

# Exhibit A

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## **EXHIBIT A DISCUSSION**

### **BACKGROUND**

The North County Land Use Plan (NCLUP) was adopted by the Board of Supervisors on April 28, 1982 and the plan was later certified by the California Coastal Commission on June 4, 1982 (**Exhibit I**). The Monterey County Coastal Implementation Plan, Part 2, Regulations for Development in the North County Land Use Plan Area (CIP) was adopted by the Board of Supervisors on January 5, 1988 after being certified by the California Coastal Commission on December 10, 1987. The Moss Landing Community Plan (MLCP) is a component of the NCLUP (Chapter 5) and implementing regulations are found in Section 20.144.160 of the CIP.

In 2008, the County was notified of several new development proposals in Moss Landing. This presented an opportunity to look at the 1982 MLCP and develop an update to its policies in areas where the goal/direction may be out of date, to reflect the current land uses, and provide direction for future development in the community. Formation of the Moss Landing Community Plan Update Committee (Committee) by the Board of Supervisors was the first step of this work. The Committee provided recommendations, with input from the public, for the MLCP Update (**Exhibit H**) through the consideration of development opportunities, infrastructure constraints, and several prospective projects with the overall goal of preserving Moss Landing's unique community character. The Committee's recommendation and public response was to pursue a moderate growth scenario.

In 2009, the Moss Landing Community Plan Update Committee presented recommendations (**Exhibit J**) gathered by the committee and members of the community.

Staff commenced work on drafting an update to the plan with the 2009 Committee's recommendations incorporated and a public draft was circulated for review in October 2012 and work on the environmental document began. Refinement of the plan continued, and revised plans were drafted and circulated in 2014, 2015, and 2017.

### **CURRENT WORK**

Numerous comments on the circulated 2015 draft were received that most of the 2009 Committee's recommendations were no longer in the plan. Planning staff was tasked to go through the policies and make necessary modifications to incorporate those recommendations. In addition, staff brought the community in on policy discussions to ensure their concerns are addressed and the community's needs are met. To this date, seven community meetings have been held to discuss policies relative to:

- Sea level rise and climate change,
- Visual resources and community character,
- Historical resources,
- Tribal cultural and archaeological resources,
- Biological resources,
- Noise,
- Transportation,

- Pedestrian and bicycle facilities,
- Public transit/rail services,
- Public access and Recreation,
- Land use (partial), and
- Wastewater (partial).

Members of the public that reside, manage businesses, work, and recreate in the community; organizations and associations interested in the community; and local and state agencies have been participating in these meetings. Attendance suggests that participation is based on interest of the agenda topic of discussion. This may be attributed to the time commitment necessary to meet twice a month.

Community meeting attendance during discussion of public access and recreation policies included community residents, business owners, Moss Landing Harbor District (staff, board members, and representative), research facilities and their representatives (Moss Landing Marine Laboratory and Monterey Bay Aquarium Research Institute), Monterey County Supervisorial District 2 staff, Friends, Artists and Neighbors of Elkhorn Slough (FANS) and their representative, Elkhorn Slough Foundation, and staff from several governmental agencies: Association of Monterey Bay Area Governments (AMBAG), Transportation Agency for Monterey (TAMC), Monterey-Salinas Transit, Caltrans, CA State Parks, and RMA-Public Works and Facilities staff.

#### PLANNING COMMISSION WORKSHOP DISCUSSION

The discussion below presents the Commission with applicable policy language from the 1982 North County Land Use Plan (NCLUP), the 1982 Moss Landing Community Plan, Chapter 5 of the NCLUP, and recommendations from the 2009 Committee. After this background information, the intent of each policy is summarized followed by a table summarizing the information above and the 2017 MCLP draft policy language. Following the table is a narrative explaining earlier discussions, modification to language, and the resulting draft policy for the Commission's consideration. The matrices finalized after the community meetings, but prior to this workshop, contain strikeout and underline text, and are attached to allow the Commission a clear comparison (**Exhibits B through C**). Finally, the policy discussion ends with staff's current recommended language.

## **PUBLIC ACCESS AND RECREATION**

On November 13, 2018, policies addressing public access and recreation were discussed at a community meeting. Thirteen members of the public were in attendance; staff received oral comments as well as one set of written comments. The policies below include two that were discussed as part of pedestrian and bicycle facilities; however, based on the community's recommendation, they are now made part of public access and recreation.



**Figure 1. MLCP Update Public Access & Recreation Map**

## **1982 North County Land Use Plan Related Policies**

Chapter 6 of the NCLUP addresses public access and recreation. In addition, both topics are mentioned throughout the plan. The plan acknowledges that the public's right to shoreline access is ensured by the Coastal Act, but also identifies the need to balance the demand for access with the preservation of the natural environment, ensuring public safety, and protection of the rights of residents and landowners.

