BigSur	IP
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Retain DMF IP Section 20.147.020(H) (this may be incorporated into one coastal zone wide ESHA listing and definition).

Retain Carmel IP Sections 20.146.020 GG & HH (these may be incorporated into one coastal zone wide ESHA listing and definition).

Retain Big Sur IP Section 20.145.020.EE (this may be incorporated into one coastal zone wide ESHA listing and definition).

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	LUP	LUP	LUP	LUP	
Habitat Types					
Riparian corridors	yes	yes	yes	yes	yes
Areas of Special Biological Significance (identified by the State Water Resources Control Board)	yes	yes	yes	yes	yes
Rare, endangered and threatened species and their habitat	yes	yes	yes ⁷	yes	yes
Other sensitive species and habitats such as species of restricted occurrence and unique or especially valuable examples of coastal habitats	yes	yes	yes ⁸	yes	yes
Saltwater marshes	yes				
All coastal wetlands and lagoons	yes		yes	yes	yes
Natural freshwater marshes	yes	yes			
Natural seasonal ponds		yes			
Sloughs	yes				
All marine wildlife	yes				
All marine wildlife haul-out areas	yes	yes	yes	yes	yes
All marine breeding areas				yes	yes
All nesting areas				yes	yes
Rocky intertidal areas		yes	yes		
Rookeries		yes	yes		
Important roosting sites		yes	yes		
Education, research &				yes	yes

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wildlife reserves, including all tideland portions of the Cal. Sea Otter State Fish & Game Refuge					
Nearshore reefs		yes	yes	yes	yes
Beaches	yes				
Coastal strand	yes				
Tidepools				yes	yes
Sea caves				yes	yes
Islets and offshore rocks		yes	yes	yes	yes
Kelp beds	yes	yes	yes	yes	yes
Monterey Bay	yes				
Indigenous dune plant habitats	yes			yes	yes
Monarch butterfly mass overwintering sites				yes	yes
Wilderness and primitive areas				yes	yes
<u>Specific Species Mentioned</u>					
Monterey Cypress forest		yes	yes		yes ⁹
Gowen Cypress forest		yes	yes		yes ¹⁰
Monterey Pine forest		yes	yes ¹¹		yes ¹²
Bishop Pine forest		yes			yes ¹³
Hickman's Onion			yes		
Sandmat manzanita		yes	yes		
Monterey Ceanothus		yes	yes		
Hutchinson's delphinium			yes		
California dichondra			yes		
Point Lobos eriogonum			yes		

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Gardener's tampah			yes		
Northern Coastal Prairie			yes		
Chamise-Monterey manzanita dwarf coastal chaparral			yes		
Endemic shaggy bark manzanita – significant occurrences only		yes			
Maritime Chaparral	yes				
Coast Redwood forest			yes		
Coastal sand dunes	yes	yes			
Southern Sea Otter, nursery		yes			
Southern Bald Eagle, nesting, feeding, and resting areas		yes			
California Brown Pelican, inshore feeding & resting areas esp. Bird Rock		yes			
California Least Tern, shoreline feeding & resting areas		yes			
American Peregrine Falcon, nesting areas		yes			
Smith's Blue Butterfly, dune areas, Pt. Lobos buckwheat		yes			
Hickman's cinquefoil		yes			
Coastal Dunes milk vetch		yes			
Menzies wallflower		yes			
Tidestrom's lupine habitat, dune areas		yes			

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Eastwood's goldenfleece habitat, sand areas		yes				
Monterey clover habitat, Gowen Cypress area		yes				
Pacific Grove clover habitat, Indian village area		yes				
Seaside painted cup habitat, dune and shoreline areas		yes				
Beargrass, disjunct occurrences on Huckleberry Hill		yes				
Coast rhododendron		yes				
rhododendrons			yes			
Hutchinson's larkspur habitat		yes				

ISSUE SH-2: Shoreline Resources

Ensure that resources adjacent to or in the nearshore marine environment are protected.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The LCP has the noted marine information, however, updates are necessary (as discussed in Issue SH-1 ESHA identification). Also, as noted below, there can be better communication between the resource agencies and Monterey County.</p> <p>Same policies as for Issues SH-1 ESHA Identification and SH-15 Public Agency Coordination</p>	<p>Summary: Adopt an action to use most current scientific information to identify shoreline resources.</p> <p>Adopt an action for planners and consultants that prepare biologic report to consider NOAA's Environmentally Sensitivity Index (http://response.restoration.noaa.gov/esi/esiintro.html) when reviewing projects on or near or potentially impacting the shoreline.</p>

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	<p>Also see Issues SH-1 ESHA Identification and SH-15 Public Agency Coordination Recommendations. Incorporate this source into the recommended manual.</p>
<p>ISSUE SH-3: Biologic Reports Ensure that biologic report recommendations be consistent with all applicable plan policies so as to ensure that the policies are implemented.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: All coastal segments are governed by LCP provisions to require that biological report recommendations are consistent with applicable plan policies, except for Del Monte Forest. Since biological report recommendations often become conditions of County coastal permits, this oversight means that in Del Monte Forest permits may not be conditioned in a manner consistent with the LCP.</p> <p>To date the General Plan Update does not directly address this issue.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No. County LUP</u> policy 2.3.2(5) requires field surveys to determine precise locations and to recommend mitigating measures to ensure protection of any ESHA present. Additionally, the survey is required to document that the proposed development complies w/all applicable ESHA policies.</p> <p><u>DMF LUP</u>: same policy language as Big Sur LUP.</p> <p><u>Carmel LUP</u>: same policy language as No. County LUP</p> <p><u>Big Sur LUP</u>: policy 3.3.2(2) requires field surveys to determine precise locations & recommend mitigation.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p>	<p>Summary: Adopt uniform policy to require and ensure that the evaluation contained in required biological surveys is based on adopted policy.</p> <p><u>COASTAL LAND USE PLANS</u> Adopt No Co. and Carmel LUP cited policy language coastal zone wide but change the term “field survey” to “biological survey” –for internal consistency.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p>

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<p>No Co IP Section 20.144.040.A.j is similar to LUP.</p> <p>DMF IP Section 20.147.040.B2 requires bio reports to have mitigation measures, but not explicitly tied to LCP.</p> <p>Carmel IP Section 20.146.040.B is similar to LUP.</p> <p>Big Sur IP Section 20.145.040.A.4.j does require biological reports to contain an assessment of LCP consistency</p>	<p>Retain No Co, Carmel, and Big Sur IP language.</p> <p>Similarly revise DMF IP section to be consistent with other segments' and policy language recommended above..</p>
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ISSUE SH-4: Resource-dependent Uses in ESHA
Ensure that disturbance in sensitive habitat areas is only allowed if the use is dependent on the habitat so as to be consistent with Coastal Act.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: All segments except Big Sur are governed by the Coastal Act limitation of only-resource dependent uses in sensitive habitats. All segments, except possibly Carmel Area, are governed by the Coastal Act limitation of no significant disruption of sensitive habitats. (Carmel Area is covered to the extent that “small-scale” equates with “no significant disruption.”) Thus, there is the potential for sensitive habitats to not receive the full protection required under the Coastal Act in Carmel Area and Big Sur.</p> <p>To date the General Plan Update does not directly address this issue.</p> <p><u>GENERAL PLAN UPDATE</u> policies do not specifically preclude non-resource dependent development within ESHAs.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No. County LUP:</u> Policy 2.3.2.1 specifically states this.</p> <p><u>DMF LUP:</u> Policy 8 specifically states this.</p>	<p>Summary: Adopt policy that ensures that sensitive habitats are not significantly disrupted and that only resource-dependent uses are allowed within them.</p> <p><u>GENERAL PLAN UPDATE</u></p> <p><u>COASTAL LAND USE PLANS</u> Retain No Co 2.3.2.1 language and apply countywide.</p>

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Carmel LUP: Policy 2.3.3(1) specifically states this; also allows small-scale development necessary to support resource-dependent development to be in ESHA.

Big Sur Land Use Plan

Big Sur LUP: Policy 3.3.2.1 addresses no significant disruption of habitat but no specific policy on resource-dependency.

COASTAL IMPLEMENTATION PLAN

No Co IP Section 20.144.040.B.1 same as LUP

DMF IP has some specific indication of uses allowed and not allowed within sensitive habitats, but no general statement.

Carmel IP Section 20.146.040. B.1 same as LUP

Big Sur IP Section 20.145.040.B.1 same as LUP; hence lacks resource-dependence concept.

Summary Table of What LCP Allows In ESHAs:

	North County	Del Monte	Carmel	Big Sur
Only resource-dependent uses allowed?	yes	yes	yes	no
Specific uses allowed	Nature education, research, hunting, fishing, aquaculture	Some recreation & visitor uses appear allowed (policy 9)	Nature education, research, hunting, fishing, aquaculture; small scale to support	None specified

Revise Carmel Area and Big Sur LUP policies to include existing language from No. County and DMF LUPs.

COASTAL IMPLEMENTATION PLAN

Retain No Co IP Section 20.144.040.B.1 language and apply countywide.

Revise Carmel Area and Big Sur IP section to include existing language from No. County LUP/IP.

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			resource dependent		
No significant disruption criteria	Yes & minimize land disturbance	Yes;	Not specifically (small-scale provision may result in this);	Yes & minimize land disturbance	
Exceptions allowed		Certain rehab. areas	One minor intersection project		

ISSUE SH-5: Subdividing ESHA

Ensure that no new parcel is created where the only building site would be within a sensitive habitat area.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: While a reading of the current LCP policies would suggest that new lots shall not be created without a building site out of ESHA, this is not explicitly stated except in the Del Monte LUP policy. The other current language is not directive enough to ensure that the resulting lot patterns adequately protect habitats and provide for buffers and continuity.</p> <p>To date the General Plan Update does not directly address this topic.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Policy ER-1.1 somewhat relates to this issue by directing further growth into urban areas to avoid further land development in habitat areas. Proposed densities are 1du/40acres in rural areas –outside of Community Areas and Rural Centers, but even these densities do not fully guarantee the needed result.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No. County Land Use Plan:</u></p>	<p>Summary: Adopt a policy governing land divisions that does not allow the creation of a lot where the building site would be in, or would adversely impact, ESHA.</p> <p><u>GENERAL PLAN UPDATE</u></p> <p><u>COASTAL LAND USE PLANS</u> Retain and adopt coastal zone wide language in No. County LUP Policy</p>

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No. County LUP Policy 2.3.2.1 states only resource dependent uses are permitted within sensitive habitat areas.
 No Co LUP Policy 2.3.2(4) specifically precludes further subdivision of land totally within sensitive habitat areas. And where parcels contain “sensitive habitats, development shall be clustered...”
 No Co LUP Policy 2.3.2.6 requires using easements where land divisions are proposed in areas containing environmentally sensitive habitats.

Del Monte Forest Land Use Plan

DMF LUP: Policy 8 relates to limiting building on ESHAs

DMF LUP: Policy 10 states that no residential subdivision shall be allowed unless it is first demonstrated that, for each new residential lot, normal residential development, including driveway and utility connections, is feasible without damage to any environmentally sensitive habitat.

Carmel LUP: Policy 2.3.3(4) states land totally within sensitive habitat areas shall not be further divided. Similar text to No Co LUP policy 2.3.2.4

Big Sur LUP: no specific policies addressing these subdivision issues.

COASTAL IMPLEMENTATION PLAN

IP No. County: Section 20.144.040(B)(3) & (5), limits building in ESHA; permits new subdivisions containing ESHA only if adverse impacts to

2.3.2.4 to preclude further subdivision of land totally within sensitive habitat areas as a stand-alone policy.

Retain and merge into one coastal zone wide policy language in No Co LUP policies 2.3.2.4 to protect contiguous areas of undisturbed land and 2.3.2.6 to protect this land through legal restrictions. Include in this concept legal protections over connecting and buffer lands. Also, add to this policy language to allow creating a new parcel only if can be developed (including construction of any necessary access road), without building in ESHA or in an ESHA buffer, or removing ESHA for fuel modification. Also prevent creation of new parcels that would result in the fragmentation of sensitive habitat areas. (Extract text from the No. Co. & Big Sur IP regulations that require the ESHA will remain contiguous and the only new building lots created shall be sufficiently buffered from the ESHA and prevent adverse impacts to the ESHA; prevent creation of new building lots/parcels where the majority of the parcel is in sensitive habitat.)

COASTAL IMPLEMENTATION PLAN

Revise IP in a manner consistent with above recommendation to prohibit further subdivision of land totally within sensitive habitat areas; prohibit

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<p>ESHA are prevented, requires clustering, requires assessing cumulative impacts; requires where feasible, including contiguous areas and corridors of native vegetation for wildlife and plant species and use conservation easements to help achieve this among other techniques.</p> <p><u>IP DMF</u> Section 20.147.040.B.1 precludes new residential parcels whose only building site is in the buffer area of an environmentally sensitive area. Section 20.147.040.B.4 limits new land uses in environmentally sensitive areas to resource dependent uses, including education research, fish and wildlife management activities, trails with no adverse impact. Section 20.147.040.B.6 addresses subdividing adjacent to sensitive habitat.</p> <p><u>IP Carmel</u> Section 20.146.040.B.5: states clustering shall be required for parcels containing sensitive habitat – does not specifically mention new subdivision of land containing sensitive habitat nor the need to legally restrict contiguous or buffer lands.</p> <p><u>IP Big Sur</u>: same language as No. County IP.</p>	<p>creating a new parcel that would not have a building site outside of a sensitive habitat area; and prevent creation of new parcels that would result in the fragmentation of sensitive habitat areas.</p>
<p>ISSUE SH-6: Mitigation for Habitat Loss Ensure that there is adequate compensatory mitigation required for unavoidable impacts from allowable development in environmentally sensitive habitat so as to maintain overall habitat consistent with Coastal Act policy.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: The current LCP does not have explicit language mandating minimum replacement ratios for habitat acreage lost. While the main policy thrust is to preserve habitat, there will continue to be instances of uses being allowed in the habitat (e.g., either permitted resource-dependent uses or some minimal development to prevent a taking of property). Since these could occur without a compensatory mitigation requirement, there is potential for overall habitat loss, which is inconsistent with Coastal Act mandates.</p>	<p>Summary: Adopt a policy that specifies a minimum of three-to-one replacement of disturbed sensitive habitat acreage due to permitted development.</p>

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To date the General Plan Update has some minimum replacement ratios for individual trees, but not for the forest habitat acreage nor for other ESHAs.

GENERAL PLAN UPDATE

GPU Policy ER-1.3 seeks mitigation but does not specify ratios.

GPU Policy ER-3.4 lists ratios 5:1 for native oaks, 3:1 for other trees.

GPU Policy ER-3.3 allows mitigation measures to avoid disturbance to sensitive plant communities but other than listing the option to transplant to offsite locations, does not include an in lieu fee or mitigation option.

GENERAL PLAN UPDATE

GPU Policy ER-3.4 may be adopted.

Adopt policy language coastal zone wide that requires minimum four-to-one acreage in-kind replacement ratios for the limited amount of cases where development is allowed in vernal pools or salt marshes and a minimum three-to one in-kind acreage replacement ration for other sensitive habitat areas, where policies do not otherwise mandate a specific ratio. Actual mitigation requirement could be greater based on biologic report determinations of significance of the resource to be lost, resulting status of the remaining resource and project impacts to it (e.g., will the remaining resource be fragmented? will its ecological productivity decrease? will it be adversely impacted by the adjacent approved project), replacement success rate experience for the resource to be lost, and recommendations from resource agencies. (See also Recommendations for Issue SH-1 ESHA Identification to develop better procedural guidance as to how to determine extent of habitat and Recommendations for ISSUE WQ-1 Dredging and Spoils for further wetland mitigation recommendations.)

Adopt an action to include in the recommended procedural document guidance on how to determine appropriate compensatory mitigation ratios and locations for each type of sensitive habitat.

Adopt an action to work with other agencies and non-profit land preservation groups for identifying potential mitigation areas for various types of sensitive habitats, creating in lieu fee programs to fund the required replacement mitigation, and establishing cooperative programs for these mitigation areas.

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non-native trees may provide habitat. Also some current LCP provisions actually conflict with this fact. Therefore, habitat protection is not completely ensured.

To date the General Plan Update does not directly address this issue.

GENERAL PLAN UPDATE

no specific policies on this topic.

COASTAL LAND USE PLANS

North County Land Use Plan

No. County LUP: 2.2.3(6) related to protection of tree removal; regulates removal of native trees & other “significant vegetation” in accordance w/sections 2.3.2, 2.3.3, 2.6.2 & 2.6.3.

No. County LUP: Policy 2.3.4.5 suggests a program to control non-natives.

DMF LUP: Policy 32 allows removal of non-native species at owner’s sole discretion.

Carmel LUP: Policy 2.5.3.3 encourages removal of non-native trees except where it provides important wildlife habitat.

GENERAL PLAN UPDATE

Adopt a qualifying coastal zone wide policy: As part of any biologic report identifying non-native vegetation as providing sensitive habitat, include an assessment of any adverse affects on native species (e.g. birds) caused by the non-natives. Where there are potential adverse effects or there is a desire to return to native vegetation, include a management plan (developed with assistance from the appropriate agency such as DF & G) that will replace non-natives with natives in phases so as not to disturb the habitat.

Adopt an action to have a program for tracking information on positive and adverse characteristics of non-native species found in the County and for disseminating information and recommendations on replacing them with natives.

COASTAL LAND USE PLANS

Add language of Carmel LUP policy 2.5.3.3 to No. County LUP policy 2.2.3.6. (See also Issue SH-9 Tree Removal recommendations.)

Revise DMF LUP policy 32 to protect non-native trees when they serve as habitat (e.g. eucalyptus for monarch butterfly overwintering sites).

Retain Carmel LUP policy 2.5.3.3. (See also Issue SH-9 Tree Removal recommendations.)

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<p><u>Big Sur LUP</u> Big Sur policies 3.5.2.3 & 4.1.3.B.2 encourage removal of non-natives. Other policies have caveats for view protection (but not habitat protection).</p> <p>Big Sur policy 5.4.2.13 says that non-native tree removal does not need coastal permit authorization unless it would result in exposure of structures in the critical viewshed.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> No Co. IP Section 20.144.050.A.2 says no permit is required for removal of non-native trees; somewhat contradicted by Section 20.144.050.C.1 that protects non-natives if they are landmark trees. It also states, “where a tree proposed for removal may potentially act as a nesting or roosting location for a rare, endangered, or threatened species, a biological survey report shall be required...”</p> <p>DMF IP Section 20.147.050.D.2 & Attachment 1 requiring forest management plans same as LUP.</p> <p><u>Carmel Implementation Chapter</u> Carmel IP Section 20.146.060.A.1.a requires a coastal permit for removal of non-native tree that provides habitat Carmel IP Attachment 1 section 2.D.2.a does not apply forest management plan and permit for non-native tree removal (Note: this provision is inconsistent with other Carmel Area provisions.)</p> <p><u>BS IP</u> Attachment 1 section 2.D.2.a does not apply forest management plan and permit for non-native tree removal.</p>	<p>Revise Big Sur LUP policy 3.5.2.3 to use Carmel LUP policy 2.5.3.3 language.</p> <p>Revise Big Sur LUP policy 5.4.2.13 to require a permit where the non-native tree serves as sensitive habitat.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Revise No Co. IP Section 20.144.050.A.2, DMF IP Section 20.147.050.D.2, DMF IP Attachment 1 section 2.D.2.a; Carmel IP Attachment 1 section 2.D.2.a; BS IP Attachment 1 section 2.D.2. Amplify consistent with above policy recommendations to account for any adverse affects on native species (e.g. birds) caused by the non-native tree(s). Use language of No Co IP Section 20.144.050.C.1 to require biologic review, but broadened to encompass all sensitive species. Suggest that in consultation with biologist determine whether to replace non-natives with natives in phases so as not to disturb the habitat.</p>
<p>ISSUE SH-8: Timber Harvest Ensure that timber harvest provisions are consistent with Coastal Act ESHA, visual and other policies in a manner that complies with State law governing authority over timber harvests.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>

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Summary Comment: The current LCPs have appropriate provisions to ensure that the location of timber harvesting, and the manner of timber harvesting (in circumstances where governments retain authority to regulate such harvesting), account for Coastal Act concerns. The current LCP zoning provisions correctly indicate the County’s lack of authority to regulate timber harvesting that the State regulates, but the text in the land use plans is not as clear. Also, the Carmel and Big Sur LUPs make a distinction (to not allow large-scale commercial logging, but to allow limited selective logging as one measure to maintain healthy forests) that may not be consistent with State law. The provision to rezone land on which timber harvesting is approved to Resource Conservation is contradictory.

GENERAL PLAN UPDATE

GPU Policy ER-3.11 states that commercial harvesting of commercial timber species shall be regulated by permit and must be in conformance with the policies of this plan carried out in compliance with all applicable State and Federal laws, most notably the Forest Practices Act of 1973 with amendments, the California Environmental Quality Act, and the Special Treatment Area Criteria for the Monterey County area adopted by the California Coastal Commission, and the State Board of Forestry. Only state licensed timber operators may conduct commercial logging operations.

GPU Policy ER-3.12 states that as required by state law, applicants for timber harvest permits shall first file and receive approval from the California Department of Forestry for a Timber Harvest Plan (THP). The County shall review the THP for environmental impacts and consistency with the policies of this plan. The Timber Harvest Plan will be required to provide substantive consideration of alternative harvesting systems that have less environmental impact, before tractor yarding is allowed.

GPU Policy ER-3.13 states that Timber Harvest Plans shall use sound forest management best practices and principles to protect the natural ecosystem to the maximum extent and in accordance with all applicable

Summary: Retain provisions addressing timber harvest but add a clear explanation of their potential applicability under State law.

GENERAL PLAN UPDATE

Revise GPU Policy ER-3.11 as follows: Commercial harvesting of commercial timber species shall be regulated pursuant to the Forest Practices Act of 1973, as amended, and Forest Practice Rules adopted by the Board of Forestry pursuant to the Act, which include rules for Coastal Commission Special Treatment Areas and Monterey County Rules.¹⁶ To the extent permitted by State law, timber harvesting shall be undertaken in conformance with the policies of this plan.

Revise GPU Policy ER-3.12 as follows. The County shall review the THP for environmental impacts and consistency with the policies of this plan in order to provide comment to and participate in the review process of the Department of Forestry.

GPU Policy ER-3.13 may be adopted with the caveat that this is an advisory, not regulatory, policy as the County does not have regulatory authority to approve timber harvest plans (see other recommendations in

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Federal, State and County codes and statutes.

GPU Policy ER-3.14 states that soil or stream disturbance resulting from commercial timber harvest shall not be allowed between October 15 and April 15. Erosion control programs shall be accomplished and certified by the Department of Forestry by September 30 of each year.

