

# Exhibit A

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BIG SUR COAST  
LAND USE PLAN



LOCAL COASTAL PROGRAM  
MONTEREY COUNTY, CALIFORNIA

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## ***1. INTRODUCTION***

### ***1.1 OVERVIEW***

The plan contained in these pages is the Land Use Plan for the Big Sur Coast segment of Monterey County's Local Coastal Program, which shall be called the Big Sur Coast Land Use Plan (LUP). This plan supersedes the Monterey County Coast Master Plan adopted in 1962 and in effect for twenty two years. As the primary component of a certified Local Coastal Program, it will provide development standards to guide the actions of all State and local agencies. Under the provisions of the Federal Coastal Zone Management Act, actions by all federal agencies must be submitted for review by the California Coastal Commission. The Coastal Commission will rely on the certified Big Sur Coast Land Use Plan for guidance when reviewing federal projects for consistency with the policies of the California Coastal Management Program.

This plan has been prepared to carry out the requirements of the California Coastal Act of 1976. The Coastal Act places emphasis on environmental protection and public recreation and access. Therefore, these were three important considerations used to formulate this plan. After adoption by Monterey County and certification by the California Coastal Commission (Coastal Commission) this LUP will supersede the Big Sur Land Use Plan which was adopted in 1984 and certified in 1986 (1986 LUP). The 1986 LUP had in turn superseded the Monterey County Coast Master Plan, which was adopted in 1962 and in effect for twenty-two years.

In 1999, Monterey County embarked on a General Plan Update (GPU), which included writing multiple draft general plans over the course of years. As part of that process, in 2002, the Big Sur

and South Coast Land Use Advisory Committees (LUACs) began a series of public meetings with the intent of providing language for the Big Sur section of the draft GPU, which at that time included coastal planning areas. The LUACs worked with two members of the GPU team. There was excellent participation by the community and great cooperation amongst all of the agencies involved with different aspects of the GPU.

Ultimately, it was decided that the GPU would only apply to the inland areas of the County, and that updating the County's Local Coastal Program would wait until after the GPU was completed. The GPU took another eight years and was not finalized until 2010 (2010 General Plan).

Section 1.5.d. in the 2010 General Plan's Introduction explains that the 2010 General Plan does not amend Monterey County's existing local coastal program and that the 2010 General Plan's policies do not apply in the Coastal Zone. That section also explains that the County's 1982 General Plan continues to apply in the Coastal Zone until Monterey County's local coastal program has been amended and certified by the Coastal Commission. Monterey County plans to draft "coastal-wide" policies to address the elements of a general plan that are required by state general plan law that are not included in this -LUP. The coastal-wide policies are to apply in all four of Monterey County's coastal planning areas except as modified by any specific local coastal plan due to localized conditions. After the coastal-wide policies and this -LUP are adopted by the County and certified by the Coastal Commission, this LUP and the coastal wide policies shall function as the general plan for the Big Sur Coastal Planning Area, superseding the 1982 General Plan and the 1986 LUP.

In 2013, the LUACs returned to the task of updating the 1986 LUP. The Work preparing this LUP is based largely on the 1986 LUP, while acknowledging that such factors as changed conditions, lessons learned, and new concerns necessitate that the 1986 LUP be updated to meet current needs.

Since 1986, the following three additional documents have been created that have helped inform the drafting of this LUP:

- 1) Coast Highway Management Plan (CHMP) (Appendix A), prepared by the California Department of Transportation (Caltrans) - The CHMP has no regulatory power but sets a direction for decisions by Caltrans related to maintaining Highway One through the Big Sur Coastal Planning Area.
- 2) Monterey County Community Wildfire Protection Plan (CWPP) (Appendix B) - The CWPP makes recommendations intended to help protect lives, property and the environment by preparing Monterey County for wildfires. The CWPP acknowledges that a hundred years of fire suppression has resulted in an accumulation of wildfire fuels that present an ever increasing threat to communities and the environment.
- 3) Proposed Process for Writing the Master Plan for the Big Sur Portion of the California Coastal Trail (Coastal Trail Planning Document) (Appendix C) - The community planning process document developed to set guidance for the alignment, planning, management and maintenance of the Big Sur portion of the California Coastal Trail.

As the primary component of a certified Local Coastal Program, this LUP will provide development standards to guide the actions of all State and local agencies. Further, under the provisions of the Federal Coastal Zone Management Act, proposed actions by all federal agencies must be submitted



for review by the Coastal Commission to ensure that their actions are consistent with the certified local coastal program for this area, except as provided by federal law. The Coastal Commission will rely on the certified LUP for guidance when reviewing federal projects for consistency with the policies of the California Coastal Management Program.

This LUP has been prepared to carry out the requirements of the California Coastal Act of 1976. The Coastal Act places emphasis on environmental protection, public recreation, public access and support by Big Sur's community. Therefore, these were four important considerations used to formulate this plan. The LUP recognizes the historic and current importance of the resident Big Sur community's support for the protection and vitality of Big Sur. This LUP hopes to achieve a balance between ensuring the survivability of the Big Sur community and its neighborhoods and the Coastal Act's emphasis on other public benefits.

## ***1.2 PHYSICAL AND CULTURAL SETTING***

The Big Sur coast of Central California is over seventy miles in length and stretches from the Carmel area on the north, south to the San Luis Obispo County line near San Simeon. Perhaps the largest single coastal planning area in California, the Big Sur region is also among the most geographically distinctive.

The Big Sur coast is where Highway One traces a narrow ledge along the rugged Santa Lucia Mountains above the Pacific shoreline, leading travelers into a scenic drama that is known around the world. In recognition of its spectacular beauty and other unique qualities, this part of Highway One has been designated an All-American Road. This honor is ~~afforded~~ awarded by the National Scenic Byways Program to those few highways in America that are so distinctive as to be considered destinations unto themselves.

The western slopes of the Santa Lucia Mountains, reaching an elevation of approximately 5,200 feet at Cone Peak, drop precipitously to the sea. Much of the coast is bounded by sheer cliffs. Great offshore rocks punctuate the dramatic meeting of land and sea. Beaches are few; ~~s~~Strong currents, waves, and cold water make swimming hazardous. Nearly fifty separate streams flow down the mountains to join the sea. Several of these, such as the Big Sur and Little Sur Rivers, Big Creek, Garrapata Creek, and Salmon Creek, have substantial year-round flows and support anadromous and resident game fish. The Big Sur coast is rich in plant and wildlife diversity. Coastal redwoods are found in the cool, moist canyons. The Santa Lucia fir and many other rare plants are present. Mountain lion, an occasional black bear, deer, and many smaller terrestrial animals and birds make Big Sur their home. While the California sea otter refuge runs the length of the coast, the otter is only a small part of the diverse spectrum of marine wildlife.

The climate in Big Sur is mild. Although the winters bring some of the heaviest rainfall in California, the summers are long and dry. Coastal fog is typical in summer mornings near the shore; inland and at the higher elevations temperatures can get quite high.

Fire danger is ever present in summer and can be extremely ~~hazardous~~ hazardous for residents. The ~~joining~~ joining of marine and land air masses over uneven topography significantly compounds wildfire behavior in Big Sur. Erratic fire behavior due to rapidly shifting winds and humidity under

“normal” conditions is common. Fire behavior under rare or extreme weather conditions constitutes the greatest threat of destructive uncontrolled wildland fires. Of the factors that most affect wildfire behavior – weather, topography, and quantity of vegetation – the only factor significantly within human control is quantity of vegetation.

Reducing the ignitability of structures also helps protect lives and property. However, reduction of hazardous accumulations of wildfire fuels before fires starts -is needed to avoid high-intensity fires that make structure survival problematic regardless of construction. During the recent Soberanes Fire and also the Basin Complex Fire in 2008, homes were lost even though they were constructed of fire resistant materials, due to high heat intensity resulting from burning of hazardously overgrown vegetation. Fire danger is ever present in summer and can be extremely hazardous for residents and visitors alike.

The rugged mountainous terrain of the Big Sur coast ~~and other natural constraints~~ ~~has~~ had a profound effect on historical use of the area and will continue to serve as a limitation on the kinds of activities that can be carried on as well as ~~and~~ the scale of development. ~~Natural constraints to development include availability of water, difficult access, unstable soils on steep slopes, and dangers of fire and flood.~~

The scenic qualities and the natural grandeur of the coast which result from the imposing geography, the rich vegetative compositions, and the dramatic meeting of land and sea are the area's greatest single attraction to the public. Big Sur has attained a worldwide reputation for spectacular beauty; sightseeing and scenic driving are the major recreational activities.

Although it has remained a rural area where sturdy pioneering families still carry on ranching, over the last several decades many of its cattle ranches have been acquired by various public agencies.; Big Sur's residents have also achieved acclaim for their cultural contributions. Many well-known writers, artists, and artisans have been inspired by the coast's dramatic vistas and timeless solitude. A strong residential community supports visitor serving commercial and recreational areas. However, long-term survivability of the Big Sur community due to lack of affordable housing is a significant concern. This LUP attempts to address this concern. ~~identity continues to attract new residents and also contributes to tourism. Today, tourism and private residential development are the strongest trends affecting management of the area.~~

~~Approximately half of the planning area's 150,000 acres are within the Los Padres National Forest and the Ventana Wilderness. Nearly 9,000 acres are contained within units of the State Park System. Approximately 55,000 acres are in private ownership. In 2016, the Big Sur Coastal Planning Area occupied 145,309 acres (on 1,481 parcels). Of this total, 41,154 acres (on 1,212 parcels) representing 28 percent of the total land area, is in private ownership. The remaining 72 percent or 104,155 acres is in public ownership.~~

### ***1.3 PAST AND PRESENT PLANNING***

Past planning has been conscious of the unique qualities of Big Sur. Soon after the construction of Highway 1 in the late 1930's, the County drew national attention when it successfully prevented construction of a service station advertising sign and won a landmark case, securing for local government the right to use its police power for aesthetic purposes.

Beginning in 1959 and continuing until 1962, the County worked with local residents and consultants to develop a master plan for the coast. This plan, known as the *Monterey County Coast Master Plan*, has been recognized as both innovative and far reaching and has enjoyed the support of the people in the area. Closely following adoption of the *Coast Master Plan*, the County took the unusual step of inviting the federal government to study Highway 1 for designation as a national scenic parkway. ~~Although the Federal study was never undertaken, the County published a report entitled, Wonderful One, and expressed its concern for the protection of the national interest along the Big Sur coast.~~

~~The County recognizes that even the best planning in time grows outdated and needs to be revised. Efforts to preserve and protect Big Sur's natural resources began in 1970 when the County joined with Santa Cruz County to the north and San Luis Obispo County to the south in the development of the *Tri-County Coastline Study*. This innovative plan preceded the passage of Proposition 20, the California Coastal Zone Conservation Act Initiative of 1972, and reflected the three counties' deep concern to improve the stewardship of the central coastline. Following passage of the California Coastal Act in the fall of 1976, the County developed a comprehensive work program to guide preparation of the Big Sur Coast Local Coastal Program. Today's standards for environmental protection were unknown ten or fifteen years ago. What were thought to have been adequate parcel sizes for private land holdings at the time of the 1962 Master Plan are now understood to be too small to ensure the protection of the coast because excessive development could occur. Use of Highway 1 has grown beyond expectation. Pressures for new residential and commercial development, as well as increased public acquisitions and access, are now being felt along with a steady increase in recreational development and use.~~

~~In an effort to respond to these emerging problems, the County has undertaken several new planning programs in recent years. These began in 1970 when the County joined with Santa Cruz County to the north and San Luis Obispo County to the south in the development of the *Tri-County Coastline Study*. This innovative plan preceded the passage of Proposition 20, the California Coastal Initiative of 1972, and reflected the three counties' deep concern to improve the stewardship of the central coastline. This plan was set aside when Proposition 20 established the California Coastal Commission and charged it with the preparation of a master plan for the State's coastline. Monterey County once again took the initiative by becoming one of ten jurisdictions in the State to conduct a special pilot planning program in cooperation with the Coastal Commission. The pilot study report, prepared by a consultant to the County in cooperation with local citizens and a broad range of public agencies, made strong recommendations but also identified areas where additional planning seemed needed. Thereafter, following passage of the California Coastal Act in the fall of 1976, the County developed a comprehensive work program to guide preparation of the Big Sur Coast Local Coastal Program.~~

~~The work program identified issues to be resolved and outlined research and planning tasks. A comprehensive series of background reports prepared by the County summarized available data, studied coastal issues in the context of the California Coastal Act, and recommended County policy changes needed to meet the requirements of the Coastal Act. The reports have been widely circulated and reviewed both within the community of Big Sur and outside by interested individuals, groups, and public agencies. Based on the reports' recommendations and on the responses to them, this plan has been prepared. A great deal of useful information supporting the 1986 LUP was provided in its background reports but could not be included in that document. The 1986 LUP background reports can be consulted concerning the historic justification for policies or for detailed information about Big Sur's~~

natural and human environment at the time they were prepared, but were not to be considered authoritative, and may be outdated for purposes of this LUP.

~~A great deal of useful information supporting the plan is provided in the background reports but could not be included in this document. The background reports can be consulted concerning the justification for policies or for detailed information about Big Sur's natural and human environment, but should not be considered authoritative.~~

The County adopted *Protected Waterways Management Plans* for the Little Sur River and Big Sur River in 1983, which should be updated to identify ~~These provide authoritative resource data and analysis, identification of potential land use conflicts and revised~~ goals, objectives, policies and recommendations for each watershed. ~~These Protected Waterways Management Plans are incorporated by reference in this Plan. In general, the goals, objectives, and policies of the Little Sur and Big Sur protected waterways management plans are more specific and detailed statements of land use policy for these two waterways than the L.U.P. However, in the event of conflict between either waterway plan and the L.U.P., the most environmentally protective goals, objectives, or policies shall prevail regardless of the source.~~

In 1986, the Big Sur Multi-Agency Advisory Council was formed. The Council is collaboration between local, State and Federal governmental agencies and the community of Big Sur to provide open communication and ensure community-based solutions.

Public participation in development of the ~~plan~~ 1986 LUP ~~was~~ has been extensive. A Citizen Advisory Committee appointed in 1976 by the Board of Supervisors held numerous meetings to provide direction for the plan and related studies. These meetings were often well attended by residents of the area and the general public. A series of town hall meetings were held in Big Sur at important points in the process to elicit the views of the entire community. Public agency participation included frequent and close working relationships with virtually every agency with an important role on the coast. Numerous presentations by State and Federal ~~a~~ Agency personnel were made to the community.

In 1986, the Big Sur Multi-Agency Advisory Council was formed. The Council is a collaboration between local, State and Federal governmental agencies and the community of Big Sur to provide open communication and ensure community-based solutions.

~~The plan has specifically~~ This LUP has also been prepared to conform to the purposes and spirit of the California Coastal Act, building upon the foundation of the 1986 LUP. Its policies are intended to help resolve the difficult issues that the Big Sur community faces currently and in the future. Its proposals are intended to resolve the difficult issues that face Big Sur's future.

The major features of the ~~Plan~~ are to 1986 LUP were to:

- Guide all future planning decisions for County and State agencies, and set direction for the U. S. Forest Service in its planning.
- Show the kinds, locations, and intensities of land uses allowed, therefore, serving as a basis of zoning and other implementing actions.
- Present policies concerning land development and environmental protection and management.

- Call for management of Highway One and all other governmental activities on the Big Sur Coast.
- Set forth detailed review procedures for all applications based on a permit review process.
- Set forth a system for coordinating the actions of all involved government agencies.
- Provide an environmental resource management data-base to support the plan and future planning decisions and provide for the periodic updating of this information.
- Identify the urgent need for financial assistance to the County in preserving Big Sur's natural resources and cultural heritage. Funds are specifically needed to protect scenic views and to provide public access.

It is clear from the above list that the 1986 LUP focused primarily on preserving and protecting Big Sur's natural resources. It is intended that this focus continues-. In addition, changed conditions, lessons learned and new emphasis that necessitates attention now shift. These include:

- The need to preserve and enhance the Big Sur community and neighborhoods by increasing the stock of affordable housing;
- Overcrowding of Highway One due to the pressure of increased tourism;
- Lack of management of public land and access; and
- The need to facilitate the ability of public agencies and private landowners to prepare for wildfire.

Accordingly, this LUP has been updated to extend the focus to also protect Big Sur's unique community. For example, Big Sur employers report it is becoming increasingly difficult for employees to obtain affordable housing in Big Sur to provide visitor-serving services.

This LUP was prepared initially by the LUACs, which held many public meetings over the course of 5 years with the widest opportunity for public participation consistent with the legislative intent set forth under section 30006 of the Coastal Act. These meetings were often well attended by residents of the area, the County Planning staff and the general public.

## 2. PHILOSOPHY & Goals Objectives

### 2.1 PHILOSOPHY AND GOALS OBJECTIVES

While working on the 1986 LUP in the early 1980s, the Big Sur Coast Citizens Advisory Committee (CAC) in providing guidance to the County established the basic philosophy and goals upon which this plan was based, which continue to be important to this LUP. The CAC's In its report to the County entitled, Philosophy and Goals for Planning, have been updated and revised in this plan to acknowledge changed conditions in the area, and are now as follows:the Committee stated:

The scenic beauty of the Big Sur Coast, and the opportunity to escape urban patterns, are prime attractions for residents and visitors alike. Man-made improvements should enhance the natural quality detract from the near-wilderness attributes of the area if not individually, then collectively.

Quality should have precedence over quantity of any permitted uses, whether residential, recreational, or commercial. Any new development should remain within the small-scale, traditional and rural values of the area, rather than to introduce new or conflicting uses.

Land use planning and management policies should be directed towards stewardship maintenance and restoration of Big Sur's remaining rural and wilderness character. Without compromising its character or depleting its resources, the area should be accessible to as many as can be accommodated.

The special cultural characteristics of the Big Sur cCoast should also be recognized as a primary resource. Man's Ppresence of people along this coast continues to reflect a pioneering attitude of independence and resourcefulness; the environment has been a special nurturing ground for individual and creative fulfillment. The community itself and its traditional way of life are resources that can help to protect the environment and enhance the visitor experience.

From such these philosophyic concerns the following a basic goal a vision statement was defined by the CAC for the 1986 LUP. Citizens Advisory Committee:

"To preserve for posterity the incomparable beauty of the Big Sur country, its special cultural and natural resources, its landforms and seascapes and inspirational vistas. To this end, all development must harmonize with and be subordinate to the wild and natural character of the land."

The County recognizes that the comprehensive preservation ethic expressed by these statements will require special vigilance and determination by all persons, public and private, whose actions affect the future of the Big Sur cCoast. The County also recognizes that the Big Sur community is an integral part of the area, including an important part of the experience for visitors to the area. To ensure the community's long term viability, the community needs must be considered along with the area's other resources. New and innovative planning tools are needed. Coordination among the numerous

governmental agencies with a role on the coast has taken on a new urgency. ~~The plan~~ This LUP makes a number of recommendations requiring actions by both the County and other agencies. These recommendations must be vigorously pursued to make ~~this LUP plan~~ a success.

## **2.2 BASIC PLAN OBJECTIVES AND POLICIES**

To accomplish the ~~major goal~~ vision of the ~~LUP plan~~, ~~six five~~ basic objectives ~~and policies~~ are ~~defined~~ identified to guide all future public and private use of the coast.

### **2.2.1. Natural and Scenic Resources**

The overall direction for the future of the Big Sur coast is based around the theme of preserving the outstanding natural environment. The County's objective is to develop and effectively carry out a constantly improving system for managing man's use of the natural resources of the Big Sur coast for the long-term benefit of both visitors and residents.

The County's basic ~~policy~~ objective is to take a strong and active role in the stewardship and safeguarding of Big Sur's irreplaceable natural resources. Where there are conflicts, protection of these national resources is the primary objective with definite precedence over land use development.

### **2. Coastal Scenic Resources**

Recognizing the Big Sur coast's outstanding scenic beauty and its great benefit to the people of the State and the Nation, it is the County's objective to preserve these scenic resources ~~in perpetuity~~ and to promote, wherever possible, the restoration of the natural beauty of areas visually degraded ~~areas~~ by invasive species or poor trail and road design.

The County's basic ~~policy~~ objective is to prohibit all future public or private development visible from Highway One ~~+~~ and the major public viewing areas identified in this plan.

### **2.2.2 Big Sur Community**

Though inhabited for thousands of years by various Native American tribes, Big Sur was largely inaccessible to settlement before Highway One was completed in 1937. The Spanish were the first to attempt to colonize the area in the latter third of the 18th century, but it was more than a hundred years later before homesteaders arrived to settle permanently, and their names now mark the natural features of the land: Post Summit, Pfeiffer Beach, Dani Ridge, Castro Canyon, Partington Ridge, Notley's Landing, Bixby Canyon, Gamboa Point, and so on.

The heritage of these early settlers who braved hardship to raise their families lives on in the spirit of a community that has endured rock and mud slides, road closures, forest fires and attempts to federalize the area, taking control from the hands of local, county and state authorities. This community has a rich culture which has given and continues to give much to the world. Because of its relative isolation and the striking beauty of its surroundings, Big Sur continues to inspire artists, sculptors, writers and poets, singers and songwriters, photographers, woodworkers, and spiritual seekers. The world famous Esalen Institute, which birthed the human potential movement,

continues to inspire positive change in human relations. The New Camaldoli Hermitage offers peace and solitude to retreat guests from near and far. And the Henry Miller Library, named after long-time artist, author and Big Sur resident, offers a variety of programs that are open to the local and traveling public.

Those who think of Big Sur as simply a majestic meeting of land and sea, who drive through on vacation or come to run the Big Sur Marathon, may not see or appreciate the resident community which embodies a fierce love of this land and a commitment to its protection as one of the natural and cultural wonders of the world. The Big Sur community is committed to preserving, protecting and enhancing these natural and cultural resources in perpetuity. The community needs to continue to be here to do that.

### **2.2.3 Highway One**

Highway ~~One~~ traversing the Big Sur coast is a special road of great local, ~~S~~state, and ~~N~~national significance. It was built by the public primarily for scenic travel and recreational enjoyment and over the years has been managed with this purpose always in mind. In light of the public's great need for recreational opportunities, this original objective has become even more important.

Monterey County's ~~basic policy~~ objective is to take a strong and active role in guiding future use and improvement of Highway ~~One~~ and all categories of land use related to and dependent on the highway. ~~The County's purpose will be~~ County hopes to maintain and enhance the highway's aesthetic beauty and to protect its primary function as a ~~scenic recreational~~ route. ~~The highway is a two lane road, road. The highway shall remain a two lane road and provide walking and bike trails wherever feasible. In order to maintain the highway's benefit to the public as a scenic recreational travel experience, the County will pursue legislation to restrict and regulate slow moving vehicles during peak travel hours.~~ The CHMP sets forth design and safety standards for the Caltrans on Highway One.

### **2.2.4 Land Use and Development**

~~The County's 1986 LUP's~~ primary land use planning objective ~~was~~ is to ~~minimize~~ stabilize development of the Big Sur coast in order to preserve the coast as a scenic rural area where residents' individual lifestyles can flourish, traditional ranching uses can continue, and the public can come to enjoy nature and find refuge from the pace of urban life. By carefully defining areas important for development and areas important to preserve, the 1986 LUP accomplished this goal.

Changes in zoning density resulting from the 1986 LUP, which increased the minimum allowable parcel sizes for subdivisions from 1 acre to 5 acres for much of the area before the 1986 LUP's certification, to 40 to 320 acres after its certification, dramatically reduced the potential for development in the Big Sur Coastal Planning Area at buildout.

This LUP retains the subdivision densities of the 1986 LUP. However, it also attempts to address such problems as lack of affordable housing in the Planning Area by use of such measures as allowing for construction of accessory residential housing units. Additionally, higher density for employee housing may be appropriate in certain areas of Big Sur.



~~The intent of this LUP is to retain the County's basic policy objective is that future land use development on the Big Sur coast shall be extremely limited, in keeping with the larger goal/vision of preserving the Coast as a natural scenic area, while at the same time working to ensure the long-term viability of the Big Sur community. In all cases, it is the intent of this plan that new land uses remain subordinate to the character and grandeur of the Big Sur coast.~~

~~In all cases, new land uses must remain subordinate to the character and grandeur of the Big Sur coast. All proposed uses, whether public or private, must should meet the same exacting environmental standards and must not degrade the Big Sur landscape.~~

### 2.2.5 Shoreline Access

~~The 1986 LUP County acknowledged the increasing public demand for access to the Big Sur coast and wishes, in the spirit of the California Coastal Act, to accommodate this legitimate desire. However, in doing so, the County recognizes an ever greater commitment to preservation of the fragile natural environment. The 1986 LUP also recognized that “visual access should be emphasized throughout Big Sur as an appropriate response to the needs of visitors.” This LUP continues that emphasis. Since the 1986 LUP, public acquisitions have provided adequate physical public access, balancing the desire for access with. A range of additional concerns appear as well, including the need to ensure public safety and to protect the rights of property owners. Therefore, it is the County's objective to develop an optimal plan for public access that accounts, in a balanced way, for all these considerations.~~

~~Because preservation of the land in its natural state is the highest priority, the County's basic policy objective is that all future access must should be subordinate to this objective priority. Care must be taken that while providing public access, that the beauty of the coast, its tranquility, and the health of its environment, are not marred by public overuse or carelessness. Visual access should be emphasized throughout Big Sur as an appropriate response to the needs of visitors. Visual access to the shoreline should be maintained by directing future development out of the Critical Viewshed.~~

~~It is the intention of Monterey County to review both the plan policies and local development at 520-year intervals to determine what, if any, changes in the plan or its implementation may be desirable or necessary.~~

### 2.2.6 Wildfire Preparedness

~~Since the 1986 LUP was written, wildfires have become a major threat to the well being of this the Big Sur coast, with rugged topography. A consequence of changing climate and drought has resulted in a threat hereto for not anticipated. Accumulation of vegetation and changing climate puts habitats and species, including critical habitat and threatened and endangered species, at risk of unnatural high-heat-intensity wildfire, and threatens lives and property as well. Changes in policies as set forth in this LUP are intended to allow property owners the ability to more easily and readily perform wildfire fuel mitigation work to and better manage the overgrowth.~~

Additionally, the implementation of the CWPP will be instrumental in reestablishing fire safety and providing resource protection in the Big Sur Coast Planning Area.

## **2.3 PLAN APPLICABILITY**

The primary purpose of the LUP is to set forth land use planning policies for the Big Sur Coastal Planning Area. The Big Sur LUP is also included as part of the Monterey County General Plan. While the Big Sur LUP is consistent with the 1982 General Plan, the General Plan must be consulted for guidance in policy areas not addressed by the Big Sur LUP. The supplemental diagrams, goals, and policies contained in the LUP are an expression of the relevant provisions of Chapter 3 of the Coastal Act.

The LUP is a part of the Monterey County Local Coastal Program (MCLCP), which includes Part 1 (General Provisions), Part 2 (North County Land Use Plan), Part 3 (Del Monte Forest Land Use Plan), Part 4 (Carmel Land Use Plan), Part 5 (Big Sur Coast Land Use Plan—this document), and the various implementing regulations that comprise the Coastal Implementation Plan (CIP).

The MCLCP, Part 1 contains general provisions that apply equally across all land use plans, including this LUP, and that document and the CIP must be consulted to understand the totality of plans, designations, goals, policies, and regulation that have force and effect in the Big Sur Coastal Planning Area. This LUP must be consulted to learn where local conditions and consideration require modification of coastal-wide policies when applied in the Big Sur Coastal Planning Area. Where there is a conflict between coastal-wide policies or ordinances, and this LUP and its implementing ordinances, the latter shall control.

The LUP includes five elements, each of which contains diagrams, goals, and policies that govern development in the Big Sur Coastal Planning Area. These five elements are:

- o Resource Management (Chapter 3),
- o Highway 1 and County Roads (Chapter 4),
- o Land Use and Development (Chapter 5),
- o Safety (Chapter 6);
- o Public Access (Chapter 7); and
- o Administration and Implementation (Chapter 8).

Each chapter is structured with a narrative introduction to the issue area, followed by goals and policies for that issue area.

The supplemental goals and policies contained in this plan constitute, along with pertinent section of LCP Part 1 and the Coastal Implementation Plan, the constitution for development in the Big Sur Coast Planning Area and are responsive to the needs, problems, and opportunities that have

presented themselves over time. As used in this LUP “may” is permissive in the sense that the activity or development in question is allowed under the LUP, provided all applicable requirements are met. “Shall” is mandatory. “Cumulative,” “cumulatively,” and “cumulative effect” mean the incremental effects of an individual project when reviewed in connection with the effect of past, current, and probable future projects.

## 3. RESOURCE MANAGEMENT

### 3.1 INTRODUCTION

The Big Sur coast has a rare heritage of scenic, natural, and cultural resources. The seventy-mile long coastal strip supports a diversity of plant, animal, and marine life found in few areas. The relative inaccessibility of the backcountry and the limited extent of man's activities have helped to protect these resources and to maintain a local culture.

The Big Sur coast is in its infancy in terms of geologic time. This newness -- characterized by extreme ruggedness of terrain and underlying instability -- makes the area susceptible to geologic disturbance. The relatively small seasonal water resources that support the present population of animals, plants and humans dictate that management of the quality and flow of ~~these~~ water resources be an important primary issue.

~~Development of the Big Sur coast has been limited by natural constraints and hazards such as the availability of water, difficulty of access, fire and flood potential, unstable soils, and seismic disturbance.~~

~~However, as in other areas of high scenic and recreational value, neither natural nor man-made constraints have been sufficient to contain public and private development or recreational demands. The scarcity of choice land has resulted in use of inappropriate or hazardous areas. At peak summer periods and during holiday weekends, Highway One+ has approached its maximum carrying capacity and some recreational many recreational facilities are being overused. Sycamore Canyon Road has long exceeded its maximum carrying capacity and its present condition presents risks to public safety. Some species of plants and animals are already extinct or near extinction, and unique and fragile habitats are increasingly threatened. Accelerated land use and development will inevitably create new pressures and aggravate perennial problems: fires, floods, landslides, water and air pollution, depletion of water resources, and further destruction of plant, animal and marine habitats. Geologic hazards created by development activities are not only private matters, but affect the public in general.~~

There is a need for limits in all areas of private and public development, in order to prevent overuse of resources. Maintenance of the quality of the natural experience along the Big Sur coast has precedence over the development of any permitted uses, whether residential, recreational, or commercial. New development should complement the area and its cultural traditions, rather than introduce conflicting uses. All available land use tools should be employed to allow the most appropriate development in accord with the intent of the LUP.

Big Sur is unique and each development project in Big Sur is also typically unique. The policies that follow are intended to guide the use and enjoyment of the coast and to afford an essential degree of protection for the area's natural environment.

All development proposals should be considered by means of site-specific evaluation followed by thoughtful deliberation. Such deliberation may from time to time require that competing goals and

policies be balanced against each other to produce a reasonable outcome. The merits of development proposals should be judged favorably if they represent a balanced implementation of the goals and policies of this LUP.~~The policies are based upon numerous background reports, analysis of a great deal of data, and the advice of many agencies and knowledgeable individuals. Much of this material is contained in the background reports. In addition to the text presented here, a series of maps have been prepared that reflect available information on the location of various resources and hazards. Copies of these maps at 2000' scale are available for public study at the Planning Department and in Big Sur at the County Branch Library. Reduced scale versions of these maps are available in booklet form from the Planning Department. Maps included cover:~~

- ~~1—Viewshed~~
- ~~2—Environmentally Sensitive Habitat Areas~~
- ~~3—Agricultural and Forest Resources~~
- ~~4—Hazards~~
- ~~5—Recreation and Visitor Serving Facilities~~
- ~~6—Current Land Use~~
- ~~7—Parcel Sizes and Land Ownership~~
- ~~8—Existing Access Conditions~~

~~The County recognizes that inaccuracies may exist in these maps and no claims are made for their complete accuracy. It will be the County's intention to use these maps as constantly improving tools to be shared with the public. As new or improved information becomes available, the maps will be revised.~~

### **3.2 SCENIC RESOURCES**

There is longstanding concern for the protection of the scenic beauty of the Big Sur Coastal Planning Area. During the early 1940's, the County's refusal to approve service station roadside advertising resulted in national attention. A landmark court decision in favor of the County, upheld the right of local government to regulate aesthetics through the police power. In the 1960's, Highway One was designated as the first scenic highway in California's new State Scenic Highway System. Many other measures have been taken by the County to preserve the outstanding visual qualities of the Big Sur Coastal Planning Area. These have included, among other things, ~~use of the Scenic Conservation zone, careful siting and, design, and landscaping control, and abatement of visual nuisance.~~

In spite of these controls, in some locations increased development has gradually encroached into areas of outstanding beauty. In some cases, this has been caused by poorly sited homes, or structures which have not been designed to blend well enough with their surroundings. In other cases, highly visible roads have been built on scenically sensitive mountainsides to provide trails and roads access to campgrounds, new homesites or residential parcels. ~~In still other cases, pPublic agencies, in~~

particular, have undertaken construction with little sensitivity to the land or to Big Sur's aesthetic values.

The aesthetic and scenic qualities and semi-wilderness character of the coast have received National and even international acclaim. Accordingly, the issue of visual resource protection is probably the most significant and far reaching question concerning the future of the Big Sur coast. A major premise of this LUP plan is that unusual action must now be taken to preserve the coast's scenic beauty and natural appearance. The strong policies set forth in this plan are intended to safeguard this critically important resource. When carried out, the County shall assure the protection of the scenic magnificence of the area and reflect the desire of the people of Monterey County and the Big Sur community to preserve their heritage for present and future generations.

### **3.2.1 Key Policy**

Recognizing the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote the restoration of the natural beauty of visually degraded areas wherever possible. To this end, it is the County's policy to prohibit all future public or private development visible in from Highway 1 and major public viewing areas (the Critical Viewshed), other than the development exceptions provided in this section, and to condition all new development in areas not visible from Highway One or major public viewing areas on the siting and design criteria set forth in Sections 3.2.3, 3.2.4, and 3.2.5 of this LUP plan. This applies to all structures, the construction of public and private roads, trails, utilities, lighting, grading and removal or extraction of natural materials. Below provides definitions of key terms used herein:

### **3.2.2 Definitions**

1. Critical Viewshed: everything within sight of Highway One and major public viewing areas including turnouts, beaches and the following specific locations Soberanes Point, Garrapata Beach, Abalone Cove Vista Point, Bixby Creek Turnout, Hurricane Point Overlook, upper Sycamore Canyon Road (Highway One to Pais Road), Pfeiffer Beach/Cooper Beach, and specific views from Old Coast Road as defined by Policy 3.8.4.4.
2. Restoration and restore: Address human caused degradation such as erosion, sedimentation and invasive species.
3. Voluntary or voluntarily: Without compulsion or obligation.
4. Encourage: General endorsement, but not necessarily by providing administrative, financial, or other county resources. Encourage does not mean require as a condition of permit approval.

### **3.2.3 Critical Viewshed**

#### **A. Policies**

1. In order to avoid creating further commitment to development within the Critical Viewshed, all new parcels must contain building sites outside the Critical Viewshed.
2. The best available planning techniques shall be used to permit development of parcels partially in the Critical Viewshed. These may include clustering of structures, sensitive site design, design control, transfer of development credits, and other techniques designed to allow development on such parcels outside the Critical Viewshed.
3. Where it is determined that an alternative building site on a parcel would result in conformance to the Key Policy, then the applicant will be required to modify his proposal accordingly. Similarly, changes in the design, height, or bulk of proposed structures will be required where this will result in an approvable project.
4. New roads, public parking, trails, ~~excluding any existing trails designated as the California Coastal Trail~~, through the Coastal Trail Planning Document process, grading or excavations will not be allowed to damage or intrude upon the Critical Viewshed. Such ~~road~~ construction or other work shall not commence until the entire project has completed the permit and appeal process. Grading or excavation shall include all alterations of natural landforms by earthmoving equipment. These restrictions shall not be interpreted as prohibiting restoration of severely eroded water course channels or gulying, provided a plan is submitted and approved prior to commencing work.
5. Where it is determined that a proposed development cannot be resited, redesigned, or in any other way made to conform to the basic Critical Viewshed policy, then the site shall be considered ~~environmentally~~ inappropriate for development.
6. The County will participate with other public agencies and private groups to secure adequate funds to purchase Critical Viewshed parcels proposed for development or to secure for use by restricted landowners, other developable land areas to which new development can be transferred. The value of parcels, for purposes of establishing purchase price, shall not be diminished by virtue of their location in the Critical Viewshed or by the policies of this section. Those purchased Critical Viewshed parcels shall be deed restricted in perpetuity to prohibit development by public and private entities, and the deed shall be recorded.
7. The general policy concerning replacement of structures shall be to encourage resiting or redesign in order to conform to the Key Policy. Replacement or enlargement of existing structures, or structures lost in fire or natural disaster within the Critical Viewshed shall be permitted on the original location on the site, provided no other less visible portion of the site is acceptable to the property owner, and provided the replacement or enlargement does not increase the visibility of the structure (e.g., color, materials, lighting, existing vegetative planting, etc.). Replacement or enlargement of structures outside the Critical Viewshed shall be permitted as long as such replacement or enlargement does not cause the structure to intrude into Critical Viewshed.
8. Landowners will be encouraged to grant scenic easements to the County over portions of their land in the Critical Viewshed.

9. The County encourages creative public and private efforts to restore the scenic beauty of visually/impacted areas of the coast in the Critical Viewshed, which are consistent with the goal of promoting the long-term vitality of Big Sur's community, and will assist such efforts where possible.
10. Soil berms and permanent stockpiling along Highway One shall be managed to allow views of the ocean.
11. Where no other feasible mitigation measures for eliminating the adverse visual impacts of new development in the Critical Viewshed are available, the County may institute and utilize a Transfer of Development Rights-Credits (TDCR) system that will permit development credits for a parcel within the Big Sur Coastal Planning Area determined to be developable except for the Critical Viewshed restrictions. Such credits may be transferred at the owner's option to a receiving parcel not in the Critical Viewshed and otherwise found to be suitable for an increased density of development. The use of transferred credits will be allowed as a conditional use under this LUP. However, the increase in residential density on the receiving parcel shall not exceed twice that which is specified by Section 5.4 of this LUP, except where: a) an environmental impact analysis reveals site suitability for more units; b) traffic impacts will be mitigated through reduction in the number of driveway encroachments onto Highway One; and c) consistent with all other standards listed in this LUP.

Critical Viewshed parcels protected under a TDCR system shall be secured through enforceable restrictions (e.g. scenic easement dedication, deed restriction, etc.), subject to County Counsel review and approval of the applicable documents. The Critical Viewshed parcels shall remain as natural lands in their present state in perpetuity and shall not be developed in any manner by any person or entity, public or private, except that the restrictions shall not apply to Caltrans projects which are essential to maintain Highway One in its existing use as a rural two-lane road.

***B. Procedures For identifying whether A Proposed Project Would Intrude On The Critical Viewshed.***

1. All development permit applications, and federal consistency determinations, for development in areas that have potential to be in the Critical Viewshed shall require individual onsite investigations to determine whether the proposed development would intrude on the Critical Viewshed. Such proposed development shall be accurately indicated as to dimensions, height, and rooflines by poles with netting; and proposed access roads and trails and other similar developments shall be indicated by stakes with flags; all of which shall remain in place for the duration of the project review and approval process. ~~they would intrude on the critical viewshed. The proposed buildings shall be accurately indicated as to dimensions, height, and rooflines by poles and access roads, by stakes with flags which shall remain in place for the duration of the project review and approval process.~~ Such indications of the extent of development shall be recorded photographically with superimposed representation of the proposed project. The standard for review is the objective determination of whether any portion of the proposed development is visible in definition



the Critical Viewshed. The Critical Viewshed does not include areas visible only from the ocean, beaches (other than those named in the critical viewshed definition) or trails.

2. Visibility in the Critical Viewshed will be considered in terms of normal, unaided vision in any direction for any amount of time at any season. Ocean views from Highway One+ shall not be obscured by artificial berming/mounding or landscaping. Distant development, although in the technical line of sight, will not be considered visible if sited and designed so as not to be seen from Highway 1 and other major public viewing areas visible in the Critical Viewshed. Exterior light sources shall be prohibited if such light source would be directly visible from the locations designated in Policy 3.2.2.1 above. The Critical Viewshed does not include areas visible only from the hiking trails shown on the Trails Plan (Figure 3), including but not limited to the California Coastal Trail.

All new development not in conformance with the approved representations shall be removed.

3. Nonnative Monterey Pines, Cypress, Eucalyptus trees shall not be planted within the Critical Viewshed and shall be allowed to be removed without a permit unless the removal makes structure or structures visible in the Critical Viewshed.

