



# Monterey County

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## Board Report

Legistar File Number: RES 16-073

December 06, 2016

Introduced: 11/18/2016

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

### **PLN150149 - Del Monte Forest Area Local Coastal Program Amendment (Policy 20)**

Public hearing to consider a resolution of intent to adopt certain Local Coastal Program (LCP)

Amendments for the coastal area of the Del Monte Forest, including the following:

- a. Amendment to Policy 20 of the Del Monte Forest Area Land Use Plan to modify standards of development within the indigenous Monterey cypress habitat; and
- b. Corresponding amendments to the text of Section 20.147.040.D.2 of Part 5 of Title 20 (Coastal Implementation Plan) of the Monterey County Code regulating development within the indigenous Monterey cypress habitat within the Del Monte Forest Land Use Plan area.

**Proposed CEQA Action:** Statutorily Exempt per Public Resources Code section 21080.9 and CEQA Guidelines Section 15265

Del Monte Forest Indigenous Monterey Cypress Habitat Area, Pebble Beach, Del Monte Forest

### RECOMMENDATION:

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

1. Find the action Statutorily Exempt per Public Resources Code section 21080.9 and CEQA Guidelines Section 15265;
2. Amend the text of Policy 20 (**Exhibit A to Attachment A**) of the Del Monte Forest Area Land Use Plan;
3. Adopt an ordinance (**Exhibit B to Attachment A**) to amend the text of Section 20.147.040.D.2 of Part 5 of Title 20 (Coastal Implementation Plan) of the Monterey County Code regulating development within the indigenous Monterey cypress habitat within the Del Monte Forest Land Use Plan area;
4. Certify that the amendments are intended to be carried out in a manner fully in conformity with the Coastal Act; and
5. Direct staff to transmit the proposed amendments to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review.

### SUMMARY:

The Del Monte Forest Area Land Use Plan (DMF LUP) includes policies for protecting resources, including but not limited to, the indigenous Monterey cypress habitat. The goal is to protect indigenous Monterey cypress habitat to the maximum extent feasible. On November 8, 2016, staff brought the item before the Board of Supervisors to seek direction from the Board on proposed revisions to Policy 20 of the DMF LUP and corresponding Coastal Implementation Plan revisions. After review of the submitted documents, and a duly noticed public hearing at which all persons had the opportunity to be heard, the Board of Supervisors directed staff to return on December 6, 2016, with a resolution of intent to adopt the proposed amendments. The Board also directed staff to continue to work with

the Coastal Commission staff to resolve minor wording concerns raised by Coastal Commission staff in a letter submitted to the Board on November 8, 2016. After adoption of a resolution of intent with specific wording for amending Policy 20 and the CIP, County staff will submit the proposed amendment to the Coastal Commission for certification. Staff intends to work with Coastal Commission staff on the concerns they identified after submission of the amendments to the Coastal Commission. County and Coastal Commission staffs' will also clarify the policy intent to make it clear that habitat includes undisturbed areas as well as critical root zone areas. Following certification by the Coastal Commission, County staff will schedule the amendment and any modifications proposed by the Coastal Commission before the Planning Commission for final review and recommendation prior to returning to the Board for formal adoption.

The only revisions which County staff has made to the text of the proposed Coastal Implementation Plan amendments since November 8, 2016 are two corrections, as follows:

Section 20.147.040.D.2(a), last sentence: "The County ~~applicant~~ may also elect to define the critical root zone as a buffer around the dripline of each Monterey cypress tree on the site."

Rationale for change - the County, not the applicant, makes decisions regarding regulatory requirements.

Section 20.147.040.D.2(c), first sentence: "On undeveloped parcels (i.e., those without an existing legally established residence), ~~within the perimeter of the critical root zone for a site,~~ development (including removal of native trees or other indigenous vegetation, grading, paving, building construction activity, landscape alterations, and summer watering) within the perimeter of the critical root zone for a site shall be prohibited, other than:

Rationale for change - grammatical correction. Staff moved the "within the perimeter..." prepositional phrase to clarify that the prohibition applies to development within the perimeter of the critical root zone, not to development on the entire parcel. The prior phrasing could give the misimpression that the implementation standard prohibits all development on these parcels, which is not what was intended.

#### FINANCING:

Funding for staff time associated with this project is included in the FY2016-2017 Adopted Budgets for Resource Management Agency (RMA)-Planning.

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Reviewed by: Brandon Swanson, Planning Manager

Approved by: Carl P. Holm, AICP, RMA Director

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

Attachment A - Draft Resolution of Intent

- Exhibit A - Draft DMF LUP Policy 20
- Exhibit B - Draft Ordinance (CIP Section 20.147.040.D.2)

Attachment B - Vicinity Map (Del Monte Forest LUP Figure 2a)

The staff report and all exhibits are also available for review on the RMA-Planning public website at the following link:

<http://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma/-planning>

cc: Front Counter Copy; Board of Supervisors; California Coastal Commission; Jacqueline R. Onciano, Interim Chief of Planning; Joseph Sidor, Project Planner; The Open Monterey Project (Molly Erickson); LandWatch; Aengus Jeffers, Interested Party; Mark Blum, Interested Party; Del Monte Forest Conservancy, Interested Party; Jeannette Ewing, Interested Party; Planning File PLN150149