

Attachment F

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Monterey County Board of Supervisors

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Order

Resolution of Intent No.: 16-321

Upon motion of Supervisor Potter, seconded by Supervisor Armenta and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution of Intent No. 16-321 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.

PASSED AND ADOPTED on this 6th day of December 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on December 6, 2016.

Dated: December 16, 2016
File ID: RES 16-073

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By

Deputy

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution of Intent No.: 16-321)
 Resolution of Intention of the Monterey)
 County Board of Supervisors to amend)
 the text of Policy 20 of the Del Monte)
 Forest Area Land Use Plan and to adopt)
 an ordinance to amend the text of)
 Section 20.147.040.D.2 of the Coastal)
 Implementation Plan, regulating)
 development within the indigenous)
 Monterey cypress habitat, Del Monte)
 Forest, Coastal Zone.)

An amendment to the text of Policy 20 of the Del Monte Forest Area Land Use Plan (LUP), and amendment to 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, came on for a public hearing before the Monterey County Board of Supervisors on November 8 and December 6, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

RECITALS

1. Section 65300 et seq. of the California Government Code requires each county to adopt a comprehensive, long-term General Plan for the physical development of each county.
2. On September 30, 1982, the Board of Supervisors of the County of Monterey ("County") adopted a county-wide General Plan ("General Plan") pursuant to California Planning, Zoning and Development law.
3. Section 30500 of the Public Resources Code requires each County and City to prepare a Local Coastal Program (LCP) for that portion of the coastal zone within its jurisdiction.
4. On July 17, 1984, the Board of Supervisors adopted the Del Monte Forest Land Use Plan as part of the LCP in the Coastal Zone pursuant to the California Coastal Act.
5. On September 24, 1984 the California Coastal Commission (CCC) acknowledged certification of the Del Monte Forest LUP as part of Monterey County's LCP.
6. On January 5, 1988, consistent with Section 30512.1 of the Public Resources Code, the County adopted the Monterey County Coastal Implementation Plan (CIP) of the LCP as Title 20 of the Monterey County Code, including "Part 5: Regulations for Development in the Del Monte Forest Land Use Plan Area" (Chapter 20.147) of Title 20.
7. Pursuant to section 30514 of the Public Resources Code, local governments may amend adopted LCPs provided the amendments are certified by the Coastal Commission.
8. On September 24, 1985 the Monterey County Board of Supervisors adopted procedures for amending the LCP-CIP.

9. On October 26, 2010, the County adopted the 2010 General Plan, an update of the General Plan for the inland area, but it does not apply in the coastal zone. To the extent the LCP relies on the 1982 General Plan, the adoption of the 2010 General Plan does not change that reliance.
10. On January 24, 2012, the Monterey County Board of Supervisors adopted a resolution of intent to amend the text, policies, and figures of the Del Monte Forest LUP, including the current text of Policy 20; and the text of the Coastal Implementation Plan, Parts 1 and 5, including the text of Section 20.147.040.D.2. The California Coastal Commission certified the LCP amendments on May 9, 2012. On May 22, 2012, the Board of Supervisors adopted the amendments to the Del Monte Forest LCP, including the current Policy 20 of the Land Use Plan and Section 20.147.040.D.2 of the Coastal Implementation Plan. The amended LCP became effective on June 22, 2012.
11. Pursuant to Public Resources Code sections 30000 et seq., and Title 20 of the Monterey County Code, the County may amend the adopted LCP provided the County follows certain procedures, including that the Monterey County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the LUP and CIP portions of the LCP, and that the Board of Supervisors hold a public hearing to determine whether to adopt a resolution of intent to approve, and if affirmative, submit the proposed amendment to the California Coastal Commission for certification. The California Coastal Commission may certify the amendment or may suggest modifications, which, if adopted by the County, are deemed certified upon confirmation of the Executive Director of the Coastal Commission.
12. Pursuant to Government Code sections 65350 et seq., the County may amend the adopted General Plan provided the County follows certain procedures, including that the County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the General Plan. In this case, staff recommended that the proposed amendment is consistent with the policies as established in the LUP, that no changes will occur to General Plan policies or land use designations, and that all changes are otherwise consistent with the 1982 Monterey County General Plan.
13. Public Resources Code Section 30514(b) limits proposed amendment submissions to the California Coastal Commission to no more than three per calendar year. The submission of the amendment for certification would be the second submission by the County during 2016.
14. Pursuant to Public Resources Code section 21080.9 and CEQA Guidelines Section 15265, an amendment to a Local Coastal Program is statutorily exempt from CEQA. CEQA does not apply to activities and approvals pursuant to the California Coastal Act by any local government necessary for the preparation and adoption or amendment of a local coastal program. This section shifts the burden of CEQA compliance from the local agency to the CCC, although County has prepared analysis of environmental impacts sufficient for a thorough and complete review by the CCC.
15. The County prepared an Initial Study/proposed Negative Declaration (State Clearinghouse No. 2016051055) for the proposed LCP amendment. The Negative