### **3.2.4 Land Not in the Critical Viewshed**

#### **A. Policies**

##### **B.A.**

1. So that the visual continuity may remain undisturbed, the design and siting of structures, whether residential, commercial, agricultural, or public, and access thereto, shall not detract from the natural beauty of the undeveloped skylines, ridgelines, and the shoreline.
2. New applicants, when selecting a building site and other associated development (e.g., access road, etc.), must consider the visual effects upon public views as well as the views and privacy of neighbors. The portion of a parcel least visible from public viewpoints will be considered the appropriate site for the location of new structures. It is preferable that new structures and roads are located where existing shall be located where existing topography or trees provide natural screening. They are discouraged from being and shall not be sited on open hillsides or silhouetted ridges. Sites shall minimize soil disturbance and not leave excavation scars or slope disturbance. Structures and access roads shall be designed to address environmental, fire and engineering problems resulting from construction. Alterations of the minimize alterations of the natural landform and to avoid, insofar as feasible, removal of healthy tree cover should be avoided insofar as feasible.
3. New development should be subordinate and blend with its environment, using materials or colors that will achieve that effect. Where necessary, appropriate modifications will be required for siting, structural design, size, shape, color, textures, building materials, access, and screening.

4. ~~Landscape screening may be used~~ noninvasive ~~wherever a moderate extension of native forested and chaparral areas is possible. Other screening must be of similar plant or tree species set in a mosaic pattern shall be encouraged.~~
5. Sites for new structures shall be selected to ~~avoid the construction of visible access roads~~ and minimize the extent of environmental and engineering problems resulting from road construction.
6. New roads providing residential, recreational, or agricultural access will be considered only where it has been demonstrated that the use of existing roads is not feasible, or that permission for the use of an existing road is shown in writing to be unobtainable from neighboring property owners. An exception is allowed where an additional or secondary access road will help provide necessary ingress and egress during an emergency, such as wildfire or flood events in consultation with the local fire agency.
7. New roads shall avoid steep slopes and shall be located along the margins of forested areas, along natural land contours, or within existing vegetation. Road shall be aligned to minimize removal of native trees, and constructed to minimum practical standards consistent with the requirements of fire safety and emergency use. Drainage and erosion control measures must be adequate to prevent erosion. During road construction, side-casting of earth materials not used as fill shall not be permitted; all materials not used for on-site fill shall be removed from the area. Drainage and erosion control measures must be adequate to prevent harm to resources from erosion and from the introduction of invasive species. Realignment of existing access roads may be allowed if the new alignment would better meet policies of this LUP, and the old alignment is retired and the area restored.
8. ~~Television~~ antennas shall be unobtrusive.

***B. Procedures For Applying the General Scenic Resources Policies That Apply Outside the Critical Viewshed.***

All development applications shall require individual on-site investigations. The proposed dimensions of buildings shall be accurately indicated as to dimensions, height, and rooflines by poles and access roads marked by stakes with flags which shall remain in place for the duration of the project review and approval process. The County shall determine whether the proposed development conforms to the policies set forth in Subsection A of this section.

***3.2.5 Exceptions to the Key Policy 3.2.3***

The following sections discuss exceptions that allow development within the Critical Viewshed.

***A. Visitor and Community Servicing Commercial~~Rural~~/Commercial Areas Providing Essential Services Centers***

Development within the following Visitor and Community Serving Commercial land use designation,

which includes areas in the ~~Rural Community Centers~~—Big Sur Valley, Lucia, Gorda, and Pacific Valley, as well as ~~specific properties such as~~ Rocky Point Restaurant, Big Sur Inn, and Coast Gallery, — provide essential services to the community and the visiting public, and shall be permitted under careful design and siting controls as provided for in the ~~County Zoning Ordinance (Title 20 of the County Code) and~~ by Policy 5.4.3 of this ~~LUP~~Plan.

**B. Employee Housing Overlay**

Employee housing overlay over the Visitor and Community Serving Commercial land use designation shall be an exception to the Critical Viewshed policies.

**C. Essential Ranching Structures**

Essential new agricultural structures and development required by commercial ranching and agriculture operations that cannot be feasibly located outside the Critical Viewshed shall be permitted under careful design and siting controls. Examples include pastures, barns, fences, windmills, water pumps, water tanks, water storage reservoirs, stockponds and corrals. Replacement of existing structures is allowed. However, all aquaculture facilities will be subject to the same resource protection criteria and environmental standards as other development. Such uses shall conform to all non-Critical Viewshed standards.

**C.D. Highway 1 Facilities**

1. Public Highway Facilities.

Road capacity, safety and aesthetic improvements shall be allowed, as set forth below, provided they are consistent with Section 4.1.1, 4.1.2, and 4.1.3 of this ~~LUP~~plan. Signs, guardrails, and restrooms shall be of a design complementary to the rural setting and character of Big Sur, with preference for natural materials. Protective barriers constructed by Caltrans ~~should~~ utilizing boulders or rock-walls of rock construction are encouraged. Public agency permanent highway signs should be framed with unpainted redwood. All highway signs should be reviewed once every three years by Caltrans to determine the need for their continued use. All unnecessary signs should be removed.

2. Private Highway Improvements.

Private driveway entrances, gates, roadside fences, mailboxes, and signs shall be of a design complementary to the rural setting and character of Big Sur, ~~with preference for natural materials.~~

**DE. Utilities and Lighting**

It is the County's intent that, where practical and where it would be beneficial to improving views, new utilities be installed underground or otherwise obscured by vegetation. Overhead power or telephone lines will be considered only where overriding natural or physical constraints exist. Poles

will be placed in the least conspicuous locations ~~out of public, and where possible, private view.~~ Exterior lighting will require shielding to reduce its long-range visibility, and to cause the light source to not be visible. Further, exterior lighting shall be downlit and minimal to reduce as much as possible light pollution. Transmitter towers, cell towers, and power facilities must be well screened or have an aesthetically appropriate appearance within not appear in the Critical Viewshed. Water lines or underground conduits should be buried or otherwise obscured by vegetation. Although replacement of existing utilities is acceptable where they are currently configured, utility companies should pursue all opportunities to move all utilities underground where practical and beneficial to improving views.

**FE. Public Restrooms and State Park Parking**

Public restrooms are encouraged at the following locations:

1. Soberanes Point - - the barn on the east side of the Highway One.
2. Garrapata State Beach, which may be visible from the State Beach pullout, but shall not be visible to motor vehicle traffic passing on Highway One.
3. The viewpoint near Krenkle Corners/Grey Rock (Mile Marker 37), which may be visible to vehicles passing on Highway One only to the degree necessary.
4. The vista point near the Big Creek area (between Mile Markers 27& 28).

In order to provide for parking and other low intensity support facilities for the State of California system of parks on the Big Sur coast, flexibility in the basic viewshed policy may be permitted to allow use of excavating, berming, and indigenous plant screening at Soberanes Point ~~and, Garrapata Beach, Little Sur River Mouth, and Point Sur Lighthouse~~ if no environmentally suitable site is available that meets the Critical Viewshed criteria. Other new parking facilities shall be provided at off-highway locations rather than on the Highway One shoulder. The creation of new parking lots between Highway One and the ocean ~~shall be avoided wherever possible shall not be allowed to avoid detracting from scenic coastal views.~~ This policy shall also apply to new units within the system that may be opened to the public. Parking and support facilities existing at current facilities shall be removed from Highway One whenever the necessary off-highway parking is provided. New off-highway facilities shall be designed, to conform to Critical Viewshed Policy 3.2.4.3 if located in the Critical Viewshed (except for necessary entrance ways, which cannot be hidden from Highway One), and to Policy 3.2.4 if located outside the Critical Viewshed. Existing facilities shall be brought into conformance to the greatest extent possible. Land acquired for Critical Viewshed protection shall not be developed for parking or visitor serving facilities. Parking facilities for Soberanes Point ~~and, Garrapata Beach, and Little Sur River Mouth~~ shall be located on the east side of Highway One and be completely out of the view of the Highway One through the use of excavation, indigenous forestation and berming techniques which shall obscure all vehicles and facilities. Restroom facilities shall be located with the parking facilities. For public safety at Soberanes Point ~~and, Garrapata Beach, Little Sur River Mouth,~~ and any new units on the east side of Highway One connecting the parking and beach areas are highly desirable. Parking shall be provided for a maximum of 75 vehicles at these facilities.

**FG. Rocky Point Area Vacant-Parcels And Otter Cove Area Parcels**

~~Existing vacant residential parcels in the Critical Viewshed between Highway One and the sea, from (and including) the southernmost existing residential parcel on the Rocky Point and Otter Cove areas shall be permitted to be used for residential purposes subject to the northernmost developed residential parcel on Kasler Point and from the southernmost developed parcel north of Abalone Cove to the northernmost developed parcel south of Garrapata Creek shall be permitted to be used for residential purposes subject to policies of Section 3.2.4 of this LUP plan and the following standards. Development shall be consistent with the non-Critical Viewshed policies. In addition, the following standards shall apply: the use of roof and surface treatments, colors and materials which will visibly blend with the surrounding environment; the use of berming and other measures designed to minimize views of structures without blocking ocean vistas seen from Highway One; and prohibiting the night flood lighting or other intrusions in view of Highway One without separate Coastal Development Permit (coastal permit) consideration. Guest houses shall be attached to the main dwelling except where they can be sited to better implement these policies. Rocky Point area parcels are those parcels from (and including) the southernmost existing residential parcel on Rocky Point to Garrapata State Park. Otter Cove area parcels are those parcels north of Garrapata State Park, seaward of Highway One, south of Malpaso Creek.~~

~~Additional standards shall include keeping driveways as narrow as possible, avoiding paving where practical and consolidation of driveways; the use of roof and surface treatments, colors and materials which will visibly blend with the surrounding environment; the use of berming and other measures designed to minimize views of structures without blocking ocean vistas seen from Highway 1; prohibiting the dumping of excavated materials over the coastal bluff, and additions, antennae, night flood lighting, or other improvements in view of Highway 1 without separate permit consideration; and dedication of scenic easement over undeveloped portion of lot. Guest houses shall be attached to the main dwelling except where they can be sited to better implement these policies.~~

**G. Otter Cove**

~~Existing vacant residential parcels in the critical viewshed in the Otter Cove Subdivision seaward of Highway 1, south of Malpaso Creek, shall be permitted to be used for residential purposes subject to policies of Section 3.2.4 of this plan.~~

~~Additional standards shall include keeping driveways as narrow as possible, avoiding paving where practical and consolidation of driveways; the use of roof and surface treatments, colors and materials which will visibly blend with the surrounding environment; the use of berming and other measures designed to minimize views of structures without blocking ocean vistas seen from Highway 1; prohibiting the dumping of excavated materials over the coastal bluff, and additions, antennae, night floodlighting, or other improvements in view of Highway 1 without separate permit consideration; and dedication of~~

~~scenic easement over undeveloped portion of lot. All guest houses shall be attached to the main dwelling.~~

**H. Coastal-dependent Uses Exception**

Coastal-dependent uses, natural resource management needs, resource conservation activities, and certain necessary public facilities as specified below are permitted provided that in each case there be a finding that no reasonable alternative exists, that no significant adverse visual impacts will result, and that all such uses are in conformance with Scenic Resources Policy 3.2.4 and all other policies. The exceptions are limited to:

- a. Removal of non-native trees;
- b. County road improvements in keeping with Policy 3.2.5.C-1;
- c. Minimal public access improvements on the beach along shoreline lateral accessways, such as litter collection facilities and rustic stairways;
- d. On-shore navigational aids (lights, radio beacons, weather stations) needed by the commercial fishing industry; ~~and~~
- e. Improvements to Pacific Valley School;
- f. Addition of Big Sur Volunteer Fire Brigade and Mid Coast Fire Brigade facilities;
- g. The joint U.S. Forest Service-State Parks-Caltrans administrative site in Pfeiffer-Big Sur State Park; and
- h. Communication antennas using best technology to minimize impacts on views. ~~Forest Service. This program should include a regular schedule of litter removal along Highway 1 and on or near public beaches and selected viewing points.~~

### ***3.3 ENVIRONMENTALLY SENSITIVE HABITAT AREAS***

Habitats, including but not limited to environmentally sensitive areas, in Big Sur are important to preserve and manage. Environmentally sensitive habitat areas means any area in which plant or animal life or their habitats are either rare or especially particularly valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded. Environmentally sensitive habitats are also areas susceptible to disturbance or degradation by human activities and developments. In the Big Sur Coastal Planning Area the following meet the definition of environmentally sensitive area unless specifically exempted from the definition: 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; and Monarch butterfly mass overwintering sites; and wilderness and primitive areas. The threatened and endangered species, critical habitats, wetlands and lagoons are all protected under federal and state laws and regulations and require separate regulatory processes and thus, are taken out of the definition of environmentally sensitive area to allow for beneficial management. The California Coastal Act limits uses to those which are dependent on such resources; examples include nature

education and research, hunting, fishing, and aquaculture, wildfire fuel reduction work, which is beneficial and does not have significant impacts on the area.

The Big Sur coast supports a wealth and diversity of environmentally sensitive habitats perhaps unsurpassed in California. Many of these, especially in the marine environment, are in an essentially undisturbed condition yet are endangered by changes in land use or offshore activities. In addition, decades of fire suppression activities, coupled with greater wildfire risks brought on by climate change, are presenting previously unrecognized threats to environmentally sensitive habitats.

The topography and vegetation play a major role in affecting fire behavior and shaping fire hazard potential. Over the past century, active suppression of fires has resulted in large contiguous areas of overgrown and over-mature hazardous fire fuel beds with a large concentration of down-dead fuel that contribute to high-cost, suppression-resistant, high heat intensity wildfires, thereby threatening communities, natural vegetation types and wildlife habitat.

Problems associated with vegetation changes that increase the risk of high-intensity wildland fires tend to be especially prevalent at elevations common in mountainous areas of Big Sur. Hydrophobic soil conditions resulting from unnatural high heat intensity wildfires can cause debris flows and mudflows, which have the potential to alter streambed and riverbed conditions and water turbidity. Altered streambed and water quality conditions can in turn result in adverse impacts on species that rely on natural streambed conditions and water quality for survival.

Another great threat to environmentally sensitive habitat is the proliferation of invasive species.

This LUP promotes the continued protection of resources while providing flexibility to avoid conflicts between policies intended to protect resources and beneficial management needed to help protect habitats, species, lives and property.

Some sensitive habitats already enjoy protection under laws guiding local, state, and federal agencies. Some sensitive marine resources are protected by sections of the Fish and Game Code, the Federal Migratory Bird Treaty Act, the Marine Mammal Protection Act, and the Federal Endangered Species Act of 1973. Wildlife habitats are protected where they occur in legally designated areas such as the California Sea Otter Refuge, and ~~threatened~~ rare and endangered plants are singled out for preservation under State and Federal ~~legislation~~ regulation. Many of Big Sur's terrestrial habitats, however, including sensitive plants, dunes, serpentine rock associations, riparian corridors, coastal prairies, and grasslands are without adequate protection.

### **3.3.1 Key Policy**

All practical efforts shall be made to maintain, restore, and if possible, enhance Big Sur's environmentally sensitive habitats. The development of all categories of land use, both public and private, should be subordinate to the protection of these critical areas.

Essential roads are permitted in environmentally sensitive ~~areas~~ habitats provided that in each case there be a finding that no reasonable alternative exists, that no significant adverse impacts will result, and that such uses are in conformance with all other LUP policies. Essential roads are those

which are unavoidably necessary to provide a minimum level of access to an existing parcel, where no access road presently exists and no reasonable economic use of the property is possible without such road. Reasonable alternatives are those which would have less impact on sensitive habitats and no impact on the Critical Viewshed; or would provide a more usable route for agricultural or visitor serving uses.

### 3.3.2 General Policies

1. ~~4.~~ Development, including removal of major vegetation removal, excavation, grading, filing, and the construction of roads and structures, shall not be permitted in the environmentally sensitive habitat areas if it results in any potential disruption of habitat value. ~~To approve development within any of these habitats the County must find that disruption of a habitat caused by the development is not significant.~~ Wildfire fuel modification work in environmentally sensitive habitat areas is a use that is dependent upon the resource, and such work that is generally consistent with the description of work in the State General Guidelines for Creating Defensible Space is not a significant disruption of habitat values and is beneficial to them.
2. Areas where wildfire fuel modification is recommended by the fire authority having jurisdiction do not meet the definition of ESHA.
- 4.3. Threatened and endangered species, critical habitats, wetlands and lagoons protected under federal and state laws and regulations are subject to separate regulatory processes and thus, are taken out of the definition of ESHA.
2. Where private or public development is proposed, in documented or expected locations of environmentally sensitive habitats, field surveys by qualified individuals or agencies shall be made in order to determine precise locations of the habitat and to recommend mitigating measures to ensure its protection. In the case where an entire site is known or suspected to be either in or within 100 feet of an environmentally sensitive habitat and development is required to avoid a claim of constitutional taking, field surveys may be limited to a set of recommendations designed to ensure the development has the minimum effect on the environmentally sensitive habitat.
- 3.. The County shall require deed restrictions or dedications of permanent conservation easements in environmentally sensitive habitats when new development is proposed on parcels containing such habitats. Where development has already occurred in areas supporting sensitive habitat, property owners should be encouraged to voluntarily establish conservation easements or deed restrictions.
4. ~~For developments approved within environmentally sensitive habitats, the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) associated with the development shall be limited to that needed for the structural improvements themselves. The guiding philosophy shall be to limit the area of disturbance, to maximize the maintenance of the natural topography of the site, and to favor structural designs which achieve these goals.~~ All development, including major vegetation removal for development purposes (other than the creation of defensible space or other



wildfire fuel management); such as excavation, grading, filling, and the construction of roads and structures, shall be prohibited in the environmentally sensitive habitat areas, except where minimal development must be allowed to avoid a claim of constitutional taking. Removal of major vegetation for wildfire fuel management is addressed in Policies 3.7.3 . If development in an environmentally sensitive habitat area must be allowed to avoid an unconstitutional taking, then the development shall:

- a. Be the least necessary to avoid a taking;
- b. Avoid impacts to environmentally sensitive areas to the maximum extent feasible;
- c. Be designed to limit unavoidable impacts to the maximum extent feasible; and
- d. Mitigate significant adverse impacts to the environmentally sensitive habitat to the maximum extent feasible.

5. Public access in areas of environmentally sensitive habitats shall be limited to low-intensity recreational, scientific, or educational uses. Access shall generally be controlled and confined to the designated trails and paths. No access shall be approved which results in significant disruption of the habitat.

6. To protect environmentally sensitive habitats and the high wildlife values associated with large areas of undisturbed habitat, the County shall retain significant and, where possible, continuous areas of undisturbed land in open space use. To this end, parcels of land in sensitive habitat areas shall be kept as large as possible, and if structures are permitted, they shall be clustered in the least environmentally sensitive areas.

7. Land uses adjacent to environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource. New land uses shall be considered compatible only where they incorporate all site planning and design features needed to prevent significant habitat impacts, and where they do not establish a precedent for continued land development which, on a cumulative basis, could degrade the adjoining habitat.

8. New development adjacent to environmentally sensitive habitat areas shall be allowed only at densities compatible with the protection and maintenance of the adjoining resources. New subdivisions shall be approved only where potential impacts to environmentally sensitive habitats from development of proposed parcels can be avoided.

9. The County shall require the use of appropriate native ~~species~~ or non-invasive species in proposed landscaping.

### ***3.3.3 Specific Policies***

#### ***A. Terrestrial Plant, ~~Riparian,~~ and Wildlife Habitats***

4. — Uses of sand dune habitats shall be restricted except for scientific and educational activities. Particular attention shall be given to sites of ~~threatened~~ rare and endangered

plants. Recreational access and associated facilities shall be directed away from dune habitats and focused on the beach area. All management agencies shall prohibit off-road vehicle use in dune areas-

~~2.~~In serpentine rock associated habitats, land use activities shall be low intensity and designed to ensure protection of habitat values.

~~2.~~3.Development or land use activities shall be sited to protect riparian habitat values. Beneficial management of riparian areas will be encouraged. Development adjacent to stream courses shall be restricted to low intensities and constructed to minimize erosion, runoff, and water pollution. In order to protect riparian habitats, land use development activities will not be permitted that will have the effect of diminishing surface flows in coastal streams to levels that will result in loss of plant or wildlife habitat.

~~3.4.~~ 4.~~Other than waterlines, spring boxes and water-related facilities (such as waterlines, spring boxes, etc.) that necessitate a lesser setback, and for scientific purposes (such as flow meters and other instruments), and for restoration and enhancement-related projects,~~ Setbacks of 150' on each side of the streambank shall be required for all streams to protect riparian plant communities unless a narrower corridor can be demonstrated to be sufficient to protect existing vegetation and provide for restoration of previously disturbed vegetation.

~~4.5.~~ Access routes including recreational trails and roads shall be sited to avoid significant impacts to riparian corridors, where feasible.

~~5.6.~~ Recreational access to scientifically important terrestrial habitat environmentally sensitive habitat areas may be restricted when necessary to protect the habitat.

~~6.7.~~ Land uses in areas where natural native grassland is found shall be compatible with the maintenance of the habitat. Development shall be sited and designed to avoid disturbance or destruction of native grasslands. Compatible uses include managed grazing and low-intensity recreational and residential uses.

~~7.8.~~ Residential development shall be sited and designed to have minimum impacts on redwood trees from soil compaction and other disturbances to tree roots. Beneficial management of redwood forest is encouraged. With similar considerations, recreation should be encouraged as an appropriate use for redwood forests.

- 8.9. Commercial harvesting of old growth redwoods or rare or sensitive tree species is generally inappropriate because of their scarcity, uniqueness, and scientific and educational value.
10. Monterey County encourages residents and public agencies to undertake restoration of Big Sur's natural environment by removal of exotic plants such as Scotch and French Broom, Eucalyptus, Kikuyu grass, Vinca, Pampas grass, Gorse, and other non-native invasive species, provided such removal does not increase potential erosion problems. Management plans and protocols shall be developed and implemented by property owners, public and private, to eradicate invasive species.

**B. Marine Habitats**

1. Development on parcels adjacent to intertidal habitat areas should be sited and designed to prevent percolation of septic runoff and deposition of sediment.
2. Alteration of the shoreline including diking, dredging, and filling, shall not be permitted except for work essential for the maintenance of Highway One.
3. Concentration of recreational development or recreational activities near accessible tidepool communities shall not be permitted unless adequate management measures are provided to prevent degradation of the environmentally sensitive habitat environment.
4. Site design techniques intended to screen structures from view of Highway One shall not involve major land modification that may impact adjacent marine habitats.
5. 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, as consistent with Policy 3.3.2.7 above. 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.

### **3.4 WATER RESOURCES**

Virtually all of Big Sur's precipitation falls between October and May. Stored in underground aquifers, winter rain alone feeds the creeks and springs of the region. Winter rainfall can vary extremely from year to year, and summer water supplies can be correspondingly plentiful or scarce. Water is the lifeblood of both the natural ecosystem and all of the domestic uses on the Big Sur coast. Numerous streams flow down the west slope of the Santa Lucia Mountains to the Pacific Ocean. Several of these streams are quite large, but the majority are relatively small. They all directly support the wildlife and vegetative communities that make up the riparian environments enjoyed by the visitors and residents alike. The groundwater storage basins, located

in the upper portions of watersheds, provide water of excellent quality for the spring and stream flows essential to the well-being of water users on the coast.

~~Because many of the streams are small, development of residences, business, agriculture, and public and private recreation and visitor serving facilities can place excessive demands on the water available in some watersheds. Overuse of the water supply can result in degradation of the natural environment with losses of plant, wildlife, and fish habitats. Eventually, people dependent on the adequate supply of quality water will suffer as private and community water systems fail.~~  
Rainfall in Big Sur is abundant compared to other areas of the County, averaging 43 inches annually at the Pfeiffer State Park gauge from 1914 to the present. King City by contrast averages 11 inches. During El Nino years, mountain peaks such as Mining Ridge recorded nearly 200 inches. In the 1983 El Nino, the Big Sur River gauge recorded regular flows of 1000-2000 cubic feet per second (cfs). The~~During the drought of 1976-77, gauge readings in the Big Sur River fell to less than 10 cfs for months on end,~~emphasized the critical need for a careful and conservative approach to planning that recognizes that drought year flows are the controlling factor for all human and natural uses.

~~Most residents on the coast obtain water from natural springs, or divert water directly from a stream. The most favored sites for development are those with dependable year-round water, either on the parcel or close by. Yet, in some locations, the number of existing vacant parcels appears to exceed the capability of available water supplies. Informal water systems have been developed to bring water to "dry" parcels. Increasingly, property owners without a source of surface water on the property are installing wells to pump for groundwater. In some cases, these wells are being constructed in groundwater basins feeding springs that serve existing users lower down the mountain slopes. Such wells can jeopardize spring supplies of existing users and should be discouraged.~~  
Water supply in the Big Sur Coastal Planning Area comes largely from the same sources that have been used since the area was first settled, all of which ultimately come from rain. No portion of the area has access to water from- any large public or private water project or purveyors.

Numerous streams flow down the western slopes of the Santa Lucia to the Pacific Ocean, the majority relatively small. Most residents on the coast obtain water from springs, wells, or directly from streams. Development of residences, business, agriculture, and public and private recreation and visitor-serving facilities can place excessive demands on the water supplies in some watersheds. Overuse of the water supply could result in degradation of the natural environment with losses of plant, wildlife, and fish habitats. The drought of 1976-77-periods of drought over the last 40 years have clarified the need for a conservative and flexible approach to planning. In-home water use is a small part of the overall domestic use for most residents, allowing accommodation for droughts by restricting outdoor water use. Due to Big Sur's overall low population density effectively controlled by large minimum parcel sizes implemented in the 1980s, averaging about one resident per 120 acres, sufficient domestic water for health and safety purposes such as for drinking and sanitation is generally not a concern for the Big Sur Coastal Planning Area.

~~Proper management of water resources encompasses more than just insuring adequate water supplies. The protection of stream flows to maintain the natural environment is vital. The protection of water quality through planning that considers stream setbacks, erosion potential, siltation, vegetative maintenance, wildlife, scenic values, and other factors should be a part of all decisions concerning the development in~~ of the Big Sur Coastal Planning Area.

### **3.4.1 Key Policy**

The protection and maintenance of Big Sur's water resources is a basic prerequisite ~~for~~ the protection of all other natural systems. Therefore, water resources will be considered carefully in all planning decisions ~~and approvals~~. In particular, the County shall ~~insure~~ that adequate water is retained in the stream system to provide for the maintenance of the natural community of fish, wildlife, and vegetation during the driest expected year.

### **3.4.2 General Policies**

- ~~The County will take an active role in the conservation of Big Sur's water resources and will support and encourage the wise use and management of water resources by residents and public agencies.~~ The County shall require water conservation and encourage reuse (greywater systems) in order to take less from groundwater, streams, and springs. Rainwater catchment, retention and methods that slow storm runoff shall be encouraged.
- ~~The County will require adherence to the best watershed planning principles including: stream setbacks, stream flow maintenance, performance controls for development site features, maintenance of safe and good water quality, encouraging fuel reduction work in riparian areas while protecting or retaining of sufficient natural vegetation coverage along streams as well as, and careful control of grading to avoid erosion and sedimentation. Where watersheds are affected or are threatened by overuse of the water supply, the County will use its land use regulatory authority to limit development in order to protect the public health and welfare and to protect the natural values of the stream and its watershed.~~
- ~~The County will request technical assistance from appropriate public agencies as often as may be required in order to make sound decisions concerning management and protection of Big Sur's water resources and shall encourage and support development of a simplified pPermit cCoordination pProgram that includes participation by all local, state and federal agencies that regulate riparian areas to allow and facilitate beneficial work in riparian areas. by contacting only the Natural Resources Conservation Service and Resource Conservation District, including but not limited to wildfire fuel modification work, similar to the program in Santa Cruz County.~~
- The County shall in concert with the State Department of Water Resources and the Division of Water Rights, and the Department of Fish and ~~Game~~ Wildlife, be responsible for cooperating with residents to manage surface and groundwater supplies, and to implement the goals and policies of this section. In approving new development, the

County will require the monitoring of water use and the observance of water conservation measures.

### 3.4.3 *Specific Policies*

#### A. *Water Supply and Use*

1. Applicants for development of residential, commercial, and visitor-serving facilities must demonstrate by appropriate seasonal testing that there will be an adequate water supply for all beneficial uses and be of good quality and quantity (e.g. at least 1/2 gallon per minute per single family dwelling year round) from a surface or groundwater source, or from a community water system under permit from the County.
2. ~~Development of water supplies, or intensification of use of existing supplies from springs, streams, wells, or community water systems shall be regulated by permit in accordance with Coastal Act requirements. These permits shall be in addition to any required permits from the County Health Department in accordance with Coastal Act requirements.~~
- 2.3. Water storage tanks shall not be considered an intensification of water use and shall be encouraged and facilitated. Conjunctive use including water storage to collect water during the winter rainy season, when there is typically an abundance of instream water flows, to be used during the summer dry season when instream flows are at their lowest should be encouraged. Water storage can also be beneficial by helping with suppressing fires.
- 3.4. ~~Applicants intending to utilize a water supply from a surface water source not occurring on the parcel to be served, shall obtain any necessary rights or permits to appropriate the water from the State Division of Water Resources Control Board prior to receiving project approval from the County. ights prior to receiving project approval from the County. The State is requested to notify the County of all applications for appropriate water rights. The County's policy shall be to protest such applications that conflict with the protection of beneficial uses of water including instream flow requirements. The County shall require appropriate water riparian or groundwater users applying for development rights to perfect and record their rights to the water to minimize future conflicts. The County also encourages existing riparian users to confirm that their water use is riparian. perfect and record their water rights.~~
- 4.5. ~~Residential Interbasin transfer of water: No new water system and no expansion of existing water systems which transport water out of the watershed of any perennial stream shall be allowed. Undeveloped parcels outside of the watershed of origin shall not be allowed to utilize transported water. Permit applications shall demonstrate a suitable source of water not requiring establishment or expansion of, or intensification of use, of an interbasin water transfer system. Where no on-site surface water source exists, exceptions may be made for the development of a primary residence on a vacant parcel served by a County approved connection to an existing water system if the total number of existing/potential vacant buildable residential parcels on such water system is four or less and as authorized in the Big Sur River Protected Waterway Management Plan. Water system development or expansions~~

~~constructed or installed after December 31, 1976, without benefit of coastal development permit will not be considered as "existing"~~ Where transfer of water from a watershed to an adjacent receiving watershed would be beneficial for promoting protection of resources in the adjacent watershed without diminishing the viability of the donor watershed, such transfer for development, shall be encouraged, subject to a coastal development permit.

~~5.6.~~ Small public water systems and private water systems supplying more than one parcel user shall conform to the relevant sections of the California Health and Safety Code, California Administrative Code, and County Code Ordinance 2250 as administered by the County Health Department, consistent with other policies of this section.

7. All new development shall be designed to conserve water consistent with the Uniform Building Code and Monterey County's standards for water efficient landscaping.

### ***B. Rivers and Streams***

1. The effects of all new development proposals or intensification of land use activities or water uses on the natural character and values of the Big Sur coast's rivers and streams will be specifically considered in all land use decisions. Subjects to be addressed in such evaluations include protection of scenic quality, water quantity and quality, wildlife and fish habitat, and recreational values. Land use proposals determined to pose significant impacts to the natural integrity of the stream must be modified accordingly. ~~The County will request assistance from the Department of Fish and Game as a technical expert on wild life and fish habitat and mitigation measures.~~

2. In general, the high rate stream discharges during the winter should not be interrupted because of their beneficial effects on the stream and its living community and on beach replenishment. However, conjunctive use of water, i.e., storage of water during the winter for use during the summer may be allowed if it avoids impairment of anadromous fish runs and beach sand supply. ATherefore, any water diversions beyond the ordinary year-round entitlements must be consistent with policy 3.4.3.B.37 and carefully regulated to avoid impairment of beach sand supply and anadromous fish runs, and shall be limited to agricultural irrigation, and associated water storage, and developments where the primary function is the improvement of fish and wildlife habitat. Water quality, adequate year-round flows, and stream bed gravel conditions shall should be protected in streams supporting rainbow and steelhead trout. These streams include: Garrapata Creek, Rocky Creek, Bixby Creek, Little Sur River, Big Sur River, Partington Creek, Anderson Creek, Hot Springs Creek, Vicente Creek, Big Creek, and Limekiln Creek.

~~The Big Sur and Little Sur Rivers are part of the California Protected Waterways system and the State Legislature has requested the County to prepare individual management plans that set forth criteria and guidelines for their protection. The County has worked cooperatively with property owners adjacent to the Big Sur and Little Sur Rivers in formulating the management plans. The goals, objectives and policies of these plans shall be followed in considering all land use applications within the areas they cover consistent with the other policies presented here.~~

3. Major channelizations, dams, and other substantial alterations of natural streams be considered generally inappropriate in the Big Sur Coast area. Minor alterations such as replacing existing wet water crossings with bridges and constructing/maintaining/replacing culverts and fords may be considered, but only if: a) they are consistent with the protection of environmentally sensitive habitats; b) they do not substantially interfere with surface water flows, beach sand supply and anadromous fish runs will result; and, c) the type of use is consistent with Policy 3.7.3.B-2 regarding floodplains; and, d) the project incorporates the best mitigation measures feasible mitigation measures if needed. To address climate change impacts, protection of properties from floods and creation or enhancement of water storage for fire suppression, potable water supplies, and agricultural irrigation are permissible and encouraged. ~~Priority for Wells Over Surface Water Diversions: Where groundwater is available on the site, developments for the purpose of diverting surface water sources — perennial streams and springs that feed perennial streams — shall be avoided. Wells and infiltration fields located within or near a stream channel so as to tap stream sub-flow rather than groundwater will be considered as stream diversion structures for the purposes of this policy. Exceptions will be allowed only: a) for the development of a primary residence on a vacant parcel served by a County-approved connection to an existing water system where no interbasin transfer of water will result; b) for parcels which qualify as exceptions under LUP Policy 3.4.3.A 4 regarding inter-basin transfer of water; c) where groundwater well(s) would significantly deplete recharge areas needed to maintain natural springs; or, d) where the use of groundwater, either on the site or via a community system, is demonstrated to be infeasible and the adverse impacts of such diversion are mitigated to the extent feasible.~~

~~Non-availability of groundwater shall be demonstrated by test boring to a reasonable depth, unless it is demonstrated through surface geologic evidence or well drilling data from adjacent properties, that the presence of adequate ground water is unlikely. This policy should not be read to prohibit instream uses which do not alter water quality or quantity.~~

4. ~~5. —Water Resource Verification: No substantial water use intensification (e.g., residential subdivision creating four or more parcels; inn development of more than eight units; recreational vehicle campground; and with potential to increase number of households; residential or inn development of more than one unit; restaurant, bar or other food service development or expansion; recreational vehicle campground; development for commercial conversion of land to irrigated commercial agriculture (i.e., cultivating of irrigated crops for sale) of net ten acres or more —shall require proceed without specific verification that adequate water supplies are available, and that the proposed development will not adversely affect, cumulatively or individually, existing water supplies needed for the maintenance of riparian vegetation and anadromous fisheries, or the supply needed by existing users, during the driest expected year~~

Such verification shall be supported by a report, prepared by a qualified professional hydrologist on the basis of well logs, stratigraphic profiles, and technical data as needed. The County shall consult with appropriate agencies Department of Fish and Game as to the adequacy of the report before allowing the above listed development to move forward; ~~water use intensification~~; and, if necessary, may at applicant's expense engage the services



of an appropriate independent expert to review the report as well. In the case of water withdrawals from streams and springs, water use shall be measured and maximum use levels shall be consistent with in-stream flow requirements.

~~C. **Water Resource Study Area**~~

~~The County encourages the restoration of streams and their immediate natural environment both on public and private lands. Restoration projects may include: improvements to water supply and quality, enhancement of water flows or water retained for in-stream uses, improvement of fish habitat, installation of fish ladders, stream restocking, re-establishment or irrigation of riparian vegetation, etc.~~

~~Alteration of natural streams shall be minimized by minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing significant depletion of groundwater supplies and substantial interference with surface water flows, encouraging waste water reclamation, and maintaining natural vegetation buffer areas that protect riparian habitats.~~

~~Establish a Community Water Resource Monitoring Program: The purposes of this program are to determine the factual extent of water supply problems and riparian habitat impacts in the water resource study areas; to provide for coordination with the Department of Fish and Game, State Water Resources Control Board, U.S. Geologic Survey, County Flood Control District, and other involved water resource agencies; to identify potential solutions (if needed); and to detect water resource deficiencies which may arise in other watersheds. Maximum community support and participation will be important to the success of the program.~~

~~Water resource study areas shall be designated by the County, subject to public hearings. Initial designations shall include the following watersheds: Sycamore Canyon, Palo Colorado Canyon, Castro Canyon, Mud Creek, Graves Canyon, Little Sur River and Big Sur River (including Post Creek). The program will be supported with water data to be recorded by individual watsystem owners/operators, as well as test wells and/or stream flow measurements conducted by appropriate water management agencies.~~

~~Where significant water supply deficiencies are verified by the program, the County shall take appropriate steps to curtail further intensification of development and to implement conservation or restoration measures as needed to mainta instream flow requirements. In order to assure that future development is coupled with a iable water resource monitoring program, a financial contribution to the County proportional to expected new water use will be required from each developer at the time of project approval. Individual Water System Monitoring. In the water resource study areas, permits for public and private water system expansion, new wells, and new stream and spring diversion developments shall require measuring of water resource extraction. A table of monthly readings shall be maintained by the water system operator. In the case of new wells, a well-driller's log shall also be completed and retained as a permanent record. Such information shall be made available to appropriate water management or planning authority upon request for purposes of completing a water resource study. All such information, if so requested by the water system operator, shall be protected as proprietar information~~

~~Encourage Watershed Self-Sufficiency: Priority shall be given to the consolidation of exismutual water systems or development of a new community water system in the Sycamore Canyon watershed, for the purpose of developing a water source other than Sycamore Canyon stream or the Big Sur River. Likewise, the development of a water source other~~

than the Post Creek headwaters shall be encouraged for the westerly portion of the Coastlands tract.

#### **~~3.4.4 Recommended Actions~~**

~~1. The State Department of Fish and Game, or other appropriate agencies should undertake studies to determine instream flow requirements to maintain the natural environment on all of Big Sur's streams that support resident or anadromous fish populations. Such studies should enlist the cooperation, participation, and guidance of local residents. The Department of Fish and Game should file for necessary water rights to protect the fisheries resource.~~<sup>2/</sup>

### **3.54 FOREST RESOURCES**

Big Sur is rich in forest resources. The California Coast Redwood reaches the southern limit of its range in the forested canyons of the south coast. Many other conifers are present also including large trees such as Ponderosa and Sugar Pine and Douglas Fir. Many species of hardwood trees are found as well. Oaks and madrones often dominate the drier slopes above the moist canyons. Many water-loving hardwoods grow along the streams forming rich riparian zones.

At the same time, the commercial value of the larger conifers found both on public and private lands is significant. While in the past, the limited extent of Big Sur's forests and the difficult terrain discouraged extensive harvesting, the dramatic depletion of more northern forests is escalating the demand for timber, especially old growth redwoods.

~~1/ The required financial contributions will not be collected until the monitoring program is initiated through implementation of this plan provision.~~

~~2/ The long term objective of this policy statement is not intended to interfere with existing water access rights in the Coastlands Subdivision.~~

In recognition of these forest values, the Los Padres National Forest was established to insure protection and careful management of the resource. Public lands under the U.S. Forest Service's ownership Management in the Big Sur Coastal Planning Area total about 78,439~~75,000~~ acres, about 54% slightly more than half of the pPlanning aArea. Much of the U.S. Forest Service's landis area is in the wilderness or reserve classification, and tree harvesting is not permitted. The U.S. Forest Service's overall policy for Big Sur is to manage the forest for its scientific, recreational, and aesthetic values and to permit only salvage cutting or harvesting necessary to maintain a healthy stand or to reduce fire hazard.

Regulation of the use of forest resources on private lands is the responsibility of the California State Department of Forestry and Fire Protection (CAL FIRE). In the past, the County has not encouraged logging, but has regulated it through a use permit process. To evaluate logging proposals the County has required Environmental Impact Reports to be prepared, and has relied on the CAL FIRE Department of Forestry for technical advice. This State agency administers harvests according to the requirements of the Forest Practices Act of 1973 including its special provision for southern forests. The ~~California~~ Coastal Commission, as required by the Coastal Act, has designated some of the potential commercial forest area in Big Sur as Special Treatment

Areas. These designations provide for specific objectives and guidelines to be carried out by the CAL FIRE Department of Forestry, and consequently Monterey County, in administering any commercial timber harvests. The rules are aimed generally at protecting public recreation areas, scenic values, soils, streams and wetlands.