This demonstrated through Key Policy 6.2 which states: *“Public access to the shoreline and along the coast shall be protected and provided, and opportunities for recreational hiking access shall be enhanced. The provision of all future access and improvements to existing access areas must be consistent with the overriding objective of protecting coastal agriculture, environmentally sensitive habitats and other sensitive coastal resource areas. The beauty of the coast, its tranquility, and the health of its environment must not be marred by public overuse or carelessness. Visual access as well as physical access should be emphasized as an appropriate response to the needs of the public.”*

This key policy is supported by general and specific policies that protect public access to the shoreline and coast, provide and enhance opportunities for recreational hiking access, and ensure that future access and improvements are consistent with the overriding objective of protecting environmentally sensitive habitats and other sensitive coastal resource areas. The plan identifies major and secondary access areas, which should enhance general recreational opportunities; this includes trails, bike routes, and access to the shoreline. These policies include:

### **General Policies**

- 6.3.1 – major access locations include Jetty Road, Sanholdt Road, Moss Landing Marine Lab, and Potrero Road.
- 6.3.2 – secondary access locations include Struve Road, Skippers (restaurant in North Harbor), Highway One Bridge, and Moss Landing Road.
- 6.3.3 – establish trails as shown in NCLUP Figure 6 (**Exhibit F**).
- 6.3.4 – direct most active recreational use to major public access areas.

### **Specific Policies – Provision and Protection of Access Opportunities**

- 6.4.A.1 – require lateral and vertical access easements on lands where shoreline access and public trails are delineated in NCLUP Figures 4 and 6 (**Exhibit F and G**).
- 6.4.A.2 – require a general offer of dedication for public access/trail(s) in the immediate vicinity to those identified in NCLUP Figures 4 and 6 (**Exhibit F and G**).
- 6.4.A.3 – site and design development to protect public access opportunities.
- 6.4.A.4 – monitor dedicated public access easements.
- 6.4.A.5 – work with outside agencies and landowners to manage and maintain accessways.

### **Specific Policies – Access Management Plans and Programs**

- 6.4.B.1 – prepare and approve management plans/programs prior to improving or intensifying the use of existing accessways/trails.
- 6.4.B.2 – consult with outside agencies, property owners, and interested members of the

- community during review and approval of access management plans.
- 6.4.B.3 – limit amount of public access to a manageable level consistent with the objectives of an approved access plan.
- 6.4.B.4 – detailed management plans should include implementation responsibilities, community desires, and preservation of natural resources and agriculture. Funding and initial implementation of the plan should precede opening of new or intensification of existing accessways/trails.
- 6.4.B.5 – maintain and enhance visual access from the nearest public road to the shoreline of wetlands in a manner compatible with other land uses in the plan. Improvements to Highway 1 and adjacent properties shall retain visual access to Moss Landing Harbor. Visual access is encouraged in areas where physical access is not appropriate.
- 6.4.B.6 – ensure accessways/trails do not jeopardize the rights of residents and property owners, including peace, privacy, safety, health, and property.

#### **Specific Policies – Priorities for the Improvement and Management of Access Areas (Recreation Facilities)**

- 6.4.C.1 – public agencies responsible for management/improvement of access and trails are required to maintain existing sites under their jurisdiction before opening new access areas.
- 6.4.C.2 – the State Department of Parks and Recreation shall improve and manage their existing facilities at Jetty Road and Moss Landing State Beach.
- 6.4.C.4 – effective access management will be necessary when increased access is available to Elkhorn Slough.
- 6.4.C.5 – access provided by public agencies and property owners for monitoring public use is encouraged.

#### **Specific Policies – Providing and Managing Trails**

- 6.4.D.1 – trails shown in NCLUP Figure 6 (**Exhibit F**) are recommended as public access routes. Re-routing existing trail alignments could be supported if it results in reducing adverse environmental or visual impacts. New trails require field inspection, environmental review, and consistency with the LUP.
- 6.4.D.2 – identifies the state's responsibility of trails on and between publicly owned lands and County support by allowing use of access easement obtained through the development process and providing review and guidance of State plans.

#### **Specific Policies – Public Safety**

- 6.4.E.1 – ensure public safety for shoreline access through warning signs and other improvements.
- 6.4.E.2 – provide adequate signage warning beach users of dangerous surf and associated hazards and identifying telephone numbers of emergency rescue agencies.

#### **Specific Policies – Habitat and Resource Protection**

- 6.4.F.1 – conduct studies in existing/potential access areas where ESHA is a major concern to determine maximum acceptable levels of public use relative to resource protection.

- 6.4.F.2 – access may be inappropriate and should not be permitted where conflicts between protection of highly sensitive plant or wildlife habitats and public access cannot be resolved.
- 6.4.F.3 – comprehensive management plans for a trail system along Elkhorn Slough addressing limited access and resource preservation prior to said trail being open to general public use.
- 6.4.F.5 – boardwalks or pathways should be provided at all major shoreline access points.
- 6.4.F.6 – public access to intertidal areas should be dispersed.
- 6.4.F.7 – major public access areas should have displays educating the public of the fragile nature of dune and wetland environments.
- 6.4.F.8 – accessway improvements should be compatible with the character of the natural scenic environment.
- 6.4.F.9 – site, design, or screen new trails and access improvements compatible with the goal of visual resource protection.
- 6.4.F.10 – boardwalks, gates, and signs should be constructed of natural materials.

#### **Specific Policies – Visual Access**

- 6.4.G.1 – site and design new structures and roads, within the public viewshed, compatible with the existing character of the natural and built environments and retain existing visual access to the shoreline from major public viewpoints and viewing corridors.
- 6.4.G.2 – retain and enhance existing visual access.
- 6.4.G.3 – installation of new streetlights shall be approved by the Board of Supervisors or their designee.