GPU Policy ER-3.15 states that all salvage or selective logging activities shall take place outside the riparian corridor except the felling of trees. Best available methods to protect riparian corridors when felling of trees must be followed to avoid disturbance to streams, rivers, and drainage ways.

COASTAL LAND USE PLANS

Carmel Land Use Plan:

Carmel Section 2.5.1 is an overview.

this section).

GPU Policy ER-3.14 may be adopted with the caveat that this is an advisory, not regulatory, policy for the circumstances in which the County does not have regulatory authority over the conduct of timber operations (see other recommendations in this section).

GPU Policy ER-3.15 may be adopted with the caveat that this is an advisory, not regulatory, policy for the circumstances in which County does not have regulatory authority over the conduct of timber operations (see other recommendations in this section).

Add an action for the County to review and monitor State forestry law and associated court cases to determine whether to be more explicit in its land use designations and zoning district provisions as to whether and where timber harvesting is permitted.¹⁷

COASTAL LAND USE PLANS

Revise last part of Carmel Section 2.5.1 as follows:

Regulation of the use of forest resources on private lands is the responsibility of Monterey County and the State Department of Forestry. In the past, the County has regulated logging through a use permit process, relying on the Department of Forestry for technical advice. This State agency administers the harvest according to the requirements of the Forest Practices Act of 1973. Under the Forest Practices Act, the State Department of Forestry and Fire Protection has sole regulatory authority over most commercial timber operations, although the County can provide comments on such operations through its participation in technical review committees where it lacks regulatory authority. The County has regulatory authority (i.e., can issue coastal development permits) for some types of timber cutting that are not covered by the Forest Practices Act (such as non-commercial timber harvest and harvesting of non-commercial tree species), and for commercial timber operations that are expressly subject to local regulation under the Forest Practices Act. The California Coastal Commission, as required by the

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<p>Carmel LUP Policy 2.5.3.1 describes Special Treatment Areas designated by the CA Coastal Commission as required by the Coastal Act. (same language as in Big Sur)</p> <p>Carmel LUP Policy 2.5.3.5 similar to GPU Policy ER-3.11. However, it</p>	<p>Coastal Act, has designated some of the potential commercial forest area in the Carmel area as Special Treatment Areas. The Board of Forestry has approved special treatment area regulations which contain additional requirements governing the conduct of timber operations in these areas. In addition, the Board has adopted special rules which apply throughout Monterey County. The special treatment area and Monterey County regulations provide for specific objectives and guidelines to be carried out by the Department of Forestry <u>and Fire Protection</u>, consequently, Monterey County, in reviewing and approving any timber operations in the County . The rules are aimed generally at protecting public recreation areas, scenic values, soils, streams and wetlands.</p> <p>The demand for harvesting of commercial timber can be expected to increase. At the same time, there is pressure to preserve the Carmel area environment in its natural state for aesthetic, recreational, scientific, and wildlife habitat values. The concern that commercial harvesting could be highly destructive to the environment raises questions as to whether logging should be permitted at all and if so, under what regulations. <u>But the County may not regulate the conduct of timber operations that are subject to State regulation. The County can only designate in which areas timber harvesting is an allowed use. Of equal concern are tree and vegetation removal in general, and the need for effective regulation to control such activity.</u> Thus, the following policies addressing tree removal are applicable as follows:</p> <ul style="list-style-type: none"> <u>-to the extent that the County has authority to regulate tree cutting or removal (e.g. tree cutting or removal that is not subject to the Forest Practices Act or that is expressly subject to local regulation under the Act), they shall be applied through the coastal permit process;</u> <u>-to the extent that State law preempts County regulation of timber operations, they shall be used as guidance for the County in participating in the Department of Forestry and Fire Protection THP review process.</u> <p>Carmel LUP Policy 2.5.3.1 may be retained.</p> <p>See recommendation above regarding GPU Policy ER-3.11.</p>
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also applies to oak and madrone which are not regulated by the State Department of Forestry and Fire Protection.

Carmel LUP Policy 2.5.3.6 states that the County will require that applicants for timber harvest permits first file and receive approval from the California Department of Forestry for a Timber Harvest Plan (THP). The THP will then be reviewed by the County for environmental impacts and consistency with coastal plan policies. If environmental documents are required, they shall be and certified prior to Planning Commission consideration of the coastal use permit. The Timber Harvest Plan will be required to provide substantive consideration of alternative harvesting systems which have less environmental impact, before tractor yarding is allowed.

Carmel LUP Policy 4.4.2.9 states that large-scale commercial timber harvesting is an inappropriate use in the Carmel Area.

Big Sur LUP:

Big Sur Section 3.5 Forest Resources, is an overview which in part states that there are some areas within Big Sur designated by the CA Coastal Commission as required by the Coastal Act as Special Treatment Areas, where potential commercial forest areas exist. The designations provide for specific objectives and guidelines to be carried out and the rules are aimed at generally at protecting public recreation areas, scenic values, soils, streams, and wetlands.

Big Sur Policy 3.5.2.5 similar to GPU Policy ER-3.11

Big Sur Policy 3.5.2.6 similar to Carmel LUP policy 2.5.3.6

Big Sur policy 3.5.3.10 states that areas where timber is harvested shall be zoned into a district which allows only low intensity recreational uses and emphasizes the highest and best use of the land as being the continued management of water, soil and trees for timber production.

Big Sur Section 5.3.1.1 describing allowed land uses within the National

Revise Carmel policy 2.5.3.6 to be consistent with State law; see recommendation for GPU Policy ER-3.12.

Revise Big Sur Section 3.5 same as for Carmel Section 2.5.1 and also add the following:

-for the large tracts of land under Federal control, the policies governing shall be used as guidance for participation in the federal consistency process or local government or Commission participation in the coastal permit process, where applicable.

Revise Big Sur Policy 3.5.2.5 as recommended for GPU Policy ER-3.11

Revise Big Sur Policy 3.5.2.6 as recommended for GPU Policy ER-3.12

Revise Big Sur policy 3.5.3.10 to read: Compatible uses in areas where timber is harvested are low intensity recreational uses and natural resource management or delete policy.

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Forest designation includes that forestry can also be practiced under careful controls. Land uses permitted in the Ventana Wilderness portion of the National Forest are limited to backcountry recreation. Non-federal development within this designation will be subject to the same development standards and criteria as Watershed and Scenic Conservation category.

Big Sur Section 5.3.1.2 describes allowed land uses in Watershed and Scenic Conservation including the following: Protection of watersheds, streams, plant communities, and scenic values is the primary objective. Forestry is a secondary, conditional use that will be considered on its individual merit.

Big Sur Section 5.4.2.6 states that commercial timber harvesting is an inappropriate land use in Big Sur.

COASTAL IMPLEMENTATION PLAN

IP Sections 20.17.040 & .050 does not list timber harvest as an allowed use in the Watershed and Scenic Conservation zoning district

IP Section 20.06.310 defines development as not including timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Zberg-Nejedly Forest Practice Act of 1973.

IP Section 20.70.120.J exempts from coastal permits: Timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'Berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). Road development and grading work shall be considered part of the timber operation only if all of the following apply: 1. Such work is for the exclusive purpose of timber operations; 2. Such work is shown on the approved timber harvest plan; and, 3. Such work is located on the premises, within the immediate area of timber operations.

Carmel Chapter 20.146.060 contains regulations for tree cutting. Section

Add to Big Sur Section 5.3.1.2 a reference to Big Sur Section 3.5 regarding that in most cases the County does not have regulatory control to consider individual timber harvests on their merits.

COASTAL IMPLEMENTATION PLAN

Retain IP Section 20.06.310 as it pertains to timber harvest.

Retain IP Section 20.70.120.J.

Retain Chapter 20.146.060 as it pertains to tree cutting that the County

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<p>20.146.060.A.1.e states a coastal permit is not needed for a Timber Harvest Plan in accordance with State requirements.</p> <p>Big Sur Chapter 20.145.060 similar to Carmel Chapter 20.146.060 and Big Sur Land Use Plan policies.</p> <p>Big Sur Section 20.145.060.D.9 states that those portions of a parcel which become subject to a commercial timber harvest, including grading for landings and areas accessed by logging roads, shall be added to the "RC(CZ)" zoning district. Such rezoning shall be initiated by the County either when the Timber Harvest Plan is approved by the California Department of Forestry or when timber harvest commence, whichever is first. The rezoning shall not require a LUP or Implementation Plan amendment. (Note: pursuant to IP Sections 20.36.040 & 050 RC uses are limited to resource dependent educational and scientific research facilities, low intensity day use recreation, and the like).</p>	<p>regulates. (see other recommendations for specific changes to this chapter)</p> <p>Retain Chapter 20.145.060 as it pertains to tree cutting that the County regulates. (see other recommendations for specific changes to this chapter)</p> <p>Delete Big Sur Section 20.145.060.D.9.</p>
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ISSUE SH-9: Tree Removal
Ensure that tree removal and replacement requirements are in compliance with habitat protect policies. (as well as are consistent with Coastal Act visual resource protection section 30251 and water quality section 30231)

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP has fairly adequate provisions for requiring coastal permits for tree removal, except as noted above for non-natives. Non-natives may also be important for visual screening, but are only protected for that purpose in Big Sur. The current LCP requires Forest Management Plans where tree removal that requires permits occurs, except in North County. In North County only an assessment is required, which does not address long-term tree maintenance in relationship to site use and development and thus provides less assurance of long-term tree health. Only the Carmel Area LUP addresses snags, which provide important habitat, but the IP for Carmel in one location states the no permit is needed to remove them. The current LCP has good policies</p>	<p>Summary: Retain and refine policies to minimize tree cutting and to require replacing trees allowed to be removed. [Note: additional specific recommendations for Monterey pine forest may be forthcoming.]</p>

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for avoiding excessive tree removal. The current LCP has replacement criteria, but lacks a monitoring requirement.

Forest management plans are to be prepared by registered foresters and are separate documents from required biological surveys. This lack of mandated coordination between reports and the experts who prepare the reports may mean that habitat considerations do not end up being paramount, which the Coastal Act would require and that there may be inconsistencies in recommendations and hence in their implementation by property owners. The County lacks a staff forester, meaning that consultant-prepared forest management plans do not have independent review from qualified experts and hence may not be sufficient to protect trees.

To date the General Plan Update has welcome replacement criteria that will provide a uniform County standard and help restore forests that have dwindled over time. However, these criteria may not be possible to implement on, or be the best for, a single subject site. The General Plan Update has a welcome monitoring requirement, too.

GENERAL PLAN UPDATE:

GPU Policy ER-3.4 states where tree/native vegetation removal is unavoidable, a replacement of salvage/transplant program is required for replacement of native trees and vegetation. Requires replacement of native oak trees greater than 6 inches in diameter shall be at 5:1; other tree replacement of same diameter shall be 3:1. Program is to include maintenance and monitoring for a minimum of five years, verified through annual submittal of monitoring program to the County.

GPU Policy ER-3.5 relates to tree removal permits. Requires a permit for removal of any native tree in excess of six inches.

COASTAL LAND USE PLANS

North County Land Use Plan

GENERAL PLAN UPDATE:

Proposed GPU policy ER-3.4 may be adopted.

Proposed GPU policy ER-3.5 may be adopted

Adopt an action to hire or contract with a forester to review tree removal permits and forest management plans.

COASTAL LAND USE PLANS

Retain No. County LUP Policy 2.2.2(3).

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No. County LUP: Policy 2.2.2(3) states that lots and access roads should be sited to minimize tree removal and visually intrusive grading during development

No Co policy 2.2.2(5) indicates structures should be located to minimize tree removal.

No Co policy 2.2.3(6) requires that existing native trees and other significant vegetation be retained to the maximum extent possible, removal of native trees shall be in accordance w/sections 2.3.2, 2.3.3, 2.6.2, 2.6.3; states a Tree Ordinance shall be developed for the North County coastal zone.

Del Monte Forest Land Use Plan

DMF LUP policy 32: Forest-wide specific criteria for removal of native tree species are as follows:

- Monterey cypress: within its indigenous range, removal of any size tree will ordinarily be allowed only in cases where life, property, or existing access is immediately threatened, or where a diseased tree is determined by a qualified professional forester to represent a severe and serious infection hazard to the rest of the forest. Elsewhere, treat same as Monterey pine.
- Gowen cypress: same criteria as for Monterey cypress.
- Bishop pine: same criteria as for Monterey cypress.
- Monterey pine: removal of any significant Monterey pine (living tree more than 12 in diameter) shall be in accordance with the forest management plan for that site. If no such plan has yet been approved for the site by the County or its designee, or an OSAC Maintenance Standard prepared, such plan will be prepared prior to any non- emergency tree removal. On small parcels, a brief standardized format may be used for forest management plans. As a minimum standard of review, the content of the OSAC Plan Forest Maintenance Standard for Shepherds Knoll (Parcel No. 4) shall be adhered to wherever applicable.
- Coast live oak: same criteria as for Monterey pine.
- Pacific Madrone: same criteria as for Monterey pine.
- Non-native trees: removal at owner’s sole discretion.

Retain No Co policy 2.2.2(5).

Revise No. County LUP policy 2.2.3.6 indicating when non-native tree removal needs a coastal permit to include where they provide visual screening.

Revise DMF LUP policy 32 indicating that the County has authority over non-native tree removal where visual screening is provided (and where it serves as habitat, see Recommendations for Issue SH-7 Non-natives as habitat).

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“In reviewing requests for tree removal, land clearing, and other development, preservation of scenic resources shall be a primary objective. Because of the regional significance of the forest resources, special consideration shall be given to the ridgeline silhouette, the corridors along Highway 68 and 17-Mile Drive, and the view from distant publicly accessible shoreline areas such as Pt. Lobos.”

Carmel Area Land Use Plan

Carmel LUP: 2.2.3(5) requires new subdivision that creates new development of the coastal hills and ridges east of Hwy. 1 to minimize tree removal.

Retain Carmel LUP policy 2.2.3(5).

Carmel LUP policy 2.2.3(7) requires minimizing tree removal for actual building site and access road for the development;

Retain Carmel LUP policy 2.2.3.7.

Carmel LUP policy 2.2.4(10)(e) states existing trees should be retained to the maximum extent possible during and after the construction process.

Retain Carmel LUP policy 2.2.4(10)(e).

Carmel LUP policy 2.3.3Rip.8 state, “Except where necessary to alleviate a hazardous situation, snag removal should be avoided in areas of Monterey pine, coast live oak, or coast redwood which are retained in open space use.”

Retain Carmel LUP policy 2.3.3Rip.8 and adopt as a coastal zone wide policy.

Carmel LUP Policy 2.3.3.Rip.9 states, “The restoration of Northern Coastal Prairie in Point Lobos State Reserve should provide for the retention of snags along the ecotone and within the area to be converted to prairie.”

Retain Carmel LUP Policy 2.3.3.Rip.9.

Carmel LUP Policy 2.3.3LU.8 states in part: A forest conservation and management program should be developed and implemented by the County and the State Department of Parks and Recreation to maintain those Monterey pine and Coast redwood forest areas retained as open space. The management program should include the following elements:
 a. The retention of snags for wildlife use...”

Retain Carmel LUP Policy 2.3.3LU.8.

Carmel LUP policy 2.5.3(2) requires cutting or removal of all trees to

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<p>conform to the broad resource protection objectives of the LUP.</p> <p>Carmel LUP Policy 2.5.3.3 encourages removal of non-native trees except where it provides important wildlife habitat.</p> <p>Carmel LUP policy 2.5.3(8) states "...tree removal shall specifically conform to the LCP policies regarding water and marine resources, sensitive habitat area and coastal visual resources."</p> <p><u>Big Sur Land Use Plan:</u> Big Sur LUP policy 3.2.4(A)(2) - Structures and access roads shall be designed to minimize alterations of the natural landform and to avoid, insofar as feasible, removal of healthy tree cover;</p> <p>Big Sur LUP policy 3.2.4(7) requires roads to be aligned to minimize removal of native trees;</p> <p>Big Sur LUP policy 3.3.3(9) states that commercial harvesting of old growth redwoods or rare or sensitive tree species is generally inappropriate;</p> <p>Big Sur LUP policy 3.5.2(2) requires all cutting and removal of trees to meet the broad resource objectives of the LUP.</p> <p>Big Sur LUP policy 5.4.2(13) allows for the removal of trees based on certain criteria such as hazardous trees, for thinning purposes to reduce fire fuel accumulation, non-native trees (all not to expose structures and consistent w/Forest resource policies etc.)</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> No Co IP Section 20.144.040.C.1.b (e) similar regulations apply to parcels w/oak woodland habitat.</p> <p>North County Section 20.144.040.B(8) General development standards limit removal of indigenous vegetation to that necessary for structural improvements and driveways.</p>	<p>Retain Carmel LUP policy 2.5.3(2).</p> <p>Revise Carmel LUP 2.5.3.3 to consider visual screening when encouraging non-native tree removal.</p> <p>Retain Carmel LUP policy 2.5.3.8.</p> <p>Retain Big Sur LUP policy 3.2.4(A)(2).</p> <p>Retain Big Sur LUP policy 3.2.4(7).</p> <p>Revise Big Sur LUP policy 3.3.3(9) to delete "generally."</p> <p>Retain Big Sur LUP policy 3.5.2(2).</p> <p>Retain Big Sur LCP policy 5.4.2.13, and revise per recommendation # above.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Retain existing IP provisions for Forest Management Plans, but add a monitoring, and substitute a replacement, requirement to be consistent with the new General Plan policy, and modify to be consistent with the following recommendations.</p>
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No Co. IP Section 20.144.050 Subsection A has criteria for when coastal permits are required for tree removal. Some small, planted, non-native, hazardous, and diseased trees are exempted. Snags not specifically addressed. No Co. IP Section 20.144.050 Subsection B requires a Forester’s assessment for three or more trees to be removed.

No Co. IP Section 20.144.050 Subsection C development standards limits the removal of native trees to that which is necessary for the development of the structure and access road or necessary for the improvement of an unhealthy forest; precludes tree removal within riparian corridor or wetland habitat. Tree replacement ratios are given for native trees of 12 inches or larger, or madrone or oak trees that are 6 inches or larger; oak tree shall be replaced on the parcel. Replacement is 1:1; protects trees close to construction site.

IP DMF: all tree removal within the native forest areas discussed in the ordinance shall conform to the development standards regarding water & marine resources, ESHAs, and scenic visual resources; if any standards conflict, preference is given to the standards providing the greatest long-term protection of the forest resource; tree removal requests are evaluated against the OSAC maintenance standards; specific regulations mirroring the LUP policies apply to specific tree species (e.g., Monterey cypress, Coast live oak etc.).

DMF IP Section 20.147.050 similar to No Co’s in terms of required permits for tree removal; requires a forest management plan rather than a forester’s assessment, which also includes a forest maintenance plan which covers the entire subject property

DMF IP Attachment 1 includes detailed requirements for forest management plan including 1 to 1 tree replacement (for natives > 12”)

IP Carmel Area: criteria listed for when a forest management plan is required when removing trees; precludes removal of landmark trees of all native species (24” diameter or greater); or more than 1000 years old;

Revise Coastal Implementation Plan provisions, including Forest Management Plan provisions, to be consistent with above policy recommendations (e.g., snag retention, consideration of non-natives for habitat and visual protection).

Substitute a Forest Management Plan requirement for the “Forester’s Assessment” in North County.

Adopt procedures for the coordination of required Biological Surveys and Forest Management Plans. Ensure that final coastal permit conditions and documents to be recorded are consistent and that habitat protection measures take precedence in cases of conflicts. (See Issue SH-6 Mitigation for Habitat Loss Recommendations to ensure that necessary mitigation covers entire forest habitat acreage that is lost, not just individual trees.)

Add a provision for the Forest Management Plan to review the required replacement trees to ensure that they can be accommodated on site in a manner that will ensure a healthy long-term forest. If not, extra trees should be part of an in lieu mitigation program to be planted elsewhere. (See Issue SH-6 Mitigation for Habitat Loss Recommendations to determine appropriate off-site mitigation locations.)

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<p>same regulations as other IP sections (removal of native trees limited to that necessary for the proposed development etc.); same replacement ratios and on-site replacement requirement.</p> <p>Carmel Area IP Attachment 1 Forest Management Plan: “Dead Trees: Because of their great value for wildlife habitat... large dead trees will normally be left in place. Smaller dead trees will normally be removed in order to reduce fire hazard. Because no Coastal Development Permit is needed for their removal, dead trees may be removed at the convenience of the owner, provided such removal is otherwise in conformance with the Carmel Area Land Use Plan and Implementing Ordinance and are designated by a qualified forester as being dead trees.”</p> <p>IP – Big Sur: similar regulations for tree removal as No. County: replacement ratio of 1:1 for removal of trees 12” in diameter or greater, limited to that necessary for the proposed development etc.; criteria listed for when a forest management plan is required when removing trees.</p>	<p>Adopt first sentence of Carmel IP provision for snags (incorporated in forest management plan considerations) coastal zone wide. Delete third sentence of this provision stating that a permit is not required because criteria for which tree removals need permits is covered elsewhere, and some snag removal would require permits.</p>
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ISSUE SH-10: Streambank Protection
Ensure that alternatives to hard structures to protect streambanks are considered and required where appropriate so as to preserve sensitive habitat (and also to be consistent with Coastal Act Sections 30231 & 30236 for minimizing alterations of streams.)

