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Monterey County Coastal Implementation Plan



Part 4

**Regulations for Development
in the Carmel Area Land Use Plan**

(Chapter 20.146)

as adopted by the
Monterey County Board of Supervisors
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In The
Carmel Area Land Use Plan Area**

Chapter 20.146

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20.146.010 Purpose.

The purpose of this chapter is to establish regulations, standards and procedures to fully implement the policies of the Carmel Area Land Use Plan. These regulations apply only to the parcels within the Carmel Area Coastal Zone, as subject to the Carmel Area Land Use Plan.

20.146.020 Definitions.

- A. Agricultural Viability Report: A report which assess the viability of parcels as agricultural or grazing units, given existing conditions and proposed development. Viability is considered in terms of many factors, including product marketability, parcel production history, water conditions, soils, parcel size and any other factors relevant to the particular parcel. The

report is prepared by a consultant according to approved County procedures.

- B. Archaeological Sensitivity Zones are intended to generally describe the probability of finding archaeological resources throughout the County, as shown on County archaeological sensitivity maps. A “low” sensitivity zone is one in which there is limited probability that the area was used by native Americans for hunting, gathering, or collecting. In a “high” sensitivity zone, there are archaeological sites already identified in the area, or a strong possibility that Native Americans lived in and occupied the area.
- C. Archaeological Site is a site of known Native American remains or activity, as evidenced by shells, fire-cracked rocks, lithics, charcoal, bedrock mortars, rock art, quarry activity, etc.
- D. Coastal Dependent: A development or land use which requires a site on or adjacent to the sea in order to be able to function.
- E. Complete Application is an application for which: 1) the Planning Department has completed its review and has requested any additional information or studies to be submitted by the applicant, and 2) all requested information has been submitted to the Planning Department’s satisfaction. An application is considered “incomplete” until all such information has been supplied.
- F. Clustering: The concentration of projects’ development in a single location to leave the majority of the project area in undeveloped open space.
- G. Design Review: The process by which an application is reviewed by the Planning staff and/or the local advisory committee for adherence to the requirements in the local coastal plan and the Monterey County Zoning Ordinance dealing with the design, color, materials, setting and landscaping of a particular development, whether it be a new or existing structure. “Structures” include, but are not limited to, commercial facilities, homes, garages, fencing, water tanks, solar collectors, etc.,
- H. Development is on land, in or under water:

1. Placement or erection of any solid material or structure, including but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line;
2. Discharge or disposal of any dredging, mining, or extraction of any gaseous, liquid, solid, or thermal waste;
3. grading, removing, dredging, mining, or extraction of any materials, including excavation and filling which requires a grading permit pursuant to chapter 16.08 or which materially alters the natural landform;
4. Change in the density or intensity of use of land, including but not limited to:
 - a) Subdivision pursuant to the subdivision Map Act (commencing with Section 66410 of the Government Code);
 - b) lot line adjustments;
 - c) any other division of land, including lot splits; and,
 - d) conditional certificates of compliance pursuant to the subdivision Map Act;
5. Change in the intensity of use of water, or of access thereto;
6. Expansion or construction of water wells, surface water diversions, or septic systems, except for replacement thereof;
7. Construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility;
8. Removal or harvesting of major vegetation including land clearing pursuant to chapter 16.12 and removal of natural vegetation specified in the applicable ordinances as requiring a coastal development permit. "Development" shall not include removal or harvesting of major vegetation for agricultural purposes, except in North County as per Section 20.144.080.A, kelp harvesting and

timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Zberg-Nejedly Forest Practice Act of 1973 (commencing with Section 45111);

9. Any project within 750 of a known archaeological resource, as per sections 20.144.110.A, 20.145.120.A, 20.146.090.A, and 20.147.080.A;
10. Any project on a parcel in the Big Sur Coast Land Use Plan area with an historical site, as per Section 20.146.110.A;
11. Tree removal, as per sections 20.144.050.A, 20.145.060.A, 20.146.060.A, and 20.147.050.A; and,
12. Granting of transferable density credits pertaining to a lot in the critical viewshed of Big Sur, pursuant to Chapter 20.156.

I. Discretionary Permit is a permit which requires a public hearing before and decision by the Zoning Administrator, Subdivision Committee, Planning Commission, and/or Board of Supervisors. Examples are Coastal Development Permits, use permits, variances and scenic conservation permits.

J. Ecotone: The area where two separate habitat types converge to form their own distinct habitat area, or “edge”.

K. Environmentally Sensitive Habitats are areas in which plant or animal life or their habitats are rare or particularly valuable because of their special nature or role in an ecosystem. Environmentally sensitive habitats are also areas susceptible to disturbance or degradation by human activities and developments. Examples are riparian corridors and Areas of Special Biological Significance identified by the State Water Resources Control Board; rare and endangered species habitat; all coastal wetlands and lagoons; all marine wildlife haul-out, breeding and nesting area; education, research and wildlife reserves, including all tideland portions of the California Sea Otter State Fish and Game Refuge; nearshore reefs; tidepools; sea caves; islets and offshore rocks; kelp beds; indigenous dune plant habitats; Monarch butterfly mass over-wintering sites; and wilderness and primitive areas. The California Coastal Act limits uses to

those which are dependent on such resources; examples include nature education and research, hunting, fishing and aquaculture.

