

## Exhibit B

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## DISCUSSION

### Setting:

The subject site consists of two parcels, an upper parcel which is a quarter section (160 acres), and a lower parcel (112 acres) which is rectangular and oriented horizontally. These parcels are located approximately a half mile east side of Highway 1 north of Garrapata Creek. Access to the parcels is from a private road extending from Highway 1 just north of Garrapata Creek through the northern parcel and providing access to property east of the subject site. The road splits to an upper road and a lower road west of the upper parcel. The Lower parcel does not currently have road access. There is a steep walking trail that goes down to Joshua creek which is accessed off the lower road. It is about 4 to 5 feet wide. The parcels consist primarily of steep slopes and heavy terrain. Joshua Creek currently runs along the southern boundary of the northern parcel and Silver Falls Creek crosses through the middle of the southern parcel. These creeks merge in the southwest corner of the northern parcel.

### Project:

The application would adjust the common lot line between these two parcels in order to place Joshua Creek/Silver Falls on a single parcel along with the existing trail head for an existing walking path on the same parcel. Currently, Joshua Creek/Silver Falls crosses both parcels. The owner wants to adjust the line to just above the existing lower road in order on the northern parcel to retain the path access to the creek. This would place the creeks and the access on a single parcel.

### Analysis

Lot Line Adjustments are required to comply with General Plan, Specific Plan and Zoning Requirements. The site is within the Coastal Zone and so it must also be consistent with the Local Coastal Plan, in this case the Big Sur Land Use Plan.

#### 1. Zoning

The property has a land use and zoning designation of WSC/40-D (CZ) "Watershed and Scenic Conservation /40 acre minimum-Design Control District in the Coastal Zone. The reference to 40 acre is the development density, which means that the density cannot exceed one unit per 40 acres subject to all other policies and regulations contained within the Big Sur Land Use Plan, Implementation Plan and the Zoning Ordinance. The parcels currently comply with the gross density requirement and would comply with the density requirement after the adjustment. There are other policy limitations on the property which may affect development potential (30 percent slope, ESHA, Slope Density)

#### 2. Big Sur Land Use Plan Policies:

- a. Policy 5.4.2.5 of the Big Sur Land Use Plan (BSLUP) states:

*Existing parcels of record are considered buildable parcels and are suitable for development of uses consistent with the plan map provided all 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 plan.*

This parcel contains primarily steep slopes, stream/riparian and possible other terrestrial resources that would significantly constrain any development. This is true with or without the lot line adjustment, and as such the Lot Line Adjustment does not change the development potential of the parcels.

b. Policy 5.4.3.H.4 (BSLUP) states

*Re-subdivisions and lot line adjustments are encouraged when no new developable lots are created and when plan policies are better met by this action.*

No development is proposed for this project. The owner wants to retain the creek/falls on one parcel for the purpose of preserving the creeks and trail on a single parcel.

c. Policy 5.3.1.2 BSLUP states:

*Protection of watersheds, streams, plant communities, and scenic values is the primary objective of the Watershed and Scenic Conservation land use designation.*

Land use decisions, including Lot Line Adjustments must take into account how the application would affect the natural resources of the site. The applicants stated intention is to set aside the most significant resources of the site (creeks) and place them on one parcel.

Coastal Commission Concerns:

Coastal Commission staff expressed concern that the proposed reconfiguration would provide road access to the lower parcel which would encourage development on the parcel. Coastal staff expresses one of the primary objectives of the Big Sur LUP is to preserve the scenic rural character and this is achieved via policies that limit development including land division and lot line adjustments that create new development sites.

After further discussions, Coastal Commission staff submitted a letter stating they would extend support of the proposed Lot Line Adjustment, provided recordation of a Scenic and Conservation Easement over the newly created 172 acre Joshua Creek parcel would limit development on the parcel to what is existing consistent with the resource protection objectives of the Big Sur land Use Plan. In response the applicant has presented a Scenic and Conservation easement which would retain the property in its current condition, and allow the property owner to maintain the existing access trail head and trail to Joshua Creek. The easement has been reviewed by County staff and is attached for the Planning Commission consideration (**Exhibit C.**)

Conclusion:

The proposed Lot Line Adjustment reconfigures parcels in a manner consistent with the current parcel configuration and consistent with land use and zoning requirements. The applicant's offer of a Scenic and Conservation easement mitigates any concern that the lot line adjustment would result in new development inconsistent with the land use plan and allows the applicant to achieve

their objective. Based upon these factors staff recommends the Coastal Development Permit for the Lot Line Adjustment (including recordation of the Scenic and Conservation Easement) be approved.