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The LCP contains somewhat contradictory provisions regarding slope stabilization measures for creeks. A reading of the several relevant policies of the Coastal Act together would require stream alterations to be minimized and hard structures to be avoided; results that are not guaranteed by the current LCP.</p> <p>To date the General Plan Update does not specifically address this topic.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Policy ER-1.3 seeks to protect riparian areas in their natural state.</p>	<p>Summary: Adopt policy to favor natural riverbank protection, where such protection is necessary.</p> <p><u>GENERAL PLAN UPDATE</u> Adopt coastal zone wide policy indicating the following:</p>

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<p><u>COASTAL LAND USE PLANS</u> <u>No. County LUP:</u> Policy 2.3.2.1 precludes excavation, grading, filling, and construction of roads and structures within riparian corridors.</p> <p><u>DMF LUP:</u> Policy 8 indicates environmentally sensitive habitat areas, which include riparian areas, shall be protected from significant disruption of habitat values; land uses immediately adjacent to these areas shall be compatible with the long-term maintenance of the resource; development shall be sited and designed to prevent impacts that would significantly degraded the protected habitat.</p> <p><u>Carmel LUP:</u> Policy 2.3.3(1) precludes development, vegetation removal, excavation, grading, filling, and the construction of roads and structures in riparian corridors.</p> <p><u>Big Sur LUP:</u> Policy 3.3.2(1) same as Carmel LUP.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> <u>IP No. County</u> regulation mimics same language as policy in LUP.</p>	<p>Bioengineering methods or “soft solutions” should be developed as a preferred alternative to constructing rock revetments, vertical retaining walls or other “hard structures” within or adjacent to riparian channels. If bioengineering methods are demonstrated to be infeasible, then other alternatives may be considered. Any applications for protective measures along riparian channels shall demonstrate that existing development is in danger from flood or geologic hazards or that habitat enhancement necessitates such measures, that the proposed protective device is the least environmentally damaging alternative, that the device is sited and designed to avoid and minimize impacts to the habitat values of the riparian corridor along the riparian channel, and that any unavoidable impacts have been mitigated to the maximum extent feasible. Any permitted stream alterations shall include BMPs such as incorporating vegetation in structure design, deflecting flow from eroding stream banks, and reshaping the eroding bank and establishing vegetation.¹⁸</p> <p><u>COASTAL LAND USE PLANS</u> In general retain these policies with regard to this issue, but see Recommendations for Issues SH-4 Resource-dependent Uses In ESHA and SH-5 Subdividing ESHA regarding these policies as well.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Adopt Implementation provisions that correspond to above policy</p>
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<p><u>IP DMF</u> allows only permitted uses in riparian corridors (resource dependent). Requires a minimum 100' buffer on lands adjacent to ESHA.</p> <p><u>IP Carmel</u> allows only small-scale development necessary to support resource-dependent uses.</p> <p><u>IP Big Sur</u> virtually same language as No. County IP.</p>	<p>recommendation</p>
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ISSUE SH-11: Stream Buffers
Ensure that there are buffers to avoid siting new development too close to streams, even where there may be a lack of riparian vegetation, so as to protect/preserve the biological integrity and ecologic function of streams.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: Existing riparian setback requirements are inconsistent and do not always apply to the situation where there currently may be no riparian vegetation. Furthermore, they will not always result in buffering the riparian vegetation itself. Also, existing structures in stream setback areas would be considered legally non-conforming, but non-conforming provisions do not explicitly address the case of additions and rebuilds. Therefore, there may not be adequate buffering of streams, or of the riparian vegetation itself, as required by the Coastal Act.</p> <p>To date the General Plan Update provides for stream buffering in certain cases, but not all.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Policy ER-2.5 establishes stream setbacks for Rural Centers only: 50' from bank edge of intermittent; 200' from bank edge of perennial.</p> <p>GPU Policy ER-2.7 applies to remaining lands; however is applicable to lands that contain "sensitive" wildlife habitat. Buffers/setbacks of 200' are required.</p>	<p>Summary: Revise stream buffering policies to be more consistent among segments, including at least 150 foot perennial stream edge setback, 100 foot riparian vegetation setback, and factoring in riparian restoration when allowing narrower setbacks.</p> <p><u>GENERAL PLAN UPDATE</u> Replace setbacks in GPU ER-2.5 with those listed in these other recommendations to apply coastal zone wide. (Note: the County may retain the 200' perennial stream setback for Rural Centers in the coastal zone.)</p> <p>Adopt a coastal zone wide requirement for a further 100 foot setback from the edge of riparian vegetation where riparian vegetation is present</p>

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<p><u>COASTAL LAND USE PLANS</u> <u>No County LUP:</u> Policy 2.3.3(B)(1) states that riparian plant communities shall be protected by establishing setback requirements consisting of 150 feet on each side of the bank of perennial streams, and 50 feet on each side of the bank of intermittent streams, or the extent of riparian vegetation, whichever is greater. In all cases, the setback must be sufficient to prevent significant degradation of the habitat area. The setback requirement may be modified if it can be conclusively demonstrated by a qualified biologist that a narrower corridor is sufficient or a wider corridor is necessary to protect existing riparian vegetation from the impacts of adjacent use.</p> <p><u>DMF LUP</u> Policy 24 protects riparian plant communities with a required 100' buffer from the centerline of intermittent streams where they occur or outer edge of the vegetation whichever is greater; narrower setback may be acceptable with biologic report; no policies for perennial streams; no provision if there is no riparian plant community.</p> <p><u>Carmel LUP:</u> Policy 2.3.4.Riparian.1 requires buffers of 150' for perennial streams & 50' for intermittent streams or the extent of vegetation whichever is greater; allows that narrower setback may be acceptable with biologic report; there is no setback provision if there is no riparian plant community.</p> <p><u>Big Sur LUP:</u> Policy 3.3.3(4) requires setbacks of 150' for all streams; narrower setback may be acceptable if protects existing vegetation and provides for vegetation restoration.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p>	<p>along the stream in question and the stream setback does not incorporate this riparian buffer.</p> <p>Adopt a coastal zone wide requirement for greater setbacks if needed to protect endangered or threatened species, including anadromous salmonids.</p> <p><u>COASTAL LAND USE PLANS</u> Revise No Co policy 2.3.3.B.1 to apply to all streams, not just those with riparian vegetation. Also, revise to require 100 foot intermittent stream setback and to factor any necessary riparian restoration into the determination to allow narrow setbacks.</p> <p>Revise DMF policy 24 to measure setback from bank, not centerline and add a 150 foot setback for perennial streams.</p> <p>Revise Carmel policy 2.3.4.Rip.1 to require 100 foot intermittent stream setback and to allow lesser setbacks if riparian restoration is included if needed.</p> <p>Revise Big Sur policy 3.3.3.4 to apply to all streams, not just those with riparian vegetation and to require a greater setback to cover riparian vegetation that extends more than 150 feet.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u></p>
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<p>IP Section 20.04.070 definition states that structural alteration means any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior bearing partitions, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another.</p> <p>IP Section 20.68.010 states that any use of land, structure or land and structure which was legally established but is nonconforming to subsequently adopted land use regulations is a legal nonconforming use.</p> <p>IP Section 20.68.040.A states that the enlargement, extension, reconstruction or structural alteration of a nonconforming structure, nonconforming only as to height and yard regulations, may be permitted if the enlargement, extension, reconstruction or structural alteration conforms to all the regulations of the district in which they are located.</p> <p>IP Section 20.68.040.B states that ordinary maintenance and repairs, including structural repairs and foundations, may be made to any</p>	<p>Revise all IP provisions to correspond to land use plan recommendations above.</p> <p>Add to all IPs criteria for determining bank edge.</p> <p>Add to IPs additional criteria for when lesser setbacks can be allowed and to what extent, such as using buffer averaging. Ensure that there remains an area for riparian vegetation to grow, for maintenance access, for access for the development, and for compliance with any geologic setbacks.</p> <p>Add to IPs criteria for when a greater setback may be justified, such as higher stream order (more tributaries); greater percent slope; extent of 100-year floodplain; presence of wetlands or critical areas; presence of hazardous substances or petroleum storage, confined animal facilities or landfills.¹⁹</p> <p>Clarify IP Section 20.68.040.A to explicitly apply to nonconforming stream setbacks as well and that conformance to the stream standards will be required. (Note: although this provision would govern, it would not preclude allowing lesser setbacks according to the criteria to do so.)</p>
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structure which is nonconforming as to height or setbacks or to a structure used for a legal nonconforming use, provided:
 1) no structural alterations are made; and
 2) provided such work does not exceed 50 percent of the appraised value of the structure in any one year period.

No Co IP Section 20.144.0040.B.2.b same as LUP, but allows for wider setback if justified.

DMF IP Section 20.147.040.C.2 same as LUP

Carmel IP Section 20.146.040.C.2.c same as LUP

Big Sur IP Section 20.145.040.C.1.d same as LUP, except only for USGS mapped or DF&G identified streams; ties reduced setback to biologic report; also allows for wider setback if justified.

Summary Table of Stream Setback Provisions in LCP:

	No Co	DMF	Carmel	Big Sur
Setback applies to	all	only w/ riparian vegetation	only w/ riparian vegetation	all
Setback from perennial	150	Not specified	150	150
Setback from intermittent	50	100	50	150
Measured from	bank	centerline	bank	bank
Greater setback required	To edge of riparian	To edge of riparian	To edge of riparian	no
Greater	Yes, if	no	no	Yes, if

Add to DMF IP Section 20.147.040.C.2 & Carmel IP Section 20.146.040.C.2.c an allowance for wider setback if justified.

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setback optional	justified			justified	
Narrower setback allowed	Yes; if existing veg protected	Yes; if existing veg protected and with enhancement	Yes; if existing veg protected	Yes; if existing veg protected and veg is restored	

ISSUE SH-12: Wetland Setbacks
Ensure that wetland buffers provide protection to the complete wetland.

<i>County Policies and Comments</i>	<i>Recommendations</i>
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Summary Comment: The current LCP has appropriate basic wetland buffer provisions. However, some facets of a complete buffer policy needed to ensure that the adjacent wetland is protected are not explicit for all segments. These include, ensure correct delineation of the wetland and hence the buffer, permanent protection of the buffer, measures to address non-conforming structures in the setback area, the potential need for a wider than standard buffer, and in Big Sur, ensuring all wetlands are buffered, not just estuaries and lagoons.

To date the General Plan Update repeats the basic setback policy of 100 feet from the upland vegetation edge of any wetland.

GENERAL PLAN UPDATE
 GPU Policy ER-2.5 provides for 100 feet setback from the upland vegetation edge of any wetland.

COASTAL LAND USE PLANS
No. County LUP
 No Co. LUP 2.3.3.B.4 states that a setback of 100 feet from the landward edge of vegetation of all coastal wetlands shall be provided and maintained in open space use. No permanent structures except for those

Summary: Refine wetland buffer policies to address delineations, permanent protection, non-conforming uses, and options for wider setbacks.

GENERAL PLAN UPDATE
 Revise GPU Policy ER-2.5 to state at least 100 foot setback.

COASTAL LAND USE PLANS
 Revise No Co. LUP 2.3.3.B.4 to indicate a “minimum” setback.

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necessary for resource-dependent use which cannot be located elsewhere shall be constructed in the setback area. Prior to approval of all proposed structures in the setback area, it must be demonstrated that the development does not significantly disrupt the habitat resource. An exception to the 100 foot setback is provided to approximately 12 existing permanent structures located within the 100 foot setback on the west side of Moro Cojo Slough west of Highway 1. Replacement of these structures may be considered subject to field surveys by qualified individuals or agencies with recommended mitigation measures to ensure protection of sensitive habitats.

Del Monte Forest LUP

DMF LUP Policy 27 states that a setback of 100 feet from the landward edge of wetlands and from the mean high water line of the ocean shall be provided. No landscape alterations will be allowed in this setback area unless accomplished in conjunction with restoration and enhancement and unless it is demonstrated that no significant disruption of environmentally sensitive habitat will result.

DMF LUP Policy 93.4 states that where golf course tees, greens, fairways, paths, bridges, and public accessways are developed within 100 feet of the restored riparian and wetland areas at Spanish Bay), they shall be designed to avoid any significant disruption (from construction and future use) of such areas; other developments should be located beyond this 100-foot wetland buffer area.

Carmel Land Use Plan

Carmel LUP Policy 2.3.4.Wet.1 states that a setback of 100 feet from the edge of all coastal wetlands shall be provided and maintained in open space use. No new development shall be allowed in this setback area. The edge of wetlands shall be pursuant to policy 2.3.3.5 (regarding filed surveys), based on the wetlands definition in policy 2.3.3.1 (lands which may be covered periodically or permanently with shallow water and include saltwater marshes, fresh water marshes, open or closed brackish water marshes, swamps, mudflats and fens) and using the U.S. Fish and Wildlife Service's classification of Wetlands and Deep Water Habitats of

Revise DMF LUP Policy 27 to indicate a “minimum” setback.

Retain DMF LUP Policy 93.4 (Note: although the referenced development has occurred, this policy also guides its use over time and thus remains applicable.)

Revise Carmel LUP Policy 2.3.4.Wet.1 to add a “minimum” setback and to substitute California Department of Fish and Game Recommended Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology, 1987 for USF&WS reference.²⁰

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the United States. As an exception, an additional right-turn lane from Carmel Valley Road onto northbound Highway 1 shall be allowed if it can be demonstrated that there is no reasonable alternative, public safety and welfare require the project, all reasonable measures have been taken to avoid and minimize impacts, all reasonable measures have been taken to mitigate unavoidable impacts, and it can be demonstrated that the impacts will not result in a significant disruption of critical habitat values or affect the long-term survival of a species. Compensatory mitigation shall be established off-site. Mitigation shall be designed to accommodate, where possible, a 150-foot setback for coastal wetlands.

Carmel LUP Action 2.3.5.1 states that the County should adopt a Riparian Corridor Ordinance to provide for setbacks from the edge of both banks of perennial and intermittent streams and from the edge of the average high water line of wetlands as specified in the preceding policy section. The ordinance should restrict all new development in the setback area.

Big Sur Land Use Plan

Big Sur LUP Policy 3.3.3.B.5 states that the coastal lagoons and estuaries of the Big Sur Coast shall remain undeveloped. Development in the adjacent buffer area shall be limited to the minimum required to support low-intensity recreational, scientific or educational uses... The coastal lagoon and estuary buffer area shall, at a minimum, include all areas within 150 feet of the landward extent of hydrophytic vegetation or the average high water mark if no such vegetation exists.

COASTAL IMPLEMENTATION PLAN

IP Section 20.68.040.A states that the enlargement, extension, reconstruction or structural alteration of a nonconforming structure, nonconforming only as to height and yard regulations, may be permitted if the enlargement, extension, reconstruction or structural alteration conforms to all the regulations of the district in which they are located.

IP Section 20.68.040.B states that ordinary maintenance and repairs, including structural repairs and foundations, may be made to any

Delete outdated Carmel LUP Action 2.3.5.1.

Revise Big Sur LUP Policy 3.3.3.B.5 to apply to all wetlands, not just coastal lagoons and estuaries.

COASTAL IMPLEMENTATION PLAN

Clarify IP Section 20.68.040.A (and correspondingly clarify IP Section 20.06.1260, if necessary) to explicitly apply to nonconforming wetland setbacks as well and that conformance to the wetland standards will be required. (Note: although this provision would govern, it would not preclude allowing lesser setbacks according to the criteria to do so, nor supersede the exception for Moss Landing.)

Revise IP Section 20.68.040.B to state that with regard to wetland setbacks this provision is limited to work on 25% or less of the structure

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structure which is nonconforming as to height or setbacks or to a structure used for a legal nonconforming use, provided:

- 1) no structural alterations are made; and
- 2) provided such work does not exceed 50 percent of the appraised value of the structure in any one year period.

North County IP Chapter

No Co IP section 20.144.040.c.2.d states that all development shall be set a minimum of 100 feet back from the landward edge of vegetation associated with coastal wetlands... As an exception, permanent structures necessary for recreational, scientific, or educational use of the habitat may be permitted within the setback area where it is demonstrated that:

- 1) the structure cannot be located elsewhere: and, 2) the development does not significantly disrupt or adversely impact the habitat as determined in the biological survey prepared for the project. As a further exception, the permanent structures along Moss Landing Road on the west side of Moro Cojo Slough which are located within the 100 foot setback, may be replaced.... Where development is proposed on any portion of a parcel containing area within a 100 foot setback of the landward edge of coastal wetland vegetation, the setback area shall be placed in an open space easement as a condition of project approval.

Del Monte Forest IP Chapter

DMF IP Section 20.147.040.C.3.a same as DMF Policy 27.

(cumulatively), otherwise wetland setback requirements have to be met. (Note: although this provision would govern, it would not preclude allowing lesser setbacks according to the criteria to do so, nor supercede the exception for Moss Landing.)

Revise No Co IP Section 20.144.040.c.2.d to measure buffer from landward edge of wetland high water mark or hydric soils, if further than or if there is no hydrophytic vegetation as determined in the biologic report using California Department of Fish and Game Recommended Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology, 1987 for USF&WS reference; that permanent maintenance, including measures to screen adjacent development, prevent disturbance by domestic animals, control non-point source pollution and litter, foster native vegetation growth, and improve habitat, should be ensured through a deed restriction or conservation easement; and add allowance for a wider buffer if circumstances so dictate based on greater percent slope, extent of 100-year floodplain, ability of the buffer to function as habitat itself, presence of hazardous substances or petroleum storage, or adjacent confined animal facilities, landfills, or other uses with intensive outdoor activities.

Add to DMF IP Section 20.147.040.C.3.a that the landward edge of the wetland is the furthest of the high water mark, extent of hydric soils, or extent of hydrophytic vegetation as determined in the biologic report using California Department of Fish and Game Recommended Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology, 1987 for USF&WS reference; that permanent maintenance of the buffer, including measures to screen adjacent development, prevent disturbance by domestic animals, control non-point source pollution and litter, foster native vegetation growth, and improve habitat, should be ensured through a deed restriction or conservation easement; and that can be a wider buffer if circumstances so dictate based on greater percent slope, extent of 100-year floodplain, ability of the buffer to function as

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Carmel IP Chapter

Carmel IP Section 20.146.020.NN definition of wetlands includes: In cases of uncertainty, the U.S. Fish and Wildlife Services classification of Wetlands and Deep Water Habitats shall be followed in determining the precise boundary of the wetland.

Carmel IP Section 20.146.040.C.3.a same as first two sentences of Carmel LUP Policy 2.3.4.Wet.1.

Big Sur IP Chapter

Big Sur IP Section 20.145.020.GG states that in general, the boundary between "wetlands" and "estuary" is the line of extreme low water.

Big Sur IP Section 20.145.040.C.2.f states that a buffer area shall be established adjacent to coastal lagoons and estuaries, prior to development of these areas. Development within the buffer area shall be limited to the minimum required to support low-intensity recreational, scientific, or educational uses, and may be permitted only if: 1) significant adverse habitat impacts can be prevented through appropriate site planning, design, siting and other measures, as determined through the biological survey prepared for the project; 2) the decision-making body finds that approval of the development does not establish a precedent for continued land development which, on a cumulative basis, could degrade the adjacent coastal lagoon or estuary habitat. The buffer

habitat itself, presence of hazardous substances or petroleum storage, or adjacent confined animal facilities, landfills, or other uses with intensive outdoor activities.

Revise Carmel IP Section 20.146.020.NN to substitute California Department of Fish and Game Recommended Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology, 1987 for USF&WS reference.

Add to Carmel IP Section 20.146.040.C.3 a deed restriction or conservation easement to ensure permanent maintenance, including measures to screen adjacent development, prevent disturbance by domestic animals, control non-point source pollution and litter, foster native vegetation growth, and improve habitat, and add provisions for a wider buffer if circumstances so dictate based on greater percent slope, extent of 100-year floodplain, ability of the buffer to function as habitat itself, presence of hazardous substances or petroleum storage, or adjacent confined animal facilities, landfills, or other uses with intensive outdoor activities.

Revise Big Sur IP Section 20.145.040.C.2.f to state the buffer may also be measured from the landward extent of hydric soils, if more landward than the vegetation or high water as determined in the biologic report using California Department of Fish and Game Recommended Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology, 1987 for USF&WS reference; also revise to add long-term protection and maintenance should include including measures to screen adjacent development, prevent disturbance by domestic animals, control non-point source pollution and litter, foster native vegetation growth, and improve habitat;

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<p>area shall include, at a minimum, all area within 150 feet of the landward extent of either the hydrophytic vegetation or the average high water mark where no such vegetation exists. Upon recommendation in the biological survey prepared for the project, the buffer area may be wider than the minimum 150 feet where necessary to assure protection and long-term maintenance of the coastal lagoon and estuary habitat. The buffer area shall be mapped by the biologist, and as a condition of approval, shall be placed in open space easement.</p>	
<p>ISSUE SH-13: Other ESHA Setbacks Ensure the necessary setbacks for protecting ESHA other than wetlands and streams as required by Coastal Act Section 30240b.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: Although there is a lack of Land Use Plan policy on ESHA setbacks, the zoning covers this topic. However, for Carmel Area a setback distance is not specified, thus, leading to the possibility of there being an inadequate buffer. Also, existing structures in ESHA setback areas would be considered legally non-conforming, but non-conforming provisions do not explicitly address the case of additions and rebuilds.</p> <p>To date the General Plan Update has not addressed this topic directly.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No. County LUP</u> No specific policies addressing setbacks from terrestrial ESHAs.</p> <p><u>DMF LUP:</u> No general setback policy, but some specific setback recommendations in Chapter 7, OSAC Plan.</p> <p><u>Carmel LUP:</u> Requires a minimum setback of 100' for development proposed near Gowen Cypress habitat only.</p>	<p>Summary: Adopt policy to have setbacks from ESHA.</p> <p><u>COASTAL LAND USE PLANS</u> Adopt coastal zone wide policy for setback requirement for protecting terrestrial ESHA that is consistent with the existing IP regulations already addressing this issue.</p> <p>Add an action for the County to prepare (See Issue SH-1 ESHA Identification Recommendation for preparing a guidance document) a list of factors that biologists must consider and evaluate in the biological report for protecting a sensitive species from adjacent development.</p>

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Big Sur LUP:

No specific setbacks.

COASTAL IMPLEMENTATION PLAN

IP Section 20.04.070 definition states that structural alteration means any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior bearing partitions, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another.

IP Section 20.68.010 states that any use of land, structure or land and structure which was legally established but is nonconforming to subsequently adopted land use regulations is a legal nonconforming use.

IP Section 20.68.040.A states that the enlargement, extension, reconstruction or structural alteration of a nonconforming structure, nonconforming only as to height and yard regulations, may be permitted if the enlargement, extension, reconstruction or structural alteration conforms to all the regulations of the district in which they are located.

IP Section 20.68.040.B states that ordinary maintenance and repairs, including structural repairs and foundations, may be made to any structure which is nonconforming as to height or setbacks or to a structure used for a legal nonconforming use, provided:

- 1) no structural alterations are made; and
- 2) provided such work does not exceed 50 percent of the appraised value of the structure in any one year period.

No. County IP Chapter:

IP Section 20.144.040(2) & (3) precludes development & new land uses or subdivision of land on parcels within 100' of environmentally sensitive habitats, where there would be an adverse impact to the long-term maintenance of the environmentally sensitive habitat, as determined through a biological survey. Projects shall only be approved where

COASTAL IMPLEMENTATION PLAN

Clarify IP Section 20.68.040.A (and correspondingly clarify IP Section 20.06.1260, if necessary) to explicitly apply to nonconforming ESHA setbacks as well and that conformance to the ESHA standards will be required. (Note: although this provision would govern, it would not preclude allowing lesser setbacks according to the criteria to do so.)

Revise IP Section 20.68.040.B to state that with regard to ESHA setbacks this provision is limited to work on 25% or less of the structure (cumulatively), otherwise setback requirements have to be met. (Note: although this provision would govern, it would not preclude allowing lesser setbacks according to the criteria to do so.)