- L. Existing Development: Existing development shall mean substantial structures such as a primary residence, road or other facility usable by the public which is legally existing at the time of application.
- M. Forester: One of the qualified professional foresters included on the County's list of Consulting Foresters.
- N. Forest Management Plans: A property owners' program outlining the manner in which the forest resources are to be maintained and managed on the parcel. These plans are permanent and binding regardless of a change in ownership.
- O. Guesthouse: Guesthouse means detached living quarters of a permanent type of construction, without kitchen or cooking facilities, clearly subordinate and incidental to the main building, on the same building site and not to be rented, let or leased whether compensation is direct or indirect.
- P. High Hazard Areas:

Seismic and Geologic Hazards

Seismic Hazard Zones: These zones are intended to generally describe, on a scale of 1 to 6, the seismic hazard of areas throughout the County, as shown on County Seismic hazard maps. Seismic hazard zone 4 is a moderately high hazard zone. Seismic hazard zone 5 and 6 are high hazard zones.

- Zones 1/8 mile on each side of active or potentially active faults
- Areas of tsunami hazard
- Areas indicated as "Underlain by Recent Alluvium" and "Relative Unstable Upland Areas" in the County Seismic Safety Element"
- Geotechnical evaluation zones IV, V, and VI on the County Seismic Safety Element maps
- geotechnical evaluation zones V and VI on the Monterey Peninsula map of the County Seismic Safety Element

- Existing landslides

Flood Hazards:

- The 100-year floodplain: The area subject to a 1% chance of flooding in any given year, or once in a 100 years (e.g. the 100-year flood) and includes the floodway, as delineated on FEMA resource maps (County Floodplain ordinance).

Fire Hazard:

- Areas classified as having high to extreme fire hazard through application of the Department of Forestry criteria and the Fire Hazard Severity Scale as mapped in the California Division of Forestry fire hazard maps.

- Q. Landmark trees: Those native trees which are 24 inches or more in diameter when measured at breast height, or a tree which is visually significant, historically significant, exemplary of its species, or more than 1000 years old.
- R. Maritime Chaparral: A brushland association which occurs in the colder climate and thin soils of steep slopes near the coast. Principal plant species in this association are manzanita, ceanothus, coyote brush, black sage and sagebrush.
- S. May: "May" identifies language describing Plan features which are desirable to adhere to in the interest of meeting the broad societal goals of the implementation ordinance but which in isolation from other mandatory policy guidance may be interpreted at the discretion of the decision-making body and the applicant.
- T. Ministerial Permits: A grading or building permit. A project requiring a ministerial permit requires review by staff of both the Planning and the Building Inspection departments.
- U. Must/shall: "Must" or "Shall" identifies mandatory language to which all applications are required to adhere.
- V. Native plant species: The appropriate species for revegetating a specific site. Whether or not a suggested subspecies is appropriate for a specific

site may be influenced by the commercial availability of the revegetation material.

- W. 100-Year Floodway: The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than 1 foot (100-year floodway is delineated on the FEMA resource maps).
- X. Prime Farmlands: Prime lands are defined as:
- a. All lands which qualified for rating as Class I or Class II in the Soil Conservation Service land use capability classifications.
 - b. Land which qualified for rating 80 through 100 in the Storie Index rating.
 - c. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
 - d. Land planted with fruit or nut bearing trees, vines, bushes or crops which have a non-bearing period of less than 5 years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200.00 per acre.
- Y. Project Referral Process A process in which the Planning Department refers an application for a discretionary permit to various County Departments for review and recommendation, prior to public hearing on the project.
- Z. Public Viewshed: are those areas visible from major public viewing areas such as 17 Mile Drive, Scenic Road, Highway 1 Corridor and turn-outs, roads/viewpoints/sandy beaches within Point Lobos Reserve and Carmel River State Beach, Garrapata State Park, and Carmel City beach. Visibility will be considered in terms of normal, unaided vision in any direction for any amount of time at any season.

- AA. Qualified Biologist: An individual possessing a degree in biology, botany, zoology or a related field and who is currently on the list of consulting biologists maintained by the Monterey County Planning Department.
- BB. Rare and/or Endangered Species: Rare and Endangered Species are those identified as rare, endangered and/or threatened by the State Department of Fish and Game, United States Department of Interior Fish and Wildlife Service, the California Native Plant Society and or pursuant to the 1973 convention on International Trade in Endangered Species of Wild Flora and Fauna.
- CC. Ridgeline Development: is development on the crest of a hill which has the potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area.
- DD. Riparian Corridor: The zone of water-associated vegetation occurring in proximity to a river, stream or other watercourse. Characteristic trees in this habitat are willow, cottonwood, sycamore and alder.
- EE. Riparian Habitat: An area of riparian vegetation. This vegetation is an association of plant species which grows adjacent to freshwater watercourses, including perennial and intermittent streams, lakes and other bodies of fresh water and may tolerate a higher level of soil moisture than dryer upland vegetation (State-Wide interpretive Guidelines for Wetlands).
- FF. Sand Dune Habitats: Dunelands. Dunelands include the active dunes, sand ridges, troughs and flats lying behind the beach berms that mark the upper limit of the "dry beach". Bounded at their seaward edge by the upper line of the beach at the annual highest tide mark, or a coinciding "vegetation line", the dunelands extend toward landward as far as the land is subject to active gain or loss of sand because of the sea or sea wind (Coastal Environmental management, Conservation Foundation; U.S. Government Printing Office, 1980).
- GG. Sensitive Native habitats: Any of the native habitats described in this ordinance and/or those identified on maps maintained by the County of Monterey and/or any species determined by the board of Supervisors to be unique and worthy of a special protection. Any dispute over the extent