~~In summary, the demand for harvesting of merchantable trees whether by timber operators from outside the area or by local landowners can be expected to increase. At the same time, there is growing pressure to preserve Big Sur's environment in its natural or present state for its rural community, aesthetic, recreational and scientific purposes and as wildlife habitat. The concern that commercial harvesting could be highly destructive to the environment has raised questions as to whether logging should be permitted at all, and if so, under what regulations. These trends pose difficult issues for the County. They require that clear policy be established concerning commercial harvesting, and that careful management be assured.~~

A related issue is that to preserve woodlands and forests requires acknowledging (1) the role that the policy of suppressing wildfires has played in accumulations of wildfire fuels, and (2) the role that importing non-native tree species has played. The kindling effect of these fuels can have the effect of increasing heat intensity of wildfires to levels that threaten survival of Big Sur's woodlands and forests in the event of a catastrophic wildfire. This LUP attempts to address this problem by allowing and encouraging reduction of hazardous accumulations of fuel to levels that will help ensure survival of the area's woodlands and forests after fires and by allowing non-native trees to be removed unless a structure or structures will be exposed and visible in the Critical Viewshed.

In the years since the 1986 LUP was certified, the Big Sur Coastal Planning Area has been severely affected by Sudden Oak Death (SOD) and pitch canker. SOD has killed a high percentage of the tan oak population (*Notholithocarpus densiflorus*) and also threatens coast live oak (*Quercus agrifolia*), Shreve oak (*Quercus parvula*) and California black oak (*Quercus kelloggii*). A mysterious ailment at first, it has now been identified as the non-native pathogen *Phytophthora ramorum*.

The consequences of this infestation go far beyond the aesthetic. The very nature of our native forests is undergoing a transformation. In recent fires, firefighters have found it more difficult to control fires not only because of the increased fuel load but because of the difficulty of maneuvering around so many downed trees and branches. Fewer redwoods survived fire in areas where the infestations occur possibly because the dead wood burns hotter and longer.

Landowners and neighborhoods that have numerous trees killed by SOD should be encouraged to remove dead standing trees from around their respective structure and along road corridors. In addition, the loss of so many acorn bearing trees has an impact on the wildlife that depends on acorns as a food source.

The Monterey pine forest is currently under threat from the fungal pathogen, pitch canker (*Fusarium circinatum*). CAL FIRE characterizes the threat of pitch canker to all native Monterey pine stands as "severe." Initially, it was thought that Monterey pine mortality would be extremely high; yet over time, it has been discovered that at least some trees had resistance to the pathogen.

No treatment for infected trees is currently available. Research is ongoing to establish best management practices and potential treatments. The prevalence of this disease is an additional reason to discourage the planting of, and encourage removal of, the non-native Monterey Pine and Eucalyptus trees within the Big Sur Coastal Planning Area, that do not have sufficient habitat value to justify protection.

Pitch canker is an incurable fungal disease (*Fusarium circinatum*). It is widespread and most damaging to the many planted Monterey Pine (*Pinus radiata*). It can also affect the following native: Knobcone pine (*Pinus attenuate*), sugar pine (*Pinus lambertiana*), Coulter pine (*Pinus coulteri*), ponderosa pine (*Pinus ponderosa*), as well as Douglas-fir (*Pseudotsuga menziesii*).

### **3.54.1 Key Policy**

The primary use of forested land in Big Sur shall be for recreational and aesthetic enjoyment and for educational, scientific, watershed, and habitat protection activities. Commercial logging of healthy old growth redwood shall be considered an inappropriate use of a nationally significant resource. Limited salvage and selective logging activities will be allowed to maintain the health of the forest, ~~provided that all natural resource protection provisions of this plan are met.~~

### **3.54.2 General Policies**

1. The regulations adopted by ~~the Department of CAL FIRE~~ Forestry for Special Treatment areas generally provide a high level of resource protection and shall be applied to all commercial harvests.
2. All cutting or removal of trees shall be in keeping with the broad resource protection objectives of this plan. Specific policies, criteria, and standards of other sections of this plan shall govern both commercial and non-commercial tree removal.
3. Restoration of native forest resources is encouraged for public agencies and residents as a means of maintaining and enhancing Big Sur's natural character. Removal of non-native tree species is not removal of major vegetation and does not require a permit. ~~encouraged.~~
4. Landmark trees of all native species shall be protected in perpetuity as significant features of Big Sur's natural heritage. ~~CAL FIRE~~ The California Department of Forestry, scientists from research institutions, and landowners should cooperate in the protection and enhancement of these resources and their supporting habitat. Landmark native trees shall be defined as ~~visually significant, historically significant,~~ exemplary of its species, or more than 1,000 years old. Only native trees shall be considered landmark trees.
5. Commercial harvesting of commercial timber species as well as oak and madrone will be regulated by permit and must be in conformance with the policies of this ~~LUP~~ 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

(CEQA), and the Special Treatment Area Criteria for the Monterey County area adopted by ~~CAL FIRE~~the California Coastal Commission, ~~and the CAL FIRE~~State Board of Forestry. Only State licensed timber operators may conduct commercial logging operations.

6. The County will require that applicants for commercial timber harvest permits first file and receive approval from the ~~CAL FIRE~~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 the policies of this LUPplan. If environmental documents are required, they shall be ~~and~~ certified prior to Planning Commission consideration of the coastal-use permit. The ~~THP~~Timber Harvest Plan will be required to provide substantive consideration of alternative harvesting systems which have less environmental impact, before tractor yarding is allowed.

7. The County will request advice and guidance from the State Department of Fish and WildlifeGame, Regional Water Quality Control Board and California Division of Mines and Geology, as appropriate, in reviewing proposed ~~THP~~timber Harvest Plans. The County shall engage the services of a Registered Professional Forester to review THP's as needed. This will be at the applicant's expense.

8. In addition to compliance with forestry and soils resources policies, ~~all developments,~~ forest management activities, including any associated development, and tree removal shall specifically conform to this LUPplan's policies regarding water and marine resources, environmentally sensitive habitat areas, and coastal visual resources.

9.—Division of coastal commercial timberlands into units of ~~fr~~ less than commercial size or their conversion to uses which would preclude the primary uses listed in the Key Policy 3.5.1 shall not be allowed. Contiguous coastal commercial timberlands of 20 acres or more on any one legal parcel shall not be divided into units of less than 20 acres, unless a binding agreement for the joint management of the timberland resource as a single unit is ~~affected~~ prior to or conditionally upon such land division. This policy does not apply to small-scale milling operations established pursuant to Policy 3.5.3.8, or to lands which are permanently precluded from commercial timber harvest for any reason--including the terms of a scenic easement in favor of a public agency or private nonprofit conservation organization. ~~So long as required by state law, applicants for commercial timber harvest permits must first file and receive approval from the CAL FIRE~~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 the policies of this LUP~~plan. ~~The THP~~Timber Harvest Plan will be required to provide substantive consideration of alternative harvesting systems which have less environmental impact, before tractor yarding is allow[ALREADY REPEATED IN POLICY 6]

10.— All commercial timber removal under Monterey County jurisdiction within the Big Sur ~~Local Coastal~~ Planning Area shall be processed as a County coastal-use permit item and shall not be exempted from ~~normal~~CEQA review, ~~negative declaration or Environmental Impact Report (EIR)~~ process, whichever applies.

11. Salvaging Removal of fallen or dead trees to maintain a healthy stand or to reduce fire hazard is allowed, ~~subject to tree permit waiver, available online on RMA website.~~

### 3.5.3.3 Specific Policies

1. Generally, a coastal permit must be obtained for the removal or harvesting of major vegetation. However, each of the following is not removal or harvesting of major vegetation and shall not require a coastal permit: (1) the removal of nonnative trees; (2) the removal of hazardous trees that poses an immediate danger to life as verified in writing by a qualified professional and (3) diseased trees that threaten to spread the disease to nearby forested areas as verified in writing by a qualified professional. The removal of major vegetation for wildfire fuel management is discussed in Policies 3.7.5. C.
- ~~1.2.~~ Harvests proposed in watersheds which provide domestic water downstream of the proposal shall be limited to removal of no more than 15 percent of the total merchantable timber in any 10-year period.
- ~~2.3.~~ 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 CAL FIRE~~the Department of Forestry~~ by September 30 of each year.
- ~~3.4.~~ All salvage or selective logging activities shall take place outside the riparian corridor except the felling of trees. Felling and bucking shall not occur where trees, logs or debris could be deposited in the stream. Where a tree might fall into or across a stream it shall be cabled so that it falls away from a right angle to the stream.
- ~~4.5.~~ Road construction to accommodate salvage or selective logging shall be kept to an absolute minimum. Applicants shall be required to evaluate the expected sediment yield or runoff associated with each project and the secondary impacts on aquatic and marine resources. Logging roads shall not be developed within impact the Critical Viewshed~~see in view~~. Sidecasting of earth material shall not be permitted during the construction of roads. All excess material shall be removed from the site. Logging roads shall be constructed only ~~in~~ with the criteria set forth in Section 5.4.3.K-2.
- ~~5.6.~~ Water quality sampling of suspended sediment and turbidity shall be required for any commercial timber harvest prior to beginning of the operation and during at least one subsequent winter with average or above rainfall when the proposed harvest area contains a stream or well-defined stream channel. Costs of monitoring are to be borne by the applicant.
- ~~6.7.~~ Applicants for THP~~timber harvest plans~~ or coastal use permits shall be required to certify through a qualified biologist that the proposed commercial timber harvesting activity will contribute to the stability and diversity of the forest and will be carried out in a manner that has no significant disruption of effect~~on~~ environmentally sensitive habitat areas or water resources. Applicants shall further demonstrate through site investigation that proposed commercial timber harvesting does not affect~~impinge~~ on the Critical Viewshed and that the timber harvest shall be permitted only in those areas which can

show that the timber can be removed from the area without creating a safety or traffic problem on a public road.

~~7.8.~~ A cash deposit, bond or equivalent surety, payable to the County in an amount to be set by the County Board of Supervisors, is required to insure compliance with the State Forest Practices Act and regulations and policies of this LUP plan. Should the timber operator fail to correct any violation or water quality problem due to the harvest within 15 days following receipt of notification to do so, the County may correct the problem and charge all reasonable costs against the timber operator's surety.

~~8.9.~~ Small-scale milling operations shall be permitted as part of logging operations subject to compatibility with resource protection policies and the peace of adjacent land uses.

~~9.10.~~ An insurance policy or other sufficient surety to indemnify the County for damages to County roads and appurtenant structures should be required of every timber operator during the life of ~~the THP~~ timber Harvest Plan.

~~10.~~ 11. 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. ~~In the upper Bixby-Turner Creek watershed, every effort should be made to explore potential public acquisition of this scenic area for recreation and aesthetic enjoyment prior to the issue of permits for timber harvesting.~~

### ~~3.5.4~~ *Recommended Actions*

1. ~~The County should consider preparing detailed guidelines or a timber harvest ordinance to regulate proposed timber harvest activities in furtherance of the local coastal program land use plan. Public agencies should fully explore the possible public acquisition of the upper Bixby-TurCreek watershed for recreational aesthetic purposes.~~

## **3.65 AGRICULTURE & PRESERVING BIG SUR'S RURAL CHARACTER**

In the past, farming was practiced on a limited scale on the Big Sur coast. ~~However,~~ ~~the~~ The lack of soils suitable for cultivation, limited water supply and other factors do not support large-scale commercial farming. Cultivation of crops can be expected to remain small scale ~~for private use~~.

Since the 1800's, cattle ranching has been the primary agricultural activity on the coast. Today, commercial ranching takes place on a number of the larger properties and descendants of pioneer families still carry on this traditional use of the land. ~~The U. S. Forest Service administers substantial range allotments in the Los Padres National Forest.~~

In addition to providing cattle for market, ranching has helped maintain the open grasslands characteristic of the scenic landscape. Many of the large meadows found on the coast were created

by native grazing animals and have been kept brush free by cattle. The presence of livestock enhances the rural western feeling of Big Sur and adds to visitor's enjoyment of the area.

Increasing costs, high taxes, government restrictions, encroaching residential and public recreational development and other factors make profitable ranching difficult today. Owners of traditional ranching lands are compelled to consider other options for the use of their lands. Yet it is also acknowledged that ranching remains an activity that can produce some return from land that otherwise may have few economic alternatives. ~~There is the feeling that it~~ It is desirable to perpetuate the ranching lifestyles both as part of Big Sur's heritage and for the public benefit.

The County and other agencies need to work cooperatively to support landowners in conserving grazing lands. Careful land planning for large properties can result in the retention of ranching use while still permitting other uses of the property. Agricultural conservation contracts, initiated by the property owners, can in some instances, help reduce taxes and make profitable ranching more feasible. These and any other means of assisting owners of ~~large~~ ranching properties in protecting their land for agricultural use should be encouraged by the County.

### ***3.65.1 Key Policy***

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. Williamson Act contracts, scenic easements, tax incentives, large lot zoning, and other techniques will be encouraged by the County to promote and assist agriculture.

### ***3.56.2 General Policies***

1. All contiguous grasslands of 320 acres or more ~~and those~~ that have traditionally been used for grazing use should be preserved for such use.
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.
3. For publicly-owned land, Residential, recreational and other land use development shall not be sited on land previously used for grazing suitable for grazing unless an equivalent area of existing public land is converted to new grazing land and is, in fact, used ~~graz~~for grazing. ~~is provided.~~
4. Residences and utility buildings and barns associated with agricultural uses shall be located to conserve grazing land.
5. 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 or potential agricultural activities and grazing resources. In cases where large ranching properties must be divided to accomplish other policies of this LUPPlan, a



binding agreement for the continued management of the entire property shall be required. (See Policy 5.4.3.M for related policies).

6. Public accessways shall be designed to avoid conflicts with agricultural use. Where public trails must cross actively grazed areas, a range of measures including signs, fences, berms, vegetation screens, and prescribed burning to eliminate hazardous accumulation of brush, shall be applied, as appropriate, to reduce conflicts to acceptable levels.
7. The County Agricultural Commissioner ~~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.
8. The U.S. Forest Service and the California State Department of Parks and Recreation (California State Parks) should lease grazing land to private individuals in order that such areas may continue in traditional agricultural use and as means to reduce fuel loads.
9. Where the California State 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 California State Parks Department should make every effort to lease the land for the purpose of continuing grazing on the property.
10. CAL FIRE ~~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.
11. Landowners shall be encouraged to establish or expand agricultural operations, such as animal husbandry, livestock breeding, aviaries, vineyards, tree farms, native plant farms, and seed farms.
12. The U.S. Forest Service and the California State Parks are encouraged to increase allotments for grazing to eliminate hazardous accumulation of brush and maintain native grassland.
- 11.13. The County shall work coordinate with the U.S. Forest Service, Caltrans and other agencies to develop a plan to address invasive species.

~~The County should seek long term tax reforms that will permit agriculture lands to be assessed and taxed on the value of their earnings, rather than their development potential.~~

~~In order to encourage protection of grazing lands and continued cattle operations, the County shall explore all sources of funds — County, State and Federal — to compensate owners of grazing land for scenic easements over their lands except those federal funds which would increase federal land ownership, management or control.~~

### **3.7 HAZARDOUS AREAS**

The Big Sur ~~cCoast~~ county presents an unusually high degree of hazards for both existing residents and new developments. These hazards include geological hazards, flooding hazards, and fire hazards, and each of these hazards is discussed below.

Big Sur is known for self-reliance for addressing natural hazards. Local planning efforts including, but not limited to, the CWPP, CHMP and disaster and evacuation planning, are intended to reduce the vulnerability to the natural hazards. Local organizations, including Big Sur Community Emergency Response Team, Big Sur ~~Volunteer Fire Brigade~~ Fire, Mid-Coast Fire Brigade and Big Sur Health Center, provide disaster preparedness and response to protect lives, property and the environment.

#### **3.7.1 Geologic Hazards**

The rugged terrain of the Big Sur coast is in part the result of seismic activity associated with movement of continental plates. The plates intersect at the San Andreas Fault which parallels the coast some 40 miles inland. The series of faults paralleling the San Andreas account for the orientation of the ridges, valleys, and the shoreline. The two principal faults in the Big Sur segment are the San Gregorio-Palo Colorado Fault and the Sur-Nacimiento Fault which are both seismically active. Seismic hazards include ground rupture, shaking, and failure. Seismic sea waves (tsunami) originating elsewhere in the Pacific Ocean are not considered significant hazards on the Big Sur coast.

The western slopes of the Santa Lucia Mountains, reaching an elevation of approximately 5,200 feet at Cone Peak, drop precipitously to the sea. Much of the coast is bounded by sheer cliffs. Great offshore rocks punctuate the dramatic meeting of land and sea. Nearly fifty separate streams flow down the mountains to join the sea.

The primary factors that increase landslide risk are slope and certain soil characteristics. In general, the potential for landslide occurrence intensifies as slope increases on all soil types and across a wide range of geologic formations. Exposed unconsolidated sedimentary layer increases landslide potential wherever these deposits are present on steep slopes. Weathering and wildfires can lead to landslides.

Geologic hazards ~~may~~ are also be induced or aggravated by human activities. Construction of roads and building pads, ~~in particular,~~ can have ~~disastrous~~ consequences in terms of erosion or land failure. Extra care is needed both by property owners and the County to insure that new excavation, road building and construction ~~are~~ is undertaken only where natural conditions permit, and that such activities when in progress are carried out to the highest engineering standards.

#### **3.7.2 Flooding Hazards**

Flood danger is very real in certain areas of Big Sur. The Big Sur and Little Sur Rivers have sizeable flood plains and many other streams on the coast can be hazardous during high water. Structures within known floodplains pose a life hazard to occupants during severe storms. Flood

associated hazards include devastating mud flows (such as the 1972 disaster that wiped out the Post Office and ambulance center), road washouts, and loss of septic tank and leach fields. Flood damage to small water systems or contamination of wells can result from high water, septic system failure, or stream-carried debris. Road washouts isolate some properties and prevent the entry of emergency vehicles. During the El Nino floods of 1995, Highway One was completely washed away in a number of locations in the Big Sur Coastal Planning Area.

### **43.7.23 Fire Hazards**

The entire Big Sur Coastal Planning Area is subject to fire hazard to life, property, vegetation, and wildlife. The hazard varies locally and seasonally due to differences in fuel levels, weather, and topography, yet the risk to life and property remains high due to remoteness from fire stations, difficult access, and water supply problems. ~~Public fire protection on the Big Sur coast is geared to forest fires rather than structural fires.~~ Response time from the CAL FIRE Department of Forestry Station at Carmel Hill is lengthy due to distance and slow-moving traffic on Highway One where the shortage of turnouts and shoulders makes passing difficult. The volunteer companies at Mid Coast ~~Garrapata~~ and Big Sur, because of the shorter response time, provide ~~some~~ structural fire protection.

While fires can start from natural causes, people pose the greatest danger. Carelessness by residents or visitors during the long dry summers endangers the entire community. The most recent 2016 Soberanes Fire is a good example of man-caused wildfire. An illegal campfire is blamed resulted in for one death and numerous structures lost and tens of over a hundred thousands of acres lostburned. ~~This danger will inevitably increase as recreational use of the area increases and as more and more homes are built.~~ Illegal fires ~~could~~ increase as recreational use of the area increases. Recreational use of public areas, in particular, needs to be curtailed or closely supervised during periods of very high fire danger. More emphasis shall be placed on enforcement and The value of public education for wildfire prevention, cannot be over-estimated. The siting and construction of new structures likewise needs extreme care to avoid endangering the occupants and the broader community as well.

Since the 1986 LUP was written, there have been three major fires, the Kirk Fire in 1999, the Basin Complex in 2008, and the Soberanes Fire in 2016. The original 1986 LUP contained clear language intended to allow the removal of accumulated vegetation without the need for a coastal permit (see Section 5.4.2.4311) to reduce unsafe fuel accumulations. In November 2010, the Monterey Fire Safe Council prepared an advisory document entitled: Monterey County Community Wildfire Protection Plan (CWPP), in collaboration with CAL FIRE, the U. S. Forest Service, the Bureau of Land Management, local fire agencies, property owners, and other stakeholders pursuant to the Healthy Forests Restoration Act. Implementation of the CWPP could be instrumental in reestablishing fire safety and resource protection in Big Sur.

#### **A. Plant Pathogens Contributing to Wildfire Hazards**

One factor to be considered in planning for fire safety in Big Sur involves two plant pathogens known to affect wildlands in Big Sur—SOD and pine pitch canker. Both are discussed in Section 1 of this LUP. SOD was identified as an invasive pathogen in the mid 1990's and has spread throughout coastal counties of California. As identified in the CWPP, large areas of infection are present along the Big Sur coast and in the neighboring Carmel Valley. Trees affected by SOD may impact wildfire severity as fuel load (Lee, et al. 2009).

SOD and pine pitch canker are exacerbating an already serious problem of excess fuel load in Big Sur's forests. Monterey County recognizes these problems and has a tree removal permit process in place to properly identify and remove diseased trees. For many Big Sur residents, this permit process has become too costly and cumbersome to be an effective tool for fire management.

### **B. Effects of Climate Change on Wildfires**

Global climate change may lead to more periods of extreme heat and perhaps even more droughts. Impacts in the microclimates of Big Sur is unknown. One primary risk factor for intense chaparral fires is extreme weather.

If climate change results in more periods of extreme heat in Big Sur, it is likely that there would also be a corresponding increase in the number of days of severe fire weather as global warming continues. The end result could very well be a marked increase in the number of wildfires in Big Sur.

### **C. Fire Safety Planning .**

This natural environment is one that is prone to wildfires. The basic approach to fire safety planning in Big Sur involves the following:

- 1. Continuation of development regulations (contained in Chapter 2, Land Use, of the LUP) that have the overall effect of limiting development intensity
2. maintenance of (1) defensible space and (2) healthy fire resilient woodlands and forests.
3. Refinement of the development review process to provide property owners and residents an improved set of procedures to protect life and property from the effects of wildfire, consistent with resource protection goals and policies.
4. Implementation of the CWPP.
5. Enforcement by the managing agency (e.g., California State Parks, U.S. Forest Service,

etc.) of the prohibition of camping and camp fires. The U.S. Forest Service is encouraged to reassess the disbursed camping policy.

### **3.7.4 Key Policy**

Land use and development shall be carefully designed ~~regulated~~ through the best practical available planning practices in order to minimize risk to life and property and damage to the natural environment.

#### **General Policies**

- ~~1. The Big Sur coast shall be considered as an area where projects may impact or be affected by environmental resources of hazardous or critical concern. Most projects may will therefore not be eligible for the categorical exemption allowed under the California Environmental Quality Act and will be assessed under case-by-case basis.~~

~~As part of the development review process, all proposed development shall be evaluated for conformance and be required to comply with adopted hazard policies applicable to the site in question. All development shall be sited and designed to minimize risk from geologic, flood, or fire hazards to a level generally acceptable to the community. Areas of a parcel which are subject to high hazard(s), shall generally be considered unsuitable for development. For any development proposed in high hazard areas, an environmental or geotechnical report shall be required prior to County review of the project. In locations determined to have significant hazards, development permits should include a special condition requiring the owner to record a deed restriction describing the nature of the hazard(s), geotechnical and/or fire suppression mitigations and long-term maintenance requirements.~~

#### **Specific Policies**

##### **A. Geologic Hazards**

1. All development shall be sited and designed to conform to site topography and to minimize grading and other site preparation activities. Applications for grading and building permits and applications for subdivisions shall be reviewed for potential impacts to on-site and off-site development arising from geologic and seismic hazards and erosion. Mitigation measures shall be required as necessary.
2. The lands within 1/8 mile of active or potentially active faults shall be treated as a fault zone characterized by high seismic hazards until geotechnical investigations accepted by the County indicate otherwise for either an entire fault zone or for any specific location within any zone.
3. All structures shall be sited a minimum of 50 feet from an identified active or potentially active fault. Greater setback may be required where it is warranted by local geologic conditions.

4. Critical facilities, such as major transportation links, communications and utility lines, and emergency shelter facilities, shall be located, designed, and operated in a manner which maximizes their ability to remain functional after a major earthquake.
5. In those instances where critical facilities are located in or where they cross high hazard areas, all reasonable measures shall be taken to insure continuity or quick restoration of service in the event of earthquake or any disaster damage. ~~All structures should be designed and constructed to: a) resist minor earthquakes epicenters on the closest potentially active fault without damage; b) resist moderate earthquakes without structural damage, but with some non-structural damage allowable; c) resist major earthquake of the intensity or severity of the strongest experienced in California without collapse, but with some structural as well as non-structural damage allowable.~~
6. Structures and roads in areas subject to landsliding are prohibited unless a certified engineering geology report indicates design mitigations exist to minimize risk to life and property. Mitigation measures shall not include massive grading or excavation or the construction of protective devices that would substantially alter natural landforms.
7. Any proposed development within 50 feet of the face of a cliff or bluff or within the area of a 20 degree angle from the toe of a cliff, whichever is greater, shall require the preparation of a geologic report prior to consideration of the proposed project. The geological report shall include a cliff retreat study estimating the impact of tidal and wave action over the next 75 years. The report shall demonstrate that (a) the area is stable for development; and (b) the development will not create a geologic hazard or diminish the stability of the area.
8. New roads shall be constructed in accordance with the criteria set forth in Section 5.4.3.K-2.
9. Coastal armoring shall be avoided except to protect existing structures existing at the time of this LUP and Highway 1-in danger. To ensure site safety, soils report (and geologic report, if required by the soils report) shall be required for all new land divisions and for major construction of new roads and habitable structures, excluding minor structures not occupied by people, in areas known for geologic hazards. Soils and geologic reports of nearby properties may be, if conditions warrant, considered acceptable to fulfill this policy. Such reports shall be prepared by a soils engineer or registered and certified engineering geologist, as appropriate, acting within their areas of expertise, based upon an on-site evaluation.
11. Soils and geologic reports shall be required as required by State law. for all new land divisions and for the construction of roads and structures, excluding minor structures not occupied by people, in areas of known or suspected geologic hazards. Both potential onsite and offsite impacts shall be evaluated in the report.

~~Hazard areas requiring submission of such reports include the 100-year floodplain; landslide areas and other locations showing evidence of recent ground movement; earthquake fault zones; sites falling within the area of demonstration as provided in the~~

~~Statewide Interpretive Guidelines for Blufftop Development (as amended February 4, 1981); and any other geologic high hazard area for which a geotechnical report is required by policy 3.7.2.3 above. Such reports shall be prepared by a soils engineer or registered and certified engineering geologist, as appropriate, acting within their areas of expertise, based upon an on site evaluation; the reports shall be consistent with "Guidelines for Geologic/Seismic Reports" (CDMG Notes #37).~~

~~The California Division of Mines and Geology will be requested to assist the County in reviewing the reports and resolving any disputes. The reports shall consider, at a minimum, the following, as applicable to the site:~~

- ~~(1) — Historic, current and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available, and possible changes in shore configuration and transport.~~
- ~~(2) — Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site and the proposed development.~~
- ~~(3) — Geologic conditions, including soil, sediment and rock types and characteristics in addition to structural features such as bedding, joints, and faults.~~
- ~~(4) — Evidence of past or potential landslide conditions, the implications of such conditions for *the proposed development, and the potential effects of the development on landslide activity.*~~
- ~~(5) — *Wave and tidal action, including effects of marine erosion on seacliffs.*~~
- ~~(6) — *Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage effluent and irrigation water to the groundwater system; alterations in surface drainage).*~~
- ~~(7) — *Potential effects of seismic forces resulting from a maximum credible earthquake.*~~
- ~~(8) — *Effects of the proposed development including siting and design of structures, septic system, landscaping, drainage, and grading, and impacts of construction activity on the stability of the site and adjacent area.*~~
- ~~(9) — *Any other factors that may affect slope stability.*~~

~~(10) — *Potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction (i.e., landscaping and drainage desB. Flood Hazards*~~

1. The County's primary means of minimizing risk from flood hazards shall be through land use planning and the avoidance of development in flood-prone areas. The development of flood control projects to protect new development in the natural floodplain is not considered desirable.
2. All new development, including filling, grading, and construction shall be prohibited within 100-year flood plains except as needed for the following: outdoor recreation, wildlife habitat, agriculture, and similar low intensity open space uses, ~~as well as bridges, road crossings using a culvert or ford, water resource developments –and water facilities and systems and components thereof,~~ and for scientific purposes (such as flow meters and other instruments) and restoration and enhancement-related projects requiring a streamside location, restoration activities pursuant to the ~~Protected Waterways Plans~~, and flood control projects where no other method for protecting existing structures in the floodplain is feasible and such protection is necessary for public safety or to protect existing development.

**C. *Fire Hazard***

~~The fire hazard policies contained in the Safety Element of the Monterey County General Plan shall be regularly reviewed and consistently applied. The critical fire hazard map should be updated continually as new and more specific information becomes available from the required written assessment~~

- ~~3. New developments shall be avoided in extreme wildfire hazard areas as determined by site-specific assessments. New development proposals or development inducing projects which would not \_\_\_\_\_ be \_\_\_\_\_ served \_\_\_\_\_ by adequate fire protection services, public or private roads, or water for fire suppression should be limited to a low intensity commensurate with such increased risk.~~
  - ~~4. Roads serving new residential development shall be adequate to allow access by emergency vehicles while permitting evacuation of the area by residents.~~
  - ~~5. Monterey County should support and assist the efforts of the various fire protection agencies and districts to identify and minimize fire safety hazards to the public.~~
  - ~~6. Each development proposal shall be accompanied by a written assessment of adequacy of access. The written assessment shall be prepared by the applicant and shall evaluate the project in relation to Monterey County Subdivision Ordinance requirements, types of existing and proposed roads, minimum road widths, and specific evacuation routes applicable to the parcel. The assessment shall be submitted to fire officials for their review and recommendations.~~
1. Areas where fuel modification is recommended by the Local Fire Authority Having Jurisdiction do not meet the definition of environmentally sensitive habitat area.
  2. \_\_\_\_\_
  - 4.3. Monterey County shall promote fuel modification efforts. “Fuel modification” shall mean the management ~~arranging~~ of trees, shrubs, and other fuel sources in a way that makes it difficult for fire to transfer from one fuel source to another but shall not mean the cutting down of all trees and shrubs resulting in ~~erecting~~ a bare ring of earth across any property.



2.4. Monterey County shall require for fuel modification the creation and maintenance of defensible space around structures and roads for access. The creation and maintenance of such defensible space shall be consistent with the *General Guidelines for Creating Defensible Space* (14 CCR 1299; Public Resources Code §4291); and the California Coastal Act.

3.5. For proposed new or substantially remodeled habitable structure, the project applicant or agent shall demonstrate to Local Fire Authority Having Jurisdiction and/or local volunteer fire departments that the project will be consistent with California Board of Forestry's *General Guidelines for Creating Defensible Space*, as part of the project approval. The General Guidelines for Creating Defensible Space is included in Appendix D.

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6. Monterey County shall encourage owners of existing structures and roads to act consistent with *California Board of Forestry's General Guidelines For Creating Defensible Space*.

4.7. A coastal development permit must be obtained for the removal or harvesting of trees and other major vegetation. However, in the Big Sur Coastal Planning Area the following will not be considered as removal or harvesting of major vegetation, and shall not require a coastal permit:

a. Removal of non-native or planted trees, except where this would result in the exposure of structures in the Critical Viewshed;

Non-native trees, regardless of size, include but are not limited to Monterey Pine, Monterey Cypress, and Eucalyptus, provided this policy shall not be construed as permission to remove a tree that is a habitat for threatened or endangered species listed under the state or federal endangered species act;

b. Removal of hazardous trees ~~which that~~ pose an ~~imminent~~ present danger to life or property, or threaten contagion of nearby forested areas, subject to verification by the County or CAL FIRE ~~California Department of Forestry~~, and subject to a permit waiver from the County Resource Management Agency.

c. Thinning of undergrowth or removal of and small (less than ~~12~~14" diameter ~~or less~~), ~~or dead or dying trees from density wooded or forested areas~~, especially as needed to reduce unsafe fuel accumulations adjacent to existing structure, infrastructure, or road and to preserve and promote existing and new fuelbreaks ~~occupied buildings; and, subject to a RMA approved Fuel Management Plan.~~

d. Prescribed burning, crushing, lopping or other methods of brush clearing which do

not materially disturb underlying soils; and:

- e. ~~e.~~ Selective removal of trees may be ~~permitted~~ allowed where consistent with the Forest Resources policies of this LUPPlan, provided that no impairment of the Critical Viewshed or degradation of environmentally sensitive habitat area will result. Where the removal of trees is part of a stand improvement project or similar long-term management effort, the submission of a Forest Management Plan for the site will be encouraged by the County; approval of such plans pursuant to a coastal ~~development~~ permit will obviate the need for multiple permit requests on the same site.
  - f. ~~—~~ Fuel reduction work that is consistent with the Board of Forestry's General Guidelines for creating defensible space, subject to a Fuel Management Plan.
  - f. ~~7.~~
  - g. For new construction, the County shall make the reduction of structural ignitability a high priority.
8. The County shall work with fire agency officials and property owners to maintain and enhance publically owned access routes as opportunities for escape and avoidance in the event of a wildfire. For private roads, the county shall allow and facilitate private property owners to maintain access routes.
- .
9. The County, in collaboration with the Local Fire Authority Having Jurisdiction, shall support ~~allow~~ fuelbreaks as staging areas for restorative prescribed fires, and for controlling unplanned ignitions.
10. The County shall implement the recommendations and priorities contained in the CWPP.
- 3.11. New development proposals ~~or development inducing projects which that~~ would not be served by adequate fire protection services, public or private roads, or water for fire suppression should be limited to a low-intensity commensurate with such increased risk.
12. ~~4.~~ Where feasible, rRoads serving new residential development shall be adequate to allow access by emergency vehicles while permitting evacuation of the area by residents. Fuel mitigation work along access roads shall be allowed.
- 13.5. ~~The Monterey~~ County should support and assist the efforts of the various fire protection agencies and districts to identify and minimize fire safety hazards to the public.
146. Each development proposal shall be accompanied by a written assessment of adequacy of access. ~~The written assessment shall be prepared by the applicant and shall evaluate the project in relation to Monterey County Subdivision Ordinance requirements, types of existing and proposed roads, minimum road widths, and specific evacuation routes~~

~~applicable to the parcel.~~ The assessment shall be submitted to fire officials for their review and recommendations.

~~15. — Reduce fire hazards by encouraging and facilitating reduction of hazardous and unhealthy accumulations of wildfire fuel as provided in Policy \_\_\_\_\_, subject to an RMA Fuel Management Plan.~~

17. Retrofit of existing structures to meet current fire code shall be encouraged by the County. At a minimum, the County shall provide educational materials regarding the benefits of, and requirements for, meeting the structural fire code to private property owners.

18. The County shall encourage California State Parks and the U.S. Forest Service to construct effective wildfire fuel management plan where their property abuts private land.

19. Where a permit or consistency determination must be obtained from the County for work on state or federal land, effective wildfire fuel management shall be required.

#### ***8.1.1 Recommended Actions***

- ~~1. — All existing utility lines that cross active or potentially active fault traces should be examined to determine their ability to survive fault movement in the amount likely to take place in the particular location. Utility companies should institute orderly programs of installing cut off devices on these lines, starting with the lines that appear to be most vulnerable and those which serve the most people. Adequate emergency water supplies should be established and maintained in areas dependent upon water lines which cross active fault zones.~~
- ~~2. — The County shall review and periodically revise the County-wide Disaster Contingency Plan. All appropriate County and public agencies shall be included in all phases of disaster contingency planning.~~
- ~~3. — The guidelines contained in the cooperative federal/state FIRE SAFE GUIDE FOR RESIDENTIAL DEVELOPMENT IN CALIFORNIA, especially those pertaining to water supply, fire hydrants, and other fire prevention and control features, should be considered by the County for adoption as the basis for building standards in areas of moderate to high wildland fire hazard potential.~~

### **3.8 MINERAL AND OIL AND GAS RESOURCES**

The Big Sur area has a number of sites of historic and potential mineral resources, ~~which may be proposed for extraction in the future.~~ Gold mining in the Los Burros District has occurred in the past and may be continued.

Significant conflicts arise in the watershed of the Little Sur River where substantial limestone deposits on Pico Blanco lie partly inside and partly outside the Los Padres National Forest. In 1981 the U.S. Forest Service approved a five-year Plan of Operations, 1981-1986, that allows the owner Granite Rock to commence exploratory operations and the mining company has opened a quarry on the South face of Pico Blanco within the National Forest boundary.

In 1982, in response to a petition by Granite Rock, ~~Co.~~, the California State Mining and Geology Board classified these limestone deposits as a significant mineral resource (MRZ-2 area). The Classification Report estimates they contain 640 million tons of limestone whiting, a non-strategic, industrial chemical mineral. The State Mining and Geology Board has not designated the Pico Blanco deposits as a mineral resource of regional or statewide significance.

Granite Rock also owns two easements across the El Sur Ranch connecting its limestone deposits to the Old Coast Road, one of which ~~referred to in this LUP Plan as the Dani Ridge access road~~ has been developed for a haul road, while the other, which cuts across slopes on the north side of the South Fork of the Little Sur River, has not been developed.

~~In 1973, the California State Legislature recognized the statewide significance of the Little Sur River watershed's "extraordinary scenic, fishery, wildlife, (and) outdoor recreational values" by including it in the California Protected Waterways System and requested the Monterey County to prepare a Protected Waterways Management Plan to protect these values and the watershed's "free flowing and wild status." (Assembly Concurrent Resolution No. 32 Relative to the Little Sur and Big Sur Rivers, 1973, and 1968 Cal. Stats. Chap. 1278 1.) Pursuant to this legislative request the Board adopted a Protected Waterways Management Plan for the Little Sur River in December 1983 and incorporated it by reference in this Plan. which should be updated to identify goals, objectives, policies and recommendations for each watershed.~~

~~Through adoption of the Protected Waterways Management Plan for the Little Sur River, the State has recognized the statewide significance of the fish and wildlife habitat of this watershed. These resources are also of national significance, and the County encourages the State to designate this area as a "coastal resource of national significance", as the term is used in Section 1455(i) of the federal Coastal Zone Management Act, and to adopt as part of the state coastal Zone Management Act, and to adopt as part of the state coastal management program" specific and enforceable standards to protect (these) resources", in accordance with Section 1455(i)." Because of the extraordinary value of the natural resources of the Little Sur River watershed, the conflicts arising from mining operations on Pico Blanco and the jurisdictional complexities arising from the location of Pico Blanco limestone deposits partly inside and partly outside a national forest in a~~

~~California Protected Waterway within the California Coastal Zone, the specific policies of Subsection 3.8.4 are needed to guide the application of State and Federal law and other policies of this LUP plan.~~

Limited mining of sand and gravel for local use has taken place in the past from the stream beds of the Big Sur and Little Sur Rivers. The California Department of Fish and Wildlife Game has reviewed and provided guidance to some of these operations. Also, of considerable concern, is the potential development of the offshore oil and gas deposits.

In addition to these mineral resources there are also limited oil and gas reserves located offshore on the Outer Continental Shelf. ~~Proposals are being made by the Federal Government to lease these reserves for exploration and development.~~ Experience with offshore oil development has repeatedly shown the inevitability of serious oil spills or other disasters that result in degradation and destruction of the marine environment including extensive loss of fish and wildlife and damage to local dependent industries. The Big Sur coast is the location of the California Sea Otter Refuge and possesses extensive and undisturbed marine and intertidal habitats for fish, marine mammals, and birds. Additionally, the coast is a scenic recreation area of great reknown. The County is deeply concerned that these wildlife and recreation resources of national significance will be critically jeopardized by exploration and development of off-shore oil and gas reserves and, accordingly, is in strong opposition to ~~any~~the development of these reserves.

The following policies are applicable in any review by the County of development activities, whether on Federal or non-Federal land. These policies are adopted pursuant to the California Coastal Act of 1976, and the County's general plan power and police power. All lands ~~within the "National Forest" land use designation~~ owned by public agencies ~~-(see Figure 1)~~ and which are subject to ~~coastal development permit~~ Coastal Commission jurisdiction are subject to the land use policies for the ~~Public-Quasi-Public Watershed and Scenic Conservation~~ land use designation.

### **3.8.1 Key Policies**

1. Development of mineral resources in the Big Sur coast area must be carefully planned and managed to ensure protection of the area's important scenic, recreational, and habitat values. The County shall evaluate any proposal for an increased level of extraction based upon a thorough balancing of the social, technological, environmental and recreational values long recognized to exist on the Big Sur coast and the economic values of any mineral deposit. In determining the value of a mineral deposit, the costs of reclamation and mitigation of adverse impacts will be considered.