Revise IP Section 20.144.040(2) & (3) to add: "...within at least 100' of environmentally sensitive habitats..."

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sufficient conditions such as siting, location, design, setbacks, and size will mitigate impacts. Subsection 5 - subdivisions containing an environmentally sensitive habitat area shall incorporate techniques such as clustering, appropriate setbacks from the habitat, building envelopes, and conservation easements, in order to mitigate adverse impacts to the habitat. Precludes subdivisions that are completely w/in an environmentally sensitive area.

Del Monte Forest IP Chapter:

IP Section 20.147.040.B.1 requires a minimum 100' open space buffer when development is proposed on lands immediately adjoining areas shown to contain environmentally sensitive habitat. Within buffer zones, residential uses on existing legal lots of record, setback a minimum of 20 feet from the limit of riparian vegetation, are allowed only if no other feasible alternative exists and only if no other building site on the parcel. Uses permitted in the buffer zone shall be required to: a) minimize removal of vegetation; b) conform to natural topography to minimize erosion potential; c) make provisions (such as catch basins) to keep run-off and sedimentation from exceeding pre-development levels; d) replant where appropriate with native and non-invasive exotic species; e) prevent discharge of toxic substances, such as fertilizers and pesticides, into the riparian corridor: and, f) require motorized machinery to be kept to less than 45 DBA at any wetland boundary."

Carmel IP Chapter

IP Section 20.146.040.B.3 requires land uses adjacent to environmentally sensitive habitats shall be compatible w/the long-term maintenance of the resource. New land uses are considered compatible only in a situation in which the proposal incorporates necessary site planning and design features, which protect habitat impacts and do not set precedent for continued land development w/potential to degrade the habitat. New development adjacent to environmentally sensitive habitats shall be allowed at densities determined compatible w/the long-term protection and maintenance of these areas. Precludes further subdivision of parcels totally w/in these areas and requires development to be designed so that sensitive habitat area remains intact and undisturbed. For projects in or

Retain IP Section 20.147.040.B.1 with regard to ESHA buffer.

Revise IP Section 20.146.040.B.3 to include the minimum 100 foot ESHA buffer.

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<p>adjacent to these areas, the County is required to refer project to CDFG for evaluation of impacts from development and suggested mitigations for those impacts.</p> <p><u>Big Sur IP Chapter:</u> Big Sur IP Section 20.145.040.B.5 & 6 same as for No. County IP (except precludes subdivisions that create a new building site completely w/in an environmentally sensitive area).</p>	<p>Retain IP Section 20.145.040.B.5 & 6.</p>
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ISSUE SH-14: Predator Management
Ensure that non-native predation of sensitive species (e.g., snowy plover), is adequately addressed so as to ensure adequate protection as required by the Coastal Act.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP does not explicitly address the issue of predator management. Although predator management may not be an activity regulated directly by coastal permits, management plans that the County may review or may prepare may (or should) address this issue. Therefore, policy guidance is necessary in order to ensure habitat protection.</p> <p>To date the General Plan Update does not directly address this topic.</p> <p><u>GENERAL PLAN UPDATE</u> no policies address this issue.</p>	<p>Summary: Adopt the principles of the US Fish & Wildlife Service Predator Management Plan for the Salinas River National Wildlife Refuge coastal zone wide.</p> <p><u>GENERAL PLAN UPDATE</u> Adopt a coastal zone wide policy addressing predator management:</p> <ul style="list-style-type: none"> • Individual predators shall be trapped, banded, and relocated; • only licensed and authorized agencies or individuals will implement predator management actions; • all activities will be conducted in a humane manner; • non-lethal techniques will be used whenever possible, a combination of live-trapping techniques will be used; • knowledge of predator's habits will determine which trapping technique to employ; • hazing or lethal control will only be used on extremely rare occasions when it's demonstrably necessary (e.g., when repeated

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<p><u>COASTAL LAND USE PLANS</u> <u>No. County LUP:</u> policy precludes development (exception: resource dependent uses) in roosting, haul out sites etc. No Co LUP Policy 4.3.6.D action 4 requires a management plan for the Salinas Wildlife Area to be developed</p> <p><u>DMF LUP:</u> protects habitat from significant habitat values disruption.</p> <p><u>Carmel LUP:</u> general policy precludes development including grading, filling, vegetation removal, & construction of roads in critical and sensitive habitat areas, riparian corridors, haul-out sites, roosting & nursery areas & wildlife breeding areas.</p> <p><u>Big Sur LUP:</u> somewhat vague in protection measures.</p>	<p>trapping attempts have failed and there is immediate threat to snowy plover chicks)</p> <ul style="list-style-type: none"> the decision to lethally remove a predator will be determined on a case-by-case basis²¹ <p>Adopt an action for the County to work closely w/appropriate state and federal agencies to effectively implement predator management where special status species are threatened by predators.</p> <p><u>COASTAL LAND USE PLANS</u></p>
<p>ISSUE SH-15: Public Agency Coordination Ensure consultation and coordination with Federal and State land managers so as to protect habitat consistent with the Coastal Act.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: Although the LCP has provisions for keeping its inventories and mapping of habitats current, implicitly suggesting coordination with other agencies, there is a lack of explicit language in the current LCP addressing coordination and consultation. In this regard, the proposed General Plan policies are welcome toward ensuring better coordination.</p>	<p>Summary: Adopt policies and procedures to coordinate with appropriate state and federal agencies with regards to sensitive habitat protection, both in terms of the permit process and the protection and management of resource lands.</p>

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Although the LCP has provisions for requiring biological reports, there is no clear direction to consult and coordinate with the appropriate agencies in processing all coastal permit involving habitat issues, except in the Carmel Area with Fish & Game. A review of the cited policies shows much variation among segments. The results could be that some sensitive habitats are not adequately protected.

The LCP is lacking in provisions to consult with land managers when adjacent development is proposed, which is necessary in order to ensure that Coastal Act Section 30240b is carried out. Lack of consultation could lead to possible conflicting or impacting land uses being approved.

Except for the cited Carmel Area policy and some other specific site references in the LUP, there is a lack of direction for managing public properties for habitat protection and restoration.

GENERAL PLAN UPDATE

GPU Policy ER-1.2 indicates the County “shall make every effort” to map ecologically sensitive areas in cooperation with state, federal wildlife and local resource management agencies. Policy includes applying coordinated policies to conserve and protect these areas.

COASTAL LAND USE PLANS

North County Land Use Plan

No. County LUP policies 2.3.4(3)&(4) states the County should work w/State Coastal Conservancy, Parks and Recreation, Fish & Game and

GENERAL PLAN UPDATE

GPU Policy ER-1.2 may be adopted. (See also Recommendations for Issue SH-1 ESHA Identification)

Adopt an action for the County to prepare, in consultation with relevant resource agencies, a procedural guidance document that details coordination, including agency responsibilities, contact lists, indications of when to make contact, flow charts, and the like (see, also Recommendations for Issue SH-1 ESHA Identification). Adopt an action for the County to maintain and update such a guidance document.

Adopt an action for the County to establish a periodic schedule to meet with state and federal agencies to update County data and maps of sensitive habitats and plant and animal species.

COASTAL LAND USE PLANS

Retain No. County LUP policies 2.3.4(3)&(4); apply coastal zone wide; and include a management component for the easements.

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<p>federal agencies for exploring the reservation of significant coastal resource areas, developing effective easements to protect sensitive terrestrial and aquatic plants and habitat locations</p> <p>No Co. Policy 2.4.3.2 requests DF&G and US F&WS work on wetland management plans</p> <p>No Co. LUP policy 2.3.4.5 seeks cooperation with DF&G on noxious weed control.</p> <p>No Co. LUP policy 2.3.4.7 requests DF&G provide County with updated information.</p> <p>No Co. LUP policy 2.7.2.1 requires DF&G permits with regard to aquaculture.</p> <p><u>DMF LUP:</u> no policies address this issue.</p> <p><u>Carmel Area Land Use Plan:</u> Carmel LUP Policy 2.3.3.10 seeks guidance from CA DF&G in evaluating proposals for new and intensified uses.</p> <p>Carmel LUP Policy 2.4.3.1 states: “The County should request technical assistance from the State Department of Fish and Game in determining effects on fish and wildlife habitat and appropriate mitigation measures.”</p>	<p>Retain No Co. Policy 2.4.3.2 and apply coastal zone wide</p> <p>Retain No Co. LUP policy 2.3.4.5; apply coastal zone wide and broaden to include all appropriate agencies.</p> <p>Retain No Co. LUP policy 2.3.4.7, apply coastal zone wide and broaden to include all appropriate agencies.</p> <p>No Co. LUP policy 2.7.2.1 should be retained.</p> <p>Retain Carmel LUP Policy 2.3.3.10, apply coastal zone wide and broaden to include all appropriate agencies.</p> <p>Adopt Carmel LUP policy 2.4.3.1 coastal zone wide. Elaborate to require coordination with all relevant resource agencies (e.g., US Fish & Wildlife, National Marine Fisheries Service, Monterey Bay National Marine Sanctuary) at various stages of the coastal permit process; namely: -the biologist should consult with relevant resource agencies to ensure that proper methods and protocol are employed for identifying sensitive species and their habitats and to ensure that any recommendations are consistent with applicable laws and guidance covering the species in question; -the County planner should distribute to relevant resource agencies the biologic report, CEQA document, and staff report for comment and ensure that agency concerns are accounted for in the final documents; -the County permit should be conditioned to require evidence of approval</p>
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<p>Carmel LUP Policy 2.5.3.7 seeks DF&G input on timber harvest review.</p> <p>Carmel LUP Policies 2.3.5.monitoring 1. -5 & 7 seek coordination with DF& G in kelp, water quality, marine species.</p> <p>Carmel LUP Policy 2.4.4.A.2 seeks a written recommendation from DF&G where water use intensification is proposed.</p> <p>Carmel LUP Policy 2.3.4.Wetlands.7 seeks review of projects affecting kelp forests by DF&G.</p> <p>Carmel LUP policy 2.3.3.11 says DF&G should provide the County updated habitat information.</p> <p>Carmel LUP Policy 2.3.5.land use 4 establishes a program for eradicating noxious weeds in cooperation with DF&G.</p> <p>Carmel LUP Policy 2.3.5.land use 5 similar to No Co 2.3.4.4.</p> <p>Carmel LUP policy 4.4.3.G.1 requires large properties over 50 acres to be guided by an overall management plan reflecting long-range open space values.</p> <p><u>Big Sur Land Use Plan</u> Big Sur LUP policies: 3.4.3.B.1, 3.4.3.A.4; 3.4.3.C.2; 3.4.4.1 mention various agencies for the County to consult with regarding water withdrawals.</p>	<p>from relevant resource agencies before any development can commence and the development authorized by the final County permit as conditioned shall match that authorized by other relevant resource agencies.</p> <p>Retain Carmel LUP Policy 2.5.3.7.</p> <p>Retain Carmel LUP Policies 2.3.5.monitoring 1. -5 & 7, apply coastal zone wide and broaden to include all appropriate agencies.</p> <p>Retain Carmel LUP Policy 2.4.4.A.2, apply coastal zone wide and broaden to include all appropriate agencies.</p> <p>Retain Carmel LUP Policy 2.3.4.Wetlands.7, apply coastal zone wide and broaden to include all appropriate agencies.</p> <p>Retain Carmel LUP Policy 2.3.3.11, apply coastal zone wide and broaden to include all appropriate agencies.</p> <p>Retain Carmel LUP Policy 2.3.5.land use 4, apply coastal zone wide and broaden to include all appropriate agencies. (see also Recommendations for Issue SH-18 Controlling Invasives)</p> <p>Adopt Carmel LUP policy 4.4.3.G.1 coastal zone wide with refinements to ensure that habitat areas are protected, that management measures are employed to ensure continuation and restoration/expansion (where appropriate) of the habitat; and that relevant agencies are consulted. Management plans shall also be required for habitat areas identified for conservation.</p> <p>Retain Big Sur LUP policies 3.4.3.B.1, 3.4.3.A.4; 3.4.3.C.2; 3.4.4.1.</p>
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<p>Big Sur LUP policy 3.5.2.7 addresses consultations regarding transfers of water.</p> <p>Big Sur LUP policy 3.5.2.7 seeks DF&G input on timber harvest reviews.</p> <p>Big Sur LUP policy 3.8.3.7 seeks coordination with DF& G on mining projects.</p> <p>Big Sur LUP policy 6.1.5.C.9 seeks coordination with DF& G on trail projects.</p> <p>Big Sur LUP Policy 5.4.3.M1 is similar to Carmel policy 4.4.3.G1 but on for properties greater than 320 acres.</p>	<p>Retain Big Sur LUP policy 3.5.2.7.</p> <p>Retain Big Sur LUP policy 3.5.2.7 and broaden to include all appropriate agencies.</p> <p>Retain Big Sur LUP policy 3.8.3.7.</p> <p>Retain Big Sur LUP policy 6.1.5.C.9, apply coastal zone wide and broaden to include all appropriate agencies.</p>
<p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>North County IP: no apparent policies addressing this issue other than coordinating with the Agricultural Extension Farm Advisor or private agricultural consultant to keep livestock out of environmentally sensitive areas (Section 20.144.040.C.1.d).</p> <p>Del Monte Forest IP, no regulations addressing this issue.</p> <p>Carmel IP Sections 20.146.040.B.6 and 20.146.050.C.1 similar to LUP.</p> <p><u>Big Sur IP Chapter:</u></p> <p>Big Sur IP Section 20.145.040.C.2.g requires development proposing new or expanded wastewater discharge into Monterey Bay and coastal waters to be reviewed by the Health Department prior to application submittal.</p> <p>Big Sur IP Section 20.145.050.B.1 (River and Stream Development) requires the County planner to consult with the CA Department of Fish & Game for evaluation of impacts to fish and wildlife of nearby or adjacent rivers or streams;</p>	<p><u>COASTAL IMPLEMENTATION PLAN</u></p> <p>Adopt complementary IP provisions. With regard to requirements to prepare management plans ensure that these plans address changes in use that may occur as a result of ownership changes (e.g., from private farmland to public open space) and ensure that new development in conjunction with a change in land use or that has habitat impacts triggers the management plan preparation requirement (where there is not a previous management plan or where it is outdated due to ownership/use change).</p>

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<p>Big Sur IP Section 20.145.050.B.2.a requirements for water diversions beyond year-round entitlements include consultation with CA Department of Fish and Game;</p> <p>Big Sur IP Section 20.145.050.B.3 precludes development from causing significant adverse impacts to water quality, year-round flows, and/or stream bed gravel condition of Garrapata Creek, Rocky Creek, Bixby Creek, Little Sur River, Big Sur River, Partington Creek, Anderson Creek Hot Springs Creek, Vicente Creek, Big Creek, or Limekiln Creek, where such changes may cause significant adverse impact on the rainbow and/or steelhead trout populations and requires consultation with CA Department of Fish & Game;</p> <p>Big Sur IP, Section 20.145.050.6.b substantial water use intensification shall only be allowed by listed criteria as noted in this section, including the requirement of the County planner to consult with the County Health Department and CA Department of Fish & Game during project review;</p> <p>Big Sur IP Section 20.145.090.B.4 states that prior to quarry management plans and reclamation plans receiving County approval, each plan(s) shall be submitted to the CA Department of Fish & Game, Regional Water Quality Control Board, and the CA Division of Mines & Geology for review and comment.</p>	<p>Revise Big Sur IP Section 20.145.090.B.4 to replace “CA Division of Mines & Geology” with “California Geological Survey.”</p>
<p>ISSUE SH-16: Beach Grooming Ensure that beach grooming does not compromise required habitat protection.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: The current LCP lacks specific policies addressing beach grooming which may mean that this practice will occur without consideration of its potential adverse habitat impacts.²²</p> <p>To date the General Plan Update has not directly addressed this</p>	<p>Summary: Adopt policy on beach grooming to ensure habitat protection is factored in.</p>

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<p>issue.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No. County LUP</u> No Co LUP policy 2.3 identifies sensitive habitats as delicate dunes and beaches among other habitat.</p> <p>No other land use plan policies directly address this issue.</p>	<p><u>COASTAL LAND USE PLANS</u> Add a coastal zone wide policy that requires any desired beach grooming to be evaluated and carried out in a manner that does not diminish the habitat value of natural materials that may accumulate on beaches. Encourage preparation of long-term beach management plans.</p> <p>Add an action to require any County personnel working on beaches to follow an approved beach management plan.</p>
<p>ISSUE SH-17: Monarch Butterflies Ensure that Monarch butterfly over-wintering sites in Monterey County are protected as their habitat is protected under the Coastal Act.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: Monarch overwintering sites are explicitly identified as ESHA only in Big Sur. Thus, any other sites in the coastal zone may not receive protecting in a manner consistent with Coastal Act policies. Additionally, there is a lack of guidance in the LCP as to what protective measures are appropriate for Monarchs.</p> <p>To date the General Plan Update does not specifically address this topic.</p> <p><u>COASTAL LAND USE PLANS</u> <u>Big Sur LUP:</u> currently lists these Monarch butterfly over-wintering sites as ESHA and as such are protected under the ESHA policies.</p> <p>Other LUPs: no policies</p>	<p>Summary: Designate Monarch butterfly over-wintering sites as ESHA and adopt specific protective policies.</p> <p><u>COASTAL LAND USE PLANS</u> Adopt Big Sur LUP categorization of Monarch butterfly overwintering sites as ESHA coastal zone wide. (See also recommendations for Issue SH-1 ESHA Definitions as Monarchs are on the CNDDDB.)</p> <p>Adopt policies that protects non-native eucalyptus trees that serve as habitat for monarch butterflies but that also allow replacement with natives where appropriate (See Recommendations for Issue SH-7 Non-natives as Habitat)</p> <p>Adopt as coastal zone wide policy:²³</p>

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	<p>Protect Monarch butterfly over-wintering sites and breeding habitats and ensure adequate buffering of these sites so as not to adversely impact these sites functions and values;</p> <ul style="list-style-type: none"> - Maintain a list and map of Monarch sites showing the boundaries of all Monarch sites; - Require development in the vicinity of Monarch sites to undergo biologic analysis of impacts to monarchs; - require development affecting Monarch overwintering sites to prepare management plans addressing preservation of the habitat that includes criteria such as: prohibiting the cutting, thinning pruning or removal of any tree or shrub (especially nectar plants used by Monarchs) except necessary for safety of homes or persons; requiring replacement of comparable vegetation; prohibiting pesticide use and keeping all water sources clean; allowing construction only during the months when Monarchs are not present; and keeping smoke from infiltrating Monarch roosting sites; landscaping designed to provide a natural buffer and provide native food-bearing plant species to the greatest extent possible. <p>Adopt corresponding implementation policies.</p>
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ISSUE SH-18: Planting Invasives
Ensure that the practice of planting invasive species (e.g., along Highway One corridor) is not condoned so as to protect sensitive habitat.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: No Co and Big Sur LUP policies only partially address this issue of planting invasives by suggesting restoration and coordination.</p> <p>To date the General Plan Update has welcome policy which is more directive against new invasives being planted.</p> <p><u>GENERAL PLAN UPDATE:</u> GPU policy ER-3.8 states the County will not permit the use of invasive</p>	<p>Summary: Adopt policy that prohibits planting invasives and encourages more forceful action to remove invasives.</p> <p><u>GENERAL PLAN UPDATE:</u> Adopt GPU policy ER-3.8.</p>

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plant species in landscape planting plans submitted for review for new development projects.

GPU Policy ER-3.10 encourages "...non-chemical and biological controls for control in an integrated pest management approach to control and eradicate noxious weeds..."

GPU Action ER-3.e says to work with the Multi-Agency Weed Management Task Force and landowners to remove and prevent or mitigate the spread of noxious weeds.

COASTAL LAND USE PLANS

No. County LUP policy 2.3.4(5) encourages the County to restore sensitive plant habitats on public & private lands; states the County should develop a program to control invasive non-native vegetation in conjunction w/ State Parks & Rec., DFG & USFWS.

DMF & Carmel LUPs: No apparent policies related to this issue.

Big Sur Land Use Plan

Big Sur LUP Policy 3.3.3(10) encourages residents and public agencies to undertake restoration of the natural environment in Big Sur through removal of invasive non-native plants where the removal does not increase potential erosion problems.

Big Sur LUP Policy 3.5.2(3) encourages restoration of native forest resources through encouragement of residents and public agencies as a means of preserving the natural grandeur of Big Sur. Encourages the removal of non-native species.

COASTAL IMPLEMENTATION PLAN:

No mention of invasives in No Co; Carmel or Big Sur sections other than

GPU Policy ER3.10 may be adopted.

Adopt GPU Action ER-3.e and add that County agencies are not to use invasives and that management plans to replace invasives with native vegetation should be prepared and implemented.

Adopt an action to request that CalTrans refrain from using invasives along its right of way and to plan for eventual removal and replanting with natives.

COASTAL LAND USE PLANS

Adopt No. County policy 2.3.4(5) as a coastal zone wide policy and add CalTrans to the list of public agencies that the County will work closely with for controlling invasive non-native species on CalTrans' right-of-way.

Retain Big Sur LUP Policy 3.3.3(10)

Retain Big Sur LUP Policy 3.5.2(3)

COASTAL IMPLEMENTATION PLAN:

Adopt corresponding ordinance provisions for all four segments

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<p>a definition.</p> <p><u>Del Monte Forest IP Chapter</u> DMF IP Section 20.147.040.B.1 states Uses permitted in the buffer zone shall be required...d) replant where appropriate with native and non-invasive exotic species.</p> <p>DMF IP Section 20.147.040.B.9 states Where landscaping is required for new development on parcels adjacent to or including environmentally sensitive habitats, landscaping used within the 100' buffer shall consist solely of non-invasive, native plant materials appropriate to the habitat. Landscaping for the remainder of the site shall include native species and may include non-invasive exotics.</p>	<p>prohibiting planting of exotics.</p> <p>Add to IP sections regarding legal restrictions placed on properties (e.g., scenic and conservation easements, deed restrictions to follow landscape plans) a requirement to include in the legal document a prohibition on the planting of exotics.</p>
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ISSUE SH-19: Livestock Grazing
Ensure that there are appropriate measures so as to protect sensitive habitat where livestock grazing occurs.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP's main emphasis is on allowing and promoting grazing. There is variable language in the LUPs and IPs for each of the three segments where grazing occurs that address various aspects of this resource issue, especially with regard to riparian areas. If the concepts in these various provisions were to apply to all segments, then the LCP would have a comprehensive set of policies covering this issue. Required and voluntary management plans for grazing lands provide an opportunity to address resource protection compatibility.</p> <p>To date the General Plan Update has similar provisions as in the LCP to encourage grazing and also protect resources.</p> <p><u>GENERAL PLAN UPDATE</u></p>	<p>Summary: Retain and refine policies that grazing at managed levels can be beneficial to native coastal terrace prairie but should generally not be allowed in streams, riparian habitat, and/or wetlands.</p> <p><u>GENERAL PLAN UPDATE</u> Adopt a coastal zone wide policy prohibiting grazing in streams, riparian</p>

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GPU Goal LU-6 Major Land Group: Rural Lands: “Preserve Rural Lands for critical habitat and watershed protection, passive recreation, small-scale farming and grazing activities, and very low density rural residential uses.”