#### **Specific Policies – Land Use Compatibility**

- 6.4.H.1 – development shall not encroach on accessways.
- 6.4.H.2 – land use conflicts from accessways/trails through or adjacent to residential areas shall be addressed in a management plan.
- 6.4.H.3 – protection measures from accessways/trails through or adjacent to agricultural uses shall be addressed in a management plan.

#### **Specific Policies – Parking and Facilities**

- 6.4.I.1 – improving existing and providing additional parking should correspond to the public use/intensity of the shoreline access area.
- 6.4.I.2 – criteria for parking improvements includes: no encroachment of shoreline or access area, minimal land and ESHA disturbance, no degradation/obstruction of public viewshed, address needs of major user groups, provide adequate/safe pedestrian access, minimal conflict with surrounding land use.
- 6.4.I.3 – parking for access to Elkhorn, Moro Cojo and Bennett Sloughs shall be in conformance with applicable wetlands management plans, include onsite stormwater retention, and appropriately sized consistent with public use/intensity of the access destination.
- 6.4.I.4 – parking lots should include barriers to prevent off-road vehicles from entering the dunes/beach.



- 6.4.I.5 – locate parking sites in geologically stable areas.

### **Specific Policies – Signs and Maps**

- 6.4.J.1 – provide a uniform system for public access and recreation signs.
- 6.4.J.2 – signs identifying safety risks at unimproved public accessways should be posted.
- 6.4.J.3 – the State should develop an information booklet for shoreline access sites, resources, and restrictions.

## **1982 Moss Landing Community Plan Related Policies**

Chapter 5 of the NCLUP contains the 1982 Moss Landing Community Plan.

### **Key Policy**

- 5.4.1 – encourage an optimal level of development of recreation and public access while balancing conservation of sensitive natural resources.

### **General Policy**

- 5.4.2 – permanent protection of major access points, management plans for new access and recreation areas, preference for low/moderate cost recreation and visitor-serving facilities.

### **Specific Policies – Priority 1**

- 5.4.3.1 – improving recreational facilities and restoring sand dune habitats at Moss Landing State Beach is first priority. Develop management plan for these improvements consistent with NCLUP Chapter 4 and 6.
- 5.4.3.2 – develop a management and restoration plan for Salinas River State Beach that includes improvement to parking area at the end of Potrero Road for increased access to the beach.
- 5.4.3.3 – increase patrol of Moss Landing and Salinas River beaches by State and sheriff.
- 5.4.3.4 – Moss Landing and Salinas River beaches should have controlled access and displays educating the public of the fragile nature of dune environments.
- 5.4.3.5 – increase transit service to beaches by improving bus schedules.

### **Specific Policies – Priority 2**

- 5.4.3.6 – improving public accessways to Bennett, Elkhorn, and Moro Cojo Sloughs; Island beach; and sand dunes south of Moss Landing Marine Labs is second priority.
- 5.4.3.7 – provide controlled access to Moro Cojo Slough, including parking facility, and Bennett Slough after implementation of wetland restoration. Visual access to these wetlands shall be maintained.
- 5.4.3.8 – manage recreational use of Elkhorn Slough by the appropriate agency.
- 5.4.3.9 – State to acquire dune/beach property. Establish a dune restoration program.
- 5.4.3.10 – study potential for coastal dependent, low intensity recreational, and educational use of the Old Salinas River Channel area.

- 5.4.3.11 – condition approval for development in the Island to ensure adequate on-site parking and public access to the beach.

### **2009 Board Committee Related Recommendations**

The primary issue identified by the committee is that access connectivity for residents, workers employed in the area, and the public in general, is fragmented due to human and natural made barriers. To address this concern, the following guidance was recommended:

- No. 22 – create bicycle and pedestrian paths along waterways that avoid impacting ESHA.
- No. 23 – create pedestrian connection between downtown and commercial area along Highway 1 across the Moro Cojo Slough.
- No. 24 – develop an access point onto the beach accessible by persons with disabilities.
- No. 25 – connect developments in a pedestrian friendly manner through design/improvements such as picnic tables and benches.

## **2019 PUBLIC ACCESS AND RECREATION POLICY RECOMMENDATIONS**

### **Policy No. NCLUP-ML-3.9**

The intent of this policy is to provide ADA accessible access to the beach south of Sandholdt Bridge and other areas owned by State Parks.

<b>1982 NCLUP</b>	<b>1982 MLCP</b>	<b>2009 Recommendation</b>	<b>2017 Version</b>
6.2 – Provide and protect public access (not specific to ADA).	5.4.1 – Provide public access to Moss Landing’s beaches, dunes, estuaries, and wetlands (not specific to ADA).	No. 24 – ADA accessibility to the beach	The County of Monterey shall work with property owners and California State Parks to provide beach access in the area immediately south of Sandholdt Bridge that is accessible to persons with disabilities, and in other areas owned by State Parks. This access may be combined with a part of the Monterey Bay National Marine Sanctuary Scenic Trail.

Community Recommendation Narrative – The community recommended that alignment of the Monterey Bay National Marine Sanctuary Scenic Trail (bicycle trail) be eliminated along the coast by deleting the last sentence (see “Alternative Trail Route” identified in **Figure 1** above).

Staff’s Recommendation Narrative – Staff recommends the language move forward as modified. During further discussion at the community meeting, both staff and members present felt that the ideal route of the bicycle trail be through downtown (via Moss Landing Road) and/or along Highway 1.