~~1.2.~~The County opposes development of any offshore or onshore oil and gas reserves that could adversely affect the scenic or habitat values of the Big Sur coast.

### **3.8.2 General Policies**

1. All mineral resource development shall be in keeping with the broad resource protection objectives of this LUP plan. The specific policies, criteria and standards of other sections of this LUP plan shall govern both onshore and offshore mineral resource development.

Mining will not be allowed in environmentally sensitive habitat areas such as riparian corridors, ~~state and federally listed threatened rare~~ and endangered plant and animal habitat locations, or wetlands. Mining activities and related facilities such as roads, loading or conveyance facilities, shall not be permitted to be constructed in the Critical Viewshed and shall be sited and designed to protect views to and along the ocean and designated scenic coastal zone area.

2. The California Surface Mining and Reclamation Act of 1975 (SMARA) establishes procedures whereby mineral deposits can be classified as significant mineral deposits and designated as having statewide or regional significance. In the event of classification the State Mining and Geology Board publishes a Classification Report containing useful mineral information. The County will recognize in this Plan such information pertaining to mineral deposits on the Big Sur cCoast and will emphasize the conservation and development of classified deposits. However, pursuant to SMARA, the County retains responsibility and broad discretion as lead agency to regulate, approve or disapprove all proposed surface mining operations, including those affecting deposits that have been classified as a significant mineral resource or designated as having statewide or regional significance.
3. Alternative methods of mineral extraction which result in minimal environmental impact shall be given substantive consideration before surface mining is allowed. Surface mining will not be considered an acceptable practice where less environmentally damaging techniques are feasible or in streams supporting anadromous fish runs unless it can be demonstrated that no adverse impacts will result.
4. For purposes of this LUP, ~~Plan~~ the term "surface mining" is now used to mean "surface mining operations" as that term is defined by the California Surface Mining and Reclamation Act of 1975, Public Resources Code §~2735. The following operations are excluded from this definition: (1) the operations conducted by ~~the California Department of Transportation~~ to extract road building materials for local use and (2) prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 500 cubic yards in any one permit area or from any single mineral deposit or contiguous mineral deposits that have been classified as a significant mineral resource by the California Division of Mines pursuant to Public Resources Code §~2761(b).

"Mining", as that term is used in this LUP, ~~Plan~~, includes both surface mining and subsurface mining. "Mineral development" is the broad term that encompasses both mining and onshore and offshore exploitation of oil and gas resources.

5. Surface mining operations shall not be allowed in the following areas:
  - a. Surface mining operations shall not be allowed in areas susceptible to landslide, erosion and other hazards such as proximity to earthquake faults, as designated on the Big Sur LCP Hazards Map ~~or in the "Seismic and Slope Stability Hazards"~~

~~maps in the Protected Waterways Management Plans for the Little Sur River and Big Sur River.~~

- b. In order to maintain the long term productivity of soils and timberlands, mining within Forestry Special Treatment Areas or other potential commercial timber lands shall not be permitted except for subsurface workings which would not result in a conversion of timberlands to other uses.

### 3.8.3 *Specific Policies*

1. Large-scale mineral development is not an appropriate use in Big Sur. The total amount of proposed surface from any mineral extraction operation or aggregate of operations (including quarry sites, tailings, overburden disposal sites, drilling pads, processing sites, roads) within any watershed shall be the minimum necessary to support the operation. (For the purposes of this policy, a watershed must be considered in its entirety, from the point where it drains into the Pacific Ocean, inland to the limit of the Coastal Zone).
2. All permit applications proposing to conduct mineral exploration or extraction operations shall be required to prepare an EIR ~~Environmental Impact Report~~, a quarry management plan and reclamation plan, and must meet the requirements of the Surface Mining and Reclamation Act of 1975 ~~as implemented by the County Mining Ordinance herein incorporated by reference~~. The County will request advice and guidance from the State Department of Fish and Wildlife ~~Game~~, Regional Water Quality Control Board, and California Division of Mines and Geology, as appropriate in reviewing proposed quarry management and reclamation plans. The County may engage the services of geologic and biologic experts to review such plans as needed. This will be at the applicant's expense.
3. In addition to the requirements set forth in Monterey County Code Chapter 16.04, the required quarry management plan or reclamation plan, must address at a minimum, all the following elements as a condition of permit approval.
  - a. Cross section maps or plans of the land to be affected including the actual area to be mined, prepared by or under the direction of and certified by a registered professional engineer, or professional geologist with assistance from experts in related fields such as land surveying and landscape architecture, showing pertinent elevation and location of test borings or core samplings and depicting all of the following information:
    - (1) The nature and depth of the various strata of overburden.
    - (2) The location of subsurface water, if encountered, and its quality.
    - (3) The nature of the stratum immediately beneath the mineral deposit to be mined.
    - (4) Existing or previous surface mining limits.

- (5) The location and extent of known workings of any underground mines, including mine openings to the surface.
  - (6) The location of aquifers.
  - (7) The estimated elevation of the water table.
  - (8) The location of spoil, waste, or refuse areas, suitable plant growth material stockpiling areas and, if necessary, stockpiling areas for other suitable strata.
  - (9) The location of all impoundments for waste or erosion control.
  - (10) Any settling or water treatment facility.
  - (11) Constructed or natural drainways and the location of any discharges to any surface body of water on the area of land to be affected or adjacent thereto.
  - (12) Profiles at appropriate cross sections of the anticipated final surface configuration that will be achieved pursuant to the applicant's proposed reclamation plan.
- b. Procedures to retain soil or eroded material on the site, to prevent the discharge of any water or runoff which would increase the natural level of turbidity in receiving waters, and to control the circulation of particulate matter in the atmosphere. Water quality sampling of suspended sediment and turbidity shall be required for any mining operations prior to the beginning of the operation and during subsequent winters. Costs of monitoring are to be borne by the applicant.
  - c. Measures to stabilize slopes and mine tailings such as hydromulching, seeding and other appropriate measures; measures to prevent any increase in normal runoff, especially during peak periods, from the site such as requiring dispersal or storage so that scouring and erosion do not occur.
  - d. A soil survey of all the plant growth material within the permit area.
  - e. Measures to provide for the restoration of native plant species normally occurring in the mined areas.
  - f. Measures to stockpile soil and spoils and provide for recontouring quarry sites to a natural appearance.
  - g. Measures to regulate disposal of undesirable pollutants found in conjunction with mined materials (such as heavy metals, mercury, in gold mines).
  - h. A phasing plan or other measures adequate to minimize the area of disruption during active mining in order to alleviate such impacts as soil erosion, dust



propagation, and viewshed intrusion in areas not covered by General Policy #1. This phasing plan shall include a detailed estimated timetable for the accomplishment of each major step in the reclamation plan.

- i. A transportation element which discusses alternative methods of transporting quarried material. Haul routes and destinations must be specified.
  - j. Measures to maintain existing or historic recreational access over the property.
  - k. Measures to prevent impacts which would significantly degrade adjacent environmentally sensitive habitat areas ~~and~~ parks and recreation areas.
  - l. A determination by the permit applicant of the probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that an assessment can be made by the County Board of Supervisors of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability and quality.
  - m. The use which is proposed to be made of the land following reclamation, including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses and the relationship of such use to existing land use policies and plans, the surface owner's preferred use, and the comments of Sstate and local governments or agencies thereof, which would have to initiate, implement, approve, or authorize the proposed use of the land following reclamation.
  - n. A detailed description of how the proposed postmining land use is to be achieved and the necessary support activities which may be needed to achieve the proposed land use.
4. Annual report of activities by permittee. The operator shall annually file on the anniversary date of the permit a notice of intent to continue mining operations and a map or statement that shall indicate:
    - a. The land affected during the preceding year;
    - b. The land to be affected during the coming year; and
    - c. Any land reclaimed during the preceding year.
  5. Environmental protection performance standards. General performance standards shall be applicable to all surface mining and reclamation operations. In addition to the requirements set forth in Monterey County Code Chapter 16.04, each permittee shall be required at a minimum to comply with the following standards as a condition for permit approval:

- a. Mining trucks shall not be permitted on Highway One during peak recreational use periods (7 a.m. until 10 p.m.).
- b. Fill activities or improvements related to mining operations shall not be permitted in active flood plains or stream channels.
- c. Existing or historical recreational access to the shoreline, the Ventana Wilderness area or state parks shall not be prevented by mining operations.
- d. Unless the County finds that no significant adverse effects on the following specified habitat and recreational features will result, no mining which involves surface blasting, operation of loud equipment, or similar disruptions of natural peacefulness and solitude shall be allowed within close proximity of the following:
  - (1) Any ~~State~~ Highway One pullout;
  - (2) The Ventana Wilderness;
  - (3) Public recreation sites such as State parks, trails, campsites, and designated scenic viewpoints;
  - (4) Known Bald Eagle, Golden Eagle and Peregrine Falcon nesting sites.
  - (5) Any California Condor roosting site.
- e. Water quality sampling of suspended sediment and turbidity shall be required for any mining operations prior to the beginning of the operation and during subsequent winters. Costs of monitoring are to be borne by the applicant.
- f. Construction or improvements of private roads required by mining operations shall meet standards described in Section 3.5, 5.4.3.K, and other sections of this plan.
- g. All surface areas, including spoil piles affected by the surface mining and reclamation operation, shall be stabilized and protected to prevent or effectively control erosion and attendant air and water pollution. The operator shall ensure that the construction, maintenance, and postmining conditions of haul roads and access roads into and across the site of operations will effectively control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat.
- h. The mining operator shall ensure that explosives are used only in accordance with existing state law and shall:
  - (1) Provide adequate advance written notice to local governments, adjacent landowners and residents who might be affected by the use of such explosives by the publication of the planned blasting schedule in a newspaper of general circulation in the area by mailing a copy of the proposed blasting schedule to every resident living within one-half mile of

the proposed blasting site, and by providing daily notice to residents in such areas prior to any blasting.

- (2) Maintain for a period of at least three years and make available for public inspection upon request a log detailing the location of the blasts, the pattern and depth of the drill holes, the amount of explosives used per hole, and the order and length of delay in the blasts.
- (3) Limit the type of explosives and detonating equipment, the size, the timing, and the frequency of blasts based upon the physical conditions of the site so as to prevent:
  - a. Injury to persons.
  - b. Damage to and the impairment of the use and enjoyment of public and private property outside the permit area including, but not limited to, California State Parks, the Ventana Wilderness ~~a~~Area and public access thereto.
  - c. Change in the course, channel, or availability of ground or surface water outside the permit area.
- i. To minimize visual scarring, disturbed surface areas shall be restored through use of indigenous vegetation so that no boundary is discernible between mined and unmined areas.
- j. Disturbed land shall be restored to a condition capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses approved by the County Board of Supervisors which may include agricultural, residential, recreational facilities or fish and wildlife habitat.
- k. Lands affected by surface mining operations which have been designated for postmining agricultural purposes or wildlife habitat shall be restored to the level of productivity equal to or greater, under equivalent management practices, than nonmined agricultural lands or wildlife habitat of similar soil types in the surrounding area. For those lands which are to be rehabilitated to indigenous grasslands, a diverse, effective and permanent vegetative cover shall be established of the same seasonal variety indigenous to the area to be affected and capable of self-regeneration, plant succession, and at least equal in extent of cover and productivity to the indigenous vegetation of the area. The level of productivity and cover attained on disturbed lands within the permit area shall be demonstrated by the permittee using comparisons with similar lands in the surrounding area having equivalent historical management practices and that are undisturbed by mining, or comparable disruptive activities.
- l. Reclamation activities, particularly those relating to control of erosion and prevention of visual scarring, to the extent feasible, shall be conducted

simultaneously with mining and in any case shall be initiated promptly after completion or abandonment of mining on those portions of the mine complex that will not be subject to further disturbance by the mining operation. In the absence of an order by the County Board of Supervisors providing a longer period, the plan shall provide that reclamation activities shall be completed not more than 2 years after completion or abandonment of mining on that portion of mine complex.

6. A cash deposit, bond or equivalent surety, payable to the County in an amount to be set by the County Board of Supervisors, is required to ensure compliance with the Surface Mining and Reclamation Act and regulations and policies of this plan. Should the mine operator fail to correct any violation or water quality problem due to the mining operation within 15 days following receipt of notification to do so, the County may correct the problem and charge all reasonable costs against the mine operator's surety.
7. Mining shall not be permitted in live stream channels or in locations where water quality or wildlife could be adversely affected or in sand dunes. In other areas limited extraction of sand and gravel for local construction purposes may be permitted under careful controls designed to:
  - a. Regulate instream and near-stream extraction so that maximum mitigation of adverse environmental effects occurs.
  - b. Limit future instream extraction to "safe yield" or annual replenishment levels.
  - c. Preserve soil resources and agricultural lands adjacent to the instream channels.
  - d. Maintain and enhance streambank stability while encouraging deposition, rather than erosion of fluvial materials.
  - e. Preserve and enhance the growth of riparian vegetation.
  - f. Maintain groundwater supplies and quality.
  - g. Maintain surface water quality.

The California Department of Fish and ~~Wildlife-Game~~ shall be requested to review all applications for sand and gravel extraction and to provide recommendations to the County concerning protection of wildlife habitat before the County approves the permit application.

8. Because of extraordinary risk to the Big Sur coast's special wildlife and recreational values and based on extensive evaluation of the Big Sur coast, no sites have been identified which would be either practical or appropriate for the exploration, extraction, or handling of petroleum or related products either on-shore or off-shore. Therefore, such uses are not provided for in this plan, either on-shore or off-shore in the area under the jurisdiction of the State of California and Monterey County. This prohibition is especially designated to protect the California Sea Otter State Fish and Game Refuge, the most sensitive watersheds

listed in Section 3.2.3 Rivers and Streams ~~Policy No. 3~~, or any watershed which empties into the Ventana Wilderness, a designated Area of Special Biological Significance, a State Protected Waterway, State Fish and Game Refuge, or onto a public beach or other public shoreline recreation area.

9. In the event an oil spill occurs on the Big Sur coast the responsible entities shall secure a permit from the County Board of Supervisors to determine appropriate measures to restore the damaged area to its condition prior to the spill. Any such permit shall be applied for within 3 calendar days of the spill's impact on the ~~Monterey County~~ Big Sur cCoast. Any actions taken immediately following the spill to limit or clean up the spill shall be evaluated as to their appropriateness and may be modified as conditions of the subsequent permit.
10. The County asserts its jurisdiction over mining operations on Federal lands within or adjacent to the ~~Big Sur~~ Coastal Zone to the full extent allowed by law. This includes the County's permit jurisdiction pursuant to its Surface Mining and Reclamation Ordinance and the California Surface Mining and Reclamation Act of 1975 and its ~~eastal development permit~~ coastal permit jurisdiction pursuant to the California Coastal Act of ~~1976~~ and the Federal Coastal Zone Management Act of 1972.

The County shall establish mechanisms for consultation and comment upon mining operations on federal lands. These mechanisms may include formal and informal review, cooperative planning with Ffederal agencies, development of memoranda of understanding, joint preparation of environmental impact statements or assessments, coordination through Sstate agencies such as the Office of Planning and Research, and the like. These measures will be in addition to any coastal ~~development~~ permit requirements which may apply in any individual case.

11. To assure protection of habitat and recreational values on adjacent lands, the County shall consult with the affected public land management agency prior to approval of any mining activity on any parcel adjacent to National Forest, California State Park, or University of California Land and Water Reserve lands and their respective; access roads or trails.

#### ***3.8.4 The Little Sur River Watershed and Pico Blanco Limestone Deposits***

1. The upper watershed of the Little Sur River is classified as a natural waterway in accordance with the analysis stated in the Protected Waterways Management Plan for the Little Sur River (~~PWMP~~), pp. 64-65.
2. No new road may be developed nor may the capacity of any existing road ~~be~~ expanded in the upper watershed of the Little Sur River unless its dominant purpose is to serve priority uses for the Little Sur River watershed as determined by this LUPPlan (Policy 5.4.2.3 ~~and PWMP Objectives 1 and 10, pp. 66-67~~) and unless it conforms to all resource protection policies of this LUPPlan. This restriction is based in part on: (1) the prohibition on large scale surface mining any place on the Big Sur cCoast (Policy 3.8.3.1); (2) the policy "to retain significant and, where possible, continuous areas of undisturbed land in open space use" in order to protect environmentally sensitive habitat areass and wildlife

values (Policy 3.3.2.6); (3) the determination by the U.S. Forest Service that the existing Dani Ridge Road provides sufficient access across the U.S. Forest Service lands for Granite Rock's present mining operations (U.S. Forest Service, Environmental Assessment Report on approval of Granite Rock's Operating Plan, 1981, p. 1), (4) the determination that the upper watershed of the Little Sur River is a natural waterway (Policy 3.8.4.1) and (5) the conclusion in the ~~PWMP~~ that it is extremely unlikely that a new road could be built in the upper watershed without causing severe damage to aesthetic, ecological and recreational resources. (~~PWMP, pp. 32, 46 and 51~~).

3. Because the North and South Forks of the Little Sur River are steelhead spawning habitat and because they support old growth redwoods and other riparian vegetation that would be harmed by siltation (~~PWMP, pp. 38, 27, 30 and 45~~), no new roads or expansion of existing roads shall be allowed that would cause siltation to enter either riparian corridor or the waters of either stream fork.
4. Because of the extraordinary scenic views of Pico Blanco from the Old Coast Road (~~PWMP, pp. 51, 53, 83 and Objective 10, p. 67~~) views of Pico Blanco from the Old Coast Road are included in the "Critical Viewshed" as that term is used in Policies 3.2.1 and 3.2.2 of this LUPPlan. For the purpose of this- LUPPlan, Pico Blanco is defined as that land form bounded on the South by the South Fork of the Little Sur River, on the North by the North Fork of the Little Sur River and on the East by the Ventana Wilderness aArea. All other views from the Old Coast Road shall be excluded from the Critical Viewshed except those views visible from Highway One.
5. With respect to any proposed development within the upper watershed of the Little Sur River, the applicant must demonstrate as a condition for permit approval that the proposed development, including the use of explosives, is consistent with Objectives 1 and 10 of the ~~PWMP (pp. 66-67)~~ and that it will not affect adversely the following resources and their resource value as identified in the ~~PWMP~~:
  - critical habitat for raptors (golden eagles and prairie falcons) including both nesting and foraging habitat (~~PWMP, pp. 36, 38 and Figure 9, p. 37.~~)
  - mountain lion habitat (~~PWMP, p. 37~~)
  - riparian vegetation (PWMP, p. 37)
  - water quality and Steelhead trout habitat (~~PWMP, pp. 1, 30-33~~)
  - peregrine falcon

These specific environmental standards apply to the upper watershed of the Little Sur River in addition to the standards set out in Policy 3.8.3.5 that apply throughout the Big Sur Coastal Planning Area District.

6. Existing mining operations on Pico Blanco on federal mining claims within the Los Padres National Forest are deemed to constitute a first phase of operations that must be reclaimed

in accordance with the standards set out in Policy 3.8.3.5 before any expansion of mining operations related to the Pico Blanco limestone deposits may be approved.

- 7-6. For purpose of this policy, "Pico Blanco limestone deposits" refers to those deposits that were classified as MRZ-2 or MRZ-3 areas by the California State Mining and Geology Board in 1982. "Additional surface disturbances" as used in this policy includes disturbances affecting the Pico Blanco limestone deposits resulting from both expanded operations that are contiguous to areas that have already been disturbed (e.g., the existing quarry site, access and exploratory roads or disposal site) and those that are not contiguous to such presently disturbed areas.

### ***3.9 DREDGING, FILLING, AND SHORELINE STRUCTURES***

The natural shorelines processes on the Big Sur coast have been rarely affected by man's interference. The dredging, filling, and diking of coastal waters and wetlands have not occurred in the Big Sur Coastal Planning Area to any appreciable extent. Activities within this general category will be limited in the future to occasional instances where a temporary dike would be required in conjunction with construction or maintenance activities on Highway One or its numerous bridges. Cliff retaining walls also may be needed in limited places where cliff retreat may endanger the roadway. Ports and transport facilities are not to be located on the Big Sur coast and are considered in-appropriate to the area. However, this prohibition shall not pertain to fishing.

#### ***3.9.1 Key Policy***

1. Shoreline armoring for new construction shall be prohibited; therefore, blufftop setbacks shall be adequate to avoid the need for seawalls during the development's economic lifespan (i.e., 75 years).
2. Boating facilities requiring onshore structures are not appropriate on the Big Sur coast. If a harbor of refuge is required, it should be designed so as not to require onshore structures.
3. Where dredging or temporary dikes are required for essential work or maintenance of Highway One, they should avoid disruption of marine and wildlife habitats and should restore the site to its original condition as early as practical. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches.

~~Shoreline, wetland, or blufftop projects, regardless of size, should have thorough environmental review with an assumed preference of the "no project alternative".~~

4. Permits issued by the State Lands Commission for projects on State tidelands shall conform to the policies of the LUP, Big Sur Coast Local Coastal Program.

### **3.10 HISTORICAL RESOURCES**

Monterey County's historical heritage is rich and diverse. Prime examples of historic sites survive from each of the major periods of California's history. ~~Historical settlement of the Big Sur coast included Native American and Spanish, followed by the Mexican Government in the late 18th century through the bestowal of two land grants -- the 8,949 acres Rancho El Sur, between the Little Sur River and what is now called Cooper Point, and Rancho San Jose y Sur Chiquito, an 8,876-acre grant, bounded on the north by the Carmel River and on the south by the Palo Colorado Canyon.~~

~~The 1862 Homestead Act made~~ ~~With United State's occupation,~~ unappropriated public lands in California ~~became~~ available to settlers in parcels of 160 acres. Big Sur was initially settled by a number of homesteaders whose names are now borne by well-known topographic and natural features in Big Sur (e.g., the Pfeiffer's, Charlie Bixby, Jim Anderson).

The development of the tan bark industry in the mid-1870's led to the construction of several landings along the Big Sur coast. These landings were used not only for loading the bark, used in the manufacture of tannic acid, but also for shipping prime redwood lumber. Among them was Godfrey Notley's Landing, near the mouth of the Palo Colorado Canyon, around which a thriving village sprang up. Jim Anderson also had a landing, and there was another at the mouth of the Big Sur River. Perhaps the most spectacular was Partington Landing. The Rockland Cement Company chose Limekiln Canyon as its headquarters in the 1880's in order to exploit a rich deposit of calcareous rock discovered in the vicinity of the canyon. Schooners began to regularly frequent Rockland Landing to load limestone bricks and deliver supplies. With the demise of the liming operation, the days of industrial enterprise along the Big Sur coast came to an abrupt halt.

The discovery of gold near the head of Alder Creek led to the Big Sur Gold Rush of the 1880's. The Los Burros Mining District sprang into being with three stamp mills, and a boomtown named Manchester mushroomed on Alder Creek. In its heyday, Manchester boasted four stores, a restaurant, five saloons, a dance hall, and a hotel. By 1895, the boom had begun to fade.

As the 19th century drew to a close, more settlers came to live on the south coast. The two sons of one of the original homesteaders, Bill Post, each homesteaded 160 acres, while various relatives acquired tracts totaling another 640 acres. Their land stretched as far south as the site of the present-day Nepenthe Restaurant. The ranch house still stands on Highway ~~One~~ at the top of what is now called "Post Grade." Big Sur's original post office and its second schoolhouse were built on the Post Ranch.

The 20th century saw the emergence of recreation-oriented commercial development along the Big Sur coast. For decades, the Big Sur country had been attracting hunters and fishermen. The start of the resort business began with the Pfeiffer Ranch resort which catered to these sportsmen. The Hotel Idlewild, located on the banks of the Little Sur River, soon rivaled the Pfeiffer Ranch for its business.



The one deterrent to the development of the south coast as a mecca for tourists as well as sportsmen, was the hazardous road that had to be closed part of the year. The concept of a year-round scenic highway originated with Dr. John Roberts, the founder of the City of Seaside.

Many of the original settlers were enraged by the devastation resulting from the highway construction. Machinery blasted through the great cliffs, scarring granite promontories and defiling canyons and waterfalls with debris. On June 27, 1937, the highway was completed at a cost of approximately \$8,000,000. A way of life had ended, and a new era began for the beautiful country.

The process of ensuring the long-term protection of Big Sur's unique coastline was initiated by John Pfeiffer in 1934 when he sold 706 acres to the State for the nucleus of the 822-acre Pfeiffer Big Sur State Park. The Lathrop Browns, who purchased Saddle Rock Ranch, later donated the 1,700 acres which now constitutes Julia Pfeiffer Burns State Park. The 21-acre John Little State Park originally part of the State property sold to Milton Little, was donated by Elizabeth Livermore. Francis Molera, granddaughter of Juan Baustista Roger Cooper, placed 2,000 acres in trust for Andrew Molera State Park. The generosity of these pioneering families has been a lasting contribution to the preservation of Big Sur and the people of Monterey County and the State. It should be noted that over time, the publicly-owned lands have become among the most intensely used and developed lands in Big Sur.

### ***3.10.1 Key Policy***

It is the policy of the County to protect, maintain, and where feasible, enhance and restore the cultural heritage of the County and its man-made resources and traditions.

### ***3.10.2 General Policies***

1. New development shall, where appropriate, protect significant historical buildings, landmarks, and districts because of their unique characteristics and contribution to the cultural heritage of the County.
2. The County shall provide for the mitigation of site and artifact disturbance in County-approved projects through the careful surveying of project sites and the consideration of project alternatives to preserve significant cultural resources.
3. The County shall maintain an identification survey and inventory program of historical sites and shall maintain a registry program to protect and preserve historical land-mark sites and districts.
4. Designated historical sites shall be protected through zoning and other suitable regulatory means to ensure that new development shall be compatible with existing historical resources to maintain the special values and unique character of the historic properties.

### **3.11 ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES**

The Big Sur ~~Coastal Planning Area of Monterey County~~ is considered to be one of the most significant archaeological regions in California. At the time of Spanish contact, this area was occupied by three distinct aboriginal tribal groups -- the Esaselens, Costanoans, and Salinans. Investigations of the immediate coastline of Monterey County have revealed a very high density of shell middens. Areas adjacent to the immediate coast are not as well-known although they are thought to contain a high density of cultural sites. A number of these inland sites likely have significant archaeological value such as those identified in the vicinity of the Post Ranch (near Big Sur River), Big Sur Valley, and Pacific Valley.

Several Esaelen, Coastanoan, and Salinan sites in the Big Sur Coastal Planning Area have ~~religious~~ value to local Native Americans. These include Junipero Serra Peak and Slates Hot Springs at Esalen Institute. Numerous pictograph sites discovered on the Big Sur coast may also have ~~religious~~ significance. Sacred sites of tribal cultural value may not necessarily have archaeological significance. Although tribal cultural resources may contribute to the archaeological body of knowledge, tribal cultural resources may be characterized as having ceremonial or traditional value.

Currently known sites are mapped and on file with the California Archaeological Site Survey District at Cabrillo College in Aptos, California. To protect the sites, these maps are confidential. However, the Monterey County Planning Department maintains contact with the Cabrillo College Survey on all development projects affecting archaeologically sensitive areas.

At the present time, ~~urbanization and unrestricted public access are~~ is the principal sources of destruction or damage to archaeological sites. In 1973, the California State Archaeological Task Force estimated that 50 percent of all recorded sites and 79 percent of all known sites in Monterey County had been destroyed. ~~Direct threats to remaining sites from urbanization include: grading; construction of residential, commercial, and industrial structures; construction of paved surfaces; water projects; cattle grazing; plowing; and off-road vehicle use.~~ Threats posed by public access are related to vandalism, the development of recreational sites (e.g., campgrounds, trailer parks) near archaeological sites, and the development of public roads and trails which inadvertently provide access to areas of archaeological significance. Sacred sites of tribal cultural value are most at risk for destruction resulting from, as of yet, minimal understanding of tribal cultural values.

#### ***3.11.1 Key Policy***

Big Sur's archaeological and tribal cultural resources, including those areas considered to be archaeologically and culturally sensitive but not yet surveyed and mapped, shall be maintained and protected for their scientific and cultural heritage values. ~~The term "archeological resources" includes historical and paleontological resources.~~ New land uses and development, both public and private, should be considered compatible with this objective only where they incorporate all

site planning and design features necessary to avoid or mitigate impacts to archaeological and tribal cultural resources.

### 3.11.2 General Policies

1. All available measures, including purchase of archaeological easements, dedication to the County, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant ~~historic, paleontological,~~ archaeological, and other classes of cultural sites.
2. When developments are proposed for parcels where ~~paleontological resources or~~ archaeological, tribal cultural, or other cultural sites are located, project design shall be required which avoids or substantially minimizes impacts to such ~~cultural~~ sites. To this end, emphasis should be placed on preserving the entire site rather than on excavation of the resource, particularly where the site has potential ~~religious-cultural~~ significance.
- ~~3. Because of the Coastal Zone's known abundance of paleontological resources and archaeological, tribal culture, and other cultural sites and the requirements of State law, no sites or development shall be categorically exempt from environmental review in the Big Sur Local Coastal Plan.~~
- ~~4.3. Whenever development that will involve ground disturbance is to occur in areas having a probability of containing archaeological and/or tribal cultural sites, the County shall require the preparation of Site Survey Office or a professional archaeologist shall be contacted to determine whether the property has received an archaeological survey. If not, such a survey shall be conducted to determine if an archaeological site exists.~~
- ~~5.4. In addition to requiring an archaeological report in specified circumstances, the County shall conduct a consultation with appropriate California Native American tribe or tribes for all projects that are subject to, and not statutorily exempt from, the CEQA.~~
- ~~6.5. When sufficient planning flexibility does not permit avoiding construction on paleontological, archaeological or other types of cultural or tribal cultural sites that will significantly damage the resources, adequate preservation measures, including purchase of archaeological easements, tax relief, purchase of development rights, etc., shall be considered required. Mitigation shall be designed to in accordance with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.~~
- ~~7.6. Off-road recreational vehicle use, unauthorized collecting of artifacts, and other activities other than development which could destroy or damage paleontological, archaeological or cultural sites shall be prohibited.~~

## ***4. HIGHWAY ONE AND COUNTY ROADS***

### ***4.1 INTRODUCTION***

Designated in 1965 as the first State Scenic Highway in California, Highway One along the Big Sur coast is the basic access route to the area. It traverses the length of Big Sur connecting two other major recreational areas, the Monterey Peninsula and the Hearst Castle at San Simeon in San Luis Obispo County. The Nacimiento-Fergusson Road, a lightly-used County road crossing the Hunter-Liggett Military Reservation and the coastal range, provides the only other access route to the seventy-mile long Big Sur coast from inland areas.

The major population centers of California, the San Francisco Bay Area, the Los Angeles Area, and the large cities of the Central Valley, are less than a day's drive from Big Sur. The Monterey Peninsula, Salinas, Santa Cruz, and San Luis Obispo are one to two hours away. The accessibility of Big Sur to these centers has a major impact on the demand to visit Big Sur and the resulting traffic congestion on Highway One. Visitors from other states and foreign countries who are attracted to Big Sur's scenic beauty also contribute significant amounts of traffic along Highway One. At present, an estimated ~~2.9~~ at least 4 million people visit the Big Sur coast annually ~~and demand is predicted to double over the next 20 to 25 years.~~

The traffic on Highway One is predominantly recreation oriented. Recreational traffic is estimated to comprise 95% of all trips during the peak summer months. The remaining 5% consists of residential traffic and a small volume of commercial and agricultural traffic. Driving for pleasure constitutes the major proportion of recreational traffic along the Big Sur coast that originates from outside the area. It accounts for about 70% of the recreational traffic volume during the peak summer months. Internal local trips within Big Sur consist of about 65% recreational trips and 35% residential trips during a summer month. During this same peak period, passenger cars are estimated to account for about 91% of the traffic on the highway north of Big Sur Valley; trucks account for 2%; buses, campers, motor homes, and vehicles with trailers make up about 5% of the traffic; and motorcycles account for 2% of total traffic.

~~It is expected that Highway One is not be able to cannot accommodate anticipated demands by traffic during peak use periods due to continued increase in if recreational use continues to increase along current patterns.~~ At present, Highway One north of the Big Sur Valley is able to handle average annual daily traffic volumes of 4,500 vehicles at Caltrans Level of Service ~~DB~~. Level of Service ~~E-C~~ is attained during summer peak use periods when traffic reaches 8,300 vehicles per day. South of the Big Sur Valley, conditions are similar. Average annual daily traffic reaches 2,600 vehicles per day corresponding to Service Level ~~DA~~. Peak use volumes reach 4,700 vehicles per day producing Service Level ~~E-B~~ conditions. Activities or development that could generate significant volumes of truck traffic such as potential logging, mining, or other commercial operations could have detrimental effects on traffic conditions and could reduce the vehicle capacity of the highway. Daily and peak hour traffic can be much higher during the tourist season and major holidays at several sites along the highway.

Public transit to and through Big Sur is available only on a very limited basis by buses operating along Highway One. Public bus service from downtown Monterey to Nepenthe south of the Big Sur Valley is

provided by Monterey Peninsula-Salinas Transit during the summer. ~~Bus service between Monterey and San Luis Obispo with two round trips daily was recently put in operation by Coastlines, a privately owned transit company.~~ Private tour buses operate along Highway ~~One~~ on a charter basis, transporting groups of visitors to various places in Big Sur and to Hearst Castle in San Luis Obispo County. Scheduling of bus service in the past has not fully met resident needs nor offered visitors adequate flexibility in travel times. Bus service needs to be expanded in order to become a viable transportation alternative. Increases in ridership and increased subsidies are necessary to expand service and meet the differing transit needs of both residents and visitors.

Bicycling along Highway ~~One~~, with its narrow lanes, blind curves, and heavy traffic, ~~can be~~ hazardous for ~~inexperienced or careless~~ cyclists. ~~These conditions and the long steep grades, and strong winds discourage bicycling along the coast.~~ Increased bicycle traffic along Highway One, particularly in the northbound direction, is causing a safety hazard. In order to improve safety, CalTrans is urged to create a paved and lined bicycle lane. However, experienced bicyclists on cross-country trips or day tours do use the highway in low-increasing numbers. Improvements to the Bicentennial Bicycle Path would accommodate bicyclists will increase, without diminishing Highway One carrying capacity for motorists, and would provide increased safety for bicyclists and motorists on Highway One.

The very characteristics that make Highway ~~One~~ such an interesting driving experience also create traffic safety problems, particularly during congested periods. Slow-moving vehicles, drivers distracted while looking at the views, numerous access points to the highway from private roads or recreational areas, roadside parking, and unpaved turnouts cause traffic to slow down, effectively reducing the traffic capacity of the highway and limiting access to Big Sur. Improvements consistent with the character of the two-lane scenic highway are desirable to increase its safety and traffic capacity.

Local roads in Big Sur are private except for a few County roads and access roads to public trailheads and recreation areas. Palo Colorado Road carries both residential and recreational traffic and has the highest use of any road intersecting Highway ~~One~~. It has inadequate capacity to meet significantly increased recreational and residential traffic demands. Considerable volumes of traffic turning onto or off of Highway ~~One~~ in the Big Sur Valley occur at entrances to campgrounds, shop parking areas, and Pfeiffer-Big Sur State Park. Sycamore Canyon Road, a private one-lane road over which the U. S. Forest Service holds easements for public access to Pfeiffer Beach, is carrying traffic during peak use periods that exceeds its safe capacity. This is leading to conflicts between recreational and residential traffic.

~~The Old Coast Road and Nacimiento-Fergusson Road experience low volumes of traffic which are accommodated without congestion problems and no future capacity problems are envisioned.~~

A primary transportation objective of the Coastal Act is to maintain Highway ~~One~~ in rural areas as a scenic two-lane road and to reserve most remaining capacity for the priority uses of the Act. The limited capacity of Highway ~~One~~ to accommodate local and recreation traffic at a level that reserves reasonable service and emergency use and also allows motorists to enjoy the beauty of Big Sur's scenic coast is a major concern. Because traffic volumes along sections of Highway ~~One~~ are at capacity during peak recreational use periods and because future demand for recreational access is expected to exceed the capacity of the highway, the capacity of the highway is a major constraint on the long range development of the coast. How the road capacity can be increased without damage to the intrinsic values of Big Sur and how capacity is allocated between visitor and local use was a major challenge at the time the 1986 LUP was under

development. This problem has been addressed with respect to residential traffic by the substantial downzoning implemented with the 1986 LUP, which severely limits the number of new parcels that can be created by subdivision in the Big Sur Coastal Planning Area. That downzoning is effectively carried forward in this LUP. What has not been addressed and continues to be a significant problem is the increased number of visitors adversely impacting Highway One, its capacity and visitors' experience.

A closely related issue is what can be done to effectively manage use levels of the highway between Carmel and Cambria, particularly as needed to protect the priority uses of the Coastal Act. This appears necessary to insure that acceptable service levels are preserved so that the highway can meet its essential functions as the sole transportation and emergency route up and down the coast, and as a safe, pleasurable scenic and recreational travel facility.

Studies supporting ~~this the 1986 LUP plan~~ have reached several important conclusions concerning future planning and management of Highway One. One conclusion is that because the vast majority of traffic on the highway during congested peak use periods is recreational driving originating outside of Big Sur, efforts to reduce highway congestion by limiting land use development within Big Sur itself can have only marginal effects. ~~Unless there is substantial change in current recreational use patterns and volumes~~ If necessary, significant decreases in peak period traffic congestion will only be achieved through a public information system or physical regulation of the highway including limitations to visitor access at its north and south ends.

A second important conclusion is that management of Highway One should attempt to optimize rather than maximize visitor use levels on the highway in relation to other user needs and planning objectives for the coast. As an objective, the maintenance of an acceptable minimum level of service and corresponding maximum traffic volume standard for Highway One traffic must satisfy several criteria. A reasonable level of traffic volume must be accommodated that reflects current recreational and residential use patterns, future demand for access to Big Sur, property rights of landowners, and resource protection goals aimed at preserving the natural character and beauty of Big Sur.

The encouragement of land uses that help redistribute traffic volumes to non-peak periods is a desirable approach to reducing traffic congestion on the highway. A focus on creating a live-work environment by providing affordable housing within the Big Sur Coastal Planning Area could help reduce the need for those who are employed in Big Sur but live outside the area to drive Highway One during commute periods. Development and management policies that encourage a more even distribution of traffic flow would result in an overall increase in access to Big Sur and place fewer constraints on the amount of recreational and residential development that could be approved.

Finally, studies for the 1986 LUP ~~has showed~~ that the aesthetic qualities of Highway One ~~are~~ were eroding. This ~~is~~ was the result of both private and public development in the scenic viewshed, and visitor overuse within the highway right-of-way itself. Gradually, many informal, unsurfaced ~~and unsightly~~ pullouts had ~~de~~ ve developed along the highway, inviting illegal trespass and vandalism of private properties. The level of careless public use is resulting in a serious problem. Non-native and invasive plants are spreading along the highway to the detriment of the scenic beauty. Some of these problems were largely addressed by the 1986 LUP, and those solutions are effectively being carried forward in this LUP. The Critical Viewshed policy limited new development along Highway One to existing developed areas, and this LUP carries forward the same policy. The CHMP has also helped with the way ~~the~~ Caltrans manages its maintenance activities, helping avoid visual degradation that had ~~been detractors~~ occurred in the

past. Nevertheless, some problems remain, which this LUP attempts to address. In keeping with the stature of Highway One as the preeminent scenic drive on the California coast, considerably greater attention and funds need to be allocated to its maintenance in order to preserve, ~~restore,~~ and enhance its aesthetic qualities.

#### **4.1.1. Key Policy**

Monterey County will continue to take a strong and active role in guiding the use and improvement of Highway One and land use development ~~dependent on the~~ along the highway. The County's objective is to maintain and enhance the highway's aesthetic beauty and to protect its primary function as a recreational route. The highway shall remain a two-lane road and shall accommodate walking and bicycling ~~trails wherever feasible, thereby increasing capacity for motor vehicle traffic, which is the primary use of Highway 1.~~ In order to protect and enhance public recreational enjoyment of Big Sur's unique natural and scenic resources, recreational traffic patterns should be modified using public information systems, and if necessary and feasible, regulated during congested peak use periods.

#### **4.1.2. General Policies**

1. Improvements to Highway One shall be undertaken in order to increase its service capacity and safety, consistent with its retention as a scenic two-lane road.

The highway capacity improvements detailed in the following policies are essential for the maintenance of existing service levels for the benefit of Coastal Act priority uses and residents alike. In light of the anticipated potential for traffic increases on the Coast Highway One, the County shall periodically review the traffic levels ~~after five years~~ and determine what capacity improvements have been implemented or planned and what additional solutions may be necessary and feasible.