or sensitivity of any specific habitat shall be decided by the Monterey County Planning Commission.

- HH. Sensitive Species: Those locally rare or unique plants defined as endemic, relict or disjunct. In the Carmel area, rare/endangered and sensitive species include Hickman's Onion, Sandmat manzanita, Monterey Ceonothus, Hutchinsons' Delphinium, California Dichondra, Point Lobos Eriogonum, Gadeners' Tampah, Rhododendrons and other species that from time to time may be added or deleted from this list.
- II. Significant Development: That Development, discretionary or ministerial in nature that is not exempt from review under the California Environmental Quality Act.
- JJ. Shoreline: The natural contour, materials, topography and biology of the ocean shore, extending inland to the mean high tide line (MHT) as recorded during the winter months.
- KK. Special Treatment: The Special Treatment overlay is intended to be used in conjunction with the underlying land use designation. Its purpose is to facilitate a comprehensive planned approach for specifically designated properties where a mix of uses are permitted and/or where there are unique natural and scenic resources or significant recreational/visitor-serving opportunities. Particular attention is to be given towards siting and planning development to be compatible with existing resources and adjacent land uses.

Properties designated for Special Treatment are shown in the Special Treatment map in the Carmel Area Land Use Plan. These properties are the Mission Ranch property, the Odello property, the frontal slopes of the Palo Corona Ranch comprising 388 acres, the Sawyer Property consisting of 466 acres and the Point Lobos Ranch which covers roughly 1,600 acres.
- LL. Timber Harvest Plan: Plans required under Forest Practices Act (Public Resources Code Section 4582) for certain timber operations, as administered by the California Department of Forestry.
- MM. Wastewater treatment facilities: Wastewater treatment facilities in the Carmel area include septic tank/leach field on-site systems, package

wastewater plants and sanitary district sewer service within the coastal zone between and including Del Monte Forest and Carmel Meadows.

- NN. Wetlands: Lands which may be covered periodically or permanently with shallow water and include saltwater marshes, fresh water marshes, open or closed brackish water marshes, swamps, mudflats and fens. In cases of uncertainty, the U.S. Fish and Wildlife Services classification of Wetlands and Deep Water Habitats shall be followed in determining the precise boundary of the wetland.

20.146.030 Visual Resources Development Standards.

Intent of Section: The intent of this section is to provide development standards to protect the scenic resources of the Carmel area in perpetuity and to insure that all future development within the viewshed will harmonize and be clearly subordinate to the natural scenic character of the area. All categories of public and private land use and be clearly subordinate to the natural scenic character of the area. All categories of public and private land use and development including all structures, the construction of public and private roads, utilities and lighting shall conform to the basic viewshed policy of minimum visibility except where otherwise stated in this ordinance. (Ref. Policy 2.2.2)

A. Public Viewshed Determination

1. The project planner shall make an on-site investigation in order to determine whether the project is within the public viewshed. Proposed buildings shall be accurately indicated as to dimensions, height and rooflines by poles with flags. The location of proposed access roads shall be accurately indicated by stakes with flags. Both poles and stakes shall remain in place for the duration of the project review and approval process. The project planner, at his/her discretion in the process of the on-site review, may record the proposed development photographically, and may require that the applicant superimpose on the photographs a representation of the proposed project. During the on-site investigation, the planner shall also review the project for conformance with the ordinance elements and shall determine development alternatives which would bring the project into full conformance with the ordinance (Re. Policy 2.2.4.1).

B. Underground Utilities Requirement

New overhead power or telephone lines may be considered instead of underground utilities only where overriding natural or physical constraints exist. Where permitted, poles will be placed in the least conspicuous locations out of public view and where possible, private view. (Ref. Policy 2.2.4.11). If an applicant requests the waiver of underground utilities in a discretionary permit, the following information must be supplied as a part of complete application:

1. A statement explaining why underground utilities are requested for the project. Relate such factors as soil conditions, topography, distance from surrounding overhead lines, etc. Cost alone of undergrounding utilities cannot be used as a reason for the waiver request.
2. A plot plan of the proposed development and the surrounding areas showing proposed locations for the overhead utilities and the existing utilities on neighboring properties. The map must be to scale and clearly marked as to the proposed project and the surrounding areas.
3. Other information which may be requested by the planning staff to adequately determine the existing situation and the feasibility of overhead utilities for the proposed project.