### **2019 Policy No. NCLUP-ML-3.9 Staff Recommendation**

*“The County of Monterey shall work with property owners and California State Parks to provide beach access in the area immediately south of Sandholdt Bridge that is accessible to persons with disabilities, and in other areas owned by State Parks.”*

### **Policy No. NCLUP-ML-3.10**

The intent of this policy is to require that new development provide additional public access on the Island.

<b>1982 NCLUP</b>	<b>1982 MLCP</b>	<b>2009 Recommendation</b>	<b>2017 Version</b>
6.3.1 – Major access to the Island beach is provided by Sandholdt Road.	5.4.3.11 – Suggests development on the Island be conditioned to require on-site parking and public access to the beach.	No. 22 – Create bike and pedestrian paths along the waterway.	The County of Monterey shall require new development on the Island to incorporate pedestrian connections to the beach into site plans and provide other improvements such as picnic tables or benches.

Community Recommendation Narrative – At first, the community suggested modified language. However, after further discussion the community suggested that the policy could be deleted because the three existing access points are adequate.

Staff’s Recommendation Narrative – Staff recommends deletion of the policy based on community input and existing policies for the protection of public access in the NCLUP and Coastal Act. In addition to the three access points in the developed portion of the Island, the State Beach just south of the Island also provides public access. This existing access meets the needs identified by the community and required by the Coastal Act.

2019 Policy No. NCLUP-ML-3.10 Staff Recommendation  
Delete.

### **Policy No. NCLUP-ML-6.1**

This policy is intended to permanently protect and maintain major public access areas.

1982 NCLUP	1982 MLCP	2009 Recommendation	2017 Version
6.3.1 – Lists major access areas. 6.3.3 – Establish a trail system. 6.3.4 – Most active recreational use is directed to major access areas.	5.4.2 – Permanent protection of major access points.	No. 22 – Create bike and pedestrian paths along the waterway.	Major access areas, whether in public or private ownership shall be permanently protected for long-term public use. They shall be improved where necessary and managed properly. Major access locations are: a) Jetty Road - access to Bennett Slough and Moss Landing State Beach b) Sandholdt Road - access to "The Island" beaches and North Harbor c) Moss Landing Marine Lab - access to beach d) Potrero Road - access to Salinas River State Beach

Community Recommendation Narrative – The community agreed that the policy should be deleted from the MLCP, but suggested Policy 6.3.1(3) of the NCLUP be modified. The reference to “North Harbor” is incorrect. Instead, it should be “South Harbor”.

Staff’s Recommendation Narrative – Staff suggests deletion from the MLCP as it is already covered under Policy 6.3.1 of the NCLUP and modification to the NCLUP as suggested by the community.

Policy of the NCLUP states: *“Major access areas, whether in public or private ownership shall be permanently protected for long-term public use. They shall be improved where necessary and managed properly. Major access locations are:*

- (1) Giberson Road - access to Zmudowski State Beach*
- (2) Jetty Road - access to Bennett Slough and Moss Landing State Beach*
- (3) Sandholdt Road - access to "The Island" beaches and ~~North~~ South Harbor*

- (4) Moss Landing Marine Lab - access to beach
- (5) Potrero Road - access to Salinas River State Beach
- (6) Monterey Dunes Way - access to Salinas River State Beach
- (7) Kirby Park - access to Elkhorn Slough”

2019 Policy No. NCLUP-ML-6.1 Staff Recommendation

Delete.

**Policy No. NCLUP-ML-6.2**

This policy is intended to permanently protect and maintain secondary public access areas.

1982 NCLUP	1982 MLCP	2009 Recommendation	2017 Version
6.3.2 – Lists secondary access areas. 6.3.3 – Establish a trail system. 6.3.4 – Limit uses in secondary access areas to low intensity and passive recreation.	5.4.3.6 – Improving public accessways to Bennett, Elkhorn, and Moro Cojo Sloughs; Island beach; and sand dunes south of Moss Landing Marine Labs is second priority. 5.4.3.7 – Priority 2, provide controlled access to Moro Cojo Slough, and Bennett Slough after implementation of wetland restoration.	N/A	Secondary access areas which, because of natural or man-made constraints are suitable for limited public use shall also be protected for such use. When new access is provided or existing access is formalized or expanded, an appropriate public agency or private organization must assume management responsibility for public use, or agreements concerning such responsibility must be reached with landowners. Secondary access areas are: a) North Harbor Commercial area - access to Elkhorn Slough and North Harbor b) Moss Landing Road - access to Moro Cojo Slough

Community Recommendation Narrative – The community agreed that the policy should be deleted from the MLCP.

Staff’s Recommendation Narrative – Staff suggests deletion from the MLCP as it is already covered under Policy 6.3.2 of the NCLUP, which states: “*Secondary access areas which, because of natural or man- made constraints, are suitable for limited public use shall also be protected for such use. When new access is provided or existing access is formalized or expanded, an appropriate public agency or private organization must assume management responsibility for public use, or agreements concerning such responsibility must be reached with landowners. Secondary access areas are:*

- (8) McGowan Road - access to Pajaro River
- (9) Trafton Road - access to Pajaro River
- (10) Struve Road - access to Bennett Slough and Struve Pond
- (11) Skippers - access to Elkhorn Slough and North Harbor
- (12) Highway One Bridge-access to Elkhorn Slough
- (13) Moss Landing Road - access to Moro Cojo Slough
- (14) Twin Bridges - access to Salinas River
- (15) Molera Road - access to Tembladero Slough and Old Salinas River

- (16) *Nature Conservancy - access to Elkhorn Slough*  
 (17) *Elkhorn Road Bridge - access to Elkhorn Slough*  
 (18) *Hudson Landing Road - access to Elkhorn Slough*  
 (19) *Porter Ranch - access to Elkhorn Slough*  
 (20) *Elkhorn Slough Estuarine Sanctuary - access to Elkhorn Slough*  
 (21) *Castroville Boulevard - access to Moro Cojo Slough*  
 (22) *Salinas River Mouth - access to Salinas River State Beach*  
 (23) *Salinas Wildlife Area - access to Salinas River lagoon and beach”*

2019 Policy No. NCLUP-ML-6.2 Staff Recommendation

Delete.