2. A principal objective of management, maintenance, and construction activities within the Highway One right-of-way shall be to maintain the highest possible standard of visual beauty and interest.
3. To protect emergency use of the highway, and maintain and enhance the quality and enjoyment of the scenic driving experience for visitors and residents, should levels of service on Existing levels of service on Highway One during peak use periods are become unacceptable, particularly from June to August between 10:00 a.m. and 7:00 p.m. Therefore, in order to restore reasonable traveling speeds for residents and visitors, to protect emergency use of the highway, and enhance the quality and enjoyment of the scenic driving experience, reductions in peak use period traffic should be sought. A combination of actions, including public education and regulation of Highway One use during peak periods, shall be undertaken to achieve an improved service level.
4. To conform to the Coastal Act, most remaining capacity on Highway One shall be reserved for coastal priority uses: recreation and visitor-serving facilities, the military, agriculture and other coastal dependent uses.
5. In order to enhance public access to the Big Sur coast ~~and to reduce traffic congestion,~~ an improved level of public bus service is encouraged. Monterey Peninsula Salinas Transit, other public carriers, and private and public recreational facilities are requested to investigate

potential improvement of levels of services, and participate in reaching this objective if feasible and justified.

#### **4.1.3. Specific Policies**

##### **A. Road Capacity and Safety Improvements**

1. The County requests that, in order to maximize vehicular access to the Big Sur coast the width of Highway One be upgraded to a standard of 12-foot lanes and 2 - 4-foot shoulders (for the benefit of bicyclists and pedestrians) where physically practical and consistent with the preservation of other coastal resources values. The highest priority shall be given to this improvement for the safety of pedestrians, bicyclists and motorists, particularly focusing on the south bound lane. A program of constructing left-turn lanes, and other improvements shall be undertaken to improve traffic capacity and safety.
2. The County requests that appropriate areas along Highway One be designated by Caltrans for construction of paved by-pass lanes and turnouts ~~offs~~ for slow-moving vehicles. The turnoffs should be signed to notify approaching vehicles in time to pull over. The California Slow-Moving Vehicle Law, California Code Section 21665, should be enforced during peak traffic periods. This may require additional staffing by the California Highway Patrol, however, the additional benefits to the vast majority of users of Highway One would appear to justify the expense. ~~CalTrans shall post signs informing the public that delaying five or more vehicles is illegal.~~
3. ~~Pedestrian and traffic hazards which result from~~ On-shoulder parking at unsafe locations shall be corrected where feasible, ver possible, with priority being given to locations where there is a documented safety problem. congested recreational attractions such as the Garrapata Beach-Soberanes Point area, the Andrew Molera State Park frontage, and River Inn. New facilities, both publicly-owned and commercial, must have adequate and safe off-shoulder parking before they are opened to public use. Existing facilities shall not be expanded unless the standard of adequate and safe parking is met. On-shoulder parking should not be allowed where safe shoulder width or sight distances can-not be achieved, or where important seaward vistas will be impaired. ~~Caltrans is requested to initiate a program to carry out this policy; emphasis should be placed on the construction of parking areas with designated entrances and exits, at suitable locations as identified in cooperation with the County, U.S. Forest Service, Department of Parks and Recreation, and local citizen advisors.~~
4. The number of private roads and recreational access road entrances off Highway One shall be limited whenever possible for traffic safety and management purposes. The County shall require new developments to demonstrate that the use of existing public or private roads is either not feasible or that easements for use cannot be obtained before it approves construction of a separate entrance to Highway One.
5. Sycamore Canyon Road and Palo Colorado Road should be maintained at a level that resident and visitor traffic can safely be accommodated. The U.S. Forest Service should consider providing a shuttle from Highway 1 to Pfeiffer Beach. Improvements to the width or alignment of these roads shall only be approved when negative visual and environmental impacts will not



~~be substantial result~~ and where the improvements will not adversely impact adjacent residents. Pedestrian access shall be provided where feasible. ~~Priority uses shall not be precluded on these roads by non-priority developments.~~

- ~~6. The traffic bottleneck at Hurricane Point should be corrected as the highest priority for Caltrans' efforts on Highway 1 within the Big Sur L.C.P. area~~

### **B. Aesthetic Improvements**

- ~~1. Undesirable Unsafe parking locations on the Highway One shoulder identified pursuant to policy 4.1.3.A.3, as well as those which must be phased out under habitat or visual resource restoration programs, shall be retired from service when alternative safe facilities are on shoulder parking is in place. The placement of boulders or other methods should be used to prevent inappropriate public access or parking in such areas. Native vegetation that does not obscure the public view should be re-established on bare areas.~~
- ~~2. Specific attention should shall be given by the State to eradicate non-native plant species that are contributing to a decline in the natural beauty of Big Sur. Pampas Grass, Kikuyu Grass, Broom, Eucalyptus and other species shall should be removed and replaced with native plants.~~



- ~~2.3. Where consistent with Critical Viewshed scenic protection and other resource management policies, public restrooms should be provided at major destination points including in areas with Public and Quasi-Public and Visitor and Community Serving Commercial land use designations the Rural Community Centers, in particular at State and National Forest developed recreation sites; and major public viewing areas adjacent to Highway One, and State and National Forest developed recreation sites. Trash receptacles should be considered and a program of litter abatement shall be undertaken.~~

- ~~3.4. The County requests that an overall the design theme for the construction and appearance of improvements within the Highway One right-of-way as set out in the CHMP be used be developed by Caltrans for the development of in cooperation with the State Department of Parks and Recreation, the U. S. Forest Service and local citizens. Design criteria shall apply to roadway signs, fences and railings, access area improvements, bridges, restrooms, trash receptacles, etc.. The objective of such criteria shall be to ensure that all such improvements are inconspicuous and are in harmony with the rustic natural setting of the Big Sur Coast. The special report by local citizens entitled, Design Standards for the Big Sur Highway, on file at the County Planning Department, should serve as a guide and point of departure for Caltrans and other public agencies in developing a design theme for Highway 1 and in making improvements within the State right-of-way.~~

### **C. Traffic Regulation and Coastal Priority Uses**

- ~~1. To comply to Coastal Act policies concerning the allocation of limited highway capacity to coastal priority uses, 85 percent of the capacity of Highway 1 under improved road conditions and managed traffic shall be reserved to serve recreational travel, service trips to public and private recreation and visitor~~

servicing facilities, use by military vehicles, and coastal-dependent agriculture. To implement this policy, the land use regulations of this plan limit future residential development to a level that will utilize not more than 15 percent of highway capacity at buildout.

1. Proposed new or expanded public or private recreation and visitor-serving uses shall be required to submit with their application, a traffic ~~component study~~ which evaluates the anticipated impact to Highway One service capacity and makes recommendations on how conflicts can be overcome or mitigated.
2. Proposals for commercial mining or logging, that may produce heavy truck traffic, shall submit with their application, a traffic ~~component study~~ evaluating potential conflicts with recreational and residential use of Highway One and County roads, and describing how such conflicts can be avoided. In general, the County will not approve applications requiring use of heavy trucks on Highway One during peak recreational use periods.
3. Monterey County shall work with Caltrans, U.S. Forest Service, and other agencies to regulate vehicular access on Sycamore Canyon Road to Pfeiffer Beach during peak use periods. Vehicular access may be regulated at Highway One. In addition, a shuttle service to Pfeiffer Beach will be evaluated.
4. Monterey County shall coordinate with Caltrans, San Luis Obispo County, the U. S. Forest Service and other agencies to manage the recreational use of Highway One. The objectives of this program shall be to enhance public access and enjoyment of the Big Sur coast and the safety of Highway One -by working together to ensure that operational and safety conditions of the highway do not further degrade. The following management actions, in addition to the improvements listed in Section 4.1.3 A. above, shall be completed as part of this program: (delete from policies and add to implementation plan).
  - a. A system of traffic signs to the north and south of the Big Sur Coastal Planning Area, at locations strategic to travelers who may be intending to go to Big Sur, advising travelers of the traffic congestion on Highway One before they commit to driving to Big Sur and suggesting alternate routes. Caltrans should installed these traffic signs as a measure for reducing undesirable peak period traffic congestion.
  - b. An electronic system using current state of the art technology, to be updated as technology improves, advising travelers of traffic congestion on Highway One and suggesting alternate routes.
  - c. Appropriate areas along Highway One -should be designated by Caltrans for construction of paved passing lanes and turnouts for slow-moving vehicles. The passing lanes and turnouts should be signed to timely notify approaching slow-moving vehicles to pull over.
  - d. Use of Highway One by slow-moving vehicles should be regulated during peak hours of peak traffic days in order to increase highway capacity to accommodate future growth in Big Sur coast travel demand. This will be accomplished by requiring slow-moving vehicles that are holding up traffic to pull over consistent with State law. At north and south ends of Big Sur, illuminated signs on Highway One that state: (1) state-slow-

moving vehicles are required to pull over and (2) the slow-moving vehicle law will be enforced.

e. Any improvements to Highway One shall take into consideration protection from trespass onto private properties. [Some parts of the highway may be outside its right of way.] Highlighted provisions should be added to CIP? Need policy to ensure implementing provisions.

**D. Public Transit**

1. A program should be initiated by Monterey ~~Peninsula~~ Salinas Transit or other public carriers, in conjunction with the ~~Department of California State Parks and Recreation~~, the U.-S. Forest Service, and the County to expand bus service and provide bus stops at appropriate access points to recreation areas, trails, and roads on Highway ~~One~~1, and at visitor-serving facilities.
2. Development of new recreation areas and visitor-serving facilities or expansion of existing facilities shall be planned to maximize opportunities for access by bus. Applicants shall cooperate with Caltrans and transit authorities to provide bus stops in convenient proximity to the proposed recreational facility. Other improvements or services such as shelters, pick-up service from the transit stop, access trails that may be necessary, etc. shall be provided as part of the recreational facility proposal.
3. Monterey ~~Peninsula~~ Salinas Transit or other public carriers, in conjunction with resident representatives should plan bus schedules to improve service for residents and employees.
4. An expanded education and promotion program should be implemented in cooperation with other recreation agencies operating in the County, to provide information on Big Sur bus service and recreational areas that are accessible by bus.

**4.2 — ~~RECOMMENDED ACTIONS~~ (to be added to Implementation Plan)**

- ~~1. Caltrans should conduct Origin and Destination Studies of traffic on Highway 1 along the Big Sur coast on a regular basis in order to provide up to date information on trends in recreational and residential use of the highway.~~
- ~~2. Monterey County, San Luis Obispo County, and Caltrans should cooperate to evaluate the impacts of proposed developments on Highway 1 traffic conditions. The program should coordinate the planning and phasing of development generating significant traffic impacts in the two counties in order to insure that an equitable share of remaining Highway 1 capacity is allocated to each area according to appropriate priority uses.~~
- ~~3. Consideration should be given to regulating vehicular access to Pfeiffer Beach on Sycamore Canyon Road during peak use periods. A temporary gate at Highway 1 operated by the Parks and Recreation Department is a possible approach. A shuttle service between Pfeiffer Big Sur State Park and Pfeiffer Beach should also be considered.~~

4. ~~The County requests that Caltrans, in cooperation with Monterey and San Luis Obispo Counties and the U. S. Forest Service immediately begin a program of management of recreational use of Highway 1. The objectives of this program shall be to enhance public access and enjoyment of the Big Sur coast and the safety of Highway 1 by ensuring that service capacity at no time falls below Level of Service E or a minimum driving speed of 35 miles per hour and that Levels of Service D and C be obtained wherever the basic design of the highway permits.~~

~~The following management actions in addition to the improvements listed in Section 4.1.3 A. above, shall be completed as part of this program. Caltrans is encouraged to complete additional studies as needed to determine specific features of this program.~~

- a. ~~A system of unobtrusive traffic signs to the north and south of the Big Sur Coastal Planning Area, at locations strategic to travelers who may be intending to go to Big Sur, advising travelers before they commit to driving to Big Sur of traffic congestion on Highway 1 and suggesting alternate routes should be installed by Caltrans as a step in reducing undesirable peak period traffic congestion. Caltrans currently has remotely operated electronic signs that may be suitable for this purpose.~~

~~An electronic system using current state of the art technology, to be updated as technology improves, advising travelers of traffic congestion on Highway 1 and suggesting alternate routes. Roadside visitor information centers should be established near the north end of the Big Sur coast and at San Simeon at the south end. These centers should provide information on road and traffic conditions, recreation opportunities, visitor accommodations and facilities, coastal access locations, and the environmental responsibilities of the public.~~

~~Appropriate areas along Highway 1 should be designated by Caltrans for construction of paved passing lanes and turnouts for slow moving vehicles. The turnoffs should be signed to notify approaching vehicles in time to pull over.~~

- b. ~~Progressively stronger traffic regulation measures should be implemented if traffic congestion seriously affects access and travel conditions. The program should start with the placement of automated traffic conditions and route option signs. If traffic continues to increase causing unacceptable Highway 1 service loads, then the flow of traffic into Big Sur should be regulated by devices such as signal lights.~~

~~Use of Highway 1 by slow moving vehicles should be regulated during peak hours of peak traffic days in order to increase highway capacity to accommodate future growth in Big Sur coast travel demand. This can be accomplished by requiring slow moving vehicles that are holding up traffic to pull over consistent with State law and may, in addition, require special State legislation to be adopted that will permit access controls to be established at certain critical times.~~

~~At north and south ends of Big Sur, illuminated signs on Highway 1 that state slow-moving vehicles are required to pull over and that the slow moving vehicle law will be enforced.~~

e. ~~Any improvements to Highway 1 shall take into consideration protection from trespass onto private properties.~~

~~Visual access should be emphasized throughout Big Sur as an appropriate response to the needs of visitors.~~

## 5. LAND USE AND DEVELOPMENT

### 5.1 INTRODUCTION

The primary purpose of this chapter is to set forth a land use plan and land use policies for Big Sur. Information on historical and existing uses and a discussion of issues is provided as background and rationale for the plan policies.

#### Existing Land Use

The history of development in Big Sur reflects the changing demands for use of the land. Subsistence ranching, logging of redwoods, harvesting of tan bark, and mining of limestone and gold provided a livelihood for early residents. While life was extremely rugged in these early years, there was a population of nearly 1000 people by the 1880's largely supported by these basic industries. The mountainous terrain, numerous deep canyons, and lack of roads made travel difficult and slow. Most local products were shipped out by sea on the small coastal trading vessels that brought supplies to the isolated coast's residents. Palo Colorado Canyon, Notley's Landing, Bixby Creek, the Big Sur Valley, and Partington Canyon were early centers of activity. Around the ~~turn~~ beginning of the 20th of the century, limited recreational use of the coast began to take place. The Big Sur Valley could be reached by stage from Monterey and camping in the redwood groves grew in popularity. Hunting and trout fishing were also popular and some local residents supplemented their income by guiding sportsmen from the cities.

Today the tan bark and limestone industries have ceased. Gold is still mined on a limited basis in the Los Burros region, ~~and a few trees are harvested along the coast.~~ Ranching continues as the major use of the large private holdings and contributes much to the character of Big Sur. Overuse by ~~Public recreation is by far the strongest and private residential development are by far the strongest~~ land use issue trends today.

Single family residences comprise a major developed land use on private land. This occurs either in ~~rural residential clusters in areas~~ residential neighborhoods where development ~~hayes~~ historically been concentrated, or scattered along Highway One. ~~Many~~ Some of the larger parcels are used for cattle grazing. Commercial uses, including restaurants, grocery stores, and service stations are generally concentrated in the Big Sur Valley. Small visitor-serving commercial areas include Lucia, Pacific Valley Center and Gorda, and a few isolated businesses along Highway One. Recreational uses include public and private campgrounds, visitor accommodations, restaurants, State Park units, and the Los Padres National Forest. The U. S. Forest Service has offices and other facilities in the Big Sur Valley and at Pacific Valley. ~~State~~ The California State Parks and Recreation manages its units in Big Sur from offices in the Big Sur Valley. Caltrans has ~~s-~~ maintenance facilities in the Big Sur Valley and at Gorda. ~~There is a~~ U. S. Naval Station at Point Sur, and the ~~Coast Guard operates the~~ lighthouse atop Point Sur, ~~formerly owned by the federal government, were conveyed to the State.~~ A variety of public and quasi-public uses serving the local community are located in the Big Sur Valley. These include the Big Sur Grange Hall, Captain Cooper Elementary School, churches, the County library, and Post Office. Another elementary school is located at Pacific Valley.

There are approximately 1100 parcels in private ownership on the Big Sur coast, ranging in size from less than an acre to several thousands of acres. Approximately 700 parcels are vacant, and 370 parcels are occupied. Many have more than one unit on them, either residential or commercial. In 2016, the Big Sur Coastal Planning Area occupied 145,309 acres (on 1,481 parcels). Of this total, 41,154 acres (on 1,212 parcels) representing 28 percent of the total land area was in private ownership. The parcels ranged in size from less than an acre to several thousands of acres. Four hundred fifty (450) parcels were vacant (however, some of these parcels are substandard, e.g., Garrapata Redwoods), and 762 parcels were occupied. Many of the occupied parcels have more than one unit on them, either residential or commercial. Small parcels of 2.5 acres or less are generally located near the highway or in one of several areas subdivided in the past for residential purposes. Palo Colorado Canyon, Garrapata Redwoods, Rocky Point, the Big Sur Valley, Coastlands, and Partington Ridge are among the areas having the greatest number of developed parcels. Some of the private lands have scenic easements, deed restrictions, or site constraints which limit the level of development.

The 1986 LUP approximated that half of Big Sur Coastal Planning Area was in public ownership and anticipated that after public acquisition of private land contemplated at that time was completed, public ownership of land would comprise approximately 60% of the Planning Area. As of 2016, Approximately half of the Big Sur coastal zone is in public ownership by the U. S. Forest Service, the State Department of Parks and Recreation, the U. S. Navy, the U. S. seventy two percent (72%) of the Big Sur Coastal Planning Area is in public ownership. At 72%, government acquisition of private land is now more than double what was anticipated under the 1986 LUP. Public landowners within the Planning Area include the U.S. Forest Service, California State Parks, California Department of Fish and Wildlife, Monterey County, the University of California, and other public entities. A significant percentage of the private land remaining has scenic easements or deed restrictions that limit the level of development.

The viability of the Big Sur community is threatened by public acquisition of private land over time. An additional challenge is the ongoing need for stewardship and more sensitive management of public lands. Public agencies have not been able to adequately manage the land acquired, and these public lands are now at a point where public safety and health, the quality of visitor experience and natural resources are being significantly compromised. Coast Guard, and the University of California. If public acquisitions now contemplated or in progress are completed, approximately 60% of the coast will be publicly owned. Some of the private lands have scenic easements or deed restrictions which limit the level of development

### **5.1.1 Residential Land Use**

The ~~1976 mid-decade~~ 2010 U.S. Census ~~-census~~ recorded ~~approximately 800864~~ 1,121 housing units, of which about ~~600195264~~ (23 percent) were used for seasonal, recreational, or occasional use. ~~Six hundred sixty nine~~ Seven hundred eighty four (669) 784 units (77-70 percent) were ~~permanent-occupied~~ single family dwellings dwellings. Three hundred nine 309 (39 percent) were owner occupied and four hundred seventy five 475 (61 percent) were renter occupied units. Of the 784 occupied dwelling units A large proportion of these homes are located in the several residential areas listed neighborhoods as discussed below. ~~These areas have generally been developed to a level where the natural environment is perceived to have been significantly altered, and where residential use is very apparent on the land. The size and density of these residential areas varies, but in all cases, they are more densely developed than surrounding lands. They contain a significant number of subdivided and residentially zoned lots in close proximity, yet do not contain resources or land use activities which generate significant employment services for the public. Many of the full-time residents who live in these residential areas own or work and support the visitor serving community. The residential community provides the stable force that supports the character, value and heritage in this LUP. Many of the public agency employees are here for limited duration and institutional memory is often lost in the process. The collective memory of the values set forth in the LUP resides with the residents and their community.~~ ~~While there are historic expectations that buildout of these areas would proceed, a number of areas are not suitable for full development of all existing parcels because of conflicts with the broad objective of this plan particularly the protection of water and scenic resources or limited capacity of local roads.~~

~~Restoration projects, discussed under the implementation (section of the plan will be needed in several of the areas to reduce developmental potential or to provide improved water supplies.~~

The significance of the residential areas for planning purposes is that they have the capacity, to some extent, to accommodate additional residential demand. Unlike the larger properties or commercial centers, they are not well suited for commercial agriculture, commercial, or visitor uses; use of these areas, to the extent consistent with resource protection, should continue to be for residential purposes.

Residential areas neighborhoods include, but are not limited to the following areas: Otter Cove, Garrapata Ridge/Rocky Point, Garrapata and Palo Colorado ~~Canyon~~, Green Ridge, Rocky Creek, Long Ridge, Clear Ridge, Pacific Valley, Bixby Canyon, Pfeiffer Ridge, Sycamore Canyon, Coastlands, Partington Ridge, and Buck Creek to Lime Creek. The Big Sur Valley, Lucia and Gorda also have significant residential use, although the primary function of these areas are community service and visitor-serving ~~commercial~~ facilities.

The term “neighborhoods” generally has a different meaning in Big Sur than it may have in urban areas due to Big Sur’s large parcel sizes and relatively low population densities. People who live miles apart often consider themselves to live in the same neighborhood. Neighborhoods are often centered around road and water associations.

### **5.1.2 Housing**

~~The mid-decade census provided considerable information concerning the need for low and moderate income housing on the coast. Of the housing units in the area, 17% were vacant due to being second homes. Only 1.3% were vacant and available, at that time, for sale or for rent. The census revealed that less than half of the occupied units were owner-occupied and that of all the units, 91% were single families. The census also estimated a median household income of \$9,785. A transportation study~~



inventory revealed 423 persons employed in the area, one third in eating, drinking, and lodging places, and one third in government (military, Forest Service, etc.). Building Inspections Department records show the average cost of construction for a single family unit on the Big Sur coast, the unincorporated Peninsula area, and the Carmel Valley, was \$36,000 in 1970 and rose to \$107,000 in 1979. This factor alone precludes low and moderate income persons and median income households from homeownership. The 1970 housing inventory identified 215 "Substandard" units and 109 units as "Conservation Feasible" in the Big Sur area. These figures indicate that some households may need assistance to meet the national and state goal of "a safe, decent, and sanitary house."

A serious housing shortage exists for employees in Big Sur, particularly in the visitor-serving industry. Because there is little housing available, employees have at times been forced to camp-out, live in cars, or move in with friends. Significant cumulative traffic effects from commuting employees exacerbates the problem of Highway One capacity. The shortage of affordable housing has also made recruitment of skilled employees difficult and poses a threat to vital community services such as the volunteer fire brigades, rescue services and the health center. -This is having adverse impacts on the quality of visitor experience. Several factors affect solutions to the housing problems: the costs of land and housing precludes the use of traditional housing assistance programs. Job demand is exceeding available employee housing. A trend that is further impacting the housing shortage in Big Sur is that individuals purchase second-homes that sit empty for most of the year. Many homes along the coast that have traditionally provided a substantial amount of housing for the community are now under new ownership and have been removed from the available housing inventory.; and year round employment is not at a high enough level to support traditional single and multiple family housing projects. Employee housing provided by an employer is an must be a primary important source of affordable housing in the area. Accessory dwelling units include Caretaker housing , which has traditionally provided shelter for many long-time residents and employees; will also continue to be an important element of the affordable housing supply. The cost of land and permitting discourage development of affordable housing. The Coastal Act mandate (30253(e)) requires innovative policies to protect the community and the quality of the visitor experience.

### ***5.1.3 Recreational Uses***

As a recreation area of regional, national, and international importance, Big Sur attracts about 2.94 to 5 million visitors annually. The accessibility of Big Sur to several nearby population centers is a major factor contributing to its high visitation. The basic recreational resource of Big Sur is the visual beauty of its striking landforms and unspoiled unspoiled landscape. The mountains, forests, creeks, rivers, and ocean shoreline combine to offer diverse recreational opportunities. The artistic and rustic lifestyle for which Big Sur is known creates an attractive cultural setting that complements the natural character of the area.

Recreational activity is concentrated along the coastal strip: on beaches, rocky shoreline, public parks and forest lands, campgrounds off Highway One, and various visitor-serving facilities. The major recreational pursuit is pleasure driving and sightseeing along Highway One. Other Big Sur recreational activities include picnicking, sunbathing, beach and tidepool exploration, surfing, scuba diving, fishing, hunting, nature study, hiking, backpacking, camping, horseback riding, and hang-gliding.

The Big Sur Valley has numerous camping, lodging, dining, and other visitor-serving facilities and is a focal point for recreational activity and services in Big Sur. The Big Sur River, the beach at the river

mouth, the redwoods in the valley, and Pfeiffer Beach are major natural recreation resources in the area. The coastal area north of the Big Sur Valley is intensely traveled by visitors passing through sightseeing. People stop at numerous turnoffs to view panoramas of the coastline ~~and visit beaches.~~ The major beaches at Garrapata, Little Sur River, and Point Sur are currently in private ownership and are not formally open to the public, although there is significant public use of Garrapata and Little Sur River Beach. The Department of Parks and Recreation is currently negotiating to acquire Garrapata Beach. The Little Sur River Beach and the Point Sur Beach have been proposed for acquisition. The backcountry of the National Forest is accessible in the northern area of Big Sur at Botchers Gap at the end of Palo Colorado Road.

The Los Padres National Forest occupies much of the area south of the Big Sur Valley. The National Forest is a major hiking, backpacking, and camping area. Several trailheads offering access to the backcountry and the Ventana Wilderness are located off Highway ~~One~~. Several beaches including Sand Dollar Beach, Mill Creek Beach, and other smaller pocket beaches are scattered along the southern Big Sur coast within the boundaries of the National Forest. Hiking trails are scattered throughout the Ventana Wilderness and the National Forest backcountry. Day use facilities are provided at Mill Creek, Sand Dollar Beach, Willow Creek, and Pfeiffer Beach.

#### ***5.1.4 Commercial Uses and Private Visitor-Serving Facilities***

~~Despite There is little~~ current demand by residents for development of commercial facilities (e.g., laundry mat, hardware store, etc.) in Big Sur. ~~r~~Residents normally shop in the Monterey area. Visitors do create demand for convenience goods and recreation-oriented supplies and services. Local artisans work in Big Sur, usually at small shops in their homes.

Privately-operated, visitor-serving facilities constitute the major commercial activity on the Big Sur coast. The Big Sur Valley is an historical and geographic area of residential and commercial development with a distinct community identity. ~~As~~ a chief recreational destination point, it provides a variety of commercial and public services on a year round basis for area-wide residents and the visiting public, as well as functioning as a social center for activities and entertainment. Lucia, Gorda, and Pacific Valley offer more limited services along the southern coast.

Big Sur has accommodations for about 4,628 people, which number does not include unpermitted accommodations. At present, there are ~~eight~~ a total of 299 rooms in motels, lodges, or inns on the coast, ~~providing a total of 168 rooms.~~ Prices range from about \$1325.00 to \$1754,000.00 a night. Rustic cabins are available ~~as well as~~ at two of the campgrounds. There are about 580 private and public developed campsites; 8 group sites (hold 20 to 40 individuals); and 35 yurt, cabin, tent and adventure tent grounds. ~~The New Camaldoli Hermitage, run by a Benedictine Order, has 11 rooms which are available with the Hermitage's permission for use as a retreat. Esalen, a nationally known institution, offers accommodations for 90 people enrolled in education programs. Private campgrounds with about 350 units constitute over half of the vehicle access campsites in Big Sur. All of the private campgrounds except Limekiln Beach Redwood Campground are located in the Big Sur Valley.~~

~~Twelve~~ Seventeen restaurants seat ~~about over 1100~~ 1100 people. There are also ~~nine~~ grocery general stores, ~~seven~~ four gas stations, and few gift shops scattered along the length

of Highway One. Private facilities are typically of a small to moderate scale in harmony with the natural beauty of Big Sur.

### ***5.1.5 Other Activities***

In addition to ranching, several industries based around the use of natural resources have historically been located in Big Sur. Logging and mining were among the first important economic activities in the area, although over the years, the level of activity is nominal. ~~has declined. During the last several years, renewed interest in the coast's redwood forests has been expressed by several commercial loggers. As the scarcity and price of redwood increases, it can be expected that pressure to log in Big Sur will increase~~ Aquaculture, the cultivation of fish and shellfish for food, is an industry that is growing rapidly in many parts of the world. Several aquaculture operations have been active in the past ~~been active on the coast in the past. The Garrapata Trout Farm at the confluence of Garrapata and Joshua Creeks and a commercial abalone farm offshore from the mouth of the Big Sur River are among these. The Department of Fish and Game presently operates a crab and abalone breeding and research facility at Granite Creek.~~

Gold mining in the Los Burros District is the focal point of present mining activity. Development of a large deposit of commercial grade limestone near the summit of Pico Blanco Mountain in the Little Sur River drainage has been proposed in the past by the owners of the property and may be proposed again in the future.

Big Sur does not possess the characteristics essential to most industries engaged in manufacturing. Neither the transportation system, work force, nor its market ~~is~~ are adequate to support most manufacturing, and there is a lack of developable land for such uses.

## ***5.2 LAND USE PLANNING ISSUES***

The 1986 LUP focused primarily on preserving and protecting Big Sur's natural resources. The impacts of overuse due to the ever increasing-increased number of visitors to Big Sur will need to be remedied and is discussed further below, ¶Those goals for protecting natural resources have been largely met, with the exceptions of invasives and impacts from visitation, and it is intended that the County will continue to ensure that the goals continue to be satisfied. In addition to those goals, attention must now shift to also preserving and enhancing the Big Sur community and its neighborhoods. Accordingly, this LUP has been updated to extend the focus to also protect Big Sur's unique community. Big Sur employers report it is becoming increasingly difficult for employees to obtain affordable housing in Big Sur to provide visitor-serving services. Moreover, the Big Sur community is an integral part of the uniqueness of Big Sur, and the community certainly enhances the experience for visitors to the area. To ensure the community's long term viability, it must also be nurtured along with the area's other resources. New and innovative planning tools are needed to do that.

Along with the need to increase affordable housing stock for the Big Sur community, sSeveral other key issues continue to directly affect planning for the Big Sur coast. These A primary issues concerning the effects of intensified land use and development on the environment and character of the coast and is the effect on public access onto the area. Continued residential development and subdivision for residential purposes is a trend at odds with the preservation of the coast's natural, scenic, and rural character. The remaining capacity on Highway One at peak use periods to serve further public access and visitor-serving development is extremely limited. The California Coastal Act states that remaining road capacity

~~shall be used to serve coastal development uses such as agriculture and coastal recreation. The local community plays a vital role in supporting coastal dependent uses, and shall not be precluded by residential development. Thus, availability of capacity on Highway 1 to accommodate further residential development or subdivision is a major limitation to these uses.~~

The basic emphasis of the Coastal Act is clear: to protect the environmental quality and resources of the California coast while making these available for the enjoyment of all of the citizens of the State. A major challenge ~~of this plan is that~~ that faced planners and citizens in 1986 was to find a way to substantially curtail further commitment to residential development resulting from subdivision ~~or other land use intensification~~ while also assisting landowners in achieving the most sensitive possible development of existing parcels. This was largely accomplished through land use policies resulting in downzoning, providing slope restrictions for development, and protection of areas located within the Critical Viewshed. These land use policies are retained in this LUP; however, this LUP also places an emphasis on providing housing for the employees of the visitor-serving facilities, other basic services vital to the economic health of the region such as teachers, fire fighters, etc.

A second challenge of the plan is to ~~continue encourage~~ and to protect ranching as an important and traditional use of the larger land holdings with significant grazing resources. ~~How recreational uses and visitor accommodations on such properties can be developed to help support agriculture is also an important consideration.~~

Finally, the ~~LUP plan~~ must meet the Coastal Act's goal of encouraging public recreational use and enjoyment of the coast while ensuring ~~management of that those~~ very resources that make the coast so valuable for human enjoyment are not spoiled. Undesirable impacts of recreation have been in evidence for ~~decades~~ some years and must be corrected if Big Sur's long term promise is to be fulfilled. Overuse of existing private and public campgrounds, loss of natural resources, including riparian vegetation, through trampling, garbage, trespass, erosion of paths, compaction of soil in redwood forests, disruption of wildlife habitats, and displacement of native habitat by invasive species, such as Pampas (Jubata) Grass, and increased fire hazards are a few of the problems associated with current levels of recreational use. Both Pfeiffer Beach and Julia Pfeiffer Burns State Park, in particular, have been heavily impacted. -The Soberanes Fire, started by an illegal campfire on State Park lands, burned over 132,127 acres of woodlands, grasslands, and chaparral, killing many redwoods, oaks, madrones, and other native trees, and numerous wildlife including threatened and endangered species, also resulted in a death of a fire fighter and the destruction of 57 homes and threatens creeks and rivers with debris flows and siltation from denuded steep slopes burned by high heat intensity fire. Big Sur State Park is an example of a State facility whose popularity and use is at or beyond its environmental holding capacity. Some private campgrounds are similarly affected.

~~Visual impacts associated with recreation in Big Sur include littering, excessive numbers of parked vehicles along Highway 1, and development of visitor facilities that are visually obtrusive from the scenic highway. Residents of the coast are at times undesirably affected by recreational activities.~~

~~There is a clear need to protect the quality of local water supplies, for residents and visitors alike, and to minimize the danger of fire hazard during high public summer use periods. The privacy of the residents of the area should be protected if public use of the shore and upland areas increases. = Visitor safety is also an issue because of hazardous cliffs and dangerous ocean conditions. Visual impacts in Big Sur include~~

littering, signage, planting and structures blocking the view of the ocean, and development of visitor-serving facilities that are visually obstructive from the scenic highway. Public agencies need to be cognizant of these problems prior to expanding or creating new recreational facilities. Careful planning is needed to lessen, not increase, impacts associated with recreational enjoyment of the coast.

The location, intensity, and character of new recreational facilities needs to be cognizant of all of these problems. Careful planning is needed to lessen, not increase, impacts associated with recreational enjoyment of the coast.

There is a clear need to minimize the danger of fire hazard during high public use, which is throughout the year. This LUP encourages retrofitting of existing structures to meet fire protection standards. It also encourages property owners to maintain adequate water storage and defensible space, and public agencies to maintain fuelbreaks and manage vegetation on public lands. Structure and infrastructure protection shall be emphasized through fuel reduction activities. Policies restricting campfires and dispersed camping should be reevaluated by U.S. Forest Service and California State Parks in response to increased fire hazards.

### **5.3 PROPOSED LAND USES LAND USE DESIGNATIONS AND DIAGRAM**

This section describes the kinds, locations and intensities of land uses recommended for the Big Sur Coastal Planning Area. The capabilities of Big Sur's natural environment and the capacity of the public service system to support development are reflected in these proposals. However, all new development is also subject to the policies of other sections of this 2013 plan-LUP, concerning resource management, Highway 1 and other roads, shoreline access and trails, and is subject to the plans and provisions for administration and implementation. Thus, The final determinations of the acceptability of development proposals and their locations and densities on a parcel can only be made during the project review process, in consideration of all elements of the 2013 plan-LUP.

Where practice, the interpretation of rules shall be flexible where the outcome best serves the intent of the 2013 LUP. there are competing policies, the interpretation of policies and regulations shall be flexible to achieve the outcome that best serves the overall intent of this LUP. a California Coastal Act

#### ***5.3.1 Land Use Categories***

ight Five broad categories of land use designations; one Special Treatment Area; an Employee Housing Overlay; and other special land uses have been created are proposed for the Big Sur Coastal Planning Area. The intended effect of the designations and special treatment areas, the location of these designations, and the uses allowed within each, are set forth below. Figures BS-1, Big Sur Coast Land Use Diagram, shows the geographic location of these designations and special treatment areas in the Big Sur Coastal Planning Area. The boundaries between land uses shown on the Land Use Diagram are intended to be where a boundary falls on a parcel line. In undeveloped or un-subdivided areas, boundaries are approximate. Watershed and Scenic Conservation, Public and Quasi-Public, Visitor and Community Serving Commercial, Resource Conservation, and Rural Residential land use designations are proposed for the Big Sur Coastal Planning Area to reflect existing and traditional land uses. In all designations, agricultural land use is a principal permitted

use as provided for in Section 3.6 of this Plan. Each legal lot of record within the Big Sur Coastal Panning Area shall have a single land use and zoning designation with the exceptions of Post Ranch, and Pacific Valley and Westmere parcels. An Employee Housing Overlay over the Visitor and Community Serving Commercial land use designation is to encourage and facilitate development of employee housing.

Overall, the diagram reflects current land use patterns, with traditional centers of commercial, recreational, and residential activity remaining as the areas for such use in the future. Most of the land on the coast is rural and undeveloped as part of the Los Padres National Forest or large privately held ownerships. The emphasis on these lands has been on minimal use and careful stewardship. These basic uses are proposed to remain over most of the area as indicated by the broad use of the Watershed and Scenic Conservation and Resource Conservation land use designations. that reflect existing and traditional land uses and the priorities of the California Coastal Act. In all categories agricultural land use is a principal permitted use as provided for in Section 3.6 of this Plan.

### ***1. National Forest***

The U. S. Forest Service manages the Los Padres National Forest under a multiple use concept in which conservation of plant and wildlife communities, protection of watersheds, maintenance of scenic beauty, and low intensity recreation are principal land use activities. Forestry, mineral extraction and grazing 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. Existing administrative and community uses may continue to operate on National Forestland (e.g. Caltrans maintenance stations, local fire suppression facilities, Pacific Valley School).

### ***A. Watershed and Scenic Conservation***

Protection of watersheds, streams, plant communities, and scenic values is the primary objective of the Watershed and Scenic Conservation land use designation. The primary purpose of this land use designation is to allow development in the more remote and mountainous areas of Big Sur while protecting the significant and substantial resources of those areas. Of specific concern are the resources inherent in such areas such as scenic values, watershed, plant and wildlife habitat, streams and riparian corridors. The development and resource policies of the LUP will guide landowners in assuring that development in this land use designation is compatible with the protection of the area.

Principal uses allowed in this category the Watershed and Scenic Conservation land use designation include residential dwelling units, agriculture/grazing, and supporting ranch houses, and related ranch buildings, forestry, mineral extraction, aquaculture and related facilities, and employee housing. Recreational facilities permitted in the Outdoor Recreation category including rustic inn or lodging units, hostels; forestry, mineral extraction, aquaculture and related facilities; and rural residential and employee housing associated with any of these uses are secondary. Conditional uses that will be considered on their individual merits. Where

on-site dining facilities are allowed for the inn units, they must be limited to that which is needed to serve on-premises overnight guests; include inns or lodging units, hostels, bed and breakfast and rustic campgrounds if the property has unshared direct access to Highway 1.

Land use intensities for this designation are set forth below in Section 5.3.1.

The following criteria shall apply to rustic inns, lodging units, hostels and employee housing: suitability for recreational uses of the parcel (5.4.3.C-1); ability to avoid adverse impacts on adjacent habitats and agricultural activities (5.4.2.1 and 3); adequacy of access (5.4.3.D-9) and water supply (3.4.1 and 5.4.3.N-1); and ability of a proposed visitor serving facility to support or assure the long term provision of open space and agricultural uses (5.4.3.C-6).

### **B. Resource Conservation**

The purpose of the Resource Conservation land use designation is to protect and preserve resource areas in the Big Sur Coastal Planning Area. Lands designated with Resource Conservation land use designation shall remain as natural lands in their present state in perpetuity and shall not be developed in any manner by any person or entity, public or private.

The Resource Conservation land use designation is to ~~Protection of~~ protect sensitive resources, plant communities, and animal habitats and important archaeological sites. ~~is emphasized.~~ The focus of this land use designation is to encourage restoration and management program for fish, wildlife or other physical resources: wildland fire preparation and suppression; and exotic and invasive plant management. Only very low intensity uses and supporting facilities compatible with protection of the resource are allowed. Appropriate uses can include existing carefully controlled low intensity day use recreation, education, and research. This land use designation is to be applied to the public lands that were or will be acquired to protect them from private development or for other conservation purposes. Existing development may be maintained, despite the restrictions in this land use designation. For the purpose of this policy, existing Development constitutes all projects (1) legally developed prior to December 31, 1976, or (2) after December 31, 1976 if approved under a coastal development permit where such permit is required under the law.

Two types of Resource Conservation areas are shown on the plan map. State Park Environmental Camping facilities and other low intensity facilities are allowed, but only where it can be demonstrated that no significant adverse impact on the resources will result.