The decision to grant a waiver of underground utilities will be made at the time of the public hearing for the proposed project.

C. General Development Standards

1. Structures shall be subordinate to and blended into the environment, using appropriate materials that will achieve that effect. If necessary, modification of plans shall be required for siting, structural design, height, shape, color, texture, building materials, access and screening through the Coastal Development Permit process (Ref. Policy 2.2.3.6).

If the parcel is visible within the public viewshed, that portion of the parcel least visible from major public viewing areas, pursuant to Section 20.145.020.Y, shall be considered the most appropriate site for the location of new structures. (Ref. Policy 2.2.3.4)''

The following siting and design control measures shall be applied to new development to ensure protection of the Carmel areas' scenic resources, including shoreline and ocean views:

- a. Buildings located on slopes shall be sited on existing level areas and sufficiently set back from the frontal face. Development shall not be located on slopes of 30% or greater. The Director of Planning may grant a waiver to the standard upon applicant request and explanation of the request justification if:
 - 1) There is no alternative which would allow development to occur on slopes of less than 30%; or,
 - 2) The proposed development better achieves the resource protection objectives and policies of the Carmel Area Land Use Plan and development standards of this ordinance.
- b. Clustering of residential or visitor-serving development shall be required where clustering preserves desirable and scenic open space areas. The clustering requirement may be waived in cases where the applicant provides substantial evidence (subject to the approval of the Director of Planning) to the Planning Department proving overriding concerns and a greater benefit to the County and its' residents in a non-clustered design. A lesser fiscal impact upon the applicant will not be sufficient proof in order to waive the clustering requirement.
- c. Structures located in the public viewshed shall be designed to minimize visibility and to blend into the site and site surroundings. The exterior of buildings should give the general appearance of natural materials (e.g., buildings are to be of weathered wood or painted in earth tones). The height and bulk of buildings shall be modified as necessary to protect the viewshed (Ref. Policy 2.2.3.3).
- d. Exterior lighting shall be unobtrusive and harmonious with the local area. Lighting fixtures shall be adequately shielded and designed at near-ground level so that only the intended area is illuminated and off-site glare is fully controlled.
- e. Existing trees and other native vegetation shall be retained to the maximum extent possible both during the construction process and after the development is completed. Landscape screening utilizing native species may be used wherever a moderate

extension of native forested and chaparral areas is appropriate. Drought-resistant native species will be the appropriate species to use for this landscaping. All new landscaping must be compatible with the scenic character of the area and shall retain existing shoreline and ocean views. Refer to the County's "A drought-Tolerant Plant List for the Monterey Peninsula" for appropriate landscape plant species. (Ref. Policy 2.2.4.10).

Landscape screening and restoration shall consist of plant and tree species consistent with the surrounding native vegetation. No landscape screening is allowed on open grassy slopes and ridges (Ref. Policy 2.2.3.8).

2. Design review of all new development or modification of existing structures shall be exercised. "Structures" include, but are not limited to, commercial facilities, homes, garages, fencing, water tanks, solar collectors, etc., Landscaping plans shall be required and approved by the County as a secondary protection of scenic quality and visual access (Ref. Policy 2.2.4.9).
3. New development on the beaches and bluffs of Carmel River State beach shall be located out of the public viewshed (Ref. Policy 2.2.3.2).
4. New development on slopes and ridges within the public viewshed shall be sited within existing forested areas or in areas where existing topography can ensure that structures and roads will not be visible. Structures shall not be sited on non-forested slopes or silhouetted ridgelines. New development in the areas of the Carmel Highlands and Carmel Meadows must be carefully sited and designed to minimize visibility. (Ref. Policy 2.2.3.3).
5. Development constituting "ridgeline development" shall not be allowed unless a Use Permit is first obtained. "Ridgeline development" is development on the crest of a hill which has the potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area. A use permit for such development may only be granted if the decision-making body is able to make findings that: 1) there are no alternatives to development so as to avoid ridgeline development; 2) the proposed development will not have significant

adverse visual impacts due to required landscaping, required modifications to the proposal or other conditions; or, 3) development on the ridge will minimize grading, tree removal or otherwise better meet resource protection policies of the Carmel Area Land Use Plan or development standards of this ordinance; and, 4) the development complies with Section 20.146.030.C.4 or/and an exception is made pursuant to Section 20.146.120.A. The proposed development shall be modified for height, bulk, design, size, location and siting and/or shall incorporate landscaping or other techniques so as to avoid or minimize the visual impacts of ridgeline development as viewed from a public viewing area.