**Policy No. NCLUP-ML-6.3**

This policy is intended to provide an optimal level of public access that is consistent with the overriding objective of protecting environmentally sensitive habitats and other sensitive coastal resource areas.

1982 NCLUP	1982 MLCP	2009 Recommendation	2017 Version
6.2 – Future access/improvements shall be consistent with the objective of protecting ESHA & other sensitive coastal resources. 6.4.B.1 – Management plans/programs required prior to intensifying/improving access. 6.4.B.5 – Encourage scenic viewpoints where physical access is not appropriate. 6.4.F.1 – Existing and planned access areas in ESHA shall be studied to determine appropriate use levels. 6.4.F.2 – Access may not be appropriate where conflicts with habitat protection exist. 6.4.F.3 – Management plans for trail system along Elkhorn Slough shall include resource preservation. 6.4.F.5 – Control access by walkways to protect ESHA. 6.4.F.6 – Disperse access to intertidal areas. 6.4.F.7 – Provide displays educating public on ESHA.	5.4.1 – Public access should be provided but conservation of sensitive natural resources is priority. 5.4.2 – Detailed management plans for new access and recreation areas. 5.4.3.1 – Improving recreational facilities and restoring sand dune habitats at Moss Landing State Beach is first priority. 5.4.3.4 – Provide displays educating public on ESHA. 5.4.3.7 – Provide controlled access to Moro Cojo Slough and Bennett Slough after implementation of wetland restoration. 5.4.3.9 – Controlled access and educational display to protect dune habitat.	No. 22 – Create bicycle and pedestrian paths along waterways that avoid impacting ESHA.	The County of Monterey encourages an optimal level of development of recreation and public access opportunities consistent with the conservation of sensitive natural resources of Moss Landing.

6.4.F.8 – Improved access compatible with character of natural scenic environment. 6.4.F.9 – Access compatible with visual resource protection. 6.4.F.10 – Access facilities shall be constructed with natural materials. 6.4.G.1 – Access facilities shall be compatible with the existing character of the natural environment.			
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Community Recommendation Narrative – This language is the last sentence of the current (1982) MLCP Policy 5.4.1, which states: “*The Moss Landing Community contains a variety of sandy beaches, dunes, estuaries and wetland habitats which offer diverse recreational opportunities. In the spirit of the Coastal Act, public access to these areas shall be provided. However, conservation of the sensitive natural resources of the coastline is an even higher priority. It is the County's policy to encourage an optimal level of development of recreation and public access opportunities consistent with the conservation of sensitive natural resources of Moss Landing.*” The community recommends the entirety of 5.4.1 be included in the update.

Staff’s Recommendation Narrative – These policies are consistent with Key Policy 6.2 of the NCLUP which states: “*Public access to the shoreline and along the coast shall be protected and provided, and opportunities for recreational hiking access shall be enhanced. The provision of all future access and improvements to existing access areas must be consistent with the overriding objective of protecting coastal agriculture, environmentally sensitive habitats and other sensitive coastal resource areas. The beauty of the coast, its tranquility, and the health of its environment must not be marred by public overuse or carelessness. Visual access as well as physical access should be emphasized as an appropriate response to the needs of the public.*” Since it is already covered in the NCLUP, staff recommends deletion.

2019 Policy No. NCLUP-ML-6.3 Staff Recommendation  
Delete.

#### **Policy No. NCLUP-ML-6.4**

The intent of this policy is to guide new access and recreation areas through detailed management plans. Access areas should not jeopardize rights of residents and property owners. Low and moderate cost recreational and visitor-serving facilities are preferred.

1982 NCLUP	1982 MLCP	2009 Recommendation	2017 Version
6.4.B.1 – Management plans/programs required prior to intensifying/improving access.	5.4.2 – Detailed management plans for new access and recreation areas. Low/moderate cost recreation and	No. 25 – Connect development in a pedestrian friendly manner.	New access and recreation areas should be guided by detailed management plans, and the rights of residents and property owners should not be jeopardized by irresponsible public access. Low

6.4.B.4 – Management plans/programs required for new accessways. 6.4.B.6 – Ensure accessways/trails do not jeopardize the rights of residents and property owners.	visitor-serving facilities are preferred to higher cost facilities.		and moderate cost recreation and visitor-serving facilities are preferred to higher cost facilities.
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Community Recommendation Narrative – The community suggested keeping the entire Policy 6.4.B of the NCLUP and all of 5.4.2 of the existing MLCP.