GPU Policy LU-6.1 states “Conservation of Rural Land - The County shall permit land uses and densities that help preserve rural character; conserve natural, scenic, and cultural resources; protect public health and safety from natural and man-made hazards; preserve farming and grazing activities; provide an opportunity to build a single family home on legal lots of record; protect watersheds and water quality; enhance air quality, and minimize the demand for, and cost of, public services and facilities. Rural Lands shall provide for very low density residential uses, farming and grazing activities, critical habitat protection, watershed management, and passive recreation.”

GPU Policy LU-6.4 “Uses Permitted Within Rural Lands states that The County shall limit development and land clearing within Rural Lands to balance the use of the land with protection of the natural resource value of these areas. Primary uses in Rural Lands are very low density rural residential uses, farming and grazing, passive recreation such as hunting and fishing, camping, riding and hiking, and resource conservation.”

GPU Policy LU-7.1: Resource Land Conservation states that “ The County shall conserve commercial farming and grazing lands for long-term agricultural production.”

GPU Policy LU-11.3 Agricultural Use Preference states that Agriculture, especially grazing, is a preferred use of coastal lands where it is the predominant land use. In locations where grazing has been a traditional use, it should be retained and encouraged both under private and public ownership. Williamson Act contracts, scenic easements, tax incentives, large lot zoning, and other techniques will be encouraged by the County to promote and assist agriculture.

GPU Policy LU-11.4 states that “Contiguous Grasslands: All contiguous

habitat and wetlands, except for vernal pools, unless it is done pursuant to a grazing management plan that is part of an approved habitat restoration plan.

Incorporate these and more specific standards (i.e., for kinds of grazing and kinds of grasslands) into any requirements for management plans; into any leases of public land for grazing; and into any guidance documents for addressing ESHA. (See also Recommendations for Issues SH-1 ESHA Identification and SH-15 Public Agency Coordination.)

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grasslands of 320 acres or more and those traditionally used for grazing use shall be preserved for such use.”

COASTAL LAND USE PLANS

North County Land Use Plan

No Co LUP policy 2.3.3.B2 states: The following activities shall be prohibited within intermittent and perennial stream channels: ... Grazing should be allowed only at levels that would not destroy vegetative ground cover of the stream channel

No Co. Policy 2.6.3(1)(b). An agricultural land use designation, Agricultural Conservation, shall be applied to: ...3) grazing lands where such a low-intensity agricultural use is the most compatible use of an area. The Agricultural Conservation category shall also be applied to lands not in areas designated under the Agriculture Preservation land use category that are placed into Williamson Act agricultural preserve contracts. Emphasis shall be placed on preserving the most viable agricultural areas of a parcel for agricultural use.

No Co. LUP APPENDIX AMBAG 208 WATER QUALITY PLAN 91978:

Policies and Standards Pertaining to Erosion and Sedimentation Control 9. Require the enactment of a new or revision of an existing ordinance dealing with the keeping of livestock on small parcels of land that are not farms or ranches, focusing on areas likely to be subject to overgrazing and accelerated erosion; and require the granting of a livestock permit before livestock may be maintained in certain circumstances.

Carmel Area Land Use Plan

Carmel LUP Policy 2.6.3(2). Grasslands traditionally in grazing use or capable of supporting grazing should be protected for grazing (see Map C).

Carmel LUP Policy 2.3.4(3) If existing livestock operations are intensified and concentrated in or near riparian corridors, a management

COASTAL LAND USE PLANS

Revise No Co LUP policy 2.3.3.B2 to allow grazing where it would also not result in stream pollution pursuant to a management plan (See also Recommendations for Issues SH-1 ESHA Identification and SH-15 Public Agency Coordination.)

Retain Carmel LUP Policy 2.3.4(3) and apply coastal zone wide.

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program to protect the riparian resource should be developed.

Carmel LUP Policy 2.6.3(3). Subdivision of large ranching properties is generally discouraged. The configuration of new parcels created through land divisions shall be designed in such a way to protect existing agricultural activities and grazing resources.

Carmel LUP Policy 2.6.4(3). Uses compatible with grazing, including some forms of low intensity recreation, shall be encouraged as a means to assist maintaining land in agricultural use by providing additional income to landowners.

Carmel LUP Policy 2.6.4(4). New residential and utility buildings and barns associated with ranching uses shall be located to minimize encroachment upon grazing land.

Big Sur Land Use Plan

BS LUP Policy 5.4.3(M)(1): The development of properties of 320 acres or greater, for uses other than agricultural structures or a single residence, shall require submittal of an overall development and management plan for the property. The plan shall indicate all long range uses contemplated on the property. Areas proposed for development of residences, visitor-serving facilities or low intensity recreational uses shall be clearly delineated and areas to be retained for grazing, and open space and habitat protection, and public access shall be indicated. All proposed roads shall be shown. The plan shall contain a description of how development will be phased over time.

BS LUP Policy 3.6.2(1) All contiguous grasslands of 320 acres or more and those traditionally used for grazing use should be preserved for such use.

BS LUP Policy 3.6.2(2): Uses compatible with the retention of grazing, including hunting and some forms of low intensity recreation, shall be encouraged as a means to assist maintaining land in agricultural use by providing additional income to land owners.

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BS LUP Policy 3.6.2(3). Residential, recreational and other land use development shall not be sited on land suitable for grazing unless an equivalent area of new grazing land is provided.

BS LUP Policy 3.6.2(4) Residences and utility buildings and barns associated with agricultural uses shall be located to conserve grazing land.

BS LUP Policy 3.3.3(A)(7): Land uses in areas where natural grassland is found shall be compatible with the maintenance of the habitat. Development shall be sited and designed to avoid disturbance or destruction of grasslands. Compatible uses include managed grazing and low-intensity recreational and residential uses.

Big Sur LUP Key Policy 3.6.1: Agriculture, especially grazing, is a preferred use of coastal lands. In locations where grazing has been a traditional use, it should be retained and encouraged both under private and public ownership.

BS LUP Policy 3.6.2(7). The County Farm Advisor should continue to assist landowners in developing grazing management plans. Such plans should include rotation schedules, fencing programs, and other techniques to enhance grazing activity.

BS LUP Policy 3.6.2(8) The U. S. Forest Service and the State Department of Parks and Recreation should lease grazing land to private individuals in order that such areas may continue in traditional agricultural use.

BS LUP Policy 3.6.2(9) Where the Department of Parks and Recreation acquires title to land formerly in grazing use, and where a lag of several years is anticipated before park development plans are implemented, the Department should make every effort to lease the land for the purpose of continuing grazing on the property.

Retain BS LUP Policy 3.3.3(A)(7) and apply coastal zone wide.

Retain BS LUP Policy 3.6.2(7) and apply coastal zone wide.

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BS LUP Policy 3.6.2(10). The State Department of Forestry and the U. S. Forest Service should actively participate and assist in developing prescribed burning programs for private and for public lands in order to improve and maintain the grazing resource.

BS LUP Policy 5.4.3B.1 Agricultural resource protection policies presented in Chapter 3 provide the basic framework to guide agricultural activities and shall be considered in all development applications where existing or potential grazing land is concerned. Management of agricultural operations should be particularly sensitive to the protection of water quality and vegetation in riparian areas.

COASTAL IMPLEMENTATION PLAN

North Co IP Chapter

No Co. IP Section 20.144.040.B.5: Further conditions of project approval for subdivisions containing ESHA shall include: a) establishment of 'building envelopes on each approved parcel which allows for the least impact on and vegetation removal within and adjacent to the environmentally sensitive habitat; b) recordation of the building envelopes on the final map or record of survey; c) placement of a note on the final map stating that no grading, structures, roads, animal grazing, vegetation removal, or other activities may take place outside of the building envelope; and, d) recordation of a notice with the County Recorder stating that a building envelope has been established on the parcel, and that no grading, structures, roads, animal grazing, vegetation removal, or other activities may take place outside of the envelope.

No Co IP Section 20.144.040.C.2.a: Grazing may be permitted only at levels which will not destroy the vegetative ground cover of the stream channel, as determined through a biological survey and regulated through conditions of project approval.

Carmel IP Chapter

Carmel IP Section 20.146.070.A contains Overall Development and Management Plan Requirements for grazing lands.

Add to BS LUP Policy 3.6.2(10) provision to ensure prescribed burning is performed to optimize native grasses.

COASTAL IMPLEMENTATION PLAN

Retain No Co. IP Section 20.144.040.B.5 and apply coastal zone wide. (Note: this provision appears to be written primarily for residential lot subdivision where some grazing animals might be present; hence, the use of the term "building envelope" It would be more appropriate to delineate separate "grazing areas.")

Revise consistent with recommendation for No Co LUP policy 2.3.3.B.3 and apply coastal zone wide.

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<p><u>Big Sur IP Chapter</u> Big Sur IP Section 20.145.040.B.5: The terms of conservation easements shall generally prohibit vegetation removal and grazing of livestock within the environmentally sensitive habitat, except as needed for removal of non-native plant species, and in those cases where the biological survey recommends such grazing or vegetation removal as beneficial to the protected habitat.</p> <p>Big Sur IP Section 20.145.040.C.1.g: Development and land use activities in areas of natural grassland shall not be permitted to adversely impact the long-term maintenance of the habitat, as determined through the biological survey prepared for the project. As such, allowable uses in natural grassland areas shall include managed grazing, low-intensity recreational, and residential uses. Conditions of approval shall be applied and development modified as necessary, including for design, siting, location, size, density, and intensity of use, to reduce impacts to and assure the long-term maintenance of the habitat. Conditions of approval shall include recommendations contained in the biological survey prepared for the project.</p> <p>Big Sur IP Section 20.145.070.A contains Overall Development and Management Plan Requirements for grazing lands.</p>	<p>Revise Big Sur IP Section 20.145.040.B.5 consistent with policy recommendations and apply coastal zone wide.</p> <p>Retain Big Sur IP Section 20.145.040.C.1.g and apply coastal zone wide.</p>
<p>ISSUE SH-20: Steelhead Streams Ensure that runoff into creeks/rivers that support or have historically supported steelhead runs is not polluted, so that the sensitive steelhead habitat is protected.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: According to an analysis by FishNet 4C (Effects of County Land Use Policies and Management Practices on Anadromous Salmonids and Their Habitats, January 2001), Monterey County has certain measures in place that would help protect steelhead, but lacks others. Specifically the report found:</p> <p>Riparian Buffers - Monterey County currently does not require riparian</p>	<p>Summary: Adopt policies and actions based on the recommendations of the FishNet 4C Program to improve protection of steelhead stream habitat. (See also recommendations under Issue WQ-3 Erosion Control.)</p>

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buffers on perennial, intermittent, or ephemeral streams outside the coastal zone.(Note: See chart for Issue SH-11 Stream Buffers that riparian buffer reduction criteria do not directly address anadromous fish.)

Stormwater - The County does not have a runoff control ordinance implemented as part of its National Pollution Discharge Elimination System (NPDES) permit. However, the County Erosion Control Plan, Section 16.12.070 directs runoff rates to be maintained at pre-development levels.

Sedimentation – Although the County does not have regulations on agricultural grading, area plans and zoning prohibit conversion of uncultivated land > 25% slope; require a Use Permit for new or expanded operations on slopes of 15 –25% (No. County Policy 2.6.3.8, IP Section 21.66.030.C). Winter grading is addressed in the Erosion Control Ordinance which prohibits land clearing over 1 acre between October 15th to April 15th in water supply watersheds and high erosion areas, unless authorized by the Building Inspector; criteria are listed and required for when clearing does take place.

Road Maintenance –Routine maintenance of unpaved fire roads (former logging roads and ranch roads), which are generally dirt and are mostly insloped with inboard ditches) consists of grading the road surface and ditch clearing. According to the report, road maintenance is a major potential source of sedimentation to streams. (Fish Net 4C did not perform a policy analysis on this topic other than to note a lack of policies governing road maintenance.)

Water Quality – Although not currently mandated to apply and maintain a permit from the NPDES for its storm drain systems, the County’s waterways would benefit from meeting the same requirements as other counties that are required to do so. For example, counties that are required to apply and maintain a NPDES permit are required to report the number of storm drains cleaned, miles of channels and creeks cleared, amount of material collected from street sweeping and chemical cleaning

Adopt uniform riparian protective policies countywide.

Adopt an action for the County to identify streams and tributaries throughout the County.

Adopt an action for the County to coordinate or participate in programs for anadromous fish habitat protection that plan, coordinate and prioritize restoration projects in each watershed and among watersheds.

Adopt an action for the County to establish adequate waste material storage sites throughout the county so that spoils from landslides and road maintenance can be stored safely away from anadromous streams.

Adopt an action for the County to develop road management practices and prioritization for action, including road reconstruction, decommissioning and maintenance that minimize sedimentation and runoff impacts. These should address disposal of waste material, stream crossings, culvert diversion potential, fish passage, and slope repair.

Adopt an action for the County to closely monitor any wintertime grading allowed and to ensure enforcement of permit conditions.

Adopt an action for the County to train staff in implementation of road standards and erosion control technology.

Revise riparian buffer policies to account for anadromous fish protection. (See Recommendations for Issue SH-11 Stream Buffers.)

Revise riparian buffer policies that allow for reductions in stated buffers to apply only where a determination has been made that there will be no adverse impact to anadromous fish. (See Recommendations for Issue SH-11 Stream Buffers.)

Adopt an action for the County to establish a fund for purchase of property or easements for cases in which implementing riparian buffers for anadromous fish protection makes parcels unbuildable.

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<p>facilities. Further, these counties have enacted specific storm water quality protection ordinances, the goal being to reduce pollutants in storm water discharges. However, Monterey County’s General Plan does require parking lots with greater than 20 spaces to include oil, grease, and silt traps.</p>	<p>Adopt an action for the County to establish a program for identifying especially unsuitable existing development, infrastructure and roads affecting anadromous fish streams. and for gradually mitigation their adverse, including possibly measures to eliminate unmitigatable impediments.</p> <p>Adopt an action for the County to work with the State Water Resources Control Board and other agencies to establish target levels of instream flow to maintain populations of anadromous fish and to incorporate these target levels into the County development review process.</p> <p>Adopt a policy to prohibit projects that jeopardize instream flows necessary for anadromous fish protection.</p> <p>Adopt an action to coordinate with the State Water Resources Control Board in matters involving water rights permits in anadromous fish streams.</p> <p>Adopt an action for the County to reduce the extent of riparian vegetation and sediment clearing performed on anadromous fish streams as part of flood prevention problems. Include in the program consideration of alternative flood reduction measures and retention of large woody debris within streams to the extent possible.</p> <p>Adopt an action for the County to evaluate lagoon breaching to determine cumulative effects of the practice on anadromous fish.</p> <p>Adopt a policy to evaluate alternatives to lagoon breaching and to conduct any lagoon breaching in a manner that protects anadromous fish.²⁴</p>
<p>ISSUE SH-21: Night Lighting Ensure that light shining out on the Sanctuary waters is prohibited so as to protect sensitive marine habitat.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>

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Summary: This topic is not currently addressed in the LCP, meaning that there can be adverse impacts on the marine habitat that are not currently regulated.

To date, the General Plan Update does not address this topic either.

GENERAL PLAN UPDATE

GPU Policy ER-10.7 addresses exterior lighting, but not this topic
GPU Policy PS-7.3 requires street lighting to illuminate intended area and avoid off-site glare, but also does not address this topic.

COASTAL LAND USE PLANS

No. Co. LUP: No policies relating to lighting.

DMF LUP: same as North County.

Carmel LUP: Policy 2.2.4(10)(d) addresses exterior lighting on structures, indicates to point light downward & to be shielded.

Big Sur LUP: No specific policies on this topic.

COASTAL IMPLEMENTATION PLAN

North County IP, Section 20.144.030(B)(2) states lighting shall be unobtrusive and blend with the rural setting.

Del Monte Forest IP, No regulations on this topic

Carmel IP, Section 20.146.030(C)(1)(d) requires exterior lighting to be unobtrusive and harmonious with the local area; requires lighting fixtures to be shielded and designed at near-ground level, and off-site glare is controlled.

Big Sur IP, Section 20.145.030(A)(1)(b) prohibits exterior lighting sources if the lighting source would be visible from Highway 1 or other major public viewing area as defined in Section 20.145.020.V.

Summary: Adopt a specific policy regulating light shining on the Sanctuary.

GENERAL PLAN UPDATE

Adopt a policy that states, “In no instance, other than for an emergency, shall lighting be directed toward or face Monterey Bay National Marine Sanctuary waters, so as to directly illuminate any waters of the Monterey Bay National Marine Sanctuary and adjacent shoreline.”

COASTAL LAND USE PLANS

COASTAL IMPLEMENTATION PLAN

Adopt Implementation provisions that correspond to the above recommended policy..

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<p>Section 20.145.030(B)(4) requires a lighting plan submitted for approval by the Director of Planning where aboveground development involves exterior lighting; exterior lighting will require shielding to reduce its long-range visibility and to cause the light source to not be visible; exterior lighting shall be downlit and minimal to reduce as much as possible light pollution.</p>	
<p>ISSUE SH-22: Moro Cojo Slough Wetlands Ensure that the designations of wetland areas around Moro Cojo Slough reflect most recent delineations.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: The current North County LUP land use maps (Figures 1 and 2) match fairly well with recent wetland delineations (in the Moro Cojo Slough Management and Enhancement Plan²⁵ and by the Elkhorn Slough Foundation²⁶) but do not show all existing wetland areas known at this time. While the LCP has identification policies that help ensure newly delineated wetland areas are protected, the lack of redesignation to the appropriate Resource Conservation designation may lead to lapses in ensuring that these areas receive the protection that they should under the Coastal Act.</p> <p>To date the General Plan Update does not address this issue other than retaining the designations.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No Co LUP</u> LUP Map (Figures 1 and 2) designates areas around Moro Cojo and Elkhorn Slough primarily as Wetland and Coastal Strand but approximately eight other wetland areas have designations of Heavy Industrial, Rural Residential and Agricultural Preservation.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Zoning Maps show these areas as HI, RDR, & CAP</p>	<p>Summary: Update the North County Land Use Plan map to designate wetland areas mapped by the Moro Cojo Slough MEP and Elkhorn Slough Foundation as Resource Conservation.</p> <p><u>COASTAL LAND USE PLANS</u> Redesignate mapped wetlands to Wetland and Coastal Strand on the North County Land Use Plan map (See Map SH-22).</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Concurrently rezone these areas to “RC(CZ)” [Resource Conservation]</p>

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ISSUE SH-23: Potrero Road Open Space

Ensure that the Potrero Road Special Treatment area (APN 133-201-010) purchased by Moss Landing Harbor District is appropriately designated to conform to Coastal Act habitat and wetland policies.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The LCP’s allowance for housing along north side of Potrero Road next to and including Old Salinas River channel wetlands is outdated. The LCP’s emphasis on a recreational vehicle park for this site is also outdated because the parcel’s new owner, Moss Landing Harbor District, has constructed an RV park elsewhere (Pelican RV park on Sandholdt Road). The Harbor District is in need of potential mitigation areas for wetland fill projects elsewhere, and the subject site is appropriate for such use and possible enhancement. It is also potentially suitable for trail and other recreational uses that the Harbor can provide, which are Coastal Act priority uses.</p> <p>To date the General Plan Update does not address this issue other than retaining the land use designations.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No. County LUP</u> No Co LUP land use map designates area along north side of Potrero Road as Outdoor Recreation Special Treatment.</p> <p>No Co LUP policy 5.2.1.G states that the primary land use is Outdoor Recreation, with an emphasis on a recreational vehicle park. A secondary alternative use for this property is medium density housing.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> IP Zoning Map shows parcel zoned as OR(CZ), Open Space Recreation</p> <p>IP Sections 20.38.040 & .050 allow trails, picnic areas, camping,</p>	<p>Summary: Remove references to emphasizing recreational vehicle park and allowing residential use on the Moss Landing Harbor parcel.</p> <p><u>COASTAL LAND USE PLANS</u> Retain Land Use Map designation as Outdoor Recreation.</p> <p>Remove text stating emphasis on a recreational vehicle park.</p> <p>Remove secondary, alternative use of medium density residential use from text in North County LUP.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Retain OR zoning, without Special Treatment overlay</p>

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<p>educational uses related to the dune environment, interpretive centers and the like in the OR zone.</p>	
<p>ISSUE SH-24: Odello-West Ensure that Odello-West now owned by State Parks and Caltrans & undergoing habitat restoration and adjacent Williams property are appropriately designated to conform to Coastal Act habitat, scenic, and agricultural protective policies.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: The LCP designations for Odello-West and one of the Williams parcels are outdated and not most protective of the resources of the sites, especially given State Parks’ Carmel River State Beach Lagoon Restoration Project for wetlands restoration and some continued agricultural use. State Parks has already amended its General Plan for Odello-West to allow for wetlands and other habitat restoration. Caltrans has purchased the Williams parcels with the intent to transfer them to State Parks for habitat preservation. Three small parcels fronting Highway One are designated agricultural in the certified LCP, although when the land use map was redrawn and reprinted in color, they became shown as residential. This is appropriate, given the residential use on these parcels, which are small are topographically distinct from the agricultural field, but requires a LCP amendment.</p> <p>To date the General Plan Update does not address this issue other than retaining the land use designations.</p> <p><u>COASTAL LAND USE PLANS</u> <u>Carmel Area LUP</u> designates Odello-West parcel as Ag. Preservation.</p> <p>Carmel Area LUP designates one Williams parcel as Medium Density Residential</p>	<p>Summary: Redesignate Odello-West and Williams to Wetlands and Coastal Strand, except for portion to remain in agricultural use.</p> <p><u>COASTAL LAND USE PLANS</u> Redesignate Odello-West parcel as Resource Conservation – Wetlands and Coastal Strand, except for portion to remain in agricultural use.</p> <p>Redesignate remaining three small parcels along Hwy 1 as Low Density Residential.</p> <p>Redesignate Williams parcel as Resource Conservation – Wetlands and Coastal Strand (See Map SH-24)</p>

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<p>Carmel Area LUP policy 4.4.3.E.4 states: Up to three building sites may be permitted on the Williams parcel provided they are located adjacent to the existing developed area of Carmel Meadows and avoid adverse impacts on the wetland area or established drainage patterns unless it is to significantly improve the existing drainage.</p> <p>Carmel Area LUP policy 4.4.3.B.2 states: The agricultural land west of Highway 1 in public ownership shall be designated "Agricultural Preservation" in order to conserve the land for exclusive agricultural use.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Odello West zoning is CAP(CZ) Coastal Agricultural Preservation</p> <p>Three small residential parcels are zoned LDR/1(CZ) Low density residential 1 unit per acre</p> <p>One Williams parcel is zoned MDR/2 (24)(CZ) 2 units/ acre with 24' height limit.</p> <p>Carmel IP Section 20.146.120.A.1 has an exception for allowing development of Williams parcel.</p> <p>Carmel IP Section 20.146.120.B.4.c is similar to policy 4.4.3.E.4</p>	<p>Delete policy 4.4.3.E.4</p> <p>Delete this sentence of policy 4.4.3.B.2</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Rezone portion of Odello-West to be restored as RC(CZ)</p> <p>Retain LDR/1 designation for residential parcels.</p> <p>Rezone Williams parcels to RC(CZ).</p> <p>Delete exception for Williams in Section 20.146.120.A.1</p> <p>Delete Section 20.146.120.B.4.c</p>
<p>ISSUE SH-25: Sandholdt Road Area Ensure that designations for the area to the south of the new Sandholdt Bridge are revised to be consistent with Coastal Act wetland policies.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: Since Sandholdt Road Bridge replacement has already been approved for a location only approximately 75 feet south of the existing bridge (CDP 3-00-097), harbor boating facilities are physically precluded from expanding further southward. Therefore, the "Special Treatment" and Light Industrial" designations of that area are outdated as well as inappropriate given</p>	<p>Summary: Redesignate area south of new Sandholdt Bridge to Resource Conservation.</p>

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that the area is wetlands. Text in the LUP recognizes that this might become the case and an amendment would be necessary.