6. New subdivisions and lot line adjustments shall not configure a lot so as to create a building site that will result in ridgeline development. Where initial application review indicates that ridgeline development may result on a proposed lot, the applicant shall demonstrate that there is a building site and building height(s) available which will not create ridgeline development. As such, possible building site dimensions and roof heights shall be delineated by poles with flags, subject to an on-site investigation by the planner prior to the application being considered complete. A condition of project approval shall be the establishment of a building site and a building height envelope that provides specifications for non-ridgeline development on the lot(s) in question. Both envelopes shall require approval of the Director of Planning and an on-site investigation by the project planner prior to such approval.
7. East of Highway 1, subdivisions which create new lots on the coastal hills and ridges may be permitted only where each parcel to be created has an adequate building site not within the public viewshed (Ref. Policy 2.2.3.5).
8. Structures shall be located to minimize tree removal and grading for the building site and access road. If proposed earth movements would result in extensive slope disturbance or scarring visible within the public viewshed, the proposed grading/ground disturbance will not be allowed. Extensive landform alteration shall not be permitted (Ref. Policy 2.2.3.7).

9. Viewshed Land protected by scenic easements required pursuant to Coastal Permits shall be permanently free of structural development unless specifically permitted at the time of granting the easement (Ref. Policy 2.2.3.9).

D. Specific Development Standards

1. Roads

- a. Development of new residential, recreational and visitor-serving and agricultural access roads shall be allowed only where there is no existing access provided by existing roads and trails. (Ref. Policy 2.2.4.3)
- b. New roads will be considered only where it has been demonstrated that the use of existing roads is not possible or that rights-of-way for use of a common road are demonstrated to be unobtainable. (Ref. Policy 2.2.4.4)
- c. New roads shall be designed to avoid steep slopes and to conform to the natural topography. They shall be located along the margins of forested areas, where possible, or where existing vegetation provides natural screening and shall be constructed to minimum County standards consistent with the requirements of fire safety and emergency use. Road construction shall not commence until the entire project has progressed through the permit and appeal process and all necessary construction related permits have been issued. (Ref. Policy 2.2.4.2)
- d. Sites for new structures shall avoid the construction of visible access roads and reduce the extent of environmental and engineering problems resulting from construction. (Ref. Policy 2.2.4.2)

2. Highway 1

- a. New development along Highway 1 between Point Lobos and the South end of Spindrift Road shall be set back to preserve the forested corridor effect and minimize visual impact (Ref. Policy 2.2.4.6).

- b. Private driveway entrances, gates, roadside fences, mailboxes and signs along Highway 1 should reflect a similar design concept, if feasible. Protective barriers constructed by Caltrans shall utilize boulders or walls or rock construction, if feasible. (Ref. Policy 2.2.4.12)
- 3. Signs
 - a. Public highway facilities including signs, guardrails and restrooms shall be of a design complimentary to the scenic character of the Carmel area, with preference for natural materials. (Ref. Policy 2.2.4.12)
 - b. Signs on private property along Highway 1 shall be of wood, unpainted except for lettering; nor shall any signs be internally illuminated. No neon or animated advertising signs will be allowed inside windows or outdoors. (Ref. Policy 2.2.4.13)
- 4. Antennas, Utility Lines
 - a. Television antennas and ham radio facilities shall be unobtrusive and located out of the Highway 1 viewshed, where possible. Water lines and drainage pipe shall be buried or obscured by vegetation if soil, topographic or other conditions restrict installation of underground utilities. (Ref. Policy 2.2.4.11)

20.146.040 Environmentally Sensitive Habitats Development Standards.

Intent of Section: The intent of this section is to provide development standards to protect the environmentally sensitive habitats of the Carmel Coastal Segment. These areas are unique, limited and fragile resources of statewide significance important to the enrichment of present and future generation of County residents and visitors; accordingly, they shall be protected, maintained and where possible, enhanced and restored. All categories of land use, both public and private, shall be subordinate to the protection of these critical areas.

Sensitive plant communities of the Carmel coastal area:

- Rare/endangered, threatened and sensitive plants
- Northern coastal prairie
- Chamise-Monterey Manzanita dwarf coastal prairie

Redwood forests
Monterey Cypress and pine forests.

The sensitivity of Monterey Pine habitats in the Carmel area shall be determined on a case-by-case basis through the completion of a biological/botanical report for the project. Examples of sensitive Monterey pine forest include naturally-occurring groves which:

- a. Function as habitat for rare or endemic plant or animal species;
- b. Have special value for wildlife due to the presence of snags suitable for cavity-dwelling species, or occurrence with Coast live oak, or native shrub understory.
- c. Have high aesthetic value due to their location within the public viewshed.

A. Biological Survey Requirements

1. A biological survey shall be required for all proposed development.
2. The survey shall be required, submitted and meet approval of the Planning Department prior to the "completeness determination" of the project by staff. Two copies of the survey shall be submitted to the Planning Department.
3. The survey shall be prepared by a qualified biologist, as selected from the County's list of Consulting Biologists. Report preparation shall be at the applicants expense.
4. See Attachment 2 of this ordinance for required format and content of the biological/botanical report.
5. Upon staff review of the proposed project, the requirement for a biological/botanical report may be waived for the existing residential areas of Carmel Woods, Hatton Fields, Carmel Point (Night Heron site excluded), Odello, Carmel Meadows, and Carmel Riviera.