Policy 5.4.2 states “*General policies on shoreline access and development of recreation and visitor-serving facilities contained in other chapters of this plan are incorporated by reference in the Moss Landing Community Plan. These policies emphasize permanent protection of major access points and property management by appropriate public agencies. New access and recreation areas should be guided by detailed management plans, and the rights of residents and property owners should not be jeopardized by irresponsible public access. Low and moderate cost recreation and visitor-serving facilities are preferred to higher cost facilities.*” The community recommends that this language should be included in the MLCP Update as NCLUP-ML-6.4.

Staff’s Recommendation Narrative – The first sentence of the policy in the matrix is covered under Policy 6.4.B.6 of the NCLUP: therefore, we are recommending that the first sentence be deleted. Policy 6.4.B is recommended to stay in the NCLUP so it maintains its applicability to all of North County coastal. NCLUP Policy 6.4.B.6 states: “*Access Management Plans and Programs. In providing for both accessways and trails, the County seeks to insure that the rights of residents and property owners, including their peace, privacy, safety, health and property, are not jeopardized by unmanaged, inappropriate, or irresponsible public use. The County and other public agencies shall cooperate with landowners to develop effective methods for directing access to the locations designated in this plan.*” For existing MLCP Policy 5.4.2, staff recommends that the language focus on the affordability of lodging and recreation. Therefore, staff recommends the policy be simplified to the language recommended below.

2019 Policy No. NCLUP-ML-6.4 Staff Recommendation

*“Low and moderate cost recreation and visitor-serving facilities are prioritized to higher cost facilities.”*



**Policy No. NCLUP-ML-6.5**

This policy is intended to ensure public safety services continue to be provided at public recreational facilities in Moss Landing.

1982 NCLUP	1982 MLCP	2009 Recommendation	2017 Version
6.4.E.1 – Provide public safety warning signs for shoreline access. 6.4.E.2 – Provide warning signs for dangerous surf.	5.4.3.3 – Increase patrol of Moss Landing and Salinas River beaches by State and sheriff.	N/A	The Monterey County Sheriff's Department, in cooperation with the State Department of Parks and Recreation, will continue to provide public safety services at Moss Landing State Beach and Salinas River State Beach.

Community Recommendation Narrative – The community found staff's recommendation acceptable.

Staff's Recommendation Narrative – Staff discussed this policy with staff from California State Parks, Monterey District who found the language acceptable. Staff recommends no modification to the 2017 language.

**2019 Policy No. NCLUP-ML-6.5 Staff Recommendation**

*"The Monterey County Sheriff's Department, in cooperation with the State Department of Parks and Recreation, will continue to provide public safety services at Moss Landing State Beach and Salinas River State Beach."*

**Policy No. NCLUP-ML-6.6**

This policy is intended to provide an educational component on habitat at recreational facilities in Moss Landing.

1982 NCLUP	1982 MLCP	2009 Recommendation	2017 Version
6.4.F.7 – Provide displays educating public on ESHA. 6.4.E.2 – Provide warning signs for dangerous surf.	5.4.3.4 – Provide displays educating public on ESHA. 5.4.3.7 – Provide displays educating public on ESHA at access to Bennett Slough. 5.4.3.9 – Controlled access and educational display to protect dune habitat.	N/A	The County of Monterey shall work with responsible agencies to continue to provide educational displays and signs at major access points to the state beaches alerting visitors to the fragile nature of the dune environment and directing them to controlled accessways.

Community Recommendation Narrative – The community found staff's recommendation acceptable.

Staff's Recommendation Narrative – Staff discussed this policy with staff from California State

Parks, Monterey District who found the language acceptable. Staff recommends no modification to the 2017 language.

**2019 Policy No. NCLUP-ML-6.6 Staff Recommendation**

*“The County of Monterey shall work with responsible agencies to continue to provide educational displays and signs at major access points to the state beaches alerting visitors to the fragile nature of the dune environment and directing them to controlled accessways.”*

**Policy No. NCLUP-ML-6.8**

This policy is intended to identify the County’s commitment to explore additional public access in appropriate areas of Moss Landing.

1982 NCLUP	1982 MLCP	2009 Recommendation	2017 Version
6.4.A.5 – Work with agencies/landowners to manage/maintain accessways. 6.4.B.2 – Consult with agencies, landowners, and the community during review and approval of management plans. 6.4.B.4 – Include implementation responsibilities, community desires, and preservation of natural resources and agriculture in management plans. Funding and implementation should precede opening of accessways/trails.	5.4.3.6 – Improving public accessways to Bennett, Elkhorn, and Moro Cojo Sloughs; Island beach; and sand dunes south of Moss Landing Marine Labs is second priority.	No. 23 – Create pedestrian connection between downtown and commercial area along Highway 1 across the Moro Cojo Slough.	The County of Monterey shall review development projects and public agency planning documents to seek opportunities to develop plans and funding strategies for the construction of public accessways to Bennett Slough, Elkhorn Slough, Moro Cojo Slough, the Island beach, and the sand dunes south of the Moss Landing Marine Laboratories.

**Community Recommendation Narrative** – The community suggested deletion of this policy if Policy NCLUP-ML-6.3 above is modified based on their recommendation.

**Staff’s Recommendation Narrative** – Staff suggests modifications to make the policy more precise, such as eliminating the reference to the Island beach, where public access is already acceptable.