To date the General Plan Update does not address this issue other than retaining the land use designations.

COASTAL LAND USE PLANS

North County Land Use Plan

No Co. LUP map shows Special Treatment area south of Sandholdt Road Bridge in Moss Landing Area, for potential relocation of the Bridge approximately 1,000 ft south, expansion of Sandholdt Road to this location and potential harbor expansion into the portion of the Old Salinas River Channel that would be opened up by relocating the bridge.

No Co section 5.2.1.G and policy 5.2.1.H.4 also describe this Special Treatment area. Policy 5.2.1.H.4 says the Light Industrial designation south of the existing bridge would not be appropriate if harbor expansion south of the bridge does not occur and that it should be changed to Scenic and Natural Resource Recreation and Resource Conservation.

No Co section 5.2.2.C discusses extending Sandholdt Road

COASTAL IMPLEMENTATION PLAN

CIP Zoning map shows LI (CZ) along Old Salinas River Channel shoreline.

No Co. Section 20.144.160.A.12.b.2 refers to extending Sandholdt Road.

COASTAL LAND USE PLANS

Remove “Special Treatment” designation on LUP map in area south of Sandholdt Road Bridge.

Change LUP designation from Coastal-Dependant Light Industrial to Resource Conservation – Wetlands and Coastal Strand.

Update LUP map to show correct parcels and reconfiguration of Sandholdt Road Bridge.

Delete last paragraph of Section 5.2.1.G,
Delete first sentence of policy 5.2.1.H.4 and last three paragraphs.

Delete section.5.2.2.C to reflect the changed conditions.

COASTAL IMPLEMENTATION PLAN

Change CIP zoning designation of area south of new bridge from LI (CZ) to RC (CZ)

Delete first phrase of Section 20.144.160.A.12.b.2 referring to extending Sandholdt Road.

ISSUE SH-26: Watertek Wastewater Plant

Ensure that the Watertek treatment plant and surroundings are appropriately designated to ensure wetland protection.

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<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary: The current designation of the Watertek plant as Resource Conservation is appropriate because aerial photos of the site show the holding tanks were built in wetland areas. The current residential designation of the spray fields is inappropriate because under Section 30412 of the Coastal Act, lands needed to accommodate wastewater facilities must be so designated. If the plant and spray fields were removed in the future, the residential designation would remain inappropriate because the land is adjacent to wetlands.</p> <p>To date the General Plan Update does not address this issue other than retaining the land use designations.</p> <p><u>COASTAL LAND USE PLANS</u> <u>No Co. LUP</u> No Co land use map shows parcels that include Watertek wastewater treatment plant as Resource Conservation, Coastal Strand and spray fields as Medium Density 1-4 units/acre.</p> <p>No Co LUP policy 3.2.2.4 A wetland restoration program for degraded</p>	<p>Summary: Maintain current designation of plant, redesignate spray fields, and add emphasis to policies for long-term removal of this facility from wetlands.</p> <p><u>COASTAL LAND USE PLANS</u> Maintain LUP designation of Resource Conservation: Wetlands and Coastal Strand for Watertek holding tank areas</p> <p>Add a Special Treatment overlay for this area, to allow current wastewater treatment uses but not to expand facility at this wetland site or allow any other uses beside monitoring, restoration and other resource dependant uses.</p> <p>Redesignate portion of south slough arm & 100 foot buffer from Medium Density Residential to Resource Conservation – Wetlands and Coastal Strand.</p> <p>Redesignate spray field area from Medium Density Residential to Public/Quasi-Public wastewater treatment.</p> <p>Redesignate areas south of CHISPA development from Medium Density Residential to Resource Conservation – Wetlands and Coastal Strand. (See Map SH-26).</p> <p>Retain No Co LUP policy 3.2.2.4.A</p>

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<p>wetlands now used as sewage treatment ponds shall be required in the event that Oak Hills or Monte del Lago connect to the Castroville or regional wastewater treatment plant. The wetland restoration program must be consistent with the resource protection policies of this plan.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> CIP zoning map shows the wastewater treatment plant area as RC(CZ) and spray fields as MDR B-8.</p> <p>CIP Section 20.42.030.H states that the B-8 designation is to restrict development and/or intensification of land use in areas where, due to water supply, water quality, sewage disposal capabilities, traffic impacts or similar measurable public facility type constraints, additional development and/or intensification of land use is found to be detrimental... with spray fields on adjacent upland.</p> <p>No Co IP Section 20.144.130.A.5 states: Development of sewer connections between Oak Hills or Monte de1 Lago and the Castroville or regional wastewater treatment plant shall require the restoration of degraded wetlands used as sewage treatment ponds for Oak Hills or Monte de1 Lago... Incorporated into the plan shall be a complete program for the wetland's restoration as a healthy, functioning biologic habitat, with a timetable for the program's implementation.</p>	<p><u>COASTAL IMPLEMENTATION PLAN</u> Rezone portion of south slough arm & 100 foot buffer from MDR B-8 (CZ) to RC (CZ)</p> <p>Rezone spray field area from MDR B-8 (CZ) to PQP (CZ)</p> <p>Rezone areas south of CHISPA development from HDR/5 CZ to RC (CZ).</p> <p>Retain IP Section 20.144.130.A.5</p>
<p>ISSUE SH-27: Long Valley Ensure that the Long Valley land that has been purchased by a conservation organization is appropriately designated in the LUP so as to ensure long-term sensitive habitat protection.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: The specific LUP policy for Long Valley was written to provide maximum habitat protection, consistent with protection of Constitutional private property rights, based on the fact that the area contains 19 separate parcels. Since the property has been purchased for habitat protection by a conservation</p>	<p>Summary: Revise policy to reflect greater opportunities for habitat protection.</p>

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organization, there is more opportunity for increased habitat protection.

To date the General Plan Update does not address this land specifically.

COASTAL LAND USE PLANS

No Co LUP policy (4.3.6.D7) states, “The Long Valley watershed area shall be bounded by the ridgelines located south of Strawberry Canyon Road and north of Paradise Canyon Road; by Elkhorn Road and Walker Valley Road on the west; and the Coastal zone boundary on the east. Preservation of both the natural habitat and watershed shall be of the utmost priority. Maritime Chaparral and stands of Monterey Pine, Coast Live Oak, Madrone, and Manzanita shall be protected to the maximum extent feasible. The highly erodible, Arnold Loamy Sand soils shall be protected to the maximum extent feasible.

Proposed development within the Long Valley watershed shall be required to minimize, to the greatest extent feasible, removal of vegetation, erosion, and contamination of groundwater resulting from the use of residential septic systems, agricultural pesticides, or fertilizers. Erosion control plans for proposed development shall be approved by the Building Inspection Department. All potable-water and residential-wastewater-disposal systems shall be approved by the Environmental Health Department, as Long Valley may provide a source of potable water to other water problem areas in North County.

When development is proposed on a parcel, the following conditions shall be required for approval of any Coastal Development Permit. Scenic easements shall be dedicated in all areas with slopes greater than 25% slope. A public access easement shall be dedicated for the establishment of a trails system. Proposed development which necessitates grading for dwellings, driveways, and appurtenant uses shall be required to appropriately replace topsoil to minimize erosion. Wherever feasible, revegetation with native plants shall be required in all graded areas. Improved access, roads, and drainage facilities for all

COASTAL LAND USE PLANS

Add to No Co policy 4.3.6.D7 language to encourage clustering of physical development, lot line adjustments, parcel consolidation and/or similar measures to protect contiguous areas of sensitive habitats.

Designate as “Special Treatment” or some equivalent delineation that shows that special overlay policies apply to this area.

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<p>proposed development within the Long Valley watershed area shall meet the standards and requirements of the Monterey County Public Works Department, North County Fire Protection District, and the Flood Control and Water Conservation District.”</p> <p>No Co LUP designation is “Rural Density Residential”</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> IP zoning is RDR/7 (Rural Density Residential 1 unit/7 acres)</p>	<p><u>COASTAL IMPLEMENTATION PLAN</u> Retain zoning and incorporate above policy recommendation into IP language.</p>
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IV. WATER QUALITY & MARINE RESOURCES
The Coastal Act includes several policies to protect marine/terrestrial resources and water quality. Section 30230 of the Act requires that marine resources be protected, maintained, and, where feasible, restored. The biological productivity of coastal waters, including streams, estuaries, and wetlands, must be maintained. Requirements include controlling runoff and waste discharges to protect water quality, maintaining groundwater supplies and stream flows in order to sustain the biological productivity of coastal waters, and minimizing the alteration of riparian habitats and streams (Sections 30231 and 30240).

ISSUE WQ-1: Dredging and Waste Material
Ensure that continued dredging of Moss Landing Harbor and disposal of the dredged materials complies with Coastal Act disposal and scenic policies.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The existing LCP has adequate policy to address dredge waste material suitable for beach replenishment, but fails to address where to dispose of unsuitable waste material. Also text describing the dredging frequency is no longer accurate.</p> <p>To date the General Plan Update does not address this issue except in the most general manner.</p> <p><u>GENERAL PLAN UPDATE</u> GPU NCo ER-11 states that unnecessary or ill planned dredging could have adverse impacts and therefore, appropriate expansion of Moss</p>	<p>Summary: Adopt a policy to ensure environmentally acceptable disposal of dredge materials that are not suitable for beach replenishment.</p> <p><u>GENERAL PLAN UPDATE</u> GPU NCo ER-11 may be adopted.</p>

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Landing Harbor facilities shall protect wetlands in as natural a state as possible.

COASTAL LAND USE PLANS

No Co LUP...

No Co Section 2.4 says since 1946, harbor has been dredged every three years.

No Co. LUP Policy 2.4.2.3 states that dredge spoils “suitable for beach replenishment shall be transported for such purposes to appropriate beach areas...”

No Co LUP policy 2.4.2.5 requires any site disrupted by dredging or filling to be fully and immediately restored whenever desirable.

No Co LUP policy 2.4.2.6 requires that the least damaging alternative be selected for dredging and filling.

COASTAL IMPLEMENTATION PLAN

No Co IP section 20.144.060.C.2 states that the diking, filling, or dredging of coastal wetlands or estuaries shall be limited to restorative measures to maintain and enhance the long-term maintenance of the biological habitat, and to appropriate facilities associated with access, research, education, mariculture, and aquaculture. The development shall be in accordance with the requirements and specific criteria designated in an approved wetland management plan for the area. If no wetland management plan has been approved for the area, appropriate facilities shall be limited to those consistent with Section 30233(a) of the Coastal Act, as follows:...

No Co IP section 20.144.060.C.3 states that diking, dredging and filling

COASTAL LAND USE PLANS

Update No Co LUP Section 2.4 to accurately describe when dredging has been conducted

Add to No Co policy 2.4.2.3: Disposal of dredge materials must be guided by a Dredge Materials Management Plan (DMMP). Prior to any dredge activity occurring that involves discharge of dredge material found unsuitable for beach nourishment or for unconfined aquatic disposal, the DMMP shall provide a detailed description of approved upland rehandling, transportation and disposal sites that will be used and ensure that disposal of contaminated sediments does not impact any sensitive coastal resources.

Retain No Co policy 2.4.2.6.

COASTAL IMPLEMENTATION PLAN

Retain No Co IP section 20.144.060.C.2 and apply coastal zone wide.

Revise No Co IP section 20.144.060.C.3 to require a mitigation ratio of

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shall only be permitted where the following criteria can be met: a. An equivalent area of new or "degraded wetland, as identified by the California Department of Fish and Game pursuant to Coastal Act Section 30411, is created or restored within the same estuarine system and in a manner which maintains or enhances overall biological productivity. Wetland creation or restoration plans and their affect on biological productivity shall be fully discussed and assessed in the biological survey. Such plans shall be implemented as a condition of approval to be completed before the approved development activities may proceed. As an exception, completion before proceeding with the approved development may be waived for temporary fill, short-term fill in place for not more than 6 months, or for diking, provided that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time, not to exceed one year from project installation.

b. The amount and extent of proposed diking, dredging, and filling is the minimum necessary to accomplish the intended purpose, and, where there are alternatives to the proposed development, the least environmentally-damaging alternative is chosen. As such, modifications shall be made for siting, location, design, and amounts of dredging and fill or other factors, where the modifications will minimize the amount and/or extent of diking, dredging, and filling. Appropriate biological, hydrologic, engineering, geologic or other professional studies shall be required where needed to determine project impacts, alternatives and mitigation measures.

No Co IP section 20.144.060.C.5 states that filling shall not be permitted within the wetland area of McClusky Slough, unless the filling is permitted in conjunction with a wetland enhancement or restoration plan.

No Co IP section 20.144.060.C.6 states that where diking, dredging, or filling will disrupt a site, that site shall be restored to its original condition if restoration is feasible and also desirable for maintenance or enhancement of the area's biological productivity, as determined through the biological survey prepared for the project. Site restoration plans shall incorporate recommendations included in the biological survey prepared

3:1 for freshwater and 4:1 for salt water wetland fill and apply coastal zone wide and reference Coastal Commission's "Procedural Guidance For Evaluating Wetland Mitigation Projects In California's Coastal Zone," for further guidance on how to prepare wetland restoration plans. Also revise second sentence in subsection b to add the following language: As such, modifications shall be made for siting, location, design, and amounts of dredging and fill or other factors, where the modifications will minimize the amount and/or extent of diking, dredging, and filling and minimize any other adverse environmental effects.

Retain No Co IP section 20.144.060.C.5

Retain No Co IP section 20.144.060.C.6

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<p>for the project and shall be implemented directly following project completion, as a condition of project approval.</p> <p>No Co IP section 20.144.060.C.7 Where proposed development involves dredging and spoils disposal, such activities shall be planned and implemented so as to avoid significant and unnecessary disruption to marine, estuarine, and wetland habitats, and to the pattern and volume of water circulation. Appropriate biological, engineering, hydrologic or other professional studies shall be required where needed to determine potential development impacts, alternatives to development, and mitigation measures to reduce habitat disruption. Such measures may be made conditions of project approval. Further conditions of project approval shall be that: 1) dredged spoils suitable for beach replenishment be transported for such purposes to appropriate beach areas with suitable longshore current systems; and, 2) dredged spoils meet all State and Federal standards for the protection of the marine biological environment and shall be disposed of consistent with all current policies and activities on other sites.</p>	<p>Retain No Co IP section 20.144.060.C.7 and add the following: Disposal of dredge waste material must be guided by a Dredge Materials Management Plan (DMMP). Prior to any dredge activity occurring that involves waste material found unsuitable for beach nourishment or for unconfined aquatic disposal, the DMMP shall provide a detailed description of approved upland rehandling, transportation and disposal sites that will be used and ensure that disposal of contaminated sediments does not impact any sensitive coastal resources.</p> <p>Also, revise second sentence to add the following language: Appropriate biological, engineering, hydrologic or other professional studies shall be required where needed to determine potential development impacts, alternatives to development, and mitigation measures to reduce habitat disruption and minimize any other adverse environmental effects.</p>
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ISSUE WQ-2: Sewage Outfalls
Ensure that sewage outfall discharges avoid impacting marine resources.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: Although the state and federal governments have primary jurisdiction over the issue of waste discharge, it is important that the County have the policy base to be able to provide input to these agencies on future proposals and to process necessary coastal permits. The current LCP (with the exception of Big Sur) contains appropriate policy for addressing new or expanded wastewater discharges, but the wording is open to some interpretation, such as what are coastal waters and what are expanding wastewater discharges. Clarifications of the latter are important with regard to development proposed that is served by the small treatment plants in the County’s coastal zone (e.g., Watertek, Carmel Highlands, Big Sur State Park) which are close to capacity</p>	<p>Summary: Retain existing policies, but clarify that they apply to all projects generating wastewater that is discharged into any coastal water.</p>

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and are located in sensitive areas. A clarifying amendment was adopted to ensure that new development would not overtax the Watertek plant and, hence help ensure that water quality is not compromised.

To date the General Plan Update contains welcome general language, but not the more detailed, directive language of the current LCP.

GENERAL PLAN UPDATE

GPU: Policy ER-5.1 indicates the County’s commitment to protecting the coast and marine environment. States the County shall seek to maintain, preserve and enhance coastal and marine environments and waterways that drain and have an impact upon the Monterey Bay National Marine Sanctuary, in accordance with all federal and state regulations including the Clean Water Act. Requires the County to prevent pollution of receiving waters prior to occurrence by use of best management practices.

COASTAL LAND USE PLANS

No Co LUP Policy 2.3.3.D; DMF policy 30.A and Carmel policy 2.4.4.B.8 have the following language: All new and/or expanding wastewater discharges into the coastal waters of Monterey County shall require a permit from the Health Department. Applicants for such permits shall be required to submit, at a minimum, the following information and studies:

- a) Three years monitoring records identifying the existing characteristics of the proposed wastewater discharge...
- b) Provide comprehensive projections of the proposed wastewater discharges; both quantitative and qualitative characteristics...
- c) Provide complete information on levels of treatment proposed at the treatment facility...
- d) Provide comprehensive monitoring plan ...
- e) Perform oceanographic studies ...
- f) Perform tests of ocean waters at the proposed discharge site and surrounding waters

GENERAL PLAN UPDATE

Proposed GPU policy ER-5.1 may be adopted, but with a clarification to replace “shall seek to” with “shall.”

COASTAL LAND USE PLANS

Retain existing No Co LUP Policy 2.3.3.D; DMF policy 30.A and Carmel policy 2.4.4.B.8 and make applicable coastal zone wide (i.e., apply to Big Sur as well). Add language to existing policy criteria that requires consultation with Monterey Bay National Marine Sanctuary staff for any development that may affect Sanctuary waters.

Adopt a coastal zone wide policy similar to IP Section 20.144.130.A.1 providing that prior to approving any new development that will be served by a wastewater system that has operated above 90% of its RWQCB’s authorized capacity in the last five years, there are assurances that adequate capacity remains available. Calculations should be performed and verified regarding historic and projected flows and historic and projected abilities of the system to adequately handle the flows without requiring system upgrades that would be inconsistent with LCP policies.

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g) Perform toxicity studies to determine the impacts of the proposed wastewater discharges on marine life, as well as on recreational uses of the coastal waters.
 h) Identify and analyze alternative methods of wastewater disposal....
 The data and results of requirements a) through h) must be submitted to the County's Chief of Environmental Health for evaluation and approval. A wastewater discharge permit shall be issued only if the above information demonstrates that the proposed wastewater discharge will not degrade marine habitats; will not create hazardous or dangerous conditions; and will not produce levels of pollutants that exceed any applicable state or federal water quality standards.

No Co policy 2.5.3.B.5 says potential point sources of pollution such as community wastewater treatments systems shall be examined...to monitor water quality impacts...and allowed to expand only if pollution levels remain at acceptable standards compatible with protection of public health and biological habitats.

Big Sur LUP: no policies address this issue.

COASTAL IMPLEMENTATION PLAN

IP Sections 20.144.040.C.3, 20.146.050.C.2, 20.147.040.C.3.e similar to No Co LUP Policy 2.3.3.D; DMF policy 30.A and Carmel policy 2.4.4.B.8.

IP Section 20.144.130.A.1 states, Prior to lifting the subdivision moratorium and approving the 47 Oak Hills infill lots, a finding must be made that the Watertek treatment plant has the capacity to serve homes on all of these lots, based on assessing the historic levels of use [i.e., wastewater generation], which were higher than the present [1995] levels of use.

Retain No Co policy 2.5.3.B.5

COASTAL IMPLEMENTATION PLAN

Add to IP sections 20.144.040.C.3, 20.146.050.C.2, 20.147.040.C.3.e a clarification that these provisions apply to any coastal waters, including sloughs and rivers.