### **C. Public and Quasi-Public Uses**

The primary purpose of the Public and Quasi-Public land use designation is to establish, enhance and maintain the outdoor recreation, community services, and educational uses while protecting (1) the resources inherent in areas such as viewshed, watershed, plant and wildlife habitat, streams, and riparian corridors from overuse; and (2) the privacy and safety of surrounding residences. Allowed uses include: State Parks; National Forest lands; publically publicly-owned open space; forestry, mineral extraction, aquaculture and related facilities; employee housing; administrative, management and maintenance facilities for public agencies, fire stations; clinic and ambulance services; community halls; churches;

post offices; libraries and schools.

Activities and facilities described in the Public Quasi-Public land use designation include, but are not limited to, Andrew Molera State Park, Garrapata State Park, Pfeiffer-Big Sur State Park, Julia Pfeiffer Burns State Park, Limekiln State Park, Willow Creek, Sand Dollar, Kirk Creek, Mill Creek, Pfeiffer beach, and Plaskett Creek, which are reflected in the land use diagram.

This designation includes National Forest Land. The U.S. Forest Service manages the Los Padres National Forest under a multiple use concept in which conservation of plant and wildlife communities, protection for watersheds, maintenance of scenic beauty, and low intensity recreation are principal land use activities. Forestry, mineral extraction and grazing can also be practiced under careful controls. Land uses permitted in the Ventana Wilderness portion of the National Forest are limited to backcountry recreation. The U.S. Forest Service should eliminate dispersed camping to avoid overuse (e.g., litter, human waste, etc.) and illegal campfire problems.

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 Forest Land (e.g. Caltrans maintenance stations, local fire suppression facilities, Pacific Valley School). [Note: Existing language in 5.3.1.1]

As provided by the federal Coastal Zone Management Act of 1972 (CZMA), lands subject to exclusive federal jurisdiction, are not subject to Coastal Commission or County jurisdiction. However, when federally owned lands are opened to non-federal development, such developments are subject to coastal permit requirements. Accordingly, the land use designations shown for federal lands are for the purpose of regulating future federal and non-federal development, if any. Federal projects on excluded lands will be addressed by the federal consistency process as provided by the CZMA.

All new development on land designated Public Quasi-Public, including development subject to federal consistency review shall have a management plan designed to ensure that, at a minimum, the following issues are addressed.

- Overuse impacts to the environment;
- Traffic and parking impacts - Parking lots shall be located out of the Critical Viewshed;
- Security to limit trespass onto private properties, control vandalism, and protect privacy;
- Public safety, including enforcement to prevent illegal campfires and taking preventive measures to protect against wildfires, including but not limited to maintaining wildfire fuels at safe levels and maintaining effective fuelbreaks;
- Rehabilitation of degraded areas including invasives removal and revegetation with natives; and
- Garbage and sanitation.

Land use intensities for this designation are set forth below for Section 5.3.1, Land Use Intensities.



Low intensity recreational and educational uses that are compatible with the natural resources of the area and require a minimum level of development to serve basic user needs and necessitating minimal alteration of the natural environment are appropriate. Such uses are defined as trails, picnic areas, walk-in camping, tent camping where the campsites are separated from one another, and supporting facilities. Campgrounds are limited to a maximum of 60 spaces. These are considered to be principal allowed uses.

Minimal necessary housing and maintenance facilities and moderate intensity recreational uses defined as tent platforms, cabins, RV campgrounds (up to 60 units per site), parks, stables, bicycle paths, improved restrooms, and interpretive centers are allowed as secondary and conditional uses. On site dining facilities may be allowed, but only to the extent needed to serve on premises overnight guests. Hostels and campgrounds over 60 spaces may be appropriate as well.

Such secondary and conditional moderate intensity uses are allowed provided that they be allowed in undeveloped park units only where it is infeasible to locate them in the existing developed park areas and only where strict conformance to watershed protection policies can be achieved.

#### **D. 4. Recreational, Visitor and Community Serving Commercial Public and Quasi-Public Use**

The properties designated with the Visitor and Community Serving Commercial land use designation are located in those areas with existing commercial uses and are appropriate for additional focused planned growth because adequate services and facilities exist or may be developed to support such development. The primary purpose of the Visitor and Community Serving Commercial land use designation is to respond to the needs of the traveling public, and the local residents. Recreational and visitor-serving and community-serving uses/facilities which may include restaurants, grocery or general stores and other community support facilities, local arts and crafts galleries, inns, hostels, service stations, RV campgrounds, employee housing, single family residences, agricultural uses, and moderate intensity recreational uses, are the principal permitted uses. Secondary, conditional uses include administrative, management and maintenance facilities for public agencies, fire stations, clinic and ambulance services, community halls, churches, post office, library and schools.

Land use intensities for this designation are set forth below for Section 5.3.1, Land Use Intensities.

#### ***E. Rural Residential***

For Rural Residential land use designation, rural residences are considered a principal use on vacant parcels where applicable resource protection policies can be met. Secondary uses appurtenant to rural residences include accessory dwelling units for long term housing with a deed restriction for such use (i.e., not allowed to be converted to short term rentals), garages, work or storage sheds, and art or craft studios. Otter Cove, Palo Colorado Canyon, Bixby Canyon, Sycamore Canyon, Pfeiffer Ridge, Coastlands, and Partington Ridge areas are designated principally for Rural Residential land use designation because they contain comparatively small parcels, generally unsuitable for other kinds of development.

Land use intensities for this designation are set forth below for Section 5.3.1– , Land Use Intensities.

F. *F-~~Employee Housing Overlay over Visitor and Community Serving Commercial Land Use Designation~~*

Employee Housing Overlay is over-applies to any parcel within the Visitor and Community Serving Commercial land use designation, or any parcel located contiguous to a parcel or parcels with Visitor and Community Serving Commercial land use designation (as reviewed on a case-by-case basis). The purpose of the ~~Employee-Employer-Sponsored Housing Overlay~~ is to encourage and facilitate development of employee housing. The Overlay shall permit residential development of any type (i.e., multi-family or single family) to provide for employee housing.

1. ~~Employee-Employer-Sponsored Housing Overlay Policies~~

a. Long term housing in the ~~Employee Employer-Sponsored Housing Overlay~~ shall not be converted to short term rental. To protect against conversion of employee housing to other uses such as short term rentals, each employee unit shall be deed restricted to- provide housing for employees in Big Sur, allow families that earn up to 160% of the median income (often teachers, nurses, etc.) to qualify for the housing, and the County shall develop a mechanism to track and penalize violators of the deed restriction.

b. Employee housing proposed within the ~~Employee Employer-Sponsored Housing Overlay~~ shall be encouraged using the following means:

- No zoning variance shall be required for employee housing on a case by case basis.
- Higher than ~~minimum~~-maximum required density (such as dormitories and bunk houses) may be allowed as a bonus for development of employee housing.
- Development standards may be modified to permit residential development within the mixed-use projects at higher densities by regulating developmental intensity for the mixed-use project floor area ratio, rather than by calculating dwelling units per acre.
- Development of pre-approved building plans (e.g., prefabs, yurts, trailers, etc.) shall be encouraged as-a means to reduce costs and minimize the review process.

- Development review process shall be expedited so that carrying costs for the land being developed with employee housing can be minimized.
- Density bonus, incentives, concessions and other provisions shall be utilized in compliance with State legislation (SB1818 and AB 2280) to encourage the development of employee housing. Rents for such affordable housing shall not exceed 60 percent of the area median rent depending on family size.
- For each employee housing project proposed, the County shall undertake a review to ensure that the development review fees are the minimum necessary to recover costs. If, based on the review, the County finds that the development review procedure or fees impacts the cost of the development, the County will make appropriate adjustment to mitigate the identified impacts, subject to the approval of the County Board of Supervisors.
- ~~— For each employee housing project proposed, the County shall undertake a review to ensure that the development review fees are the minimum necessary to recover costs. If, based on its review, the County finds that the development review procedure or fees impacts the cost of the development, the County will make appropriate adjustments to mitigate the identified impacts.~~
- Expansion of or new commercial or public agency operations shall require an employee housing plan, and the plan shall be implemented including necessary construction and be operational concurrent with the construction of the commercial facility.

c. The County shall require annual self-reporting to verify that any property developed as employee Employer-Sponsored housing under this overlay is being used for long term housing.

## 2. Employee Housing Policies for Areas Outside of Employee Housing Overlay

a. For areas outside the Employee Housing Overlay and within the Watershed and Scenic Conservation and Rural Residential land use designations, the following are also allowed to encourage long term housing in Big Sur to enhance the health of the visitor-serving industries and to support the long term viability of the Big Sur community:

- Allow non-traditional housing types such as single-room occupancy units, modular housing, and- yurts for long term-employee housing.
- Provide an expedited and cost effective process for rehabilitation to meet minimum health and safety standards of substandard and/or illegal units to use for long term employee-housing.

- Existing caretaker and guesthouse units shall be permitted to be converted to secondary units for long term rental-employee housing. Existing deed restrictions shall be amended accordingly.
- New secondary units shall be permitted for long term-employee housing.
- Encourage residential long-term rental housing on private properties through contracts with businesses.
- Encourage long-term residential rental housing on public lands.
- Geographic dDispersion of long-term residential rental housing is encouraged by allowing accessory dwelling units. ~~throughout the Big Sur community by increasing density where the infrastructure is available. Density bonus, incentives, concessions and other provisions shall be utilized in compliance with the State legislation (SB 1818 and AB 2280) to encourage the development of employee housing. Rent for such affordable housing shall not exceed 60% of the area median ren, depending on family size.~~
- Development review process shall be expedited and regulatory costs of development shall be minimized.

b. Long term housing developed outside of the overlay pursuant to Policy 1 above shall not be converted to short term rental. To protect against conversion of long term housing to other uses such as short term rentals, each long term unit shall be deed restricted to provide long-term rental housing in the Big Sur Coastal Planning Area, and the County shall develop a mechanism to track and penalize violators of the deed ~~restriction~~restrictionn.

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c. The County shall require annual self-reporting to verify that any property developed as long term housing pursuant to Policy 1 is being used for long term housing.

### **G. 7. Special Treatment Area**

Gorda/Treebones – The land designated as a Special Treatment Area allows for an increased level of development for long term employee housing. ~~and a South Coast fire house to meet the needs of Treebones.the Big Sur community. Therefore, m~~Maximum use of the property should be allowed for ~~to allow~~ employee housing for families that earn up to 160% of the median income (teachers, nurses, etc.), and the property shall be restricted for that~~se~~at limited uses only. AThe

fire house and associated infrastructure (e.g., road) shall be exceptions to the Critical Viewshed policy. The employee housing shall be subject to the Critical Viewshed policy.

## **6. ~~————~~ *Military and Coast Guard***

~~This category applies to the U. S. Naval Station and Coast Guard Station at Point Sur and the Navy property at Granite Creek leased to the California Department of Fish and Game. Coastal dependent development is the principal allowed use, with public agency facilities and moderate intensity recreation uses (as specified in Section 5.3.1.4) as secondary uses.~~

~~As provided by the Federal Coastal Zone Management Act of 1972 (CZMA), lands subject to exclusive federal jurisdiction, such as the Naval Facility at Pt. Sur, are not subject to Coastal Commission or County jurisdiction. However, when federally owned lands are opened to non-federal development, such developments are subject to coastal permit requirements. Accordingly, the land use designations shown for federal lands are for the purpose of regulating future non federal development, if any. Federal projects on excluded lands will be addressed by the federal consistency process as provided by the CZMA.~~

## **H.3.2 Land Use Map and Summary of Land Use Proposals Special Land Uses**

### **1. Bed & Breakfast Facility**

Most visitor accommodations are more appropriate in the Visitor and Community Serving Commercial land use designation. In order to provide a range of accommodations to a variety of visitors, a limited number of visitor accommodations may be appropriate outside of the Visitor and Community Serving Commercial land use designation. Because of the uniqueness of Big Sur (particularly due to the importance of land stewardship to ensure resource protection and to protect the long term viability of the Big Sur community), any visitor accommodations outside of the Visitor and Community Serving Commercial land use designation shall be limited to Bed and Breakfast Facilities so long as they are not detrimental to the health, safety and welfare of the people residing in the area. For those reasons, Bed and Breakfast Facilities are subject to the policies below:

- a. Bed and Breakfast Facilities are allowed in Visitor and Community Serving Commercial land use designation.
- b. Bed and Breakfast Facilities are not allowed where Palo Colorado or Sycamore Canyon Roads are used for access.
- c. Other than from Palo Colorado or Sycamore Canyon Roads, Bed and Breakfast Facilities may be allowed outside of the Visitor and Community Serving Commercial land use designation if they meet all of the following criteria:

- The property has unshared, direct access from Highway One and with a coastal

permit and use permit in each case to ensure that the location is appropriate for such operation. Bed and Breakfast Facilities are not allowed on any shared private road. Each use permit shall be renewed every 5 years and expires upon transfer of ownership.

- A property owner shall reside on-site as their principal residence and manage their respective Bed and Breakfast Facilities.
- The Bed and Breakfast Facilities shall not be affiliated with any motel or hotel in order to avoid “commercializing” the residential neighborhoods. No two Bed and Breakfast Facilities shall have any common ownership interest.
- The Bed and Breakfast Facilities shall not be detrimental to health, safety or welfare of the people residing in the neighborhood. Adequate ingress and egress shall be available for emergency vehicles
- Bed and Breakfast Facilities shall have sufficient infrastructure (i.e., water, sewer, public road, parking) to serve their operations.

**2. B. — Time Shares and Vacation Short Term Rentals**

a.1. Time Shares are prohibited in the Big Sur Coastal Planning Area.

~~2. Transient occupancy (less than 30 days) on non-commercial parcels, including sShort Term Rentals and home stays, isare prohibited in the Big Sur Coastal Planning Area~~

. b. Vacation Rentals, including Short Term Rentals, home stay, camping , and other similar land uses, whereby the residents host visitors in their homes, in whole or in part, or on their property for camping, for compensation, for periods of thirty consecutive days or less, is prohibited. Rental of units located within County-approved hotels, motels and bed and breakfasts shall not be considered vacation rentals.

Except as

allowed by the Monterey County Zoning Code Title 20.

**c. 3. C. Special Events (Delete and add to the Coastal Implementation Plan)**

Special Events include revenue generating commercial events such as weddings, corporate retreats, sporting (e.g. bicycle) events, film shoots, festivals, circuses, workshops, and music events occurring outside of Visitor and Community Serving Commercial land use designation. “Commercial” is defined as revenue generating where the property owners or tenants earn income for the use of the land.

Special Events are currently and will continue to be permitted on the properties located within the Visitor and Community Serving Commercial land use designation as part of the Use Permit granted for that commercial operation, and the commercial operation within the Visitor and Community Serving Commercial land use designation will not be subject to the limitations set forth below and will only be subject to the limitation set forth in their respective use permit.

Special Events occurring on or along Highway One roadway are subject to the requirements set forth in this LUP such as bicycle or marathon or auto events.

For areas outside of the Visitor and Community Serving Commercial and Public Quasi-Public land use designations, Special Events are only permitted with a Conditional Special Use Permit with the following limitations:

a. Special Events are allowed only four times a year per property, with each event not to exceed three days.

b. Restroom and water facilities shall be provided.

c. Unless adequate on-site parking facilities are available, limited on-site parking is allowed for essential vehicles, and shuttle service shall be provided for guests.

d. Complies with Monterey County noise requirements.

e. The property proposing a Special Event must be accessible from a public road(s) and cannot use shared private roads.

f. The number of people (including support staff) allowed in each Special Event shall be limited to safe fire building capacity of the structure or the property as determined by the County Fire Warden or fire authority having jurisdiction.

**d. Prohibition of Helicopters Pad and Use.**

1. A permanent helicopter pad is prohibited in the Big Sur Coast Planning Area due to helicopter use's direct conflict with Big Sur's rural and wild character; its effect on the peace and tranquility of Big Sur's small-scale, traditional and rural setting; and its potential to harass wildlife. Temporary helicopter landing areas may be allowed for emergency medical, fire, or search and rescue purposes or as temporarily needed during construction. Upon the end of any such emergency or construction, the temporary landing area must be removed.

2. A helicopter business or regular use of helicopter is prohibited in the Big Sur Coastal Planning Area, except for medical, fire, or search and rescue purposes or as temporarily needed during

construction, due to its direct conflict with Big Sur's rural and wild character; its effect on the peace and tranquility of Big Sur's small-scale, traditional and rural setting; and its potential to harass wildlife.

**e. Prohibition of Recreational and Commercial Drones.**

The entire coast along Highway One borders the Monterey Bay Marine Sanctuary where drones are prohibited. Due to lack of resources and enforcement, a majority of drone operators break FAA regulations by flying over these protected areas. The increased use of drones over private property in the Big Sur Coast Planning Area has also led to violations of resident's privacy, trespass, and the disturbance of livestock and wildlife.

1. Recreational or commercial drone is prohibited to fly over the Big Sur Coast Planning Area, except under emergency circumstances (as further described below), due to its direct conflict with Big Sur's rural and wild character; its effect on the peace and tranquility of Big Sur's small-scale, traditional and rural setting; and its potential to harass wildlife. Drones may be used for emergency medical, fire, or search and rescue purposes.

**f. Prohibition of Dispersed Camping.** Dispersed camping, i.e., camping outside of any developed campsite, is prohibited in the Big Sur Coast Planning Area.

**5.3.1 Allowable Land Use Densities/Intensities**

The land uses described in the preceding section are to be located on the Big Sur coast as shown on the proposed land use map. Eight separate land use patterns are shown on the map's legend and an additional designation is used for the four rural community centers.

Overall, the map reflects current land use patterns, with traditional centers of commercial, recreational, and residential activity remaining as the recommended areas for such uses in the future. Most of the land on the coast is rural and undeveloped as part of the Los Padres National Forest or large privately held ownerships. The emphasis on these lands has been on minimal use and careful stewardship. These basic uses are proposed to remain over most of the area as indicated by the broad use of the Watershed and Scenic Conservation designation and the National Forest designation. The Watershed and Scenic Conservation category permits a number of land uses including ranches, rural residences, low intensity recreation, rustic visitor accommodations, and under careful controls, forestry, mining, and aquaculture. The development and resource policies of the plan will guide landowners in assuring that development is compatible with protection of the area. At the same time, the flexibility that this category permits provides an opportunity for landowners to obtain a reasonable return from the land.

Two Resource Conservation categories are shown on the map. The lagoons at the mouths of the Big Sur and Little Sur Rivers, and the riparian areas along the lower reaches of the two streams are reclassified as Wetlands and Coastal Strand. Numerous other areas along the coast, particularly shoreline and intertidal areas need the strict protection required by the Resource Conservation classification but, because of imprecise data on the locations and extent of these areas, they are not shown on the map. They will be managed instead through the application of the plan's various resource policies. The plan shows the Landels Hill Big Creek Reserve as Forest and Upland Habitat in



recognition of the research and preservation purposes to which this State-owned property is devoted.

The Outdoor Recreation category is applied to Molera State Park and the recent Garrapata acquisition, in order to provide recreational opportunities while ensuring the areas remain in a natural state. The major beaches on the coast, Garrapata, Little Sur, Point Sur, Pfeiffer, and Sand Dollar, are also included in this category to protect their primitive and natural character. In addition, uses permitted in this category are encouraged on appropriate sites within areas shown on the map as Watershed and Scenic Conservation. Large private properties in particular, can be developed to provide enjoyable low intensity, outdoor recreation opportunities for the public in a scenic and natural setting. Proposals for such uses will be considered on any suitable property.

Activities and facilities described in the Outdoor Recreation category are currently available at several public and private locations including Pfeiffer Big Sur State Park, Julia Pfeiffer Burns State Park, Limekiln Creek, Kirk Creek, Mill Creek and Plaskett Creek, which are reflected on the land use map. A number of privately operated improved campgrounds are located in the Big Sur Valley.

Otter Cove, Palo Colorado Canyon, Bixby Canyon, Sycamore Canyon, Pfeiffer Ridge, Coastlands, and Partington Ridge areas are designated principally for Rural Residential use because they contain numerous comparatively small parcels, generally unsuitable for other kinds of development. While the land use map reflects the rural residential character of these areas, further subdivision is not generally appropriate and full buildout of all existing parcels may be unwise in view of the limitations of the natural environment. Recommendations in Section 5.4 of the plan, point to the need for careful study of each of these areas to avoid undesirable cumulative impacts resulting from continued residential development. In all cases, residential development proposals for individual parcels will be considered on their merits in accordance with applicable plan policies.

The Military Land use designation is used at three locations, Granite Creek, the Point Sur Coast Guard Light Station, and the U. S. Navy Station just south of Point Sur.

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 areas 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. Residential development can take place in this category in the Big Sur Valley at 1 dwelling unit per existing vacant parcel or as employee housing although the limited available developable land urges that other more essential uses should have preference. In the portions of the Lucia, Gorda, and Pacific Valley areas delineated as Rural Community Centers, residential development should be avoided altogether, again, because of limited available land. The primary purpose of this section is to establish standards for the densities/intensities of new development in Big Sur, and these standards are set forth, in part, by Table 1 below. In addition to the standards contained in Table 1, the density/intensity of new development is governed by the following mechanism that is unique to the LUP:

Slope-Density Formula. The density of new residential development in all land use designations is determined by the “slope-density formula” set forth in Policy 2.8, which establishes allowable residential densities based on the slope of the development site.

The locations of any of these uses within the Rural Community Centers is not a major concern and can best be determined upon review of individual, specific proposals. In general any use allowed in any zone is appropriate for Rural Community Centers.

### *5.3.3 Summary of Development Potential*

The plan permits development on existing vacant or partially developed parcels based on conformance to the standards of the plan. It is estimated that there are 800 such parcels and that approximately 100 new parcels could be created through subdivision. The plan also permits up to 50 caretakers houses. Expansion of lodging facilities in the Big Sur Valley, Lucia, Pacific Valley and Gorda is possible to some extent. Up to 50 hostel units can be constructed. Employee housing may also be constructed to serve commercial visitor serving facilities and State and Forest Service facilities. The inn unit density standards are expected to hold inn development to less than 300 new units.

The policies that follow establish a slope density formula as the determinant of potential residential development. A conversion factor is available in the Watershed and Scenic Conservation land use designation that permits potential residential units to be developed as inn units at the rate of two inn units per residence (up to a maximum of 8 per parcel), thereby establishing potential buildout for this major land use category.

Consequently, long range development of the coast will depend upon the choices made by landowners over time. A strong response to demand for visitor facilities will result in a reduction in residential construction potential. For example, if 100 additional residential units are ultimately approved for development in the Watershed and Scenic Conservation area, this could result in 100 residences. It could also result in 50 residences and 100 inn units, or no residences and 200 inn units, etc. While this is only illustrative, it shows the relationship of visitor serving facilities and residential development based on the conversion factor. An important condition of the plan is that property can be devoted to either residential or visitor serving overnight accommodations, or a combination of both, but that density credit cannot be applied for both uses from the same acreage.

The LUP plan is flexible concerning the siting of new development, allowing a range of land use proposals to be made at any particular location. Yet the plan's resource protection standards, and slope and road requirements, are stringent, ultimately causing new development to be sited on the most physically suitable locations and limiting buildout to a level that can be accommodated on those sites that can meet all of the plan's requirements.

Table 1 summarizes the major categories of development according to the locations at which the use could take place and provides standards to guide the density at which campgrounds can be clustered on the site. No limitation is established in the plan for the number of campsites that could be developed.



TABLE 1: LAND USE AND DEVELOPMENT INTENSITY AND BUILDOUT

<u>Uses</u>	<u>Location on Land Use Map</u>	<u>Overall Density Standard/Cap</u>	<u>Site Development Standards<sup>3</sup></u>	<u>Estimated Additional Units<sup>1</sup> or Beds in Big Sur</u>
<b>Residential</b>				
<u>Principal Residences</u>	<u>WSC; RR; VCSC<sup>2</sup></u>	<u>Minimum 1 per existing parcel; 1 per 40 acres west of Highway One; 1 per 40-320 acres (per slope density formula) east of Highway One</u>	<u>EXISTING LEGAL LOT OF RECORD</u>	<u>Existing legal lots of record</u>
<u>Receiver Sites for TDC</u>	<u>WSC; RR; VCSC</u>	<u>2 times the above (minimum 1 unit per acre)</u>	<u>Same as Above</u>	<u>50 units per TDC Program</u>
<b>Employee Housing</b>				
<u>Commercial Employee Housing (located on VCSC land use designated parcels or parcels contiguous thereto)</u>	<u>VCSC; PQP</u>	<u>Specified in housing plan required for each commercial or PQP project</u>	<u>n/a</u>	
<u>Dedicated Employee Housing (located off site with direct access to and from Highway One)</u>	<u>VCSC; PQP; WSC; RR; Special Treatment Area</u>	<u>20 units per acre</u>	<u>n/a</u>	
<u>Accessory Dwelling Units Deed Restricted for Long Term Rental<sup>3</sup> and with Annual Reporting</u>	<u>WSC/RR/VCSC</u>	<u>3 -per parcel (combined total maximum sq. ft. of 1,200 sq. ft.)</u>	<u>n/a</u>	<u>On Existing Legal Lots of Record</u>
<b>Commercial Development not including visitor accommodations or resorts such as inns, motels &amp; hotels (e.g., restaurants, retail, etc.)</b>				

<sup>1</sup> "Unit" for inns equals one bedroom and "unit" for principal residence equals one dwelling structure that is not an accessory dwelling; "unit" for employee housing equals two beds. Principal residence can be, but is not limited to, manufactured home or yurt.

<sup>2</sup> Development of visitor accommodation use is permitted on a parcel designated VCSC and containing an existing residence so long as the existing residence is considered an ancillary use (owner or employee housing) to the visitor-serving facility.

<sup>3</sup> For Table 1, long term rental is defined as rental for minimum of a six-month period.

<u>Uses</u>	<u>Location on Land Use Map</u>	<u>Overall Density Standard/Cap</u>	<u>Site Development Standards<sup>3</sup></u>	<u>Estimated Additional Units<sup>1</sup> or Beds in Big Sur</u>
<u>Visitor and Community Servicing Commercial Uses (e.g., restaurants, retail)</u>	<u>VCSC</u>		<u>Maximum 50% lot coverage or maximum of 15,000 square feet, whichever is less; Structure cannot exceed two stories.</u>	
<b><u>Visitor Accommodations</u></b>				
<u>New Inns, Resorts</u>	<u>PACIFIC VALLEYSOUTH COAST (SOUTH OF ESALEN)</u>	<u>30 UNITS (SPECIAL ALLOWANCE)</u>	<u>30 UNITS</u>	<u>30</u>
	<u>Westmere</u>	<u>24 units (special allowance)</u>	<u>24 units</u>	<u>24</u>
	<u>VCSC</u>	<u>5 unit per acre</u>	<u>3-acre minimum parcel; 30 units per cluster maximum</u>	
<u>Expansion of Existing Inn, Resort, or RV Campground<sup>3</sup></u>				
	<u>VCSC</u>	<u>5 units per acre</u>	<u>30 units per cluster maximum</u>	
<u>Hostels</u>	<u>WSC; PQP</u>	<u>Maximum 50 beds per hostel</u>	<u>2-acre minimum parcel requires unshared direct access to Highway One.<sup>4</sup></u>	<u>100 beds</u>
	<u>VCSC</u>		<u>1-acre minimum parcel</u>	
<u>Bed &amp; Breakfast</u>	<u>RR; WSC; VCSC</u>	<u>4 units per Bed &amp; breakfast facility; 50 units maximum total</u>	<u>Unshared Direct Access to Highway One<sup>4</sup></u>	<u>50 Units<sup>5</sup></u>
<b><u>Campgrounds</u></b>				
<u>Developed Campgrounds with water and electrical infrastructure (Not allowed in RR)</u>	<u>VCSC, PQP</u>	<u>10 spaces per acre</u>		
	<u>WSC</u>	<u>5 spaces per acre</u>	<u>Unshared Direct Access to Highway One<sup>4</sup></u>	

<sup>4</sup> For RR & WSC, the parcel must have unshared direct access to Highway 1, unless such access already has some commercial or non-residential use and not using Palo Colorado or Sycamore Canyon Road.;

<sup>5</sup> "Unit" for bed & breakfast facilities equals one bedroom.

<u>Uses</u>	<u>Location on Land Use Map</u>	<u>Overall Density Standard/Cap</u>	<u>Site Development Standards<sup>3</sup></u>	<u>Estimated Additional Units<sup>1</sup> or Beds in Big Sur</u>
<u>Rustic Campgrounds<sup>6</sup>, Hike-In and Environmental Campsites (Not allowed in RR)</u>	<u>VCSC</u>	<u>5 spaces per acre</u>		
	<u>PQP</u>	<u>5 spaces per acre</u>		

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<sup>6</sup> Rustic campgrounds are for tent camping only.

## 5.4 DEVELOPMENT POLICIES

### 5.4.1 Key Policy

Future land use development on the Big Sur coast should be extremely limited, in keeping with the larger goal of preserving the coast as a scenic natural area. In all cases, new land uses must remain subordinate to the character and grandeur of the Big Sur country. All proposed uses, whether public or private, must meet the same exacting environmental standards and must contribute to the preservation of Big Sur's scenery.

### 5.4.2 General Policies

1. All development and use of the land whether public or private shall conform to all applicable policies of this LUP plan and shall meet the same resource protection standards. ~~The Big Sur River and Little Sur River Protected Waterway Management Plans are incorporated by reference into this plan. The goals, objectives and policies of the plans shall apply in those areas, as will all provisions of this plan.~~
2. Development of any area of Big Sur will be ~~limited to~~ consistent with uses for that area illustrated on the ~~plan map~~ Land Use Diagram and to the use intensities described in the text. Uses not shown on the Diagram ~~plan map~~ or described in the text will not be permitted.
3. Agriculture, low intensity ~~passive~~ recreation, and rural residential uses traditionally established in Big Sur are the most appropriate activities on private lands.
4. ~~Land divisions in general are discouraged and are especially inappropriate on large ranches.~~
- 5.4. Existing parcels of record are considered buildable parcels and are suitable for development of uses consistent with the Land Use Diagram ~~plan map~~ provided all and resource protection policies ~~can be fully satisfied, there is adequate building areas of less than 30% cross slope, and they are not merged by provisions elsewhere in this LUP plan.~~
- 6.5. Many types of land use found in other locations in the County are inappropriate to the Big Sur coast and are in conflict with the rural environment, the protection of natural resources, and the general peace of the area and are not therefore provided for in the LUP plan. Among these uses are intensive recreational activities such as tennis, golf, cinemas, mechanized recreation, boating facilities, industrial development, manufacturing other than cottage industry or art production, on-shore or off-shore energy facilities, large scale mineral extraction or mining, fracking, oil extraction, commercial timber harvesting, and any non-coastally dependent industries other than cottage industries.
6. In general, any land use or development of a character, scale, or activity level inconsistent with the goal of preserving the coast's natural, undeveloped beauty and tranquility will not be permitted.

~~Where areas are designated for watershed restoration in accordance with the procedures specified in Policy 3.4.3.C 2 of this plan, the County shall consider the objectives of the proposed restoration activities and limit development in such areas accordingly, regardless of the land uses proposed for the area in this plan.~~

~~DONE — 2-10-2020~~

- ~~7. Except for infrastructure (e.g., roads, utilities), it is the policy of the Monterey County that lands in excess of thirty percent cross slope, located east of Highway One, shall not be developed except where such development is required to avoid a legal taking or where such development on the whole would ~~have reduced~~ impacts on the environment by reducing road cuts and/or clustering development outside of Critical Viewsheds or environmentally sensitive habitat areas. Those portions of a parcel in this area that have a cross slope of thirty percent or more shall receive a density of one dwelling unit (d.u.) for 320 acres. Notwithstanding the foregoing, legal lots of record may be allowed to have one primary and accessory dwelling units, and are exempt from this policy. ~~To avoid increased fire hazards, trash, sanitation problems, and trespass, dispersed camping should be prohibited and prevented through enforcement by the U.S. Forest Service and the California State Parks.~~~~

The calculation of residential development potential on property east of Highway One will be based on the following slope density formula:

***CROSS SLOPE***

***DWELLING UNIT/ACRE***

Under - 15%	1 - 40
18 - 30%	1 - 80
Over - 30%	1 - 320

Property west of Highway One may be developed at a density rate of 1 d.u. per 40 acres.

- ~~9. For purposes of calculating both residential and commercial development potential, including but not limited to inn units, areas of a parcel that exceed 30% slope shall not be excluded from the calculation.~~
- ~~10. Other than for employee housing located in the areas designated as Affordable Housing Overlay Visitor and Community Serving Commercial, properties west of Highway One may be developed at a density rate of 1 dwelling unit per 40 acres. Legal lots of record are exempted from this policy. ~~Legal lots of record are exempted from this policy.~~~~
- ~~11. Development on slopes in excess of thirty percent is allowed with a coastal permit if there is no feasible alternative which would allow development to occur on slopes of less than thirty percent or that if the proposed development better achieves the goals, policies or objectives of this LUP. Utilities, roads, etc. are not restricted on slopes in excess of thirty percent.~~



~~9.12. (EXISTING POLICY 5.4.2.9). The following density standards for inn unit development are designed to allow up to a maximum of 5300 units for new visitor serving lodge, or inns, cabins, and bed and breakfast rooms and other similar facilities –on the Big Sur Coast, based on protection of the capacity of Highway One to accommodate recreational use, the avoidance of overuse of areas of the coast, and the need for development to respect the rural character of the Big Sur Coast and its many natural resources.~~

The number of visitor-serving lodging units on any one site is limited to 30, reflecting the small scale character of the special Big Sur community. As specified in Table 1, the maximum inn unit density for new inns or resort in the Visitor and Community Serving Commercial land use designation shall be one unit per acre, with a minimum parcel size of three ten acres. The maximum inn (or resort) unit density for existing inns or resorts that are being proposed for expansion shall be five units per acre.

~~In other locations where inn unit development is allowed in the land use designations, the number of allowable new inn units shall be two lodging units for each potential subdivision lot that is permanently retired by action of the applicant. An applicant must determine from Policy 5.4.2.8, above, the allowable residential density on land that can be further subdivided and then multiply that density times two to determine the allowable number of visitor serving units. However, the maximum inn unit density allowance for any one ownership in the Watershed and Scenic Conservation land use designation shall not in any event exceed a net of 8 per existing parcel, which may be aggregated into clusters up to the maximum per site specified above. Open space approved as a part of a development proposal shall be secured by a scenic easement, assuring its retention in perpetual open space or agricultural use. Before any development (other than agricultural improvements and a hostel at the Pt. Sur lighthouse) is approved for the area adjacent to Naval Facility Pt. Sur, the Commanding Officer shall be consulted to insure that the proposed development will not constitute a hazard to military security. The area is defined as that area bounded by Highway One on the east, the first ridge south of the facility, and the Pt. Sur Lighthouse access road on the north, including the Pt. Sur Lighthouse Reservation and extending perpendicularly to the seaward limit of the coastal zone.~~

10. Off-site advertising signs shall not be allowed.

On-site advertising signs only are allowed in connection with commercial or visitor-serving uses, to a maximum 35 square feet. The size, design, materials, and location of all signs should be in keeping with the local character, appropriate for the intended use, and be subject to the Development Permit Process permit process. Materials shall be limited to those which are natural, including unpainted wood (except for lettering) and stone, whenever feasible. No exterior or interior neon plastic, moving, or flashing signs will be allowed.

Caltrans should not allow any private signs or advertising structures within the state right-of-way.

11. 11. A coastal development permit or waiver must be obtained for the harvesting or the

removal of ~~trees and other~~ major vegetation. However, in the Big Sur Coastal Planning Area the following will not be considered harvesting or the as-removal of major vegetation.:

- a. Removal of non-native or planted trees, except where this would result in the exposure of structures in the Critical Viewshed;
- b. Removal of hazardous trees which pose a current ~~imminent~~ danger to life or property, or threaten contagion of nearby forested areas, subject to verification by the County or CAL FIRE~~California Department of Forestry~~;
- c. Thinning of small (less than 1242" diameter) or dead trees from densely~~ity~~ forested areas, especially as needed to reduce unsafe fuel accumulations adjacent to existing occupied buildings; ~~and~~;
- d. Prescribed burning, crushing, lopping or other methods of brush clearing which do not materially disturb underlying soils; and;
- ~~d.~~e. Removal of trees and other major vegetation prescribed by the Fire Authority Having Jurisdiction or Monterey County Fuel Mitigation Officer.

g/f. Fuel reduction work that is consistent with the Board of Forestry's California Department of Forestry and Fire Protection General Guidelines for creating defensible space. Does not require a permit or permit waiver.

12. Selective removal of trees for development may be permitted where consistent with the Forest Resources policies of this LUP Plan, provided that no impairment of the Critical Viewshed or degradation of environmentally sensitive habitat area will result. Where the removal of trees is part of a stand improvement project or similar long-term commercial timber harvest management effort, the submission of a Forest Management Plan for the site will be encouraged by the County; approval of such plans pursuant to a ~~coastal development~~ permit will obviate the need for multiple permit requests on the same site.

### **5.4.3 Specific Policies**

#### **A. National Forest Lands**

- ~~1. The County strongly supports continued management of the Ventana Wilderness in strict adherence to the provisions of the Wilderness Act.~~
- 2.1. The County requests that the U.S. Forest Service give special attention in its planning and management of the Los Padres National Forest to the protection of the natural environment

from recreational overuse and to the protection of adjacent residents from fire hazard by maintaining the historic Big Box fuelbreak as recommended in the MCCWPP and water pollution resulting from recreational use.

~~3.2.~~ The County ~~sh~~will consult with the U.S. Forest Service prior to the issuance of a coastal development permit for any parcel adjacent to the National Forest lands, roads, or access trails.

~~4.3.~~ ~~The "National Forest" land use designation may include some lands not currently managed by the U.S. Forest Service. Non federal development within the "National Forest" land use designation will be subject to the policies for "Watershed and Scenic Conservation". Lands added to Los Padres National Forest outside the certified "National Forest" designation will not be redesignated without Plan amendments. Federal and State land management plans shall address, carrying capacity, traffic flow and safety, fire hazard, and impacting the quality of visitor experience. For example, areas that have been overused and neglected, such as, but not limited to, Sykes Camp, Pfeiffer Beach and JP Burns State Park, are in desperate need of protections. Solutions to these problems shall be included in management plans at their next update and thereafter.~~

## ***B. Agriculture***

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.
2. Aquaculture activities are considered agriculture uses and are generally compatible with the goals of this LUP~~plan~~. Processing facilities will be carefully considered to assure compatibility with the area.

## ***C. Development of New or Expanded Recreation and Visitor-Serving Facilities***

1. Development of recreation and visitor-serving facilities at locations suitable for such use is ~~preferred over other types of development~~desired in Big Sur because of Big Sur's national significance as a recreation area.
2. Maintenance of the rustic, outdoor recreational character of Big Sur is emphasized. The expansion and development of recreation and visitor-serving facilities in Big Sur shall be of a scale and nature that is compatible with the natural and cultural character of the area while offering opportunities for visitors to experience and enjoy the beauty and inspiration that the Big Sur environment presents. Intensive recreational uses or facilities are not appropriate and shall not be permitted.

Compatible scale and character shall include limiting the number of visitor accommodation units as specified in Policy 5.4.2.9 and shall limit such structures to two stories in height, subject to site

constraints. ~~Intensive visitor serving projects (those over 5 units) will be required to enhance and/or provide public coastal recreational opportunities consistent with Coastal Act Sections 30212.5 and 30222 and all Plan policies. However, employee housing can be three stories in height, if the housing is outside of the Critical Viewshed.~~

~~The provisions of this policy shall apply to policy 3, below, as well as all other relevant Plan policies.~~

3. ~~The Soberanes Point, Garrapata Beach, Brazil Ranch, and Andrew Molera State Park and the Little Sur River areas should be planned for restricted to low-intensity, day-use recreational development with minimal provision of facilities. The scenic and natural resources of these areas should be preserved in a natural state. Public access to Point Sur Lighthouse should be limited to guided tours only.~~

4. ~~Historical resource areas can offer interesting and attractive recreational opportunities for visitors to Big Sur. These areas shall be preserved for public recreational and educational use.~~

~~The County shall encourages allow expansion and development of public and private recreation and visitor-serving facilities and employee housing within existing areas of development. Existing facilities within the Visitor and Community Serving Commercial land use designation that are legal non-conforming may will be allowed to exceed the densities of Table 1. Accordingly, new development, or expansion of existing recreation and visitor-serving facilities in the Big Sur Valley, and at Lucia, Gorda, and Pacific Valley is generally acceptable provided resource protection policies can be met.~~

5.4. ~~Undeveloped area in Big Sur shall be preserved for low intensity recreational use such as hiking and camping and nature study. Only minimal alterations of Big Sur's existing natural environment and recreational character shall be allowed. Development of low intensity recreation uses and visitor serving facilities are encouraged on the larger properties where this will assist in providing economic uses of the land and in meeting Coastal Act objectives for public recreation.~~

6.5. ~~Recreational and visitor-serving facility expansion and development proposals shall be evaluated on an individual basis. All proposals must demonstrate consistency with the land use plan and environmental, visual, design and traffic constraints. Visitor-serving facilities may be approved on any size parcel meeting the standards listed in Table 1 and shall be large enough to allow for the construction of needed employee housing, provide adequate sewage disposal and parking, and otherwise, satisfy the policies of this plan. Additional criteria for inn unit development include:~~

a. ~~Must have direct unshared access to Highway One public road (not including Sycamore Canyon or Palo Colorado Roads), or common driveway with permission of the other owners; unless such access already has some commercial or non-residential use.~~

b. Deed restrictions must be recorded to preclude rental or subdivision of the inn units as separate residential dwelling units.

b.c. Deed restriction must be recorded to preclude use of employee housing as inn units.