**2019 Policy No. NCLUP-ML-6.8 Staff Recommendation**

*“The County of Monterey shall review development projects and public agency planning documents to seek opportunities to increase public accessways to Bennett Slough, Elkhorn Slough, and Moro Cojo Slough, the Island beach, and the sand dunes south of the Moss Landing Marine Laboratories.”*

**Policy No. NCLUP-ML-6.9**

This policy is intended to ensure public access is provided and maintained to the sloughs in Moss Landing.

1982 NCLUP	1982 MLCP	2009 Recommendation	2017 Version
6.4.A.1 – Require lateral and vertical access easement as delineated in NCLUP Figures 4 and 6. 6.4.A.2 – Require dedication for public access/trails as identified in NCLUP Figures 4 and 6. 6.4.A.3 – Site and design development to protect public access. 6.4.A.4 – Monitor existing public access easements. 6.4.A.5 – Work with agencies/landowners to manage/maintain accessways. 6.4.B.5 – Maintain and enhance visual access to shoreline of wetlands. 6.4.F.3 – Require management plan for trail system along Elkhorn Slough. 6.4.H.1 – Development shall not encroach on accessways.	5.4.3.6 – Improving public accessways to Bennett, Elkhorn, and Moro Cojo Sloughs; Island beach; and sand dunes south of Moss Landing Marine Labs is second priority. 5.4.3.7 – Controlled access to Moro Cojo and Bennett Slough after implementation of wetland restoration. Visual access to these wetlands shall be maintained. 5.4.3.8 – Manage recreational use of Elkhorn Slough.	N/A	Controlled public access to Moro Cojo Slough and Bennett Slough should be included in any wetlands restoration programs for these areas. Accessways should not infringe upon sensitive natural habitats. Provision of boardwalks constructed of permeable materials should be favored over foot trails where the potential for damage to wetland habitat exists. Access to Moro Cojo Slough, including an improved parking facility, should be provided via Moss Landing Road and from the parking lot near the intersection of Moss Landing Road North and State Route 1. Access to Bennett Slough, with education displays and viewing areas, should be provided via Jetty Road. Visual access shall also be maintained to these wetland areas.

Community Recommendation Narrative – Staff proposed modified language to limit physical access to Bennett Slough. After discussion, the community suggested the language from existing MLCP Policy 5.4.3.7 be retained.

Staff’s Recommendation Narrative – Staff met with staff from California State Parks, Monterey District, who believed that Bennett Slough was not appropriate for physical public access. However, staff kept the 2017 language to allow limited physical access.

2019 Policy No. NCLUP-ML-6.9 Staff Recommendation

*“Controlled public access to Moro Cojo Slough and Bennett Slough should be included in any wetlands restoration programs for these areas. Accessways should not infringe upon sensitive natural habitats. Provision of boardwalks constructed of permeable materials should be favored*

*over foot trails where the potential for damage to wetland habitat exists. Access to Moro Cojo Slough, including an improved parking facility, should be provided via Moss Landing Road and from the parking lot near the intersection of Moss Landing Road North and State Route 1. Access to Bennett Slough, with education displays and viewing areas, should be provided via Jetty Road. Visual access shall also be maintained to these wetland areas.”*

**Policy No. NCLUP-ML-6.10**

This policy is intended to identify the County’s commitment to collaborate with other agencies and develop a dune restoration and bird protection program.

1982 NCLUP	1982 MLCP	2009 Recommendation	2017 Version
6.4.A.5 – Work with outside agencies and landowners to manage and maintain accessways.	5.4.3.4 – Provide educational displays at Moss Landing and Salinas River beaches identifying fragile nature of dune environments. 5.4.3.9 – State to acquire dune/beach property. Establish a dune restoration program.	N/A	The County of Monterey shall work with the State Department of Parks and Recreation to establish a dune restoration program, including protective fencing, replanting with native vegetation, and boardwalks constructed of permeable material to link parking areas and access sites with the shoreline. Controlled access points should be clearly marked, and educational displays developed to inform the general public about fragile dune habitats. The development of a dune habitat interpretive center should also be considered.

Community Recommendation Narrative – The community suggested the language from existing MLCP Policy 5.4.3.9 be used, with added provisions for bird protection.

Staff’s Recommendation Narrative – Staff modified the existing MLCP Policy 5.4.3.9 language based on discussions with staff from California State Parks, Monterey District and the recommendation from the community. One property, surrounded by state parks land, may be considered for addition to the State property.

2019 Policy No. NCLUP-ML-6.10 Staff Recommendation

*“The California Department of Parks and Recreation and other agency partners are encouraged to evaluate the desirability of acquiring dune and beach properties at such time as they are offered for sale by the owner. A dune restoration and bird protection program should be established, including protective fencing, replanting with native vegetation, and boardwalks constructed of permeable material to link parking areas and access sites with the shoreline.*

*Controlled access points should be clearly marked, and educational displays developed to inform the general public about fragile dune habitats. The development of a dune habitat interpretive center should also be considered.”*

#### **Policy No. NCLUP-ML-6.11**

This policy is intended to require development on the Island to provide off-street parking and public access to the beach.

1982 NCLUP	1982 MLCP	2009 Recommendation	2017 Version
6.4.I.1 – Improvement of existing, and providing additional, parking should correspond to the public use/intensity of the shoreline access area. 6.4.I.2 – Criteria for parking improvements. 6.4.I.4 – Include barriers at parking lots prevent off-road vehicles from entering the dunes/beach.	5.4.3.1 – Moss Landing State Beach management program should include parking area. 5.4.3.2 – Salinas River State Beach management program should include parking area at the end of Potrero Road. 5.4.3.7 – Provide improved parking facility at access to Moro Cojo Slough. 5.4.3.11 – Provide adequate on-site parking to the beach from the Island.	N/A	The County of Monterey shall, where feasible, require adequate off-street parking and public access to the beach as a condition of development permit approvals on the Island.