B. General Development Standards

The biological/botanical report prepared for the specific project shall detail how the proposed development conforms to all applicable development standards regarding environmentally sensitive habitats (Ref. Policy 2.3.3.5):

1. Only small-scale development necessary to support resource-dependent uses may be located in environmentally sensitive habitat areas if they can not be feasibly located elsewhere. (Ref. policy 2.3.2).
2. Only resource-dependent uses, including nature education and research, hunting, fishing and aquaculture, shall be allowed within environmentally sensitive habitats. Findings must be made with appropriate supporting data that such uses will not cause significant disruption of habitat values. (Ref. Policy 2.3.3.1)
3. Land uses adjacent to locations of environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource. New land uses are considered compatible only in a situation in which the proposal incorporates necessary site planning and design features which protect habitat impacts and which do not set a precedent for continued land development with the potential to degrade the resource. Based on staff review of the application, a botanical/biological report may be required in these areas. The determination of an adequate setback for development in these areas shall be noted in the botanical/biological report prepared for this project. (Ref. Policy 2.3.3.2)
4. New development adjacent to environmentally sensitive habitat areas shall be allowed at densities determined compatible with the protection and maintenance of the adjoining resources. New subdivisions are allowed only where potential impacts to environmentally sensitive habitats from development of proposed parcels is avoided. (Ref. Policy 2.3.3.3)
5. Parcels of land totally within sensitive habitat areas shall not be further subdivided. The development shall be designed so that the sensitive habitat area remains intact and undisturbed. Clustering shall be required in these areas to avoid habitat impacts on parcels adjacent to sensitive habitats or containing sensitive habitats as part of their acreage. On a parcel proposed for development, all areas of the parcel containing the sensitive habitat or species will be encumbered with a conservation easement deeded to the County as a condition of project approval. (Ref. Policy 2.3.3.4).

6. For projects in or adjacent to environmentally sensitive habitat areas, the County shall refer projects to the California Department of Fish and Game for evaluation of impacts from development and suggested mitigations for those impacts. These impacts shall include but will not be limited to development of new or intensified land uses such as public access, recreation and associated facilities. Recommendations from the California Department of Fish and Game shall be included as conditions of project approval (Ref. Policy 2.3.3.10).
7. Deed restrictions or dedications of permanent conservations easements covering the habitat and necessary buffer shall be required as conditions of approval for discretionary permits or conditions on ministerial projects in environmentally sensitive habitat areas where development is proposed on parcels containing such habitats. (Ref. Policy 2.3.3.6).
8. Removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) in or adjacent to environmentally sensitive habitat areas shall be restricted to only those amounts necessary for structural improvements. (Ref. Policy 2.3.3.7).
9. Public access in areas of environmentally sensitive habitats shall be limited to low-intensity recreational, scientific or educational uses such as nature study and observation, education programs in which collecting is restricted, photography and hiking. Access in such areas shall be controlled and confined to designated trails and paths. No access shall be approved which results in significant disruption of habitat. (Ref. Policy 2.3.3.9).
10. Landscaping with native riparian species is required as a condition of approval for projects adjacent to riparian corridors (Ref. Policy 2.3.4; Corridors and Other Terrestrial Wildlife Habitats Policy #3).
11. Public access to areas of rare/endangered and sensitive plant species shall be actively discouraged and directed to less sensitive areas. Where allowed, public access shall be strictly managed. Otherwise, the area shall be closed (Ref. Policy 2.3.4 Terrestrial #2).
12. Wildlife management considerations shall be included in the evaluation of development proposals, particularly land division proposals. Large

and, where possible, contiguous areas of native vegetation shall be retained in order to meet the various needs of those wildlife species requiring large areas of undisturbed habitat (Ref. Policy 2.3.4; Riparian Corridors and Other Terrestrial Wildlife Policy #5).

13. Critical wildlife habitat areas shall be protected through permanent easement or fee acquisition and an adequate distance between such habitat and disturbed areas shall be maintained. Adequacy of distance shall be determined on a site-to-site basis by the Planning Department staff. (Ref. Policy 2.3.4; Riparian Corridors and Other Terrestrial Wildlife Habitats Policy #6).

C. Specific Development Standards

1. Terrestrial Plant Habitats

- a. Proposed development near Gowen cypress habitat shall be set back a minimum of 100 feet to protect this sensitive resource. No development shall be allowed in this buffer area and the natural vegetation shall be retained (Ref. Policy 2.3.4.; Terrestrial Plant habitats, Policy #5).
- b. Recreational access and associated facilities within Monterey cypress habitat in Point Lobos State reserve shall be restricted to existing trails (Ref. Policy 2.3.4.; Terrestrial Plant Habitats, Policy #7).
- c. Development within the Redwood forest habitat in the Carmel area coastal segment shall be retained as open space through the encouragement of conservation easements or fee acquisition (where necessary) because of its' function as riparian habitat and its' important role in watershed protection. (Ref. Policy 2.3.4; Terrestrial Plant Habitats, Policy #9).
- d. Redwood forest and chaparral habitat on land exceeding 30 percent slope shall remain undisturbed due to potential erosion impacts and loss of visual amenities (Ref. Policy 2.3.4.; Terrestrial Plant Habitats, Policy #10).