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ISSUE WQ-3: Erosion and Non-point Source Pollution Control

Ensure that new development incorporates best management practices to prevent non-source pollution before, during, and after construction.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: Although the LCP has generally protective policies about erosion, they are not up-to-date in requiring best management practices, which are needed to ensure that water quality is adequately protected. Also, some activities that could result in erosion, as well as potentially impact habitat, are excluded from coastal permit requirements in conflict with the Coastal Act.</p> <p>To date the General Plan Update has a welcome set of best management practice policies; however, the guidance provided within them does not completely reflect state priorities for on-site detention.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Policy PS-5.1 requires new discretionary development projects to provide both on and off-site improvements to alleviate drainage problems before considering on-site detention of storm water. If this is not possible, the Co requires on-site stormwater detention sufficient to maintain, at a minimum, post-development peak flows at predevelopment levels for the selected design rainstorm for all development greater than one acre in area...</p> <p>GPU Policy PS-5.2 requires utilizing pollution prevention measures and Best Management Practices to protect groundwater and surface water in all land altering activities. Requires all development to be compatible with adopted RWQCB protection plans, and minimize the discharge of pollutants into surface water by incorporating BMPs that control runoff, including curbs and gutters, and constructing oil and grease and silt traps for parking lots & commercial industrial development.</p>	<p>Summary: Adopt updated set of erosion control and runoff policies and ensure that they are applied to all development.</p> <p><u>GENERAL PLAN UPDATE</u> Revise GPU Policy PS-5.1 as it applies to the coastal zone to state that new discretionary development projects should require on-site stormwater detention sufficient to maintain, at a minimum, post-development peak flows at predevelopment levels for the selected design rainstorm (85%) for all development. Where infeasible, other water quality BMPs shall insure water quality is protected, and the development shall provide both on and off-site management of drainage flows (soft methods a priority) to protect coastal resources (streams, riparian corridors, wetlands etc).</p> <p>Revise GPU Policy PS-5.2 to replace last phrase describing BMPs with the clarification that Site Design BMPs reduce the need for Source and/or Treatment Control BMPs, and Source Control BMPs may reduce the amount of Treatment Control BMPs needed for a development. Therefore, BMPs should be incorporated into the project design in the following progression:</p> <ul style="list-style-type: none"> · Site Design BMPs

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<p>GPU Policy PS-5.3 requires that drainage facilities be installed concurrently with, and as a condition of development, to ensure the protection of new improvements as well as existing development that might exist within the watershed.</p>	<ul style="list-style-type: none"> · Source Control BMPs · Treatment Control BMPs. <p>BMPs selection and design should be based on guidance documents such as: California Storm Water Best Management Practices handbook (1993, or current), Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters (1993), National Stormwater Best Management Practices Database (2001), and Guide for BMP Selection in Urban Developed Areas (2001).</p> <p>Adopt GPU Policy PS-5.3</p>
<p>GPU Policy ER-4.2 requires monitoring ground and surface water and BMP measures to control both direct and indirect discharges of harmful substances into surface and groundwater.</p>	<p>Adopt GPU Policy ER-4.2</p>
<p>GPU Policy ER-4.3 seeks to control erosion and siltation from current and new land-use activities. Erosion management plans are required for all projects within high and moderate erosion hazard areas.</p>	<p>Adopt GPU Policy ER-4.3</p>
<p>GPU Policy ER-4.4 requires containment of sediment on site during construction and grading operations, drainage improvements ...to control stormwater runoff...encourages retaining runoff and soil on-site...where this is not feasible or desirable, flood control improvements are required to prevent impacts to natural drainage channels...requires BMPs to prevent any increase in stormwater runoff velocities over pre-existing rates to prevent significant sediment transport and turbidity over pre-existing conditions (defined to mean greater than 10%) and to minimize on-site collection of non-point source pollutants</p>	<p>Adopt GPU Policy ER-4.4</p>
<p>GPU Policy ER-4.5 requires that problems created by excessive runoff or soil erosion be remedied.</p>	<p>Add to GPU Policy ER-4.5 that the remedy shall be consistent with the policy directions of the General Plan/Local Coastal Program.</p>
<p>GPU Policy ER-4.6 states that the County shall require that all disturbed</p>	<p>Adopt GPU Policy ER-4.6 (Note: Additional recommendations may be</p>

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surfaces resulting from grading operations be prepared and maintained to control erosion. Vegetation removal on construction sites shall be minimized and limited to that amount indicated on approved Erosion Management Plans, and shall be consistent with fire safety requirements.

GPU Policy ER-4.7 states that grading permits shall be required for any new development project, including new agricultural cultivation within high and moderate erosion hazards as identified in the Soil Erosion Hazard Map in the County’s GIS database and on slopes steeper than 25 percent. Permits for agricultural cultivation shall be issued only after consultation with the USDA Natural Resources Conservation Service, Resource Conservation District, or approval of an Erosion Management Plan prepared by a Registered Geotechnical Engineer.

GPU Policy ER-5.1 requires BMPs to prevent water pollution of receiving waters.

GPU Policy ER-5.3 requires vegetated buffer strips.

COASTAL LAND USE PLANS

No Co Land Use Plan

No Co policy 2.5.2.1 says point and non-point sources of pollution...shall be controlled and minimized. Restoration of degraded surface water quality shall be encouraged.

No Co policy 2.5.3.A.4 ...requires water conservation measures...which, among other things, should emphasize retention of water on site.

No Co policy 2.5.3.C.6 (a) requires diligent enforcement of current Erosion Control Ordinance; (b) ... requires agricultural management plans; (c)... requires erosion control plans that incorporate measures for

forthcoming as a result of future evaluation of the fire safety requirements.)

GPU Policy ER-4.7 may be adopted (Note: coastal permit requirements may be different than grading permit requirements, although the County could make the two consistent; the County may also wish to make Policy ER-4.7 and proposed Code Section 16.10.040 consistent).

Adopt GPU Policy ER-5.1

Adopt GPU Policy ER-5.3 (see also Recommendations for Issues SH-11, SH-12, & SH-13).

Adopt an action to coordinate with and implement where appropriate, the Monterey Bay National Marine Sanctuary’s Water Quality Protection Program – especially the Urban and Agriculture Action Plans.

COASTAL LAND USE PLANS

(Note the General Plan policies could substitute for some of the current LCP policies)

No Co policy 2.5.2.1 may be retained.

No Co policy 2.5.3.A.4 may be retained with the clarification to emphasize infiltration as well as retention.

No Co policy 2.5.3.C.6 may be retained. (Note: additional recommendations may be forthcoming as a result of future evaluation of the effectiveness of land disturbance targets.)

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on-site reduction of bare ground and max retention of stormwater runoff from impervious surfaces...shall not exceed Land Disturbance Targets (percentage of bare ground)...shall be designed to contain runoff from 20-yr recurrence interval storm...and restricts grading from Oct15-April 15 in high erosion areas; (d) ... uses the Land Disturbance Target (LDT) as primary control of cumulative impacts of erosion and sedimentation; (e) ... requires maximum retention of vegetation; (f) ...encourages conservation easements;

No Co Policy 2.6.2.3 states that conversion of uncultivated lands on steep and erodible soils to croplands shall be regulated by the County on a permit basis.

Del Monte Forest LUP

DMF Policy 2 requires that non-point sources of pollution to the Carmel Bay ASBS, rocky intertidal areas, and wetlands shall be minimized through careful attention to drainage and runoff control systems.

DMF Policy 4 requires installation of onsite desilting measures (e.g., debris basins, silt traps, etc) in conjunction with initial construction and grading operations

DMF Policy 3 restricts land clearing operations for areas >1acre per year between Oct 15 and April 15...prohibits development on slopes >30%

Carmel Land Use Plan

Carmel policy 2.4.3.2 states that new development including access roads shall be sited, designed and constructed to minimize runoff, erosion, and resulting sedimentation. Land divisions shall be designed to minimize the need to clear erodable slopes during subsequent development. Runoff volumes and rates should be maintained at pre-development levels, unless provisions to implement this result in greater environmental damage.

Carmel policy 2.4.3.3 states that point and non-point sources of pollution of Pt Lobos and Carmel Bay ASBS, coastal streams and the Carmel River

Retain No Co Policy 2.6.2.3.

DMF Policy 2 may be retained.

DMF Policy 4 may be retained.

DMF Policy 3 may be retained (see also Recommendations for Issue CH-7 Steep Slopes)

Carmel policy 2.4.3.2 may be retained.

Carmel policy 2.4.3.3 may be retained.

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<p>Lagoon and Marsh shall be controlled and minimized.</p> <p>Carmel policy 2.4.4.B.2 states that urban stormwater runoff entering Carmel River Lagoon and Carmel Bay should be monitored...and managed accordingly to reduce potential contamination from pollutants found in urban runoff.</p> <p>Carmel policy 2.4.4.C.2 states that hillside scarring shall be minimized by restricting cut and fill operations and mass grading. For necessary grading operations, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time.</p> <p>Carmel policy 2.4.4.C.3 states that sediment basins (e.g., debris basins, desilting basins, or silt traps) shall be installed in conjunction with the initial grading operations and maintained through the development process to remove sediment and run-off waters. All sediment should be retained onsite.</p> <p>Carmel policy 2.4.4.C.4 states that the native vegetation cover, temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized as soon as possible with planting of native annual grasses and shrubs, appropriate non-native plants, or with approved landscaping practices.</p> <p>Carmel policy 2.4.4.C.5 states that provisions shall be made to conduct, surface water to storm drains or suitable watercourses to prevent erosion. Onsite drainage devices shall be designed to accommodate increased run-off resulting from site modification. Where appropriate, on-site retention of stormwater should be required.</p> <p><u>Big Sur Land Use Plan</u> Big Sur policy 3.3.3.B.1 states that development on parcels adjacent to intertidal habitat areas should be sited and designed to prevent deposition of sediment.</p>	<p>Carmel policy 2.4.4.B.2 may be retained.</p> <p>Carmel policy 2.4.4.C.2 may be retained.</p> <p>Carmel policy 2.4.4.C.3 may be retained.</p> <p>Carmel policy 2.4.4.C4 may be retained.</p> <p>Clarify that Carmel policy 2.4.4.C.5 would not require new storm drains in preference to on-site retention and infiltration.</p> <p>Big Sur policy 3.3.3.B.1 may be retained.</p>
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Big Sur policy 3.4.2.2 requires careful control of grading to avoid erosion and sedimentation.

Big Sur policy 3.7.3.A.1 states that applications shall be reviewed for potential impacts to on-site and off-site development arising from erosion. Mitigation measures shall be required as necessary.

Big Sur policy 5.4.3.K.a.2 requires erosion control for private roads.

COASTAL IMPLEMENTATION PLAN

IP Ch 16.08 is the Grading ordinance

IP Chapter 16.12 is the Erosion Control ordinance

Big Sur policy 3.4.2.2 may be retained.

Big Sur policy 3.7.3.A.1 may be retained.

Retain Big Sur policy 5.4.3.K.a.2 and apply to all roads coastal zone wide.

COASTAL IMPLEMENTATION PLAN

Adopt a provision that states that all projects requiring coastal permits must follow all of the applicable standards contained in the Grading and Erosion Control ordinances even if no grading permit is required unless the Director of Planning and Building Inspection determines that the project (a) will not significantly increase or decrease the rate or volume of surface water runoff; (b) will not have an adverse impact on a wetland water course or waterbody; and (c) will not contribute to the degradation of water quality.

Adopt revisions to Ch 16.08 that became Ch 16.10 (applicable to North County only) to apply coastal zone wide, with further revisions as indicated in Coastal Commission’s August 16, 2001 letter, as follows: Regarding enforcement section 16.10.380, the preference would be for inspections to be done by the building official as a matter of standard practice for every project, not by consultants hired by the applicant. If the County wishes to make use of consultants, they should be trained, subject to an approval process, and within an established program, etc.

Additionally, inspectors should have the power to issue cease and desist orders at any time there is uncontrolled erosion. In Section 16.10.400; Revise proposed section 16.10.300 to state 10 days (instead of 30) or if there will be a longer period of time between land clearing and grading, especially approaching the rainy season, then temporary erosion control measures should be installed.

In proposed section 16.10.390 substitute “shall” or “will” for “may.”

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In proposed section 16.10.330.B, etc. revise requirements for hardening or lining of drainage channels and swales with concrete to allow the use of grass-lined swales and drainage channels to ensure a stable non-erosive channel while permitting the integration of vegetation and other BMPs. (see also Recommendations for SH-10 Streambank Protection)

Adopt revisions to Ch 16.12 that became Ch 16.14 (applicable to North County only) to apply coastal zone wide with the following addition: Require submittal of a post construction Storm Water Management plan detailing how stormwater and polluted runoff will be managed or mitigated over time pursuant to requirements of GPU Policy PS-5.2 (see recommendation above), including how any treatment control or structural BMPs will be maintained to insure it functions as designed and intended. All structural BMPs shall be inspected, cleaned, and repaired when necessary prior to September 30th of each year. Owners of these devices will be responsible for insuring that they continue to function properly. Repairs, modifications, or installation of additional BMPs, as needed, should be carried out prior to the next rainy season. Additionally, all applicants shall provide verification of maintenance provisions for Structural and Treatment Control BMPs, including but not limited to legal agreements, covenants, as follows:

- The developer’s signed statement accepting responsibility for maintenance until the responsibility is legally transferred; and either
- A signed statement from a public entity assuming responsibility for Structural and Treatment Control BMP maintenance and that it meets all local agency design or
- Written conditions in the sales or lease agreement, which require the recipient to assume responsibility for maintenance and conduct a maintenance inspection at least once a year; or
- Written text in project conditions, covenants, and restrictions (CCRs) for residential properties assigning maintenance responsibilities to a Home Owners Association for maintenance of the Structural and Treatment Control BMPs; or
- Any other legally enforceable agreement that assigns responsibility for the maintenance of post-construction Structural and Treatment Control BMPs.

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IP Section 16.08.030.18 defines grading as any excavating (the mechanical removal of earth material) or filling (the deposit of any material by artificial means for any purpose) or combination thereof.

IP Section 20.06.310 in part defines development (which is subject to coastal permit requirements) as including:
 - grading which requires environmental review under Mo Co CEQA guidelines (which would be all grading except on land with a slope of less than 10 percent, not within a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, nor in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist);
 - removal or harvesting of major vegetation including land clearing pursuant to Chapter 16.12 and removal of natural vegetation specified in the applicable ordinances as requiring a coastal development permit. "Development" shall not include removal or harvesting of major vegetation for agricultural purposes, except in North County as per Section 20.144.080.A.

IP Section 20.70.120.F exempts the following from requiring a coastal permit: any category of development approved as a categorical exclusion.

IP Section 20.70.120.I exempts the following from requiring a coastal permit: harvesting of agricultural crops.

And also revise as indicated in Coastal Commission's August 16, 2001 letter as follows:
 Revise Section 16.14.045 requiring restoration to pre-development conditions if there is unauthorized grading on a slope greater than 25%, to apply regardless of the slope.
 In proposed sections 16.10.410 & 16.14.150 substitute "shall" or "will" for "may."
 Revise requirements for hardening or lining of drainage channels and swales with concrete to allow the use of grass-lined swales and drainage channels to ensure a stable non-erosive channel while permitting the integration of vegetation and other BMPs.

Revise IP Section 20.06.310 defining development in part as follows:
 -grading ~~which requires environmental review under Mo Co CEQA guidelines;~~
 - removal ~~or harvesting~~ of major vegetation including land clearing pursuant to Chapter 16.12 and removal of natural vegetation specified in the applicable ordinances as requiring a coastal development permit. "Development" shall not include removal or harvesting of major vegetation for agricultural purposes, except in North County as per Section 20.144.080.A:

The County may wish to clarify this exemption in IP Section 20.70.120.I by requesting a categorical exclusion for certain grading activities

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<p><u>North County IP Chapter</u> North County IP Section 20.144.070 contains erosion control measures including determinations of critical vs. non-critical erosion areas, requirements for an erosion control plan, priority for development on non-critical erosion areas, cross-reference to Erosion Control Ch 16.12.</p> <p>No Co Section 20.144.080.A states a coastal development permit shall be required for: - development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater. The applicant shall provide sufficient information, such as a slope analysis, for the permit determination to be made by the Planning Department. -development of new or expanded agricultural operations where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual. The erosion hazard potential shall be determined by the planner by overlaying the appropriate Soil Survey Manual soils sheet with the parcel-based transparency.</p> <p><u>Del Monte Forest IP Chapter</u> DMF IP Section 20.147.030.A.2 states that no land clearing operations greater than 1 acre/year/ site or grading operations greater than 100 cubic yards may take place between 15 October and 15 April in water-supply watersheds and high erosion hazard areas. Definition of erosion hazard area shall be made using the description of hazard contained in the Soil</p>	<p>associated with agricultural activities, such as: ·grading of less than 50 cubic yards if Planning Director determines there are no potential impacts to coastal resources; ·tillage of existing agricultural fields; ·maintenance of existing agricultural roads, provided maintenance activities do not widen the road; ·grading further than 100 ft. from ESHA; ·grading which removes no significant trees; ·grading which removes ¼ acre or less of native vegetation; ·grading on slopes under 30%, if designed per NRCS standards.</p> <p>North County IP Section 20.144.070 may be retained, revised for consistency with the above recommendations. . (Note: additional recommendations may be forthcoming as a result of future evaluation of erosion control in North County.)</p> <p>Retain No Co Section 20.144.080.A and apply coastal zone wide. (Note: additional recommendations may be forthcoming as a result of future evaluation of erosion control in North County.)</p> <p>Retain DMF IP Section 20.147.030.A.2</p>
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Conservation Service's "Soil Survey of Monterey County".

DMF IP Section 20.147.030.A.3 states that point and Non-point sources of pollution to the Carmel Bay "Areas of Special Biological Significance", rocky intertidal areas, and wetlands shall be minimized. It shall be determined through staff review of the project whether or not the project contains, as a course of their operation or, as any other result of their existence, the ability or possibility to contribute to the degradation of the water and marine resources of the area. Those projects which are determined to have such an effect shall supply to the Planning staff proof of adequate erosion and runoff control systems to control any off-site effects of the projects. These erosion control and runoff plans shall be routed to the Building Inspection Department and the Flood Control District for their review and comment upon the adequacy of the report. The criteria of the AMBAG 208 Water Quality Management Plan shall apply in watersheds affecting these resources.

Carmel IP Chapter

Carmel IP section 20.146.050.D.2 same as Carmel policy 2.4.3.2.

Carmel IP section 20.146.050.E.4 has requirements for erosion control plans; incorporates provisions of Carmel policies 2.4.4.C.2 –C.5.

Big Sur IP Chapter

Note: Big Sur IP does not have an erosion control section like the other three segment IPs.

Big Sur IP Section 20.145.130.D.4.d states that potential erosion impacts from road construction shall be adequately mitigated (i.e., the proposed road construction will not induce landsliding or significant soil creep, nor increase existing erosion rates), as verified by a soils engineer. As a condition of project approval, a soils report shall be required and submitted for approval of the Director of Building Inspection prior to the issuance of building or grading permits. The report, prepared by a soils engineer, shall provide necessary mitigation measures and verify the adequacy of the erosion control measures.

DMF IP Section 20.147.030.A.3 may be retained with the caveat that Chapter 16.12 (or 16.14) applies as well.

Retain Carmel IP section 2.4.4.B.2 2.4.4.C.1.

Carmel IP section 20.146.050.E.4 may be retained with the caveat that Chapter 16.12 (or 16.14) applies as well.

Retain Big Sur IP Section 20.145.130.D.4.d.

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<p>ISSUE WQ-4: Agriculture and Confined Animal Facility BMPs Ensure that tailored BMPs for agricultural activities and confined animal facilities are employed to prevent non-source pollution.</p>	
<p><i>County Policies and Comments</i></p>	<p><i>Recommendations</i></p>
<p>Summary Comment: The certified LCP generally addresses livestock enclosures for North County only and has a provision that calls for future action in the Carmel Area. Thus, there is the potential for non-point source pollution from keeping animals, especially in the rural part of Carmel and in Big Sur.</p> <p>To date the General Plan Update has not directly addressed the issue, other than through setbacks.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Policy ER-5.4 requires 300-foot domestic animal setbacks from drainages and water bodies.</p>	<p>Summary: Adopt policies to ensure that confined animal facilities do not result in water quality degradation.</p> <p><u>GENERAL PLAN UPDATE</u> Adopt GPU Policy ER-5.4 with the addition of a reference to other ESHA setbacks as well. (See Recommendations for Issue SH-13 Other ESHA Setbacks.)</p> <p>Adopt as a coastal zone wide policy: Animal waste, wastewater, and any other byproducts of agricultural activities shall be properly disposed of on land or through suitable sewage disposal systems, if available. The disposal of such wastes in or near streams or ESHA is prohibited.²⁷</p> <p>Adopt as a coastal zone wide policy: The maximum number of animals permitted on a site shall be limited to that appropriate to the parcel size, slope, location of ESHA, and any other constraints.</p> <p>Adopt as a coastal zone wide policy: Vegetated filter strips and other treatment measures shall be incorporated into animal facilities to intercept, infiltrate, and filter runoff.</p> <p>Adopt as a coastal zone wide policy: Confined animal facilities shall be sited and designed to manage, contain, and dispose of animal waste using BMPs²⁸ to insure that waste is not introduced to surface runoff or</p>

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<p><u>COASTAL LAND USE PLANS</u> No Co LUP policy 2.5.3.B.2 requires agricultural runoff to be monitored and techniques to be established by the proposed North County Agricultural Management Program to reduce pesticide and nitrate contents.</p> <p>No Co policy 2.5.3.C.6(g) ...requires livestock enclosures to be sited to minimize erosion ... and retention of sediment on-site</p> <p><u>Carmel LUP</u> Appendix Policy 9 requires the enactment of a new or revision of an existing ordinance dealing with the keeping of livestock on small parcels of land that are not farms or ranches, focusing on areas likely to be subject to overgrazing and accelerated erosion; and require the granting of a livestock permit before livestock may be maintained in certain circumstances.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Several zoning districts permit the keeping of livestock, horses, and other animals also with stables and other ancillary facilities, but with no</p>	<p>groundwater.</p> <p>Adopt as a coastal zone wide policy: All stables and other animal keeping operations shall be managed to prevent discharge of sediment, nutrients, contaminants, and feces to surface and ground water. In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation or polluted runoff on any public road, adjoining property, or in any drainage channel.</p> <p>Adopt a coastal zone wide action to coordinate with the Regional Water Quality Control Board on implementing measures to prevent confined animal facilities from causing water pollution.</p> <p>Adopt an action to develop guidance for preparation of Water Quality Mitigation Plans for confined animal facilities, including short forms and standard plan components for facilities with a small number of animals.</p> <p><u>COASTAL LAND USE PLANS</u> Adopt substance of No Co. policy 2.5.3.B.2 as a coastal zone wide action.</p> <p>Retain No Co policy 2.5.3.C.6(g) and adopt coastal zone wide.</p> <p>Adopt Carmel LUP Appendix Policy 9 coastal zone wide with the addition of an action to review and update the ordinance over time to incorporate state of the art BMPs.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Add an IP section on confined animal facilities requiring a Water Quality Mitigation Plan to be prepared and submitted as part of the coastal permit</p>
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specific requirements.