Declaration was circulated for public review from May 16 through June 15, 2016, and identified impacts that are less than significant related to biological resources. No comments were received, and the Initial Study/proposed Negative Declaration have been provided to the Board of Supervisors. The Initial Study will provide the CCC with the technical background information it needs to analyze the proposed LCP Amendment.

16. All policies of the 1982 General Plan and the Del Monte Forest LUP have been reviewed by Resource Management Agency - Planning staff for consistency with the County's LCP and 1982 General Plan, and the Board finds that the proposed amendments maintain the compatibility and internal consistency of the General Plan and the Del Monte Forest LUP. The Board of Supervisors finds that:
 - a. The proposed amendment is more protective of the natural resources of the Del Monte Forest than the existing LCP, specifically with regard to the protection, enhancement, restoration, and maintenance of Monterey cypress habitat.
 - b. The proposed amendment ensures a planned and balanced approach to development and preservation within the indigenous Monterey cypress habitat area.
 - c. The proposed amendment is not expected to increase development potential in the indigenous Monterey cypress habitat area, or lessen protection of environmental resources, and is more likely to result in reduction of environmental impact overall compared to the text of Policy 20 in the existing Del Monte Forest LUP. The key changes in the proposed text of the CIP will provide the policy implementing instructions in a manner that clearly defines the requirements and expectations of property owners, consultants, and the County.
 - d. The proposed amendment is consistent with the Coastal Act.
17. On June 29, 2016, the Monterey County Planning Commission held a duly noticed public hearing to consider and make a recommendation to the Board of Supervisors regarding approving an amendment to the text of Policy 20 of the Del Monte Forest LUP and to amend the text of Section 20.147.040.D.2 of the CIP, Part 5. At least 10 days before the first public hearing date, notices of the hearing before the Planning Commission were published in the Monterey County Weekly, and were also posted on and near the affected property area. The Planning Commission recommended denial of the LCP amendments by a vote of 7 to 1 (Planning Commission Resolution No. 16-020). Revisions to the proposed text of the Coastal Implementation Plan amendment since the Planning Commission made its recommendation are not substantial modifications requiring referral back to the Planning Commission.
18. On November 8, 2016, the Monterey County Board of Supervisors held a duly noticed public hearing to consider providing preliminary direction on the proposed amendment to the text of Policy 20 of the Del Monte Forest LUP and the text of Section 20.147.040.D.2 of the Coastal Implementation Plan. At least 10 days before the first public hearing date, notices of the hearing before the Board of Supervisors were published in the Salinas Californian, and were also posted on and near the affected property area. After public comment and consideration of the proposed amendments, the Monterey County Board of Supervisors directed staff to return on December 6, 2016, with a resolution of intent to adopt the proposed amendments.
19. On December 6, 2016, the Monterey County Board of Supervisors held a duly noticed public hearing on the proposed amendments. At least 10 days before the first public

hearing date, notices of the hearing before the Board of Supervisors were published in the Monterey County Weekly, and were also posted on and near the affected property area.

20. The proposed Del Monte Forest LUP Policy 20, as proposed to be amended, in a version showing the changes with strikethrough and underline and in a "clean" version, is attached hereto as Exhibit A and incorporated herein by reference. The proposed ordinance amending section 20.147.040.D.2 of the Coastal Implementation Plan is attached hereto as Exhibit B and incorporated herein by reference.
21. Monterey County and the California Coastal Commission will collaborate further to clarify the policy intent to clearly define that habitat includes undisturbed areas as well as critical root zone areas.
22. This amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act (Public Resources Code Sections 30512, 30513, and 30519).

DECISION

NOW, THEREFORE, BASED ON ALL OF THE ABOVE FINDINGS, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a. Find the action Statutorily Exempt per Public Resources Code section 21080.9 and CEQA Guidelines Section 15265;
- b. Adopt a resolution of intent to amend the text of Policy 20 of the Del Monte Forest Area Land Use Plan, attached hereto as Exhibit A and incorporated herein by reference;
- c. Adopt a resolution of intent to adopt an Ordinance, attached hereto as Exhibit B and incorporated herein by reference, 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;
- d. Certify that the amendments are intended to be carried out in a manner fully in conformity with the Coastal Act; and
- e. Direct staff to transmit the proposed amendments to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Armenta carried this 6th day of December 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on December 6, 2016.