2. Riparian Corridors and Other Terrestrial Wildlife Habitats

- a. If existing livestock operations are intensified and/or concentrated in or near riparian corridors, a management program shall be developed by a qualified biologist/botanist to protect the riparian resource. The report shall follow the format of the botanical/biological report and shall include any necessary mitigations for protection of the riparian habitat (Ref. Policy 2.3.4.; Terrestrial Plant Habitats, Policy #3).
- b. Critical wildlife areas shall be protected through a permanent conservation easement granted for any project approval by the County. Distances of 100 feet minimum shall be maintained between such a habitat and disturbed areas (i.e. building sites and roads (Ref. Policy 2.3.4. Riparian Corridors and Other Terrestrial Wildlife Habitats Policy #6).
- c. Riparian plant communities shall be protected by establishing setbacks consisting of a 150 foot open space buffer zone on each side of the bank of perennial streams and 50 feet on each side of the bank of intermittent streams or the extent of riparian requirement may be modified if it can be demonstrated that a narrower corridor is sufficient to protect existing riparian vegetation. Staff may require that this determination of the setback and/or extent of riparian vegetation be made by a qualified biologist. (Ref. Policy 2.3.4. Riparian Corridors and Other Terrestrial Wildlife Habitats Policy #1).
- d. No new development, including structural flood control projects, shall be allowed within the riparian corridor. Improvements to existing dikes and levees are allowed if riparian vegetation damage can be minimized and at least an equivalent amount and quality of replacement vegetation is planted. Exceptions may be made for carefully sited recreational trails. (Ref. Policy 2.3.4. Riparian Corridors and Other Terrestrial Wildlife Habitats Policy #1).
- e. Within riparian corridors, public access shall be limited to designated areas. Roads and trails shall be sited to avoid impacts to riparian habitat (Ref. Policy 2.3.4.; Riparian Corridors and Other Terrestrial Wildlife Habitats Policy #4).

- f. Adequate greenbelt corridors connecting open space areas shall be specifically retained for movement of wildlife to and from uplands east of Point Lobos reserve and the Reserve itself (Ref. Policy 2.3.4; Riparian Corridors and other Terrestrial Wildlife Habitats Policy #7). The width, length, and location of the corridor shall be determined through a biological report required for the project pursuant to Section 20.146.040.A.
 - g. In areas of Monterey Pine, Coast live oak or Coast Redwood are retained in open space, snag removal shall be avoided except where necessary to alleviate a hazardous situation (Ref. Policy 2.3.4; Riparian Corridors and Other Terrestrial Wildlife Habitats Policy #8).
 - h. Restoration of Northern Coastal Prairie in Point Lobos State Reserve shall provide for the retention of snags along the ecotone and within the area to be converted to prairie (Ref. Policy 2.3.4; Riparian Corridors and Other Terrestrial Wildlife Habitats Policy #9).
3. Wetlands and Marine Habitats
- a. A setback of 100 feet from the edge of all coastal wetlands shall be provided and maintained in the open space use. No new development shall be allowed in this setback area (Ref. Policy 2.3.4; Wetlands and Marine habitats Policy #1).
 - b. Concentration of recreational development or recreational activities near accessible tidepool communities shall not be permitted (Ref. Policy 2.3.4; Wetlands and Marine Habitats Policy #5)
 - c. Development on parcels adjacent to intertidal habitat shall be sited and designed to prevent percolation of septic runoff and deposition of sediment (Ref. Policy 2.3.4; Wetlands and Marine Habitats Policy #9).
 - d. Commercial, industrial or recreational uses which have the potential to discharge harmful waste products into the air or to generate loud noises or disruptive vibrations shall not be

permitted in the vicinity of seabird and marine mammal colonies (Ref. Policy 2.3.4; Wetlands and Marine Habitats Policy #8).

- e. Permits for dredging and other activities which substantially modify the substrate of kelp forest communities shall be reviewed by the Marine Resources Region of the Department of Fish and Game. Documentation of that review must be submitted to the Planning Department before the application may be considered complete. This documentation must state that the department had reviewed the proposal and must relate recommendations for mitigation procedures determined necessary to maintain the integrity of the impacted resource (Ref. Policy 2.3.4; Wetlands and Marine Habitats Policy #7).

20.146.050 Water And Marine Resources Development Standards.

Intent of Section: The intent of this section is to provide development standards to protect the water quality of the Carmel area's coastal streams, Point Lobos and Carmel Bay areas of Special Biological Significance. Instream flows shall be protected in order to maintain the natural plant, fish and wildlife communities. To fulfill this goal, the County will require adherence to the principles which insure the best watershed protection including: adequate setbacks from streams, stream setbacks, stream flow maintenance, performance controls for development site features, maintenance of water quality, protection of natural vegetation along streams and control of grading to minimize erosion and sedimentation.