Community Recommendation Narrative – The community found staff’s recommendation acceptable.

Staff’s Recommendation Narrative – As discussed in Policy NCLUP-ML-3.10 above, the three existing public access points on the Island are sufficient. Therefore, language has been modified to only address off-street parking. Staff intends to clarify the meaning of “adequate” in the Coastal Implementation Plan regulations, and flexibility to determine adequate is already built into the regulations as part of a discretionary permit process.

#### 2019 Policy No. NCLUP-ML-6.11 Staff Recommendation

*“The County of Monterey shall-require adequate off-street parking as a condition of development permit approvals on the Island.”*

#### **Policy No. NCLUP-ML-6.12**

This policy is intended to provide sufficient parking at the end of Jetty Road.

1982 NCLUP	1982 MLCP	2009 Recommendation	2017 Version
6.4.I.1 – Improvement of existing, and providing additional,	5.4.3.1 – Moss Landing State Beach management program should include a	N/A	The County of Monterey, in collaboration with property owners, shall work to provide

<p>parking should correspond to the public use/intensity of the shoreline access area.</p> <p>6.4.I.2 – Criteria for parking improvements.</p> <p>6.4.I.4 – Include barriers at parking lots prevent off-road vehicles from entering the dunes/beach.</p>	<p>parking area.</p> <p>5.4.3.2 – Salinas River State Beach management program should include a parking area at the end of Potrero Road.</p> <p>5.4.3.7 – Provide improved parking facility at access to Moro Cojo Slough.</p> <p>5.4.3.11 – Provide adequate on-site parking to the beach from the Island.</p>		<p>up to 150 improved parking spaces at the end of Jetty Road, where there is ample area for a paved turnaround, or loop to assist circulation.</p>
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Community Recommendation Narrative – The community inquired whether providing 150 parking spaces in this area is feasible. Some suggested that the policy should not specify a number.

Staff’s Recommendation Narrative – After the community meeting, staff found the suggestion to not quantify the amount of parking spaces acceptable. This is consistent with 1982 NCLUP Policy 6.4.I.1. Staff will continue to work with California State Parks to verify the appropriate number of parking spaces and if a finite number is determined it may be included in the CIP.

2019 Policy No. NCLUP-ML-6.12 Staff Recommendation

*“The County of Monterey, in collaboration with property owners, shall provide an appropriate number of parking spaces based on resource limitations along Jetty Road, including a paved turnaround, or loop to assist circulation.”*

## CONCLUSION

Based on the suggested policy language presented, and discussions that will occur during the workshop, staff requests the Commission provide direction to finalize these policies for preparation of a Draft Community Plan. In accordance with the management process for preparation and adoption of Long Range planning documents endorsed by the Board of Supervisors (Board Order 13-0055 No. 22), the Commission's direction will contribute to completion of Phase 3: Draft Document/Public Review and advance to Phase 4: Public Hearing/Adoption.

<b>General Ordinance/Document Preparation Process</b>	
Phase 1: Scoping	At a preliminary level and in collaboration with relevant County departments and outside agencies, identify the need and purpose, policy and regulatory framework, relationship to other ordinances/documents being prepared and technical requirements. Develop alternative approaches and present to the RMA Deputy Director, County Counsel, and other senior management for discussion and confirmation. Completion of this phase is considered 20% of the work effort.
Phase 2: Concept/ Alternatives Development	Prepare an administrative draft of the recommended concept and/or alternative approaches to address specific issues for internal discussion with relevant County departments. Based on this draft effort, staff will refine concepts/alternatives. Staff will transmit the concept/alternative description to established committees and groups such as (but not limited to) the Land Use Advisory Committees, Agricultural Advisory Committee, Alternative Energy and Environment Committing, and Permit Streamlining Task Force. These committees/groups will be given the opportunity to submit comments to staff to be included in the input transmitted to the Planning Commission. Staff will then conduct a noticed Planning Commission Workshop to present the purpose, policy and regulatory framework, technical background, proposed concept/alternatives, and proposed process (including appropriate stakeholders). The Planning Commission will receive the staff presentation, public comment and provide direction in developing a draft ordinance and/or performing additional research and analysis. If necessary staff will develop additional options and return for another workshop on the concept/approach; completion of this phase is considered 50% of the work effort.
Phase 3: Draft Document/Public Review	Prepare a draft document for public review by Board Subcommittees, outside agencies, and interest groups as identified by the Planning Commission. Refine the draft document based on this input and prepare a draft environmental review document. Distribute draft documents for public review. If new issues arise or there are differing opinions for a solution, conduct an additional Planning Commission Workshop to present options and receive direction. Following the public review, evaluate comments received and prepare draft responses in collaboration with relevant County departments, consultants and outside agencies. Completion of this phase is considered 80% of the work effort.

Phase 4: Public Hearings/Adoption	Finalize the document and hold Planning Commission hearing to consider a formal recommendation to the Board of Supervisors. Address Planning Commission recommendations and forward onto the Board for a noticed public hearing as required. Perform project close out activities. Completion of this phase is considered 100% of the work effort.
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