Dated: December 16, 2016
File Number: RES 16-073

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

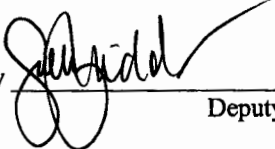
By  Deputy

Exhibit A
to
Attachment A

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DRAFT TEXT AMENDMENT TO DMF LUP POLICY 20

Policy 20 of the Del Monte Forest Land Use Plan shall be amended as follows:

Strikethrough/Underline:

Indigenous Monterey cypress habitat is an environmentally sensitive habitat area within the Del Monte Forest, and is presumed present within the area mapped in Figure 2a. Within their indigenous range (see LUP Figure 2a), Monterey cypress trees and habitat shall be protected to the maximum extent possible. ~~All proposed development in this area shall be accompanied by the biological reports described in Policies 12 and 16. All use and development in or adjacent to indigenous Monterey cypress habitat areas shall be compatible with the objective of protecting this environmentally sensitive coastal resource. All development improvements (such as structures and driveways, etc.) that could impact Monterey cypress trees and/or Monterey cypress habitat mapped in this area shall be carefully sited and designed to avoid adverse impacts and potential damage or degradation to both individual cypress trees and of Monterey cypress habitat, and shall be required to include measures that will enhance Monterey cypress habitat values, including the microhabitat of individual cypress trees, and must be located within existing hardscaped areas and outside of the dripline of individual cypress trees.~~ All development shall be consistent with the limitations and standards provided in Del Monte Forest Implementation Plan Section 20.147.040(D) to ensure no Monterey cypress trees are harmed, and that Monterey cypress habitat is increased, restored as high-value and self-functioning Monterey cypress habitat, and placed under a Conservation Easement. ~~Within the perimeter of the identified habitat area for a site, including at a minimum as defined by the driplines of the outermost indigenous Monterey cypress trees on the site, removal of native trees or other indigenous vegetation, grading, paving, building construction activity, landscape alterations and summer watering shall be prohibited. On the inland side of 17 Mile Drive, driveways shall be allowed in this area where the driveway does not come within the dripline of individual Cypress trees. Underground residential utilities and fences shall be allowed in this area on the inland side of 17 Mile Drive. Open space conservation and scenic easements are required for all undeveloped areas of a parcel within the Monterey cypress habitat area, and such easements shall be secured consistent with Policy 13.~~

Clean:

Indigenous Monterey cypress habitat is an environmentally sensitive habitat area within the Del Monte Forest and is presumed present within the area mapped in LUP Figure 2a. Within their indigenous range (see LUP Figure 2a), Monterey cypress trees and habitat shall be protected to the maximum extent possible. All development that could impact Monterey cypress trees and/or Monterey cypress habitat mapped in this area shall be carefully sited and designed to avoid adverse impacts and potential damage or degradation to both individual cypress trees and cypress habitat, and shall be required to include measures that will enhance Monterey cypress habitat values. All development shall be consistent with the limitations and standards provided in Del Monte Forest Implementation Plan Section 20.147.040(D) to ensure no Monterey cypress trees are harmed, and that Monterey cypress habitat is increased, restored as high-value and self-functioning Monterey cypress habitat, and placed under a Conservation Easement.

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Exhibit B
to
Attachment A

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ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING SECTION 20.147.040.D.2 OF TITLE 20 (MONTEREY COUNTY COASTAL IMPLEMENTATION PLAN) OF THE MONTEREY COUNTY CODE RELATING TO REGULATIONS FOR DEVELOPMENT IN THE DEL MONTE FOREST LAND USE PLAN AREA.