No portion of acreage necessary for one facility shall be credited to a different facility. ~~For example, pursuant to Table 1, a 25-acre parcel in a Rural Community Center could have 25 inn units, or 50 RV campsites or 10 inn units and 30 RV campsites.~~

Inns shall provide at least one parking space per room. Free-standing restaurants (not part of an inn) shall provide at least one space per four seats or per 100 sq. ft. of both open and enclosed dining area, whichever is greater. In addition, adequate and separate employee parking shall be provided.

New free-standing restaurant development shall be limited to the ~~Rural Community Centers~~ Visitor and Community Serving Commercial (VCSC) land use designation and the sites specified in LUP Plan Policy 5.4.3.E-1. The maximum size for such new restaurant structures shall be that amount of space needed for a 120-seat enclosed dining room facility. Elsewhere, restaurants shall not be larger than required to serve the maximum size inn allowed on the parcel (generally, at the ratio of two seats per inn unit). Expansion of existing restaurant buildings shall be limited in scale to that which is in character with Big Sur, not to exceed a 10% expansion in area or an area sufficient for 120 dining room seats, whichever is greater.

~~6. Projects for new or extensively expanded recreation and visitor serving facilities shall provide low cost recreational facilities as part of the development. The establishment of low cost hostels in Big Sur is encouraged as part of a comprehensive hostel system for the California coast.~~ Applicants for commercial developments shall submit a profile of the number of expected employees. The profile shall indicate, in general ranges, the income of the prospective employees and other information that would allow for an assessment of the employee housing needs to be created by the development. An employee housing plan shall be submitted that indicates how the employer shall, as part of the development or otherwise, satisfy all, or a substantial portion of, the housing needs of the employees.

~~7.~~ The employee housing plan shall be implemented prior to or concurrently with the commercial development. A deed restriction shall be recorded to preclude the use of employee housing for any other use than for providing housing for the commercial establishment's employees.

~~8.7.~~ The County requests that State and Federal agencies prepare long range recreational development plans for areas under their jurisdiction. The County requests that these plans contain traffic components describing the portion of Highway One ~~±~~ capacity required to serve the proposed recreational development, including public transportation potential. The County will seek to assure that approval of these plans will be made jointly and on a cooperative basis, by all agencies involved in the management of Highway One ~~±~~. Environmental assessments will be required for all such proposals. Development of public and private recreational facilities will be

phased as part of a recreational growth management program based on available highway capacity. Development standards for approval of recreational facilities and visitor-serving facilities on government lands shall be identical to those applied to private developments in Big Sur.

**D. Recreation Management**

1. Management of recreation uses in Big Sur shall emphasize the enjoyment of the natural scenic environment and shall preserve the rural, wilderness, and inspirational qualities for which the Big Sur coast is famous. A high standard of resource protection is required to maintain the valuable resources of the Big Sur coast in perpetuity.
2. Additional development for public recreation~~funding~~ should only be allowed where there is sufficient funding by the State ~~and~~ Federal government to manage and maintain the new development and existing public recreation areas and facilities and protect natural habitats. ~~before more public land is opened to recreational use by these same agencies.~~
3. Management policies for ~~o~~Outdoor ~~r~~Recreation areas shall be to limit levels of use in environmentally sensitive habitat areas and redirect recreational activities to other areas able to support anticipated use with minimal environmental impacts.
4. Pleasure driving along scenic Highway ~~One~~ One is a major recreational activity. Provided that it will not decrease capacity of Highway One, ~~p~~Public transit service to the coast should be expanded. Local transit service within Big Sur should be initiated to serve the visitors of California State Parks, Los Padres National Forest facilities, and private recreation and visitor-serving facilities. ~~The Department of Parks and Recreation and the Forest Service should reserve a portion of campground capacity for visitors arriving during non-peak traffic hours in order to distribute Highway 1 traffic destined for these areas more evenly throughout the da~~The County will cooperate with Caltrans, the Department of Parks and Recreation, the Forest Service and San Luis Obispo County in establishing roadside visitor information centers near each end of the Big Sur coast. These centers will be for the convenience of travelers, will assist in reducing unnecessary traffic on Highway 1, and will help coordinate operation of private and public recreational facilities. ~~The determination of appropriate information center sites will be coordinated with Caltrans as part of the Plan implementat~~
5. ~~A~~Caltrans shall provide additional roadside restroom facilities ~~located south of Big Sur Valley~~ to serve visitors and the traveling public shall be provided, consistent with Critical Viewshed and resource protection policies, criteria. The determination of appropriate restroom locations will be coordinated with Caltrans as part of the Plan implementation.
6. Adequate public access shall be provided to recreational areas but all appropriate management measures should be used to discourage trespass. Site design and facility management should discourage trespass onto adjacent property. ~~Improvements to the Bicentennial Bicycle Path shall be completed where feasible and the route~~

- ~~shall be properly signed and marked to alert drivers and provide bicyclists extra protection. Surfing and scuba diving are not encouraged due to hazardous conditions. Development of special facilities for these uses would be inappropriate.~~
7. The U.S. Forest Service may designate appropriate areas in the vicinity of Pacific Valley Center for hang-gliding and shall provide supervision to discourage hang-gliding in areas that could endanger the safety of hang-gliders and the public. Hang-gliding from or landing on private property shall be allowed only upon prior approval of the owner.
  8. Off-road vehicle recreation is not an appropriate use in the Plan.

### *E. Commercial*

1. Development of new commercial uses in this Visitor and Community ~~serving Commercial land use designation community and visitor needs to~~ be directed to the existing Rural Community Centers of the Big Sur Valley, Lucia, Gorda, and Pacific Valley. ~~Several commercial uses including the Rocky Point Restaurant, Big Sur Inn, and Coast Gallery, are currently found outside the Rural Community Centers designated on the land use map and these are considered conforming uses under the plan. However, g~~Gasoline service stations, general stores, or similar highway-oriented commercial structures shall not be allowed outside of the Visitor and Community Serving Commercial land use designation rural community centers.
2. Westmere, well known as the site of a lodge serving visitors to the northern portion of the Big Sur cCoast, may re-establish the historic use as a lodge of 24 units that reflects the historic character of the site in design and scale. A specific development proposal for Westmere may request additional units subject to the limitations set forth in this LUPPlan. In order to meet policies for the protection of the Critical V~~iewshed~~, the new lodge should use the original site which is hidden from public view from Highway One. Overall visual restoration of the surrounding area, under the same ownership, should be carried out as a condition of the development of the lodge and public access to the beach at Rocky Creek should also be provided.
3. Commercial development shall maintain~~carry out~~ the rustic character of Big Sur both in size, scale, activities, and design.
4. Large scale commercial facilities that are unlike the existing character and size of facilities in Big Sur shall not be permitted.
5. 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.
6. Commercial facilities shall be aimed at serving both local residents and the visiting public. ~~Businesses intended to serve solely local residents are discouraged.~~ No minimum site

standards are established for commercial uses but adequate physical area to meet parking requirements, ~~and~~ ~~N~~natural resource concerns must be addressed ~~available~~ before existing businesses can be expanded or new facilities can be approved.

7. Existing commercial facilities ~~may be encouraged to expand~~ and improve existing buildings ~~as a desirable means of meeting growth in demand~~. ~~Scattered~~ ~~e~~Commercial uses not in ~~Rural Community Centers~~ Visitor and Community Serving Commercial land use designation may expand existing secondary uses provided such expansion is small in scale and clearly subordinate and incidental to the primary use.
8. Renewal of coastal use permits for existing 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.
9. Any amendment to any existing coastal permits shall be reviewed and decided through the County process.
- 9.10. New commercial uses or expansion of existing uses will be evaluated for their impact on traffic safety and highway capacity in the area. Parking shall be screened from public views from Highway One and should in no event create hazards for motorists or pedestrians.
10. ~~Commercial development which would enhance recreational use of public lands existing nearby by providing specific physical improvements (e.g. trail links, interpretive facilities) or management (e.g. ranger, fire control, contribution of funds to a public management agency),~~ ~~e~~ or development which includes specific improvements to public access to the shoreline and the surrounding lands shall be preferred.
11. ~~Existing and permitted visitor serving uses will be protected from encroachment by incompatible uses (such as residences) which might hamper their future ability to expand or improve consistent with 5.4.3.E-7.~~ Conversion of existing low cost overnight accommodations to other uses, unless replaced with comparable facilities, will not be permitted.

**F. *Public/Quasi-Public***

1. A range of public and quasi-public services are present in Big Sur and serve both the local community and visitors. These include, or have included in the past, churches, two elementary schools, volunteer fire protection, County library, post office, Big Sur Grange Hall, ambulance service, California State Parks and U.S. Forest Service management facilities, and public agency radio repeaters, flood monitors and navigational aids. These should continue to be concentrated in the Big Sur Valley, Pacific Valley Center, Lucia, and Gorda but should be upgraded based on present need and future growth.
2. In general, improvements should be made in the level of public services available in Big



Sur. Permanent buildings should be constructed for ~~the U.S. Post Office and the County Branch Library; and South Coast fire station and health center.~~

~~2.3.~~ The County shall cooperate to the greatest extent allowed by state and federal law to allow for development or relocation of vital community-based public services. ~~Other facilities needed include a fire station to protect against structural fires and to augment the volunteer companies, a public meeting hall to reduce pressure on the Big Sur Grange Hall, and an emergency clinic with ambulance service.~~ Where practical, such uses should be clustered or co-located to minimize impacts.

~~3.4.~~ The existing ~~elementary public~~ schools in the Big Sur Valley and at Pacific Valley Center are expected to be adequate for some time. Increased classroom needs should be accommodated at these locations rather than new sites.

~~4.5.~~ Like other uses, public and quasi-public uses must meet strict resource protection and environmental criteria. Such facilities shall not be constructed in primary floodplains.

#### **G. Rural Residential**

~~1.~~ ~~Subdivision of large undeveloped or agricultural properties for residential purposes is strongly discouraged. Clustering of residential units on large undivided properties at this rate is preferred to subdivision creating separate parcels.~~

~~2.1.~~ Development in designated rural residential areas shall continue to be limited to residential uses in order to protect residents from unwanted intrusion by other incompatible activities and because neither available vacant land, water, nor roads are adequate to support more intensive uses.

~~3.~~ ~~Reconstitution of parcels or mergers may be required for any area of the coast where past land divisions have resulted in parcels being unusable under current standards or where cumulative impacts on coastal resources require limitations on further development. Parcel mergers shall be based on the following criteria:~~

~~(b)~~ ~~The minimum buildable parcel shall be one acre;~~

~~(c)~~ ~~Each parcel must contain a suitable septic and drainfield location on slopes less than 30%, and must be able to meet Regional Water Quality and County stream setback and septic system requirements; and~~

~~(d)~~ ~~Each parcel must conform to all Plan policies for residential development on existing parcels.~~

~~4.~~ ~~Merger provisions shall apply to Garrapatos Redwoods Subdivision.~~

#### **H. Residential Subdivision**

~~Subdivision of land for residential use is preferred in areas which are in proximity to existing developed areas able to accommodate further development. "Developed areas" shall mean those~~

~~areas indicated as such on the land use plan map as Rural Residential or Rural Community Center. Subdivisions of land not in proximity to existing developed areas should generally be discouraged until a development pattern for the surrounding area has been established and the proposed subdivision is shown to be compatible with that development pattern. The County shall adopt guidelines in the implementation of this plan for determining the relevant surrounding area of a proposed subdivision and the establishment of a development pattern for the surrounding area~~

1. Subdivision layouts shall be encouraged that vary from conventional subdivision standards if the proposed innovations in design better meet the policies and intent of the Coastal Act and this LUPplan.
2. Density rates, as specified in Policy 5.4.2.8 and Table 1 shall not be meant to define the minimum lot size where clustering is proposed. However, restrictions shall be applied to ensure that the density rate is not exceeded by additional divisions of the original parcel, ~~and in no event shall any new parcel be less than one acre in size.~~
3. Resubdivisions and lot line adjustments are encouraged when no new developable lots are created and when LUPplan policies are better met by this action.
4. ~~Non-contiguous parcels shall be included within the scope of the resubdivision policy. Lots served by Highway 1 north of Hurricane Pt. may be retired in favor of increased density south of the Point.~~

### ***I. Low and Moderate Income Housing***

The County is required by State laws mandating the Housing Element of the General Plan, to provide programs to increase the availability of low and moderate income housing. The following policies which are based on the goals of the adopted County Housing Element reflect those actions that will be most effective for the Big Sur coast.

1. The County shall protect existing affordable housing in the Big Sur coastal area from loss due to deterioration, conversion or any other reason. The County shall:
  - a) Require replacement, on a one-for-one basis, of all demolished units which were affordable to low and moderate income households. However, prior to demolition of any residence, an historical evaluation shall be made to determine if the structure has historical significance. Historically significant structures shall not be demolished.
  - b) Promote rehabilitation and weatherization of housing units owned or rented by low and moderate income households.
  - c) Study relaxation of building code requirements and if appropriate adopt minimum building code regulations for the rehabilitation of older housing units.
  - d) Replacement affordable housing units shall be retained as low and moderate income units through deed restrictions or other enforceable mechanisms.

2. The County shall encourage the expansion of housing opportunities for low and moderate income households. The County shall:
  - a) Work cooperatively with Big Sur residents desiring to construct hand-made houses of original design, utilizing native materials. The County encourages this as a contribution to the coast's culture and will assist residents in insuring these designs meet minimum necessary health and safety standards.
  - b) Require that as a condition of all permits related to additions to existing public or private visitor facilities or the construction of new facilities that employee housing be constructed on-site, or in the immediate vicinity, and be made available to low and moderate income employees in accordance with Policy C-9 of this section. Such housing must be provided prior to or concurrent with the proposed development, and must be permanently linked to the visitor-serving use through appropriate binding guarantees. Maximum size per newly-constructed employee housing unit (other than dormitories) shall be ~~850~~ 1200 square feet. The maximum number of such new housing units shall not exceed one per inn unit or one per six restaurant seats.
  - c) Encourage the use of caretaker's accommodations as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees. Applicants for detached care takers' residences shall demonstrate a need for the unit as part of the development review process. Detached caretaker's accessory dwelling units ~~residences~~ shall not exceed a total of 1,200~~850~~ square feet in size. Subdivisions shall not be permitted to divide a principal residence from a care taker's residence. ~~Only one caretaker's unit shall be allowed on the parcel. All such units shall be considered as part of the residential buildout allowed by this plan.~~  
~~A total of 50 such units may be allowed in the area of the Big Sur Land Use Plan.~~
  - d) Additional agricultural employee housing is permitted at the rate of one dormitory/bunkhouse per ranch, consistent with all other Plan policies.

**J. Second Structures**

1. Detached or attached guest ~~houses~~ ~~rooms~~ are not to be equipped for permanent living and are not considered residences. They shall be permitted at the maximum rate of one (either attached or detached) per parcel or one (either attached or detached) for each principal residence providing the constraints of the parcel and other ~~LUP plan~~ policies permit. Furthermore, detached guest rooms shall be located in close proximity to the principal residence, share the same utilities except where prohibited by public health, contain no kitchen or cooking facilities, and be limited to 425 square feet. Conditions shall be implemented by CC & Rs or other legal restrictions, including revocation provisions for non-conformance. Subdivisions shall not be permitted to divide a principal residence from a guest room.

2. 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 LUPPlan policies permit. None of these units shall ever be used for habitation purpose, unless they are converted to accessory dwelling units. For structures whose design does not preclude habitation, legal restrictions shall be applied in the same manner as described in Policy 5.4.3.J-1 above.
3. An accessory dwelling unit or units, or a combination of two or three accessory dwelling units, totaling up to and no more than one thousand two hundred square feet per parcel, is allowed. – Accessory dwelling unit(s) shall be a permanent residence, secondary to an existing main dwelling, which provides complete independent living facilities for one or more persons. Accessory dwelling unit(s) shall be allowed to be used only for long term rental and such use shall be encouraged to meet Big Sur housing needs. Short term rental of accessory dwelling unit is prohibited.
4. Prefabricated, modular and; manufactured homes are allowed as accessory dwelling units to increase the housing stock in Big Sur so long as they are properly prepared on concrete strips or slab and meet the policies of the LUP.

***K. Private Roads Outside the Critical Viewshed***

1. New private roads may be permitted only where:
  - a) The proposed new road/driveway is appropriate for the establishment, continuation or expansion of Coastal Act priority use; or
  - b) The proposed new/driveway road is essential for basic residential access, and no reasonable alternative exists; or
  - c) The proposed new road/driveway provides a superior alternative to an existing road in carrying out the policies of this LUPPlan.
  - e)d) The proposed new road/driveway would provide an alternative means of emergency ingress or egress, such as during flood or wildfire.
2. New private roads/driveways shall meet the following criteria, in addition to meeting all other resource protection policies of this LUPPlan:
  - a) Such roads shall be able to accommodate emergency vehicles, particularly fire equipment, while permitting residents to evacuate the area.
  - b) Appropriate planting of exposed slopes and submittal of detailed drainage and erosion control plans shall be required. ~~conditions for issuance of a permit for such roads.~~
  - c) Any prior relevant reports (e.g., archeological, biological, geological, soils, etc.)

may be utilized to meet the policies of this LUP.

d)

e) A qualified biologist shall certify that any environmentally sensitive habitats, as specified in this LUP, present will not be harmed.

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

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

1. No feasible alternative exists; or

2. The proposed design of the road on balance better achieves the overall resource protection objectives of this LUP Plan.

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

### ***L. Big Sur Valley***

Big Sur Valley is that area designated with Visitor and Community Serving Commercial land use designation from River Inn (to the North) to Post Ranch/Ventana (to the South).

1. Special attention shall be given to the Big Sur Valley as the Visitor and Community Serving Commercial growth area, community center as well as a center of recreational activity on the Big Sur coast. Policies of this plan concerning recreation and commercial development, public and quasi-public uses, hazards, and traffic shall be carefully considered in all development proposals in the Valley. Of special concern for sites having highway frontage is whether the highway access is unsafe for the principal use, and for parcels without frontage, whether the access is unsafe for the principal use and the site is of adequate size to accommodate a viable principal use.

2. Outdoor Recreation, Recreation and Visitor-Serving Commercial and community-serving commercial uses, and Public and Quasi-Public uses, shall be the principal uses in the Valley since the available space for these necessary activities is very limited. Residential development will be considered appropriate on sites not suitable for these uses.

3. Additions to offices and related service buildings (including employee housing) of the California State Department of Parks and Recreation and the U.-S. Forest Service shall be grouped together on an integrated site with permanent, aesthetically-pleasing buildings. Parking areas for these facilities, and the existing trailhead parking lot for the Ventana Wilderness, shall be screened from public view to the maximum possible extent through careful siting and the use of vegetative screening.
4. Visual emphasis for development and signage in the Big Sur Valley should be of a tasteful, rustic design using natural materials and careful siting of structures to meet scenic protection objectives rather than the criteria of non-visibility. This policy variation is needed because of the importance of the area as a recreation destination point and because development is already visible.
5. Traffic congestion, recreational overuse with associated environmental impacts, increased levels of activity and noise, and limitations on available water to serve new or expanded uses, all point to the need for special care in planning for the growth of the Big Sur Valley. (MOVED FROM 6 BELOW)
6. The 100-year floodplain of the Big Sur River poses considerable limitations on the development in the Valley. Structures shall be permitted to be built in the floodplain with proper engineering design. Campgrounds or similar outdoor recreational uses are also appropriate in the floodplain. County policy will be to avoid construction of sewer systems and treatment plants to serve development in the Big Sur Valley, unless pollution of the Big Sur River requires this step.
- ~~5. The 100-year floodplain of the Big Sur River poses considerable limitations on development in the Valley. No additional permanent structures shall be permitted to be built in the floodplain. Campgrounds or similar outdoor recreational uses are most appropriate in this hazardous area.~~
- ~~— The County encourages both public and private interests to undertake work to restore riparian vegetation, improve stream channel conditions, and reduce impacts of concentrated use along the lower Big Sur River. These needs are discussed more fully in the management plan for the Big Sur River which will serve as an additional guide to development and use of the lower river area. The management plan for the Big Sur River is on file at the County Planning Department in Salinas.~~
- ~~6.7.~~
- 7.8. The Big Sur Valley policies apply only in the Rural Community Center and Outdoor Recreation land use designations.

**M. *Development of Large Properties and Ranches***

1. The development of large properties of 320 acres or greater, (large properties) for uses other than agricultural-related or conservation-related structures or a single residence, shall require submittal of an overall development and management plan for the property. The development and management 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 development and management plan shall contain a description of how development will be phased over time.

2. Because agricultural and recreational uses most closely conform to the priorities of the Coastal Act, the County encourages plans that emphasize these uses. The County will assist private landowners of large properties in ~~planning options~~ the preparation of ~~development plans~~ that increase the viability of agricultural and recreational uses and that will help sustain the property in an undivided state over the long term.
3. Residential subdivision is discouraged in favor of clustering residential uses at locations on the property that create minimal disruption of existing or potential agricultural uses, and that retain the balance of the property in an undivided interest between the new owners.
4. ~~Owners of large properties are encouraged to take advantage of tax benefits that can result through working with non-profit conservation agencies or trusts, such as the Big Sur Land Trust, the Nature Conservancy, the Trust for Public Lands, and the California Coastal Conservancy.~~ The County will assist large property owners in voluntarily securing agricultural, conservation, and scenic easements on their property to reflect the low intensity development appropriate in rural areas.

***N. — Water Resource Study Areas***

1. ~~Applications requiring development or intensification of water use shall be permitted in watershed study areas designated in Section 3.4.3 only as provided by the policies of that section.~~

***O. — Recommendations***

1. ~~The County recognizes that full development of vacant parcels in the rural residential areas may be undesirable or unfeasible because of various resource limitations. Detailed planning review of areas with known or anticipated problems should be completed within the next few years in order to assist residents and property owners in finding acceptable solutions. Master environmental impact statements are one tool that could be used. In the Sycamore Canyon and Pfeiffer Ridge areas, for example, studies should be directed to resolving fire protection, water supply, and traffic congestion issues. Palo Colorado Canyon appears to contain more vacant parcels than the available water supply can serve.~~

## **6. PUBLIC ACCESS**

### **6.1 INTRODUCTION**

The Big Sur coast is where Highway One traces a narrow ledge along the rugged Santa Lucia Mountains above the Pacific shoreline, which exposes travelers to natural beauty of the wild character of the coast. In recognition of its spectacular beauty and other unique qualities, this part of Highway One has been designated an All-American Road and has received national and even international acclaim. This honor is afforded by the National Scenic Byways Program to those few highways in America that are so distinctive as to be considered experiences unto themselves.

The use of Highway One by the public is primarily for scenic travel. Accordingly, visual access should be emphasized and protected for the Big Sur coast as an appropriate response to the needs of visitors. However, pProtection of both the public physical and visual access and preservation of the land in its natural state are the highest priorities of this plan. Protection of existing physical access, with proper management, is also a priority of this plan, but preservation of visual access is the highest priority of the Plan- , thus, rather than physical access. Response to demand will increase the growing problems of overuse and degradation. The carrying capacity of Highway One is finite. Increased management is necessary for rehabilitation, restoration and preservation. Care must be taken that while protecting existingviding physical public access, that the beauty of the coast, its tranquility, and the health of its environment, are not degraded by public overuse or carelessness.

The Big Sur coast in its natural state has historically been protected. During the early 1940's, the County's refusal to approve service station roadside advertising resulted in national attention. A landmark court decision in favor of the County upheld the right of local government to regulate aesthetics through the police power. In the 1960's, Highway One was designated as the first scenic highway in California's new State Scenic Highway System. Many other measures have been taken by the County to preserve the outstanding visual qualities of the Big Sur area.

Existing sShoreline accessways and upland trails are essential components of the public access system on the Big Sur coast. Both are important to the public enjoyment and appreciation of Big Sur's scenic qualities and wilderness character.

Many of the most suitable locations for physical public access are already in public ownership or have been traditionally used by the public access easements. These areas need to be protected and managed for continued public use and enjoyment. The lack of adequate management of existing access areas has led to a decline in the quality of natural resources as well as the visual experience and has created hazards to public safety and danger of fires. Additionally, increasing incidents of vandalism and damage to resources from public use have contributed to private landowners' reluctance to permit public use of trails through their property. While new locations may be suitable for access and the opportunities for increasing access must not be lost, Pprovision of adequate management must be a requirement to any additional access.



This ~~LUP plan~~ sets forth policies and actions to protect, provide, and manage public access in order to enhance the visitor experience while assuring preservation of the coast's environmental quality. The intent of these recommendations is to use the existing public access system as much as possible, and to improve existing but deteriorated trails, ~~where needed, to provide more evenly distributed access.~~ This approach minimizes both the visual and environmental impacts associated with construction and use of new trails and the conflicts involved in providing a new trail access through a multitude of private ownerships. Cooperation between the County, public management agencies, local landowners, and the community are essential to the implementation of the Access Element.

~~The following discussion provides more detailed information on shoreline access and upland trails. Strong policies are set forth in this LUP to safeguard the County's high priority – visual -access by the millions of visitors who drive Highway One. If carried out, they should preserve the scenic magnificence of the area for present and future generations.~~

### **6.1.1 Shoreline Access**

The public's right to shoreline access is ensured by the State Constitution and provisions of the California Coastal Act. In the past, the County and other public agencies have sought to provide access, where suitable, along the Big Sur coast. The visual experience has been the most traditional and most dominant form of access along the coast. Therefore, preservation of visual resources is an overriding goal in planning for Big Sur.

The spectacular scenic quality of the Big Sur coast is, in large part, due to the rugged topography and ~~undeveloped nature~~ wild nature of the area. Steep cliffs and bluffs lead to rocky shorelines punctuated by seasonal pocket beaches. A few wide sandy beaches are concentrated in less steep terrain along the coast. In general, access to most of the shoreline is difficult and hazardous. Access destinations of suitable size, safety, and distance from sensitive habitats are found irregularly along the coast. Much of the coast is suitable only for visual rather than physical access.

Seventy two percent (72%) of the Big Sur Coastal Planning Area ~~Approximately half of the shoreline~~ is in public ownership. Presently the following locations in public ownership provide an array of shoreline access: Andrew J. Molera State Park, Pfeiffer Beach, Limekiln Creek, Partington Cove, J. P. Burns State Park, Kirk Creek, Mill Creek, Sand Dollar Beach, Jade Cove, Pacific Valley Shoreline, Willow Creek, Cape San Martin, and Alder Creek.

~~The following sites are in private ownership with existing public use, although the legality of such use is not always clear: Malpasos Creek, Garrapata Beach, Rocky Point to Rocky Creek, Bixby Creek, Hurricane Point, Little Sur River, Little Sur to Point Sur, Swiss Canyon, Fuller's Beach, Big Creek, Gamboa Point, and Vicente Creek. A private campground is operated at Limekiln Creek, with beach access available for a fee. The shoreline from Soberanes Point to Garrapata Beach and the Little Sur River is slated for acquisition by the State Department of Parks and Recreation.~~

~~In northern Big Sur, the area between Malpasos Creek and Molera Park experiences heavy visitor use: the highest incidence of public access over private lands occurs here. In central Big Sur, from Andrew Molera State Park to J. P. Burns State Park (16 miles), there are four public coastal access points (Andrew Molera~~

Beach, Pfeiffer Beach, Partington Cove and J.P. Burns State Park (visual only). This 16-mile area experiences the greatest concentration of public and private camping and overnight use. The coast between Anderson Canyon and Limekiln Creek (14 miles) is for the most part privately-owned, and is characterized by extremely steep topography that limits access. The major portion of the south coast, from Limekiln to the San Luis Obispo County line (21 miles), is in the National Forest with various improved access points. In general, unmanaged restricted shoreline access exists on these lands, and has led to rampant illegal camping, wildfires such as the devastating Soberanes Fire, pervasive trash, human waste, destruction of native flora and fauna and proliferation of invasive plants. Due to steep, unstable slopes, much of this access is only visual for reasons of public safety. This area is high priority for maintenance, preservation and restoration to address these problems.

Access trails outside of the National Forest tend to be informal and hazardous. Parking lots are provided at the California State Park units and developed U.S. Forest Service beaches. Informal parking is available at various locations along Highway One, two scenic overlooks, Abalone Cove and Vista Point, both of which are Vista Points and turnouts paved turnouts maintained by Caltrans. Several of these locations are hazardous to oncoming traffic and should be reviewed for safety. For example, the Vista Points and turnouts at Bixby Bridge, Rocky Creek and north of Kasler Point should be reviewed for safety. At the other shoreline destinations, parking is available only at unpaved pullouts.

Many access sites along the coast have experienced degradation from unmanaged use or overuse. Unplanned and unmaintained trails have led to trampling of vegetation, soil compaction, and visual scarring of the bluffs. Problems of litter and sanitation occur at all along Highway One and beaches. private ownership with frequent public use. The impact of all of this is the lessening of the quality of the recreational experience for the visitors, as well as degradation of the natural resources of the coastline.

Though the County recognizes the increasing public demand for access to the Big Sur coast, it also recognizes the importance of preserving the fragile natural environment and the quality of visitor experience. A range of additional concerns, including the need to ensure peace, privacy, health and safety, private property rights and security are not jeopardized by unmanaged, inappropriate and/or irresponsible public access. safety and to protect the rights of residents and landowners must be protected from increasing visitation and attendant irresponsible behavior, such as building of illegal campfires and trespass. resolved. The County's objective then, is to continue visual public access as its highest access priority. Should there be a conflict between visual access and new public access, protection of visual access overrides any physical access. plan for public shoreline access and ensure balance between these considerations.

The proposals in this chapter are aimed at meeting these many requirements. Combined with an active implementation program, they should do much to effect an optimum degree of public shoreline access. Beyond the policies presented here, the Shoreline Access background report makes recommendations for specific improvements needed at various access locations. These should be used as a guide by the County and other agencies when actual improvements are initiated.

### **6.1.2 Trails**

Trails provide both recreational opportunities for the hiker, equestrian, and bicyclist, as well an alternative form of transportation to recreational areas. Public access to scenic and remote areas not

served by roads can be obtained sometimes by trail. Most of the trails in Big Sur are located within Los Padres National Forest and units of the California State Parks. The general policy of the U.S. Forest Service is to permit public access throughout the forest ~~through, and there is~~ a network of ~~maintained~~ trails and backpacking camps. ~~Some of the trails and dirt roads leading into the forest, cross private lands, and do not currently have full public right of way through these sections. Today there are fewer miles of maintained trails than in former years. Over time, many traditional trails have been abandoned or closed to public use.~~ Most ~~Some of the trails in the National Forest are not maintained, because they cross private lands with no legal rights of way. Prior to the construction of Highway 1, a trail existed along the length of the Big Sur coast, along the present alignment of the highway. The Old Coast Road is part of this early coastal trail.~~

~~According to the Big Sur Unit Forest Management Plan, Well over 100 miles of trails exist within the Big Sur portion of the Los Padres National Forest. Hiking is the major activity, but hunting, fishing, and horseback riding are also popular. Portions of the Ventana Wilderness are also located within or adjacent to the Coastal Zone. The U.S. Forest Service is concerned that overuse has damaged wilderness qualities in portions of the Ventana Wilderness such as at Sykes Camp ~~through overuse of existing access along the Big Sur River. The U.S. Forest Service is encouraging the provision of additional access points or trails into the wilderness to help alleviate this problem.~~ encouraged to provide management of the back country campgrounds on land it manages to protect natural resources, and to police illegal camping and campfires.~~

Andrew Molera, Pfeiffer-Big Sur and Julia Pfeiffer Burns State Parks contain trails within the park units. In addition to providing pedestrian circulation within the parks themselves, some of these trails could assist in providing improved access to public forest lands east of the highway.

~~In the section of the coast from Malpas Creek to the Big Sur Valley, the Los Padres National Forest boundary is several miles east of Highway 1. At present, trail access to the National Forest from the highway is through private lands. Some trails have informal rights of way used by the U.S. Forest Service and there are a few trails which have historically been used by the public. Access through private lands is often arranged between the landowners and organized groups, particularly hiking or nature study clubs.~~

~~The idea of a Pacific Coast trail system along the length of the California coast is not new. The State of California Trails Plan recommended such a trail network, and the Monterey County Trails Plan proposed this for the Big Sur area. Specific alignments have never been developed. A continuous trail system in a north-south direction would offer a unique recreational experience for both the coastal visitor and resident.~~

~~The only existing trails paralleling the coast are in Molera State Park, along the beach or adjacent bluffs, and the Coast Ridge Road. The Coast Ridge Road is a jeep road which begins near Ventana Inn south of the Big Sur Valley, and extends to the southern boundary of the County with a few interruptions. Several trails connect Highway 1 to the Coast Ridge Road along its length.~~

In 2001, SB 908 was enacted to establish the California Coastal Trail from the Oregon border to Mexico. The County supports the specific alignment and master plan, which is in the process of

being developed using the community-based planning process.

~~There is an overall need to improve the coastal trail system, including increased trail access to the National Forest particularly to relieve areas of existing overuse. Where improvements to public trails are made, they should be coupled with a management program to protect affected public and private resources.~~

~~The Trails Diagram Map illustrates the trails that are recommended to provide major links to existing public trailslands. Only major trails are shown. Other trails exist on private lands but may not provide links to public recreation areas. In some cases, provision of new trails may pose problems with respect to acquiring rights-of-way or conflict with private land use. These are not shown on the map.~~

~~The corridor concept reflected on the proposed Trail Plan is often used in planning trails in preference to precise trail alignments. In cases where no trail presently exists, planning for trail corridors preserves flexibility to determine the most suitable alignments for trail improvements at the time such opportunities become available. In all cases, including where specific trails already exist, the corridor concept reflects the need to consider the interrelationship of the trail and its use by the public and adjacent existing or proposed land uses. By planning for the trail as a corridor the range of possible impacts can be anticipated and properly considered.~~

~~Some public trails exist in Big Sur within the State Parks and National Forest that are not shown the Trails Diagram here. These are trails which are not major corridors or do not have trailheads in the coastal zone. They can be easily found in Park and Forest Service maps, and trails guide for the area. Trails through future park lands should be provided only after the land is acquired and opened for public use. For public trails presently crossing private lands, State Parks and Recreation or the Forest Service should obtain full legal rights of way, including management and maintenance arrangements.~~

~~Some trails are open to educationally related organized groups on a reservation basis only, such as the loop interpretive trail now owned by the State as part of Landels-Hill Big Creek Reserve. This allowse plan proposes that this practice continue and be expanded as a means of ensuring protection of sensitive natural resources or avoiding undesirable conflicts with private uses while still accommodating public access. Private trails can be opened to the public on a fee basis, in conjunction with low intensity recreation facilities allowed on private lands. Trails easements may be required as part of the subdivision or zoning process where~~

~~appropriate. In some instances, private trails may be opened to the public through trail easements. These should be pursued where the trail would be of public benefit.~~

### **6.1.3 Key Policy**

~~EThe existing public easementsrights of access to the shoreline, public lands, and along the coast, and opportunities for recreational hiking access, shall be protected, encouraged and enhanced and adequately funded for effective management and maintenance.~~

~~Yet Because preservation of the natural environment is the highest priority, all future access must be consistent with this objective. Care must be taken that while providing public access, the beauty of the~~

coast, its tranquility and the health of its environment are not marred by public overuse or carelessness. The protection of visual access should be emphasized throughout Big Sur as an appropriate response to the needs of ~~visitors~~recreationists. Visual access shall be maintained by directing all future development out of the Critical Viewshed, while protecting ~~The protection of private property rights must always be of concern.~~

#### 6.1.4 General Policies

1. ~~(PRIOR KEY POLICIES 6.1.3 and 6.1.1 SHORELINE ACCESS COMBINED LANGUAGE)~~ The existing rights of access public trails to the shoreline, through public lands, and alonglands along the coast, and opportunities for recreational hiking access, shall be protected and properly managed, encouraged and maintained respecting the priority on resource protection and quality of recreational experience. The primary goal is to use the existing system as much as possible, and to improve existing but deteriorated trails. because Preservation of visual access to the natural environment is the highest priority,~~;~~ All future access must be consistent with this objective. Care must be taken that while providing physicalpublic access, the beauty of the coast, its tranquility and the health of its environment are not further marred by public overuse or carelessness. For example, the mouth of the Little Sur River visual access provides tranquility at the entrance of Big Sur valley that should continue to be protected by prohibiting physical access. Also,~~t~~The protection of visual access should be emphasized throughout Big Sur as an appropriate response to the needs of visitorsrecreationists. Visual access shall be maintained by directing all future development, including public access, out of the Critical Viewshed. ~~The protection~~ Consistent with the Coastal Act, privacy and of private property rights must always be respected and protected~~be of concern.~~
2. In order to protect, enhance and restore the overall quality of the Coastal Zone (California Coastal Act §30001.5(a)), no new public access shall be allowed, other than visual access and the California Coastal Trail, as developed following the planning process set forth in Appendix \_\_\_\_\_, until existing public trails are properly restored, maintained, secured, and managed, and sanitation facilities and security are provided. This should assure an orderly, balanced utilization and conservation of Coastal Zone resources. (California Coastal Act §30001.5(b).)  
~~In order to protect, enhance and restore the overall quality of the Coastal Zone (California Coastal Act section 30001.5(a), new public access shall be allowed only if maintained, secured and managed and sanitation facilities and security are provided.~~
- 1-3. The California Coastal Trail through the Big Sur coastal planning area shall be aligned, planned, managed and maintained consistent with the master plan written using the planning process laid out in the Coastal Trail Planning Document. The County supports this community-based planning process.
- 2-4. Restoration of existing public trails (e.g., invasive species eradication) shall take priority over creating new public trails.

~~Physical public access shall be directed out of the Critical Viewshed.~~

~~4.61.~~ Overall, the best locations for public access to the shoreline, public lands and along the coast are already in use or have been used in the past. Major public access areas, ~~whether in public or private ownership~~, shall be permanently protected for long term public use. These should be improved and managed properly by designated public or private agencies before new locations are opened.

~~2.~~ ~~Other areas suitable for public access should also be protected for such use. At such time as new access is provided, or existing access is formalized or increased, an appropriate public agency must assume management responsibility for public use, or agreements concerning such responsibility must be reached with landowners.~~

~~57.~~ Any new public access shall utilize only existing public lands or existing public easements over private land or land voluntarily offered for trail use.

~~6.8.~~ 8. ~~Any new public access shall be sited so as to avoid trespass or impacts on privacy or uses of private property, by maintaining adequate separation between public access and private land or by other appropriate means. The legislative intent of the Coastal Act's public access policy is in part to protect the privacy of the adjacent property owners.~~

~~7.9.~~ As a sound resource conservation principle, any new significant public access shall provide for safety, security, maintenance, and sanitation.

~~8.10.~~ Public Access should be discouraged as inappropriate where it would be inconsistent with public safety, military security or privacy, the or protection of fragile coastal resources. The County and other public agencies should cooperate with landowners to develop effective methods to direct access to appropriate locations.

~~94.~~ Visual access in the critical viewshed should be protected for long term public use. Where physical access is not appropriate, the development of scenic viewpoints may be appropriate. The development of scenic viewpoints in conjunction with accessways or where physical access is not appropriate is encouraged.

~~10.512.~~ Bluff topchop and lateral access on public land is appropriate in some many areas along the coast. These opportunities shall be protected for long term public use, subject to adequate management programs, the development of which is an implementation activity.

~~11.~~ Trails should be located in areas able to sustain public use without damage to scenic and natural resources or other conflicts. Therefore, new and existing trails should be sited or rerouted to avoid safety hazards, sensitive habitats, and incompatible land uses.