No Co IP Section 20.144.070.E.18 states that livestock enclosures shall minimize erosion and resulting sedimentation. Proposed development of enclosures shall be modified for siting, location, grading, and vegetation removal where such modifications will result in minimized erosion. Measures to control erosion and drainage and to retain sedimentation on the site shall be required as a condition of project approval, subject to approval of the Director of Building Inspection.

application. The Plan shall demonstrate how the above land use plan provisions will be implemented, shall be modified as necessary, and shall be incorporated in the conditions of any permit approval to be followed for the life of the permitted facility. The Plan shall provide for:

1. Minimizing erosion and prevent excessive sediment and pollutants from adversely impacting water quality by incorporating BMPs such as:
 - a. Diversions
 - b. Grassed waterways
 - c. Sediment basins
 - d. Terraces
 - e. Critical area planting
 - f. Crop residue use
 - g. Conservation cover
 - h. Filter strips
2. Minimizing the release of pesticides into the environment by implementing Integrated Pest Management (IPM) strategies that apply pesticides only when an economic benefit to the producer will be achieved and apply pesticides efficiently and at times when runoff losses are least likely shall be implemented. Pesticide runoff shall be carefully managed in a comprehensive manner, including evaluating past and current pest problems and cropping history, evaluating the physical characteristics of the site, selecting pesticides that are the most environmentally benign, using anti-backflow devices on hoses used for filling tank mixtures, and providing suitable mixing, loading and storage areas.
3. Minimizing nutrient loss by developing and implementing comprehensive nutrient management plans based on crop nutrient budgets, identification of the types, amounts and timing of nutrients necessary to produce a crop based on realistic crop yield expectations and identification of onsite environmental hazards.
4. Reducing water loss to evaporation, deep percolation and runoff, remove leachate efficiently, and minimize erosion from applied water by implementing a managed irrigation system that includes the following components:
 - a. Irrigation scheduling
 - b. Efficient application of irrigation water

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c. Efficient transport of irrigation water
 d. Use of runoff or tailwater
 e. Management of drainage water
 5. Reducing physical disturbance of soil and vegetation and minimize direct loading of animal waste and sediment to sensitive areas by implementing the following siting and design measures for confined animal facility development:
 a. Natural vegetation shall be maintained on site and vegetated filter strips, sediment basins and other measures to treat runoff shall be incorporated into the animal facility design.
 b. Animal waste shall be managed, contained, and disposed of to ensure that waste is not introduced to surface runoff or groundwater.
 c. Paddocks, stalls and bedding shall be cleaned on a regular basis and waste stored at least 100 feet away from streams or other surface waters. Wastes shall be covered with impermeable materials during the rainy season at a minimum.
 d. Clean water shall be diverted around feedlots, holding pens, and the storage or disposal areas for waste, compost, fertilizer, amended soil products and any other byproducts of agricultural activities.²⁹
 The required level of detail of the Water Quality Mitigation Plan shall be commensurate with the number of animals being kept, the size of the area they are being kept in, and its erodibility.

Add an IP definition of confined animal facilities along the following lines and ensure that all such facilities comply with the above recommended section: A confined animal facility is a lot or facility (other than an aquatic animal production facility) where the following conditions are met: 1. Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and 2. Crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Confined animal facilities include areas used to grow or house the animals, areas used for processing and storage of product, manure and runoff storage areas, and silage storage areas.³⁰

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ISSUE WQ-5: Wastewater Treatment Best Management Practices

Ensure that BMPs tailored to address development and operation of on-site wastewater systems are employed to prevent non-source pollution.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP has generally adequate policy language with regard to preventing pollution from septic systems; however, not all of these policies are found in all segments. Additionally, a comprehensive review of the ordinance provisions revealed the need for more stringency with regard to possible nitrate contamination of the groundwater. The County prepared such revisions but never submitted them to amend the LCP, thus leaving the deficient regulations in place.</p> <p>To date the General Plan Update has a welcome policies address nitrate contamination.</p> <p><u>GENERAL PLAN UPDATE</u> GPU policy ER-1 states that the County shall protect and enhance local creeks, lakes, wetlands, and beaches through rigorous enforcement of its septic disposal permits...</p> <p>GPU policy PS-4.10 states that the County shall require adequate monitoring, maintenance and operation of individual onsite septic systems with less than 2500 gallons per day average flows serving commercial and industrial facilities to prevent environmental degradation in areas not served by public wastewater treatment systems.</p> <p>GPU Policy PS-4.11 states that for existing lots of record, new septic systems may be permitted on minimum lots of no less than one acre.</p> <p>GPU Policy PS-4.12 states that the County shall not permit the construction of individual sewage disposal systems on sites with slopes greater than 25 percent.</p>	<p>Summary: Revise septic ordinance to better prevent nitrate contamination and update consistent with RWQCB requirements.</p> <p><u>GENERAL PLAN UPDATE</u> Adopt GPU policy ER-1</p> <p>GPU policy PS-4.10 policy may be adopted; however, a similar policy should be adopted to apply to all other septic systems.</p> <p>Adopt GPU Policy PS-4.11.</p> <p>GPU Policy PS-4.12 may be adopted.</p>

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GPU Policy PS-4.14 states that construction of new on-site private septic systems is not permitted in rural areas where it is documented that nitrates have contaminated the local aquifer. The threshold for nitrate contamination shall be when domestic water supplies in the area have nitrate levels reaching 25 milligrams per liter.

COASTAL LAND USE PLANS

North County Land Use Plan

No Co LUP Policy 2.5.2.5 states that new rural development shall be located and developed at densities that will not lead to health hazards on an individual or cumulative basis due to septic system failure or contamination of groundwater. On-site systems should be constructed according to standards that will facilitate long-term operation. Septic systems shall be sited to minimize adverse effects to public health, sensitive habitat areas, and natural resources.

No Co policy 2.5.3.B.3 requires minimum new parcel size of 2.5 acres where septic systems are used.

No Co policy 2.5.3.B.4 states that adequate maintenance and repair of septic systems shall be required to limit pollution of surface waters and protect the public health.

No Co policy 2.5.3.B.5 states that new on-site waste disposal systems shall not be allowed on slopes exceeding 30 percent as required by the Regional Water Quality Control Board Basin Plan.

No Co Action 2.5.4.3 similar to Carmel Action 2.4.5.2.

No Co policy 4.3.6.D.3 states that for low density areas, housing densities and lot sizes shall be consistent with the ability of septic systems to dispose of waste without contamination of groundwater or the creation of hazards to public health on an individual site and cumulative basis.

Adopt GPU Policy PS-4.14.

COASTAL LAND USE PLANS

Retain No Co LUP Policy 2.5.2.5

Retain No Co policy 2.5.3.B.3

Retain No Co policy 2.5.3.B.4

Retain No Co policy 2.5.3.B.5 and add second sentence from Carmel LUP Policy 2.4.4.B.5 or adopt GPU Policy PS-4.12 instead (Note: that if a lot is rendered unbuildable under this policy an exception is possible under IP Section 20.02.060.C)

Retain No Co Action 2.5.4.3

Retain No Co policy 4.3.6.D.3

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<p><u>Carmel Land Use Plan</u> Carmel LUP Policy 2.4.3.4 states that new development shall be located and developed at densities that will not lead to health hazards on an individual or cumulative basis due to septic system failure or contamination of groundwater. On-site systems should be constructed according to standards that will facilitate long-term operation. Septic systems shall be sited to minimize adverse effects to public health and sensitive resource areas.</p> <p>Carmel LUP Policy 2.4.4.B.3 states that adequate maintenance and repair of septic systems shall be required to limit pollution of surface waters and protect the public health.</p> <p>Carmel LUP Policy 2.4.4.B.5 states that new onsite waste disposal systems shall not be allowed on slopes exceeding 30 percent as required by the Regional Water Quality Control Board (RWQCB) Basin Plan. Slopes in excess of 30 percent shall not be graded to allow use for septic fields.</p> <p>Carmel LUP Action 2.4.5.2 states that the septic tank ordinance and regulations should be amended to require dual leach fields in any new development in Carmel Highlands and other areas which are not expected to be served by sewers in the Carmel area. Other amendments should require a prohibition of new onsite systems on slopes over 30 percent.</p> <p>Carmel LUP Policy 4.4.3.E.5 states that for low-density residential development housing densities and lot sizes shall be consistent with the ability of septic systems to dispose of waste without contamination of coastal streams or creation of hazards to public health. ...the density and minimum parcel size for new land divisions shall be one acre unless waste disposal constraints dictate otherwise.</p> <p>Carmel LUP Policy 2.3.4.Wet.9 same as Big Sur policy 3.3.3.B.1</p>	<p>Retain Carmel LUP Policy 2.4.3.4</p> <p>Retain Carmel LUP Policy 2.4.4.B.3 and adopt for Big Sur as well.</p> <p>Retain Carmel LUP Policy 2.4.4.B.5 and adopt for Big Sur as well or adopt GPU Policy PS-4.12 instead (Note: that if a lot is rendered unbuildable under this policy an exception is possible under IP Section 20.02.060.C).</p> <p>Retain Carmel LUP Action 2.4.5.2 and make consistent with final slope requirement.</p> <p>Retain Carmel LUP Policy 4.4.3.E.5</p> <p>Retain Carmel LUP Policy 2.3.4.Wet.9</p>
<p><u>Big Sur Land Use Plan</u> Big Sur policy 3.3.3.B.1 states that development on parcels adjacent to</p>	<p>Retain Big Sur policy 3.3.3.B.1</p>

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<p>intertidal habitat areas should be sited and designed to prevent percolation of septic runoff.</p> <p>Big Sur LUP policy 3.4.3.C.1 requires minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, ...encouraging wastewater reclamation and maintaining natural vegetated buffer areas...</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Ch 15.20 contains septic regulations.</p> <p><u>North Co IP Chapter</u> North County IP Section 20.144.070.E.13 similar to No Co LUP Policies 2.5.2.5 & 2.5.3.B.3.</p> <p>North County IP Section 20.144.070.E.14 similar to No Co LUP Policy 2.5.3.B.5.</p> <p><u>Carmel IP Chapter</u> Carmel IP Section 20.146.040.C.3.c similar to Carmel LUP Policy 2.3.4.Wet.9</p> <p>Carmel IP Section 20.146.040.D.3 similar to Carmel LUP Policy 2.4.3.4</p> <p>Carmel IP Section 20.146.040.E.3.a similar to Carmel LUP Policy 2.4.4.B.3</p> <p>Carmel IP Section 20.146.040.E.3.c similar to Carmel LUP Policy 2.4.4.B.5.</p> <p>Carmel IP Section 20.146.120.B.4.d similar to Carmel LUP Policy 4.4.3.E.5.</p>	<p>Retain Big Sur LUP policy 3.4.3.C.1</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Revise Ch 15.20 to prohibit deep pit septic systems in areas of documented nitrate concentration, maximize setbacks from wells, codify RWQCB standards, etc.³¹ and also make consistent with above Plan recommendations.</p> <p>Retain North County IP Section 20.144.070.E.13</p> <p>Revise North County IP Section 20.144.070.E.14 consistent with above policy recommendation.</p> <p>Retain Carmel IP Section 20.146.040.C.3.c</p> <p>Retain Carmel IP Section 20.146.040.D.3</p> <p>Retain Carmel IP Section 20.146.040.E.3.a</p> <p>Retain Carmel IP Section 20.146.040.E.3.c; revise consistent with final slope determination.</p> <p>Retain Carmel IP Section 20.146.120.B.4.d</p>
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<p><u>Big Sur IP Chapter</u> Big Sur IP Section 20.145.040.c.2.a same as policy 3.3.3.b.1</p> <p>Big Sur IP Section 20.145.140.A.13 states that on-site septic or other waste disposal systems shall not be permitted on slopes exceeding 30%. One acre shall be considered to be the minimum area for development of a septic system.</p>	<p>Retain Big Sur IP Section 20.145.040.c.2.a</p> <p>Retain Big Sur IP Section 20.145.140.A.13; revise consistent with final slope determination.</p> <p>Add to Big Sur IP provisions to implement above recommendations (add provisions from Carmel LUP Policy 2.4.4.B.3 & .5)</p>
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ISSUE WQ-6: Watershed Planning
Ensure that watershed planning occurs to address non-point source pollution, along with habitat protection and restoration.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: Although the North County and Big Sur Land Use Plans mention watershed planning, no segment has requirements for a comprehensive program of preparing and implementing watershed management plans to address non-point source pollution and related habitat protection and restoration.</p> <p>To date the General Plan Update directly addresses watershed planning only for water supply purposes.</p> <p><u>GENERAL PLAN UPDATE:</u> GPU Action PS-3.a says to prepare a countywide Comprehensive Integrated Water Management Plan... The Plan shall define the appropriate management methods to be used for each of the watersheds.</p>	<p>Summary: Adopt an action to prepare watershed management plans, including a process for determining a priority listing, funding and procedures for this task.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Action PS-3.a may be adopted.</p> <p>Adopt an action to support watershed based planning efforts; to help coordinate and participate in watershed planning sponsored by other entities; and to integrate the results into the County’s planning and regulatory framework (e.g., incorporate through local coastal program amendments). Watershed planning efforts shall be facilitated by helping to:</p> <ul style="list-style-type: none"> · Develop guidance as to how to perform successful watershed planning; Pursue funding to support the development of watershed plans; · Identify priority watersheds where there are known water quality problems or where development pressures are greatest;

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<p><u>COASTAL LAND USE PLANS</u> <u>North County Land Use Plan</u> No Co policy 2.5.3.4.C.b provides for watershed plans for certain watersheds with substantial bare ground coverage.</p> <p><u>Big Sur LUP</u> Big Sur policy 3.4.2.2 requires adherence to the best watershed planning principles including: stream setbacks, stream flow maintenance, performance controls for site development, maintenance of good and safe water quality, protection of native vegetation along streams and careful control of grading to avoid erosion and sedimentation.</p>	<ul style="list-style-type: none"> · Assess land uses in the priority areas that degrade coastal water quality; · Ensure full public participation in the plan’s development; Disseminate watershed planning information. <p><u>COASTAL LAND USE PLANS</u> (Note: North County subwatershed planning success will be addressed in the future)</p> <p>Retain Big Sur policy 3.4.2.2</p>
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ISSUE WQ-7: Public Works Maintenance
Ensure that public works (e.g., sewage and storm drain infrastructure systems) in Monterey County are maintained and improved in a manner consistent with Coastal Act policies.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current LCP does not contain specific policies addressing public works facility maintenance in a manner consistent with Coastal Act water quality protection and other policies, other than placing limits on adverse maintenance work on Highway One in Big Sur.</p> <p>To date the General Plan Update does not directly address this issue.</p>	<p>Summary: Adopt policies that address repair and replacement of pipelines in a manner most protective of water quality, habitat, and public access.</p> <p>Adopt a coastal zone wide policy requiring that when pipelines are replaced, consideration is given to relocation away from hazard, habitat, or beach areas and is required unless the relocation is not consistent with other policies. Any work performed on outfalls that will continue a beach or shoreline discharge shall include incorporation of pollution</p>

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<p><u>COASTAL LAND USE PLANS</u> <u>North County Land Use Plan</u> specifically addresses maintenance of public access facilities, no other public facilities.</p> <p><u>Del Monte Forest Land Use Plan</u> specifically addresses maintenance of open space, no other public facilities.</p> <p><u>Carmel Land Use Plan</u> has no specific public works maintenance policies.</p> <p><u>Big Sur Land Use Plan</u> Big Sur policy 3.3.3.B.2 states that alteration of the shoreline including diking, dredging, and filling, shall not be permitted except for work essential for the maintenance of Highway 1.</p>	<p>prevention treatment measures. No additional outfalls discharging onto a beach or shoreline should be permitted.</p> <p>Adopt a policy requiring that where pipelines located on beaches or the shoreline are being upgraded or replaced and can not be relocated inland, then consolidation should occur.</p> <p>Adopt a coastal zone wide action for routine inspection and maintenance of pipelines and development and implementation of a procedure for reporting problems to appropriate public health officials.</p> <p>Adopt a coastal zone wide policy requiring adherence to best management practices when pipelines are repaired, upgraded, or replaced.</p> <p>Adopt an action for frequent sweeping of public streets and parking lots to remove debris and contaminant residue.</p> <p>Adopt an action to develop programs for maintenance of public facilities to prevent pollution in developed areas of the County's coastal zone.³²</p> <p>Adopt a coastal zone wide action for at least annual inspection and, if necessary, repair by the start of the rainy season of structural BMPs operated by the County.</p>
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<p>Big Sur policy 3.9.1.3 states that where dredging or temporary dikes are required for essential work or maintenance of Highway 1, they should avoid disruption of marine and wildlife habitats and should restore the site to its original condition as early as practical.</p> <p>Big Sur LUP Ch 6 has public access maintenance policies.</p>	
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V. AGRICULTURAL RESOURCES
Coastal Act Section 30241 requires the maximum amount of prime agricultural land to be maintained in agricultural production; requires conflicts to be minimized between agricultural and urban land uses through criteria listed in this section which includes but is not limited to establishing stable boundaries separating urban and rural uses, including where necessary clearly defined buffer areas to minimize conflicts; by limiting conversions of agricultural lands around the periphery of urban areas. Section 30242 precludes conversion of all other lands suitable for agricultural use to non-agricultural uses unless continued or renewed agricultural use is not feasible or such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250 and provided any such conversion will not be incompatible with adjacent agricultural use.

ISSUE AG-1: Prime Agricultural Land
Ensure that viable prime agricultural land is appropriately designated so as to be protected pursuant to Coastal Act policy.

<i>County Policies and Comments</i>	<i>Recommendations</i>
<p>Summary Comment: The current land use plan has adequate policies to address prime agricultural land. However a review of an overlay of prime land onto the land use designations reveals several instances of a residential designation, whereas policy would require an agricultural designation. While some agricultural uses are still allowed in the residential designations, the long-term viability of the agricultural land will not be assured in a manner required by the Coastal Act.</p> <p>To date the General Plan Update relies on large lot zoning to retain agriculture use.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Goal AG-1 states, “Promote the long-term conservation of productive and <i>potentially</i> productive agricultural land [emphasis</p>	<p>Summary: Apply Agricultural Preservation or Agricultural Conservation designations to all prime and other agricultural land that requires such a designation under current policy.</p> <p><u>GENERAL PLAN UPDATE</u> GPU Goal AG-1 may be adopted.</p>

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added].”

GPU Policy AG-1.1 directs the County to work with NRCS and state Department of Conservation for identifying important agricultural lands.

GPU Policy AG-1.2 directs urban growth and other incompatible development away from ag lands, except in City Growth Areas.

COASTAL LAND USE PLANS

No. County LUP

No. County Policy 2.6.1 states the County shall support the permanent preservation of prime agricultural soils exclusively for agricultural use and shall also protect productive farmland not on prime soils if it meets State productivity criteria. Requires development to prime and productive farmland to be compatible with agriculture.

No Co LUP Policy 2.6.3.1 provides for a three-level system of land use categories applied to prime and productive agricultural lands:

a. An agricultural land use designation for prime and productive agricultural lands, Agriculture Preservation, shall be applied to all parcels containing prime and productive agricultural soils (SCS Class I-IV), and other lands in cultivated agriculture of less than 10 percent average slope. Emphasis is placed on including large contiguous areas in this designation in order to restrict the encroachment of land uses that may threaten the agricultural viability of these lands.

b. An agricultural land use designation, Agricultural Conservation, shall be applied to: 1) relatively small pockets of prime

GPU Policy AG-1.1 may be adopted.

Add an action for the County to work with other appropriate agencies (e.g. local agricultural extension, Central Coast Farm Bureaus, American Farmland Trust etc.) to maintain an updated inventory of agricultural lands in the coastal zone not currently designated as Agricultural Preservation or Agricultural Conservation and initiate future land use plan amendments where necessary to comply with, North County LUP policy 2.6.3.1.

COASTAL LAND USE PLANS

Retain policy 2.6.3.1.

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<p>agricultural soils (SCS Class I and II) that are not within or adjacent to the more extensive agricultural areas designated under the Agriculture Preservation land use category...</p> <p>North County Land Use map shows some prime and other important farmland designated Low Density Residential and Rural Residential (See Map AG-1).</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Zoning map North County Land Use map shows some prime and other important farmland designated Low Density Residential and Rural Residential.</p> <p>Ch 20.30 contains regulations for Agricultural Preserve (CAP CZ) zoning district which limit uses to agricultural and agricultural-related ones.</p> <p>Ch 20.32 contains regulations for Agricultural Conservation (AC CZ) zoning district which limit uses to agricultural and agricultural-related ones.</p>	<p>Review each area and determine if an Agricultural Preservation or Agricultural Conservation designation is needed to be consistent with No Co LUP Policy 2.6.3.1 and redesignate those that are.</p> <p><u>COASTAL IMPLEMENTATION PLAN</u> Correspondingly rezone agricultural areas to CAP or AC districts.</p> <p>Retain Ch 20.30 regulations</p> <p>Retain Ch 20.32 regulations.</p>
<p>ISSUE AG-2: Triple M Ranch Ensure that Triple M Ranch, which is now an agricultural demonstration and training facility, is appropriately designated, consistent with Coastal Act agricultural protection policy.</p>	
<p><i>County Policies and Comments</i></p> <p>Summary Comment: The LCP designation of Rural Density Residential has become inappropriate for the 195 acre Triple M Ranch. The Ranch has now been preserved by non-profit agencies to maintain its current agricultural use, which is a priority use under the Coastal Act. Under the current zoning the land could be subdivided into 39 residential parcels. Given that the site is sloping, is currently farmed and has some prime land, it fits the criteria for an Agricultural Conservation designation. The contiguous Brothers Ranches and the nearby Blohm and El Chamisal Ranches have also now been preserved by non-profit agencies for agricultural use and</p>	<p><i>Recommendations</i></p> <p>Summary: Redesignate Triple M, Brothers, Blohm, and El Chamisal Ranches to Agricultural Conservation.</p>

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habitat protection/restoration, rendering the Rural Density Residential designation on those properties potentially obsolete as well.

To date the General Plan Update partially addresses this issue by not allowing subdivisions into parcels less than 40 acres.

GENERAL PLAN UPATE:

GPU Land Use Plan is same as current land use plan.

GPU policy LU-6.5 limits density of rural lands to one dwelling unit per 40- 160 acres depending on slope.

COASTAL LAND USE PLANS

North County Land Use Plan

Existing land use designation is Rural Density (5-40acres/unit).

No Co LUP policy 2.6.3.1.b describes which lands should be designated as Agricultural Conservation including those with pockets of prime land and those farmed on slopes.

No Co LUP policy 2.6.3(3) requires siting structures on the least agriculturally viable area of parcels designated AC.

COASTAL IMPLEMENTATION PLAN

Existing zoning is would allow subdivision into 5 acre residential parcels.

AC zoning allows for agricultural uses, support uses, and farm labor housing.

GENERAL PLAN UPATE:

Redesignate Triple M, Blohm, El Chamisal and Brothers Ranches to Agricultural Conservation. If large tracts of these lands are to be preserved for habitat uses, redesignate those portions to Resource Conservation. (See Map AG-1)

COASTAL LAND USE PLANS

COASTAL IMPLEMENTATION PLAN

Rezone Ranches to AC(CZ). If large tracts of these lands are to be preserved for habitat uses, redesignate those portions to RC Resource Conservation.