County Counsel Summary

This ordinance amends the standards for development within Monterey cypress habitat in the Del Monte Forest Land Use Plan area of the coastal zone of the County of Monterey. Specifically, the ordinance amends Subsection 2 of Subsection D of Section 20.147.040 of Part 5, Regulations for Development in the Del Monte Forest Land Use Plan Area, of Title 20 (Monterey County Coastal Implementation Plan) of the Monterey County Code. The amendment establishes new procedures and requirements for development in and adjacent to Monterey cypress trees and habitat.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Subsection 2 of Subsection D of Section 20.147.040 of Part 5, Regulations for Development in the Del Monte Forest Land Use Plan Area, of Title 20 (Monterey County Coastal Implementation Plan) of the Monterey County Code is amended to read as follows:

2. Monterey Cypress Habitat

(a) Indigenous Monterey cypress habitat is an environmentally sensitive habitat area within the Del Monte Forest, and is presumed present within the area mapped in LUP Figure 2a. All proposed development in this area shall be accompanied by coordinated a-biologist and arborist reports in consultation with the Del Monte Forest Conservancy pursuant to Section 20.147.040.A., a purpose of which is to determine: the “critical root zone” for the site; the relative habitat sensitivity of all parts of the site, ranked from the highest sensitivity to the lowest sensitivity in terms of potential adverse impacts from development; the ways in which the critical root zone and the relative habitat sensitivity rankings relate to adjacent and surrounding habitat areas; and the measures to best protect Monterey cypress habitat on the site and overall (including in terms of on-site (and potentially offsite) restoration and enhancement measures). The arborist report shall calculate the critical root zone for each Monterey cypress tree on the site based on the British Standards Institute (BSI) method developed in 1991 and as modified by N. Matheny and J. Clark, *Trees and Development: A Technical Guide to Preservation of Trees During Land Development* (1998), to reflect species tolerance, tree architecture, existing site constraints including room for future growth, trunk diameter, tree age and vigor to determine the distance from the trunk that comprises the critical root zone. The critical root zone may not always represent a simple radius around the tree and may also include other areas where proposed development may damage or degrade Monterey cypress trees (this

analysis may include the need to preserve associated coarse root and feeder root zones, as well as soil type and condition). The County may also elect to define the critical root zone as a buffer around the dripline of each Monterey cypress tree on the site.

(b) General Development Parameters. Within their indigenous range (see LUP Figure 2a), Monterey cypress trees shall be protected to the maximum extent possible. All allowable development in and adjacent to the that would impact Monterey cypress trees and/or Monterey cypress habitat mapped in Figure 2a in this area shall be sited and designed to avoid adverse impacts and potential damage or degradation to individual cypress and cypress habitat, and shall be required to include measures, performance standards, and monitoring recommendations to prohibit all irrigation of Monterey cypress habitat areas, improve growing conditions to provide a bare, mineral soil necessary for seed germination, and increase sunlight to prevent soil borne fungi from inhabiting seedlings that will enhance Monterey cypress habitat values. Trees identified by the arborist as at risk during construction shall be surrounded by sturdy exclusionary fencing (welded wire or chain link) and supported by either metal or wood posts securely embedded in the ground. Trees within 30 feet of site disturbance must be protected by a row of straw bales secured with rebar through the bale and into the ground either just inside or outside the protection fences. Grading, demolition, and construction permits shall not be issued until an applicant has demonstrated proper installation of all tree protection measures and completion of a preconstruction cypress habitat protection meeting.

(c) Undeveloped Parcels. ~~All use and development in or adjacent to indigenous Monterey cypress habitat area shall be compatible with the objective of protecting this environmentally sensitive coastal resource.~~ On undeveloped parcels (i.e., those without an existing legally established residence), 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: development associated with cypress habitat enhancement and/or restoration; and on the inland side of 17-Mile Drive only, driveways, underground residential utilities and fences if this area cannot possibly be avoided and if such development does not come within the critical root zone of, and does not harm, individual cypress trees. All otherwise allowable development shall be sited, designed, and limited as necessary to protect cypress habitat as much as possible, and all such development (e.g., residential structures and hardscape (such as decks, patios, driveways, paths, etc.)) shall be confined within a defined "development envelope". With the exceptions specified above, the development envelope shall contain all improvements and structural development (i.e., all uses that are not Monterey cypress habitat), be located entirely outside of the critical root zone, and shall be no larger than the allowable building site coverage for the applicable zoning district. Open space conservation and scenic easements are required for all undeveloped areas of a parcel (i.e., all areas outside of the defined development envelope) within the Monterey cypress habitat area mapped in Figure 2a, and such easements shall be secured consistent with Policy 13. The restoration requirements specified in Sections 20.147.040(D)(2)(d)(3) - (4) and the alternative construction methods specified in Section 20.147.040(D)(2)(d)(5) below, shall apply.

