



Monterey County

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Board Report

Legistar File Number: RES 15-093

September 29, 2015

Introduced: 9/18/2015

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Public hearing to consider:

- a. Denying the appeal by Nina Beety of the Monterey County Planning Commission's adoption of a Mitigated Negative Declaration and approval of a Combined Development Permit (Elkhorn Slough National Estuarine Research Reserve /PLN100351);
- b. Certifying that the County has considered the Mitigated Negative Declaration adopted by the California Department of Fish and Wildlife; and
- c. Approving the Combined Development Permit consisting of: 1) a Coastal Development Permit to allow oak woodland and freshwater habitat restoration within 100 feet of an environmentally sensitive habitat; and 2) a Coastal Development Permit to allow the removal of 1,225 existing Eucalyptus trees (ranging in size from 6 to over 37 inches in diameter).
- d. Adopting a Mitigation Monitoring and Reporting Plan.
(Appeal of the Combined Development Permit Approval - PLN100351/ Elkhorn Slough National Estuarine Research Reserve, 1700 Elkhorn Road, Royal Oaks, North County Land Use Plan)

PROJECT INFORMATION:

Planning File Number: PLN100351

Owners: California Department of Fish & Wildlife

Applicant: Elkhorn Slough National Estuarine Research Reserve

Project Location: 1700 Elkhorn Road, Royal Oaks

APNs: 131-051-001-000, 131-051-023-000, & 131-051-067-000

Plan Area: North County Land Use Plan

Flagged and Staked: No

CEQA Action: Mitigated Negative Declaration, per CEQA Guidelines Section 15096

RECOMMENDATION:

Staff recommends that the Board of Supervisors adopt a resolution (**Attachment B**) to:

- a. Deny the appeal by Nina Beety of the Monterey County Planning Commission's adoption of a Mitigated Negative Declaration and approval of a Combined Development Permit (Elkhorn Slough National Estuarine Research Reserve /PLN100351);
- b. Certify that the County has considered the Mitigated Negative Declaration adopted by the California Department of Fish and Wildlife;
- c. Approve the Combined Development Permit consisting of: 1) a Coastal Development Permit to allow oak woodland and freshwater habitat restoration within 100 feet of an environmentally sensitive habitat; and 2) a Coastal Development Permit to allow the removal of 1,225 existing Eucalyptus trees (ranging in size from 6 to over 37 inches in

- diameter), subject to Conditions of Approval; and
- d. Adopt a Mitigation Monitoring and Reporting Plan.

SUMMARY:

This hearing is on an appeal by Nina Beety (“appellant”) from the July 8, 2015 decision of the Planning Commission (**Attachment E**) to approve the Elkhorn Slough National Estuarine Research Reserve application for a Combined Development Permit which will allow approximately 1,225 eucalyptus trees to be removed to restore four of the 13 remaining eucalyptus groves back to native oak woodland habitat which historically dominated the area.

The appellant requests that the Board of Supervisors overturn the Planning Commission’s decision because the findings and decision are not supported by evidence. According to the Notice of Appeal submitted on July 31, 2015(**Attachment C**), the appellant makes the following allegations with respect to the project:

- It violates the North County Land Use Plan;
- It lacks scientific evidence of demonstrating benefits to slough habitats;
- It affects four groves of over 1200 trees of great environmental value and wildlife that rely on them;
- It will harm the Slough environment; and
- The project was inadequately noticed.

On August 13, 2015, David Feliz at the Elkhorn Slough National Estuarine Research Reserve responded to the allegations contained in the Notice of Appeal (**Attachment D**).

Staff recommends that the Board of Supervisors deny the appeal of the Planning Commission approval and approve the project. The project is consistent with the North County Land Use Plan which encourages the preservation, enhancement and restoration of native habitat. The Elkhorn Slough National Estuarine Research Reserve (ESNERR) proposes oak woodland and freshwater habitat restoration. The project will restore four of the 13 remaining eucalyptus groves back to oak woodland which historically dominated the area. The four eucalyptus groves threaten to displace freshwater ponds known to serve as habitat for listed special status species, including the Santa Cruz long-toed salamander and California red-legged frog. A Mitigated Negative Declaration (MND) was prepared and circulated by the California Department of Fish and Wildlife to analyze and mitigate potential project related impacts. The MND was adopted by the California Department of Fish and Wildlife on March 24, 2015. The County, as responsible agency, reviewed and concurs with the analysis and mitigations in the MND. The mitigations applicable to the project being approved by the Combined Development Permit are included in the Mitigation Monitoring and Reporting Plan for the Board’s adoption.

DISCUSSION

See **Attachment A** for a detailed discussion.

FINANCING:

There is no additional impact to the General Fund. Staff time associated with this project is budgeted within the Adopted Budgets for RMA-Planning 001-3000-8172 RMA001.

Prepared by: Dan Lister, Assistant Planner, ext. 6617 *DL*
Approved by: Mike Novo, Director, RMA-Planning, ext. 5192
Carl Holm, Acting Director, Resource Management Agency *CH*

This report was reviewed by John Ford, RMA Planning Services Manager.

cc: Front Counter Copy; John Ford, RMA - Planning Services Manager; California Coastal Commission; California Department of Fish & Wildlife, Owners; Elkhorn Slough National Estuarine Research Reserve, Applicant; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Project File PLN100351.

The following attachments are attached and on file with the Clerk of the Board:

- Attachment A Discussion
- Attachment B Draft Board Resolution including recommended Conditions of Approval and MMRP, Project Plans
- Attachment C Notice of Appeal
- Attachment D Response to Appeal by the Elkhorn Slough National Estuarine Research Reserve
- Attachment E Planning Commission Resolution No. 15-039 (July 8, 2015)
- Attachment F Vicinity Map
- Attachment G Mitigated Negative Declaration adopted by the California Department of Fish and Wildlife on March 24, 2015.