~~12.714.~~ The provision of new access or formalization of existing access is to be guided by detailed

access management plans, including implementation responsibilities. These should include community ideas and desires to guarantee quality land preservation, be consistent with Coastal Act policies, and must attempt to positively resolve access conflicts with residential land uses. It is the County's policy to work closely with local citizen advisors and public agencies in planning for access and management.

~~138.~~—Access for scientific study of the shoreline or upland areas should also be made available, and the County encourages private landowners to permit such access if requested. Scientific use of public or private lands, particularly where specimen collecting is intended, should be in conformance with policies in Section 3.3 of this plan. ~~Where appropriate, scientific access easements will be required for new developments in areas needing study as defined by the Environmentally Sensitive Habitat section of the Plan.~~

~~14.915.~~ In providing for access, the County seeks to ensure that the rights of residents and property owners, including their peace, privacy, safety, health, and property are not jeopardized by unmanaged, inappropriate (as defined in Policy 6.1.4.3), or irresponsible public access.

### **6.1.5 Specific Policies**

#### **A. Shoreline Access Priorities**

~~1.~~ Access and recreational opportunities shall be provided consistent with public safety and the need to protect rights of private property owners and natural areas from overuse.

~~1.2.~~ Physical shoreline access shall be directed out of the Critical Viewshed. Visual access is the highest access priority.

~~2.3.~~ The existing first priority shoreline access locations are those major access areas presently in active use. These areas should be retained for long term public use. They should be improved and managed properly consistent with safety, aesthetics and infrastructure, an approved management plan before new locations are opened to formal public access by their owners. Maintain the following shoreline access Priority 1 areas are: Doud Acquisition, Little Sur Beach, Andrew Molera State Park, Pfeiffer Beach, Partington Cove Canyon and McWay Canyon in Julia Pfeiffer Burns Garrapata State Park, Limekiln Creek, Kirk Creek, Mill Creek, Pacific Valley (B), Sand Dollar, Jade Cove, Willow Creek, Julia Pfeiffer Burns State Park(B) and Rocky Point (B). ove, Alder Creek and Villa Creek.

~~(B):~~ Bluff top access only

~~3.~~ The second priority for improvement of public accessways should be placed on areas that have ample beaches, minimal public safety hazards, and either absence of sensitive habitats or habitats that can be protected from adverse impacts. Priority 2 areas are: Kasler Point, Rocky Point (B)\*, Palo Colorado (B), Bixby Creek, Point Sur, False Sur – Swiss Canyon, and Gamboa Beach.

~~4.~~ The third priority for improvement of public accessways should be placed on areas that have

~~attractive destinations where safety hazards or resource conflicts can be mitigated, and with potential for improved parking. Priority 3 access areas are: Otter Cove, south Palo Colorado area shoreline (B), Rocky Creek, Hurricane Point (B), Castro Grimes, Anderson Landing area (including John Little State Reserve), Dolan Creek area, Big Creek beach, Lopez Point (B), Lucia and Wild Cattle Creek.~~

4. The County shall support State efforts to mitigate hazardous traffic, parking along Highway One, and illegal access to the beach at JP Burns State Park.

54. Some areas of the Big Sur coast are too dangerous and not appropriate (as defined in policy 6.1.4.3) for formalized public access.

~~Until further studies justify the need and suitability for access to the shoreline at Wreck Beach, Coastlands, Grimes Partington, Dolan Creek canyon, Vista Point, Vicente Creek, and Salmon Creek, such access should be discouraged.~~

**B. *Providing and Managing Shoreline Access***

~~1. The County will work with appropriate agencies toward acquisition or other methods to secure legal access to those areas identified as priorities 1, 2 or 3 which do not have formal access arrangements.~~

~~2. Consistent with nexus and proportionality requirements, tThe County will require provision of shoreline access, where appropriate, as part of development applications. Permit conditions will include either dedication of accessways through the donation of land, easements, or the payment of in-lieu fees.~~

1. Additional shoreline access may be provided through private property owner's voluntary cooperation with a public agency. Dedications of access easements or offers thereof to an appropriate public agency or private foundation may will be required in all locations fronting the shoreline as a condition of new development (except those developments listed in Section 30212(b) of the Coastal Act) unless vertical or lateral access is found to be inappropriate due to conflicts with Critical Viewshed, fragile coastal resources, military security, or public safety or adequate access exists nearby or agriculture would be adversely affected. Trail easements and offers shall be as specified by Policy 6.1.6.3 or where a specific location is known, no less than 10 feet in width. On dry sand and rocky beaches, lateral access easements or offers to dedicate such easements shall be required over the entire beach area to the toe of the coastal bluff, or absent such bluff, to the first line of terrestrial vegetation. Easements or dedications shall be free of prior liens or encumbrances, except for tax liens. All such dedications or offers shall be subject to review by County Counsel prior to recording. Only those forms of shoreline access (vertical, lateral, blufftop, visual) which are suitable for the site need be required. Suitable forms of access for the most prominent locations along the Big Sur shoreline are listed in Table 2 of this Plan. Offers must be for a period of 25 years, but access will be developed and opened to public use only in accordance with Plan policies. Dedicated accessways shall not be required to be opened to public use until a public agency or a private association agrees to accept responsibility for maintenance and liability (for example through an indemnification agreement) of the accessways.



2. \_\_\_\_\_

3.2. ~~3~~Where access is inappropriate as defined by the LUPPlan policies, the County will use all available means to discourage use of these areas and direct public access to other areas. Siting and design of development proposals which protect shoreline access will be required in the permit process. Modification to a project may be required if access cannot be otherwise protected. Accessways themselves may have to be rerouted or improved when formally dedicated in order to avoid hazards or to protect resource areas. Where the County is advised that an accessway is being closed by property owners, a determination will be made whether the accessway is identified in the access plan. If the access is found appropriate, the County will work with the parties concerned in an effort to maintain the access in public use.

Under State law, development cannot interfere with the public's right of access to the sea where acquired through historical use or legislative authorization, including but not limited to the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Where such public rights will be preserved through dedication of an alternative access route, the substituted location must be at least equivalent in usefulness and area served as the original routing.

36. The County will work with local, state, and federal management agencies and landowners to ensure that accessways obtained through acquisition, dedications, and permit conditions are adequately managed and maintained by a public agency. An access management plan program that addresses maintenance, security, management, conflicts with any private property, and sanitation is will be required to be implemented before any accessway is are opened to the public.

\_\_\_\_\_ The County will encourage such programs to be sponsored through voluntary private as well as public means.

### C. *Providing and Managing Trails*

1. ~~Trail corridors shown in the Trails Plan Map are recommended as public access routes to public lands or other destinations.~~ Where trails already exist, alignments should remain the same, except where rerouting would be feasible to reduce adverse environmental or visual impacts. The siting of new trails shall require an approved access management plan consistent with this LUP, field inspection and environmental review.

2. ~~The Trails Plan Map recommends a continuous trail system along the Big Sur coast. In developing this trail, lands already in public ownership or proposed for public acquisition should be used wherever possible in preference to private property. The shoulders public roads should be used where essential to bridge gaps where a trail elsewhere is not feasible because of hazardous conditions, terrain, or existing concentrations of development. This occurs along sections of Highway 1, the Old Coast Road, and Sycamore Canyon Road. In general, sections of the trail along the Highway should be kept to a minimum to ensure the safety of pedestrians and motorists.~~

~~Southward from Pfeiffer Big Sur State Park, the through coastal trail corridor along the existing~~

Coast Ridge Road, as shown on Figure 3, shall be considered as an interim location. A more favorable route, seaward of Coast Ridge Road on U.S. Forest Service and State Park lands, and entirely within the Coastal Zone boundary should be identified. Such revised location should parallel the shoreline as nearly as feasible on existing public lands, considering the natural contour of the land and the objective of connecting existing public trail segments; and shall be subject to the individual approval of each landowner/management agency on the revised route.

3. ~~The County shall require trail easements to be granted through private land in accordance with the Trails Map as a condition to issuance of development permits, approval of land divisions, or other approvals required from the County. The County may accept encourages voluntary dedication of trail easements on private lands. In general, the County will seek to arrange that such dedications are made from the property owner to the County, the California State Department of Parks and Recreation or to the U.S. Forest Service if ~~they~~ there is a cooperating not for profit entity which has because these agencies are envisioned to have the ability and funding to have primary responsibility for improve, maintain, secure, ing and managing the trails. Trail easements secured through Coastal Commission permits and other locations should be used where appropriate as part of the system.~~
4. ~~Where specific trail alignments have not been identified but where the property of concern is within a trail corridor, a general offer of dedication will be required consistent with the standards for trail corridors in the area. Precise trail alignments will be agreed upon at a future time through cooperation between the landowner and the public agencies with responsibility for constructing and maintaining the trail.~~
5. ~~The County encourages the State Department of Parks and Recreation and the U. S. Forest Service to acquire full legal rights of way across private lands in accordance with the Trail Map where such rights do not presently exist.~~
- 6.4. ~~The California State Department of Parks and Recreation and the U.-S. Forest Service are the primary agencies responsible for trail planning, construction, restoration, maintenance, management and liability on their respective lands. These agencies have a special responsibility to coordinate and assure continuity to and through State and Federal lands. The County's role will generally be confined to assisting in the provision of access easements, and in the review and guidance of plans related to trails construction and use management.~~
7. ~~Except as necessary for shoreline access or for the trail corridor system (see Figures 2 and 3), trails through future park lands should be constructed after the land is acquired and opened for public use and not while still in private ownership. For public trails presently crossing private lands, the County requests the California Department of Parks and Recreation or the U.S. Forest Service to obtain full legal rights of way including management and maintenance arrangements.~~
- 8.5. ~~Caltrans should directly participate in any detailed trails planning that will require construction of trailhead parking and sanitation areas within the HState highway One rights-of-way.~~

9.6. Plans for new trail locations and plans to intensify use of existing trails shall be submitted for review by the State Department of Fish and ~~Wildlife Game~~ in order to assess the potential impact of such use on sensitive habitats. The Department of Fish and ~~Wildlife Game~~ is requested to participate with other agencies in determining the most appropriate alignments for new trails and ~~all~~ provide management guide lines where needed to minimize impacts to habitats.

10.7. ~~Other~~ Fire and County agencies should review the plans for new trails or increased use of existing trails to provide guidance concerning fire hazard, water supply protection and other considerations.

11.8. The practice of opening private trails to organized groups on a reservation basis is encouraged in order to reduce conflicts between private and public use. ~~Private trails can be opened to the public on a fee basis in conjunction with low intensity recreation facilities allowed on private lands. In some instances, private trails may be opened to the public through easements, provided maintenance by a public agency were assured. Management and easement arrangements should be pursued where the trail would be of public benefit.~~

12.9. The California Coastal Conservancy is encouraged to ~~assist~~ participate in trails planning and to provide financing and general assistance to the agencies involved.

#### **D. Public Safety Criteria**

1. Public safety should be ensured wherever shoreline access is provided. In some locations the presence of unavoidable hazards will preclude access from being provided. In other locations, access management plans that address maintenance, security, conflicts with any private property, and sanitation and includes in its design hand rails, stairways, bridges, warning signs, fencing, buffers and other improvements that should be used to reduce risks. Closure of access areas during periods of extreme fire hazard or high seas may also be appropriate.
2. In extremely hazardous areas where safe access to the shoreline is not feasible, existing trails should be closed. In these areas, establishment and maintenance of visual access should be emphasized as an appropriate response to the needs of the public.

#### **E. Habitat and Resource Protection Criteria**

1. In areas where habitat and resource protection are ~~is~~ of a major concern, studies ~~shall~~ should be conducted to determine maximum acceptable levels of public use and methods by which resource values can best be protected. The conclusions of these studies ~~shall~~ should be a basis for an access management plans for each access location.
2. In locations of sensitive plant or wildlife habitats, access may be entirely inappropriate.
3. Private water supplies shall be protected by locating public access at an appropriate distance from surface, spring, and well water sources.

**F. Visual Resources Criteria**

1. Future land use planning shall be compatible with the goal of providing visual access. To this end, all new structures and ancillary facilities should be located outside of the Critical~~public~~ Viewshed as defined in Chapter 3.
2. Trails and access improvements including stairs, ramps, railings, restrooms and parking facilities should be sited and designed in a manner compatible with the goal of strict Critical Viewshed protection. In some circumstances, this may limit the establishment of access improvements.

**G. ~~Land Use Compatibility Criteria~~**

- ~~1. New development shall not encroach on well established accessways nor preclude future provision of access.~~
- ~~2. Shoreline access shall be provided through or adjacent to existing or new residential areas upon completion of a management plan that adequately resolves problems of noise, visual buffering, trespass, general maintenance, minimization of fire hazards, protection of private water supplies, parking and liability.~~

~~Development applications which contain required access shall have management plans developed and approved as part of the permit process. Management plans may allow measures such as the following to reduce access/residential conflicts:~~

- ~~a. minimum distance of 10 feet between an accessway and an existing or proposed residential structure;~~
  - ~~b. allow the use of fences or berms between accessways and residences or agricultural uses;~~
  - ~~c. limiting access to daylight hours; and~~
  - ~~d. limiting activity to pedestrian or passive recreational uses~~
- ~~3. Where accessways are proposed through or adjacent to land in agricultural uses, these uses should be fully protected from disturbance. A full range of mitigation measures should be used including buffer strips, berms, fences, controlled burning, and periodic closures~~
  - ~~4. Access to the shoreline shall be provided, improved, and managed at military and government facilities where there are suitable destination areas except in those cases where maximum military security is required. When high security requirements cease, access shall then be provided. Before any area adjacent to the Point Sur Naval facility is opened to unescorted public access, the Commanding Officer shall be consulted to insure that provisions to protect military security are satisfactory.~~

**6.1.6 Standards and Guidelines for Improvements to Accessways**

The following standards for the location and design of accessways are meant to carry out access policies

through more detailed specifications. These apply to both public and private accessways developments ~~and are based on the goals of providing access,~~ consistent with protection of Big Sur's unique visual and natural resources. Criteria for the location, distribution and size of accessways shall require that they be consistent with the need to preserve fragile coastal resources, ~~military security~~ and public safety, and be appropriate for the site and intended use.

1. Management - Public or private agencies responsible for managing coastal accessways ~~should~~ shall develop management programs before accessways are opened. Such programs should be coordinated with the management of recreational destination points. Management of access trails ~~must~~should address the following:
  - a) the need for seasonal restrictions, if any;
  - b) the improvements needed for trails, including stairs or ramps;
  - c) the proposed location, capacity, and construction of parking facilities if needed;
  - d) the proposed amenities and issues of sanitation (bathrooms, water, trash, etc.);
  - e) the maintenance and management obligations and how the public or private agencies will meet their obligations; and
  - f) the conflict with any private property including providing adequate separation between public access and private land.

Existing and future access dedications shall be mapped and related management recommendations listed as part of the implementation of the management plan.~~Plan.~~

2. Visual Appearance – New trails and improvements of existing trails shall be consistent with the Critical Viewshed policies. Structural improvements to accessways should be kept to a minimum to reduce impacts to viewshed and should be allowed only for safety purposes, or where essential for protection of agriculture, fragile natural habitats, archaeological sites, ~~military security~~ or private development.

Stairways, ramps, and signs should be constructed of natural materials, or metal where vandalism is a threat. Paint should be avoided to reduce maintenance problems.

Wherever possible, trails (except for trailhead signs) should be ~~screened from the road to~~designed and sited to minimize visual intrusion. ~~Where natural topography requires that trail heads be located within~~

~~view of the road, methods such as berms planted with native vegetation should be used.~~

Grading or cuts required for safety or resource protection should conform to the natural

topography. Parking and other facilities such as restrooms should be sited or screened to reduce visual impacts.

3. Trails - The width of trails ~~corridors~~ should be variable based on localized conditions of topography, vegetation, wildlife habitats, scenic concerns, proximity to water supplies or developed land uses. Existing trail corridors can serve as fuel breaks. Trails~~Corridors~~ should generally be kept in the range of 3 to 50 to 100 feet in width but should not be narrower than is reasonable to protect both public and private resources and uses adjacent to the trail as well as protect local residents' privacy and the public's interest in a quiet and scenic hiking experience.

All plans to improve existing trails or create new ones should ensure that ~~environmentally sensitive~~ all habitats are protected from overuse. Measures to prevent or reduce impacts should be used, including:

- a) non-improvement or elimination of access to remote fragile areas;
- b) routing or re-routing of trails to avoid habitats;
- c) design features to screen or separate trails and destination points from sensitive resources;
- d) invasive plant removal and revegetation projects, sediment basins, and other site features; and
- e) restriction or redistribution of the number of access points into an area.

~~T~~New trails should not be sited through or directly adjacent to wetlands. If any access is provided, wood boardwalks or similar structures that minimize impacts to wetland vegetation should be used.

Trails along stream corridors should be sited and designed to avoid impacts to riparian vegetation, wildlife, and water quality. Measures include, but are not limited to, controlling runoff and erosion, contouring and siting trails to conform to the natural topography, and separating and screening from important riparian habitat areas.

Access trails to intertidal areas should be sited to spread the zone of public use rather than concentrate it in a small area.

4. Parking and Facilities - In some locations, parking along the highway is a safety hazard in the Big Sur Coastal Planning Area. Proper signage and law enforcement of unsafe parking are needed. Emphasis should be given to improving access on the east side of Highway 1 suitable for parking for near accessways or trailheads on the east side. and, where feasible, pedestrian access to the west side of the highway shall be provided, via a tunnel, not by an

~~overpass. Such areas shall~~ould be effectively screened from the road through the location of site features, construction of berms, or planting of vegetation screens.

~~The number of parking spaces provided should not exceed the capacity of the shoreline destination as determined by its size, sensitivity of the resources, and the type and intensity of use appropriate for the area.~~

~~Parking areas and turnouts should be designed and constructed in a manner which would not contribute to slope failure or excessive erosion, and would prevent runoff and degradation of water quality. Where feasible, porous surfacing materials which allow drainage should be used.~~

~~In areas where the public must cross traffic on a curve to reach a parking area, appropriate warning signs should be posted. Grade separations should be considered, where needed for safety and construction is feasible. If road width permits, consideration should be given to installation of left turn lanes into parking areas.~~

## **7. ADMINISTRATION AND IMPLEMENTATION**

### **7.1 PLAN ADMINISTRATION**

This ~~LUPplan~~ is designed to implement the California Coastal Act. It is a local plan which shall direct ~~the Monterey County~~ in making land use decisions in the Big Sur Coastal Planning Area. The advice of local residents shall be routinely sought in the administration of this plan. The County shall work with other levels of government to secure their compliance with this plan; conformance by all public agencies, including Federal and State agencies, is needed for this ~~LUPPlan~~ to work as intended. Other levels of government shall be consulted by the County regarding help, guidance, and resources to implement this plan. However, the County shall have the primary responsibility for implementing the ~~LUPBig Sur Coast Land Use Plan~~ and the efforts of other State and local agencies shall be consistent with this ~~LUPplan~~ and coordinated with the efforts of the County. This ~~LUPplan~~ will also provide guidance to the ~~California Coastal Commission~~ in its review of Federal projects pursuant to the Federal Coastal Zone Management Act.

The County ~~created the Big Sur Multi-Agency Advisory Council which shall develop the structure necessary to established~~ a permanent and authoritative voice for the residents of the community of the Big Sur coast ~~to, which shall ensure community participation in the coordination and implementation activities necessary to carry out the mandates of the Coastal Act. LCP.~~

#### **7.1.1 Development Permit Process**

Coastal Development Permits or Coastal Administrative Permits (referred to as coastal permit in this ~~LUP~~) will be required from the County for development proposed on private or public lands (except excluded public projects on Federal lands). To be approved, permit applicants will be required to demonstrate conformance to the ~~LUPplan~~.

1. The proposal must be in conformance with the kinds of uses and use intensities permitted for the specific geophysical area concerned. If a proposal does not meet this basic requirement, it will not be processed further.
2. The second area of review, concerns conformance to the policies of the ~~LUPplan~~ contained in the Resource Management and Land Use and Development sections, and, if applicable, the Public Access and Highway One/County Roads sections. In particular, the proposed project must fully meet the objectives, policies, and standards for each applicable section of the ~~LUPPlan~~. If the proposal is not consistent with these policies, it shall not be approved even though it may be consistent with land use designations for the area. ~~For example, applications for residential development in an area designated for this use will not be approved if the parcel is entirely within a 100 year floodplain or if inadequate water supply is shown to exist.~~



3. All proposals must fully meet any specific zoning provisions adopted to implement the LUPplan.
4. All proposals must fully comply with the California Environmental Quality Act and meet the environmental standards of this LUPplan.

Applicants are responsible for providing all necessary information to support proposals as described in the policies concerning development and resources. Where information is questioned or contested by the County, the burden of proof rests with the applicant. Where additional information is requested by the County, applicants are required to provide such information before further consideration by the County will be given to the proposal.

The County will make a good faith effort to work cooperatively with landowners in the evaluation and processing of development applications as expeditiously as possible. County staff will provide advice and guidance to the public concerning interpretation of provisions of the plan. County staff will prepare written reports supporting all permit recommendations. These reports will summarize the development proposal, pertinent issues and information, and will describe how the proposal meets or does not meet relevant provisions of the plan. The report will contain recommendations on whether the proposal should be approved, approved with conditions, or denied. Permit reports shall be made a permanent part of the record and copies shall be available for public review prior to formal consideration of the application.

### ***7.1.2 Plan Revisions***

The Local Coastal Program will be updated over time as need dictates. Formal amendment procedures will be used to accomplish changes to the LUPplan or its implementation ordinances. Because the LUPplan is a Local Coastal Program prepared under the California Coastal Act, any changes made must be consistent with the Act. The ~~California~~ Coastal Commission must approve future changes or amendments to the plan. This LUPplan shall be automatically reviewed after three years of utilization to determine the effectiveness of the implementation procedures.

### ***7.1.3 Appeals***

Appeals to the Coastal Commission may be made, consistent with provisions of the Coastal Act, when individual or group believes the County is not acting in conformance with the plan. The appeals procedure is described in the California Coastal Act.

### ***7.1.4 Public and Agency Participation and Coordination***

The County will cooperate with all other government agencies on matters of mutual interest concerning the Big Sur coast. The format for coordination is described in this implementation section of this LUP. The public forum of the Big Sur Multi-Agency Advisory Council shall be the primary forum for such collaboration. The County will provide technical or policy advice to other agencies as requested and will seek advice on technical or policy matters from appropriate agencies as the need arises.

The County ~~has~~will provided a mechanism for advice and comment from appointed community

representatives on permit matters and on all long-range decisions affecting planning and management of the coast, with the ~~Big Sur and South Coast Land Use Advisory Committees~~. The general public is encouraged to attend and participate in County public meetings and hearings concerning administration of the LUP plan or processing of development applications.

## 7.2 IMPLEMENTATION

Implementation of the LUP Plan will require the County, and in some cases, other jurisdictions, to develop and adopt ordinances, procedures, or agreements in addition to the ~~LUP~~ Land Use Plan in order to carry out the LUP and Use Plan map and policies and diagrams. The major implementation measures that the County should adopt are described here.

### 7.2.1 Zoning Ordinance Changes

#### A. Rezoning

Rezoning of the Big Sur coast will be necessary to reflect this LUP land use plan. In accordance with State laws, the uses, densities and locations of zoning revisions must be consistent with the Land Use Plan Map and policies. Zoning should be adequately flexible to permit the range of uses and densities provided for in the LUP plan.

The County shall implement the zoning districts consistent with the land use designations as described in this LUP. The Monterey County Zoning Ordinance (Ordinance No. 911) should be amended to delete use of the combining Coastal Zone (CZ) district, and to add general coastal zone regulations and separate coastal zone districts as set out above. The general regulations will incorporate and refer to Coastal Act (Public Resources Code Section 30000 et seq.) policies. They will also incorporate provisions of the Monterey County Zoning Ordinance for Design Control districts (Section 25) and Scenic Conservation Districts (Section 23,3c), for appeal (Section 32), and enforcement (Section 35), and provisions of the Subdivision Ordinance (Ordinance No. 1713) for appeal and for enforcement (Section 10).

Some suggested zoning districts include:

~~CZ WSC~~ ——— ~~Coastal Zone Watershed and Scenic Conservation District: Includes residential development, low intensity recreation, agriculture, and forest and watershed management.~~

~~CZ OR~~ ——— ~~Coastal Zone Outdoor Recreation District: Includes moderate use intensity recreation.~~

~~CZ RCC~~ ——— ~~Coastal Zone Rural Community Center District: Includes residential development, visitor serving and recreation support areas, and quasi-public~~

uses.

### ***B. Development Permits***

All development in the coastal zone will be required to obtain a development permit from the County that will be approved based on demonstrated compliance with the LUP and all its provisions. Some forms of development, similar to that exempted in the Coastal Act, may also be exempted from obtaining a coastal permit from the County. Final action on coastal permits will be taken by the Board of Supervisors for standard subdivisions; all other development will be considered by the County Zoning Administrator or Planning Commission subject to Board appeals to Board of Supervisors and California Coastal Commission.

### ***C. Site Plan Review***

Projects applying for a coastal permit will undergo a comprehensive site plan review to determine the consistency of the proposed project with the LUP. The applicant will be permitted flexibility to develop in any manner which is consistent with any of the variety of uses and densities included in the particular zoning district, and which meets the performance standards set forth in the LUP.

### ***D. Performance Standards***

Environmental performance standards are incorporated in the Big Sur Land Use Plan in the form of specific policies designed to protect riparian and forest areas, wildlife habitats, and other sensitive environmental concerns. As the carrying capacity of the coastal areas is determined through improvements in the data base and available information, the policies or amendments to the implementation ordinance will be refined to include quantified performance standards.

### ***E. Minimum Size of Parcels***

The minimum size of parcels permitted in land subdivision is based upon the necessity to prevent harm to the existing natural uses of the land.

The Watershed and Scenic Conservation land use designation District will permit subdivision at a density rate of 40 acres or more per parcel as a means of deterring further development from harming the rural character of the land. Larger minimum parcel sizes will apply on steeper lands. In addition to one residential unit permitted on such parcels, certain other coastal priority uses will be permitted in accordance with this land use plan.

Existing legal lots of record which are smaller than the stated optimum size in the new zoning district will be permitted to develop in a use consistent with those included in the new zoning district as long as the proposed project meets the performance standards of this LUP.

Parcels will be permitted to be subdivided on the basis of density standards of the plan. A review of the land according to local coastal program performance standards may demonstrate that a lesser intensity of development is appropriate. If such review demonstrates that the particular parcel will support a higher intensity of use, the applicant may develop at the higher density upon purchase of development credits from other parcels in the Critical Viewshed.

### ***7.2.2 Government Coordination and Local Participation Framework***

A framework or structure for improved coordination between the numerous governmental agencies involved on the Big Sur coast ~~has should been~~ developed to resolve issues of mutual concern. The County created the Big Sur Multi-Agency Advisory Council in July 8, 1986, and is composed of elected and appointed representatives, federal, state and local agencies, and community representatives. The Council has been instrumental in identifying local issues and developing frameworks for remedying the issues. This Council is vital to the success of this LUP.

~~Additionally, For example,~~ careful planning and usage of the Big Sur coast due to the limitation of highway capacity is a responsibility shared by Monterey County and San Luis Obispo County. Assurances are needed that development contemplated for the San Simeon coastal area does not adversely affect access to the Big Sur region as a whole. ~~A means of providing continuing and enhanced participation in decisions about the coast's future is also needed and should be made available to the residents of the area. The County should take a lead role in developing these structures.~~

~~One alternative is a joint powers agreement entered into by the U. S. Forest Service, the Coastal Commission, the State Departments of Fish and Game and Parks and Recreation, Caltrans, Monterey and San Luis Obispo Counties, and other entities as deemed necessary, in order to form a Big Sur Council with the power to plan and coordinate implementation activities, and to acquire land and funds. This may be a workable approach to government coordination, although it has two drawbacks: there are no assurances that the various entities would agree to the purposes to such an agreement; and there may be lack of funds available to support acquisition and management. In view of acquisition needs along the coast, this is a serious deficiency.~~

~~The Memorandum of Understanding is another possible agreement which can bring the various entities together to coordinate planning and implementation efforts. If no joint acquisition effort is planned, the memorandum of understanding may be more desirable than the joint powers agreement because it does not mandate the financial responsibility legislatively required in the joint powers agreement.~~

~~Because the U.S. Forest Service owns 75,000 78,439 acres in the Big Sur Coast Planning Unit--roughly 54 percent one half of the total area--and because the Federal Coastal Zone Management Act of 1972 excludes all lands subject to exclusive federal jurisdiction from the California Coastal Zone, special means should be developed to assure that the development, use, planning and management of these federal lands is coordinated effectively with the implementation of the LUP ~~Big Sur Coast Local Coastal Program~~. ~~The memoranda of understanding and joint powers agreements, referred to above, are not likely to be a sufficient means to accomplish this coordination because the U. S. Forest Service's discretion is tightly circumscribed by federal statute.~~ The County, therefore, requests its representatives in the United States Congress to explore the need for federal legislative authorizations and mandates to the U.-S. Forest Service~~

to assure that its development, use, management and administration of Los Padres National Forest lands is effectively coordinated consistent with this implementation of the LUP ~~ocal Coastal Program on private lands and lands owned by the State and County.~~

### **7.2.3 Big Sur Coast Data Base**

Following adoption of this LUP, ~~e-plan~~ the County will use all available information about the natural and cultural resources of the Big Sur coast developed in the planning process in its review of development applications and in other actions relating to the management of the coast. This body of information will be supplemented or updated from time to time as new information is available to the County.

The 1980s background reports and written responses to them are the foundation of the data base. This can be supplemented by information provided by property owners during the course of development applications or by other agencies in their individual activities. The information will be maintained in the County Planning Department and as far as possible in the County Branch library in Big Sur. Maintained as a collection of information in a central location, the data will be readily available to the public, other agencies, and County officials. During review of any projects or activities on the Big Sur coast, the County sStaff is required to review available and pertinent information and include it in recommendations about projects or activities in the area.

All existing information will be integrated with the County Planning Department's present data base and included in the Deartment's information. At least once a year the County staff shall prepare a summary and bibliography of new information received during the preceding year. **7.2.4 Merger**

~~Merger of contiguous substandard size lots held by the same owner is an appropriate mechanism in areas designated as restoration areas in which development of individual legal lots of record would harm the existing natural uses. The County should create a combining zone which, when applied to the selected areas, will cause such undersized lots, when contiguous and held by the same owner, to merge to the minimum size permitted by the existent zoning.~~

### **7.2.45 Transfer of Development Credits (TDC)**

TDC's comprise a system that will assist the owners of lots restricted in their residential development potential by Critical Viewshed policies contained within the LUP ~~plan~~. They provide an economic/planning incentive under which density credits can be reallocated within certain boundaries ~~the Big Sur Coastal Planning Area and outside the Critical Viewshed~~. ~~Additionally, the use of this technique is intended to encourage the transfer of residential development potential from large ranch parcels in order to maintain the viability and stability of agricultural operations.~~

#### **7.2.545.A. —————Key Policies**

A transfer development program shall provide:

1. ~~Of~~ To provide owners of "Critical Viewshed lots" fair and real opportunities to build in Big Sur.

2. ~~To provide~~ incentives for preservation of large private ranches in the Critical Viewshed in agricultural operations, and permanently protect their Critical Viewshed.
3. ~~To provide~~ economic compensation in the form of density credits for lots rendered unbuildable due exclusively to LUP Critical Viewshed policies.

**7.2.654.B ————— *General Policies***

1. Any non-Critical Viewshed parcel in the Big Sur Coastal Planning Area is a potential "receiver" site provided development proposed for it meets the LUP's development and siting standards and the TDC program rules ~~for obtaining additional density~~.
2. "Critical Viewshed lot" owners would have the right to transfer residential development potential from such restricted parcels and to build two residential units elsewhere in the Big Sur Coastal Planning Area or transfer two development credits for each lot retired subject to the criteria of LUP policy 3.2.6.3.
3. Large ranches would have the option to cluster their credits to non-Critical Viewshed sites east of Highway One, to apply for development within the rules specified in the LUP, transfer density credits to their property, or any combination of these alternatives.

**7.2.765 *Conservation Easements***

Conservation and Scenic Easements and Williamson Act Contracts, which are voluntary programs, provide tax benefits when such enforceable restrictions on the use of land limit the amount of development on a parcel.

~~While Conservation and Scenic Easements are in use now in the County to mitigate adverse environmental impacts, the County should adopted a clear policy directing the requirement of these Conservation and Scenic Easements for the varied resource protection uses, encouraged in the plan. Any such easements shall be required only when they meet Constitutional nexus and proportionality requirements. County land use regulations such as zoning and subdivision ordinances should contain these requirements, as well as others authorized by State legislation, such as restrictions on future use, and length of the term (at least 10 years) with automatic renewal. Each such easement or deed restriction dedicating open space shall include the particular findings upon which it the open space easement is based.~~

The County should also consider having the Coastal Conservancy, because of its legislated resource protection role on the coast, named as grantee of the Conservation and Scenic open space Easement. Alternatives could include continuing the County as grantee but contracting out enforcement to a nonprofit agency such as the Coastal Conservancy, or giving the grantor a choice of grantees from a list of appropriate nonprofit organizations.

State legislation permits Williamson Act<sup>124</sup> Contracts to be executed for reasons very similar

to the ones for which Conservation and Scenic Easements are permitted. While it is generally thought that property tax advantages of Williamson Act contracts have been lost in the passage of Proposition 13, the contracts remain a viable enforceable restriction along with Conservation and Scenic~~open-space~~ Easements. Consideration should be given to decreasing both the present minimum acreage requirement from 40 acres to 20 acres and the length of such contracts from the present 20-year term to 10 years.

Conservation and Scenic Easements are the appropriate vehicle which could be made available for coastal resource protection. They are different from Williamson Act Contracts in that they must be in perpetuity.

~~Conservation easements should be included as a requirement in coastal permit applications in areas containing wildlife habitats, wetlands, and other resource areas and particularly in scenic areas.~~

### ***7.2.87 Restoration/Acquisition***

~~Restoration projects refer to those activities that the County, in cooperation with coastal residents and other agencies, can undertake in an effort to mitigate undesirable impacts of existing development or commitment to development on the quality of the coastal environment and its resources. Examples of areas that require restoration in order to meet the environmental standards of this plan have been described in various sections of the plan. For instance, some areas of the coast committed to development by virtue of the existence of many small undeveloped parcels created for residential purposes appear to lack adequate water to serve continued development without entailing extremely adverse impacts on the natural environment. There are also isolated examples where natural ecosystems have been impacted, frequently from recreational overuse. Portions of the lower Big Sur River riparian area have been seriously degraded and need restoration work. In other areas, past development has resulted in structures or buildings that are highly visible and obtrusive to the quality of the natural environment. In some cases, road construction has left highly visible scars. Installation of utility poles has also resulted in the erosion of the visual quality of Big Sur. Perhaps most serious, are the undesirable impacts on the beauty of the coast resulting from continued residential buildout in certain areas having numerous small, vacant parcels. Finally, even Natural events, such as landslides, mudslides, or lightning caused fires, result in changes or damage to the landscape and its resources. Such events may necessitate remedial action if environmental quality or scenic beauty is to be restored.~~

A variety of restoration techniques are available, and the County should support and encourage these.

#### ***A. Private Voluntary Action***

Individual landowners are encouraged to voluntarily undertake those activities on their property which can help mitigate the types of environmental or visual problems discussed in this LUP~~plan~~. In many cases, simple landscape screening or repainting of a structure would do much to restore scenic beauty in highly visible areas. Screening of private roads as needed would also be beneficial. Private work, in some cases, is needed in riparian areas to alleviate impacts to streams. In other areas, improved control of erosion or soil loss from sites during rain storms would help protect water quality in coastal streams.

#### ***B. Action by Other Government Agencies***

All other government agencies are requested to undertake needed coastal restoration work in their areas of jurisdiction in order to realize the objectives of this plan. California State Parks and Recreation, Caltrans, and the U.-S. Forest Service Navy, in particular, are requested to work toward the restoration of environmental and scenic qualities of lands they manage.

**C. *Site Planning***

The County can achieve necessary restoration on private and State lands by requiring such work as a condition of permit approval. This technique should be used within reason whenever possible feasible and necessary to remediate conditions that are a threat to lives, property, or resources, consistent with nexus and proportionality requirements.

**D. *Transfer of Development ~~Credits~~ Rights (TDRC) Credits (TDC)***

Given that development is prohibited within Critical Viewshed, TDCs are allowed TDC's should be encouraged to avoid new development on critical viewshed lots and on large ranches.

**E. *Acquisition of Critical Viewshed Parcels***

Acquisition by a public agency of privately-held land in the Critical Viewshed may be beneficial as a restoration project where it reduces the commitment to development ~~created by the presence of many small undeveloped parcels~~. In certain instances, acquisition may be the only reasonably effective tool for avoiding problems relating to Critical Viewshed development. This LUP plan proposes that acquisition be used as a means of avoiding development on highly scenic Critical Viewshed parcels for which no other planning remedy can be found. Acquisition can be carried out by Monterey County, by various State agencies, such as California State Parks and Recreation or the California Coastal Conservancy. The County should take a favorable posture toward acquisition of undeveloped ~~viewshed~~ parcels that are totally within the Critical Viewshed. The County should invite purchase of these parcels by State agencies and, in particular, should support the assistance of the Federal ~~g~~Government through the U.-S. Forest Service in acquiring such parcels within their boundaries, either in fee or simply through the purchase of development rights or easements.

In 1987, through Proposition 70, the County obtained \$25 million to compensate owners of parcels rendered unusable by the Critical Viewshed policy. Those funds have been spent. Because the County currently lacks sufficient funds to compensate landowners for not developing any remaining undeveloped parcels that may exist in the Critical Viewshed and because the County lacks funds to acquire Conservation and Scenic Easements over large parcels in the Critical Viewshed, it hereby requests that its representatives in the California State Legislature and the United States Congress to seek provide State and Federal funds to the County for these purposes. assist the County and be administered by the County in the implementation of the Local Coastal Program and, where necessary, to compensate landowners for protecting the agricultural and scenic resources of the Big Sur Coast.

The County shall seek necessary acquisition funds through the Land and Water Conservation fund or its successor agency, by making every effort to ensure that the implementation of the Big Sur L.U.P. is placed high on the list of priorities of the State Comprehensive Outdoor Recreation Plan (SCORP).



## ***F. Coastal Conservancy Projects***

The Coastal Conservancy has been established with a broad range of powers and capabilities, all aimed at the conservation of important coastal resources. The Conservancy can perform planning studies, purchase land for various purposes, ~~consolidate small parcels into larger more desirable parcels,~~ and can resell them on the private market to "rollover" and regain its capital outlay. ~~The result of this process is to overcome the environmental concerns resulting from poor lot configuration or excessive numbers of parcels in important restoration areas.~~ The Conservancy should work cooperatively with the County on restoration programs by nomination of potential Conservancy projects and participating in the development of the project. The Conservancy is encouraged to develop affordable housing on any land it acquires.

## ***G. ~~Nonprofit Private and Public Conservancy Foundations~~***

~~Private organizations should have assisted in the conservation of important natural and cultural values. These organizations can purchase land in fee or simply acquire easements. The County encourages the retention of members of the Big Sur community on any land acquired by private organizations for conservation purposes to avoid development in sensitive areas. Monterey County should support and encourage the activities of these organizations in Big Sur.~~

## ***7.2.968 Enforcement Program***

Monterey County's Local Coastal Program will be only as effective as its enforcement. Several recommendations for a more effective enforcement program will follow.

All County departments engaged in activities in the coastal area should be informed about the Local Coastal Program and should refer any possible violations to the Planning Code Enforcement staff ~~Department Resource Management Agency~~ for investigation.

~~County Planning staff should be increased in order to provide more onsite review of proposed development and more explanation to applicants about permit restrictions. Extra planning staff is also needed to perform regular inspection of continuing coastal permit conditions.~~

Because of the County Counsel's role as advisor in planning matters, violations of the subdivision or planning ordinances will be referred to the County Counsel's Office rather than to that of the District Attorney when such follow-up is deemed necessary by the County Planning Department. In addition, land use violations in the coastal areas should be punished by imposition of civil penalties provided for in the Coastal Act, rather than by current misdemeanor prosecution.

The County also has a duty to pursue legal remedies against persons who illegally use open space or similar easements granted to the County. The County must not only enjoin such misuse, but must also seek recovery of damages for such misuse.

Jurisdiction problems which may arise when the County attempts to enforce the Local Coastal Program on State lands can be precluded by requiring State consent to County inspection as a condition of approval for coastal permits granted to State agencies. Federal agencies will be requested to submit to an

enforcement program as part of a Memorandum of Understanding among agencies involved in the Big Sur ~~Local~~ Coastal Planning Area.