(d) Developed Parcels. ~~All improvements (such as structures and driveways, etc.) shall be carefully sited and designed to avoid potential damage or degradation of Monterey cypress habitat, including the micro-habitat of individual trees, and must be located within existing landscaped areas and outside of the dripline of individual cypress trees. On developed~~

parcels (i.e., those with a legally established residence), new and/or modified development shall be located within the development envelope, which shall consist of all existing legally established structural and/or hardscaped coverage (i.e., all areas of the site covered with a structure, or other pervious or impervious hardscape areas (such as decks, patios, driveways, and paths, but not including landscaped areas, fence areas, or underground or over ground utility areas)), and outside the critical root zone of individual cypress trees unless each of the following findings can be made:

(1) Construction, use, and maintenance of the new and/or modified development will accommodate the health and vitality, and will not harm, any existing individual Monterey cypress tree regardless of size (this determination will be made based on the type of development, the particulars of its siting and design, and its location in relation to individual trees, the critical root zone, higher sensitivity portions of the site, and adjacent and surrounding habitat areas);

(2) The new and/or modified development will be confined within a development envelope that reduces structural/hardscaped coverage as compared to the existing legally established baseline amount of coverage (i.e., the new development envelope consists of a lesser amount of structural and/or hardscape coverage as the existing development envelope), and that is sited in such a way as to be located within the least environmentally sensitive location (as determined by the coordinated biologist and arborist reports), and maximizes Monterey cypress habitat values, including in relation to adjacent and surrounding areas (e.g., clustering new and/or modified development on the site near to existing and/or adjacent residential developments so as to provide as much of a contiguous, undisturbed, and unfragmented habitat area as possible on and off site);

(3) All areas outside of the approved development envelope will be: restored to and/or enhanced as high value and self-functioning Monterey cypress habitat by taking into consideration removal of exotics species, consolidation of fragmented Monterey cypress habitat, improving growing conditions to provide a bare, mineral soil necessary for seed germination, increasing sunlight to prevent soil borne fungi from inhabiting seedlings, and strategic planting of native Monterey cypress to promote future germination with all initial restoration/enhancement implemented prior to occupancy of any approved development; and placed within an open space conservation and scenic easement secured consistent with Policy 13;

(4) All areas of new coverage (i.e., areas that would be covered with structures and/or hardscape that are not so covered in the existing legally established baseline condition) shall be offset through restoration and/or enhancement (as high value and self-functioning Monterey cypress habitat) of an off-site area (including within any right-of-way) located within the Monterey cypress habitat area mapped in Figure 2a at a ratio of 2:1 (and/or payment of a mitigation fee, commensurate with the cost to restore/enhance such an area, to an acceptable public agency or private group effectively able to both manage such a fee (including through established interest bearing and earmarked accounts, etc.) and to implement such measures). Such off-site restoration/enhancement areas shall be selected for their potential to result in the greatest amount of overall benefit to the native Monterey cypress habitat in the Del Monte Forest, and all initial restoration/enhancement of the offsite area shall be implemented prior to occupancy of any approved development or, in the case of a fee, the fee paid prior to issuance of the construction permit; and

(5) The new and/or modified development has been sited and designed in such a way as to avoid the critical root zone and the most sensitive habitat parts of the site as much as possible, to result in greater cypress habitat value on the site (and in relation to adjacent and surrounding habitat areas) than the existing baseline habitat value, and to enhance overall Monterey cypress habitat values. If development is proposed within a Monterey cypress critical root zone, the arborist must provide alternative construction methods or preconstruction treatments to avoid impacts. The alternative methods can include supplemental irrigation, hand digging or grading, root pruning or modification to traditional construction methods, such as spanning roots, pier and above grade beams or cantilevering structures. However, in no case shall Monterey cypress trees be removed unless they are dead or declining, and the arborist and biologist reports conclude removal will further enhance Monterey cypress habitat values or avoid adverse impacts or potential damage or degradation to both healthy individual cypress trees and cypress habitat.

~~(e) Removal of native trees or other indigenous vegetation, grading, paving, building construction activity, landscape alterations and summer watering are all prohibited within the perimeter of the identified cypress habitat area for a site, including at a minimum as defined by the driplines of the outermost indigenous Monterey cypress trees on a site.~~

~~(f) On the inland side of 17 Mile Drive within the indigenous Monterey cypress habitat area, driveways are allowed only where the driveway does not come within the dripline of individual cypress trees.~~

~~(g) Within the indigenous Monterey cypress habitat area:~~

~~(1) Underground residential utilities are allowed on the inland side of 17 Mile Drive.~~

~~(2) Fences shall be designed with see-through materials or spaced in a manner to protect views of the natural habitat from 17 Mile Drive (e.g., wrought iron with openings).~~

~~(h) Open space conservation and scenic easements are required for all undeveloped areas of a parcel within the Monterey cypress habitat area.~~

~~(i) The Del Monte Forest Foundation Conservancy shall be encouraged to maintain an interpretive and educational program at Crocker Grove. Said program shall be under careful supervision and designed for the protection of the indigenous Monterey cypress habitat. The type and intensity of access to Crocker Grove shall be carefully regulated.~~

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day following its adoption or the day certification by the California Coastal Commission becomes final and effective, whichever occurs later.

PASSED AND ADOPTED this ____ day of _____, _____, by the following
vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chair, Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI,
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM

WENDY S. STRIMLING
Senior Deputy County Counsel

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Attachment B

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DEL MONTE FOREST

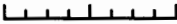
Indigenous Monterey Cypress Habitat



 Area of Indigenous Monterey Cypress Habitat*

 Parcel

See LUP text for map sources.

0 1,000 Feet


Cypress Point

Sunset Point

Pacific
Ocean

Midway Point

Pescadero Point

*Precise determination of the extent of Indigenous Monterey Cypress habitat shall depend on site specific biologic survey.

Figure 2a

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CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



November 8, 2016

Monterey County Board of Supervisors
168 West Alisal Street
Salinas, CA 93901

Subject: Del Monte Forest Area Local Coastal Program Amendment (Policy 20 and Section 20.147.040.D.2)

Dear Honorable Board Members:

Thank you for the opportunity to review and comment on the proposed amendments to the Local Coastal Program's (LCP) Del Monte Forest Land Use Plan (LUP) Policy 20 and Implementation Plan (IP) Section 20.147.040.D.2. The amendments would update standards related to development within native Monterey cypress habitat, which generally encompasses an area along 17 Mile Drive within the Del Monte Forest area. We have worked collaboratively and proactively with County staff on the proposed amendments and are in agreement on their need and intent, as we agree that they represent a balanced approach in allowing for modifications to existing hardscape coverages while ensuring that doing so results in tangible Monterey cypress habitat benefits.

We therefore are in agreement on the amendment language that went before the Planning Commission. Please note that while the amendment language that County staff now recommends to you today is very similar to that which the Planning Commission reviewed, it is not entirely the same, and we have concerns with two concepts that have been modified.

First, the Planning Commission version defined the "critical root zone" (i.e. the portion of the site that development must avoid) as "the dripline of each Monterey cypress tree on the site, as well as any other area where proposed development may damage or degrade Monterey cypress trees (this may include the need to preserve associated coarse root and feeder root zones, as well as soil type and condition)." In essence, the critical root zone was defined to include the dripline of each Monterey cypress tree *as well as* any other area where development could damage trees, including requiring protection of roots and adjacent soils. However, the newly proposed language states that the critical root zone *may* include roots and adjacent soils, and that "an applicant *may* also elect to define the critical root zone as a buffer around the dripline of each Monterey cypress tree on the site" (emphasis added). **We are concerned that such language is not as clear with respect to what the critical root zone is to encompass, including defining how large the buffer should be and whether critical adjacent habitat, including root zones, would be included.** Therefore, we recommend that the Board retain the definition of critical root zone as defined in the Planning Commission version.

Finally, while the Planning Commission version required biologist and arborist reports to identify proper development siting and design based on "the best available arborist and biological professionally

To: Monterey County Board of Supervisors
Re: Del Monte Forest Policy 20 and Section 20.147.040.D.2 Amendments
November 8, 2016
Page 2

recognized standards”, the revised language before you today requires adherence to “the British Standards Institute (BSI) method developed in 1991 and as modified by Mathney and Clark, Trees and Development: A Technical Guide to Preservation of Trees During Land Development (1998).” We disagree with such a strict requirement for how to perform the necessary arborist reviews, and our staff biologists have questioned the appropriateness of cross-referencing these specific documents. We therefore continue to recommend the Planning Commission language about using the best available arborist and professional standards.

To conclude, we support the proposed amendment language, but respectfully request that Section 20.147.040.D.2.a be replaced with what was previously heard before the Planning Commission (see Attachment D).

Please feel free to contact me with any questions or concerns at the phone number listed above, or email me at kevin.kahn@coastal.ca.gov. We look forward to continuing to work together throughout the amendment process, and to bring this amendment to a Commission hearing in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Kahn", with a stylized "KQ" monogram at the end.

Kevin Kahn
District Supervisor
Central Coast District Office
California Coastal Commission

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