The effects of all new development proposals or intensification of land use activities or water uses on the natural character and values of the Carmel area coasts and streams will be specifically considered in all land use decisions. Subjects to be addressed in such evaluations include protection of water quantity and quality, wildlife and fish habitat, and recreational and scenic values. (Ref. Policy 2.4.3.1 Water and Marine Resources).

A. Hydrology Report Requirement

1. A hydrologic report shall be required for any development which involves intensification of water use. Applicants are required to submit a hydrologic report certifying such impacts as: sustained yield of the water source to serve new development outside of existing water utility service areas and/or that the proposed new water use or use

intensification will not adversely affect either the natural supply necessary to maintain the environment, including wildlife, fish and plant communities or the supply available to existing users during the driest year (Ref. Policy 2.4.4.A.1 & 2 Water Availability).

This report must be prepared by a qualified registered hydrologist. Contents of the report must indicate:

- a) Location map;
- b) To-scale plot plan showing the entire parcel and proposed and existing structures, roads, land use, landscaping, wells and water lines and hydrologic and drainage features;
- c) Description of how water is currently supplied and how it will be supplied to the proposed development;
- d) Expected yield of the water source to serve the proposed development;
- e) Assessment of existing and proposed water usage, including water usage for landscaped and other vegetated areas;
- f) Description of hydrologic setting and features on the parcel and in the area and for areas presently cultivated or proposed for cultivation;
- g) Description of investigation methods – including review of well logs, on-site and off-site testing and contacts with Health Department and Flood Control District staff;
- h) Description of other development activity in the area, both proposed and under construction;
- i) Assessment of the individual and cumulative impacts of the proposed development on the quantity and quality of the groundwater table and local aquifer;
- j) Any modifications, additions or mitigations necessary for the proposed development to achieve adequate water supply for the project. If an adequate amount of water cannot be supplied, this must also be stated.

- k) Assessment of the proposed development's individual and cumulative impact on the aquifers; safe long-term yield level, saltwater intrusion and long-term maintenance of local water supplies;
 - l) Demonstration that the new water use or use intensification will not adversely affect either the natural supply necessary to maintain the environment, including wildlife, fish and plant communities or the supply available to existing users during the driest year.
 - m) Description and assessment of project alternatives including reduced density, if needed to mitigate the proposed development's adverse impacts as identified above and;
 - n) Recommendations for water conservation measures. Addressing siting, construction and landscaping and including retention of water on-site to maximize groundwater recharge and reclamation of water.
2. As an exemption to this requirement, a hydrologic report will not be required for the following: a) development to be serviced by a public water system; b) development of a single-family residence on a vacant, undeveloped parcel and c) development of an accessory structure including a guesthouse. Any other uses where water will be used for agriculture operations shall not be exempted from this requirement.

B. Septic Systems Adequacy Determination

Proof of adequacy of septic systems may be required as a part of the permit application process. This proof of adequacy must document that the system is in working condition, and is adequate to serve both the proposed and existing use. (Ref. Policy 2.4.4.B.3 Water Pollution Control).

C. Other Agency Documentation

1. For proposed new water use or intensification of water use, a written recommendation from the Department of Fish and Game on the application must be presented prior to the application being determined complete. This recommendation must discuss the affect of the water use on the natural supply of water necessary to maintain the

environment, including wildlife, fish and plant communities and the supply available to existing users during the driest year (Ref. Policy 2.4.4.A.2. Water Availability).

2. Any diversion of surface sources of water shall be required to submit an approved water appropriation permit from the State Water Resources Control Board prior to approval of any coastal development permit except where such water appropriation permit is not required by applicable State law (Ref. Policy 2.4.4.A.5 Water Availability).

D. General Development Standards

1. Land use proposals determined to pose unacceptable impacts to the natural integrity of the stream must be modified accordingly. (Ref. Policy 2.4.3.1 Water and Marine Resources).
2. New development including access roads shall be sited designed and constructed to minimize runoff, erosion, and resulting sedimentation. Land division shall be designed to minimize the need to clear erodible slopes during subsequent development. Runoff volumes and rates shall be maintained at pre-development levels, unless provisions to implement this result in greater environmental damage (Ref. Policy 2.4.3.2 Water and Marine Resources).
3. New development shall be located and developed at densities that will not lead to health hazards on an individual or cumulative basis due to septic system failure or contamination of groundwater. On-site systems shall be constructed according to standards that will facilitate long-term operation. Septic systems shall be sited to minimize adverse effects to public health and sensitive resource areas (Ref. Policy 2.4.3.4 Water and Marine resources).

E. Specific Development Standards

1. Water Availability
 - a. New development shall be approved only where it can be demonstrated by the applicant that adequate water is available from a water utility or community system or an acceptable surface water diversion, spring, or well. (Ref. Policy 2.4.4.A.1 Water Availability).

- b. Water shall not be exported out of its principal watershed for the development of new water supplies (Ref. Policy 2.4.4.A.3 Water Availability).
 - c. Small public water systems supplying more than one user shall conform to the requirements of Monterey Code 15.04 or the requirements as developed by the California State Department of Health and administered by the County health Department, consistent with the policies of the Carmel LUP and this ordinance. (Ref. Policy 2.4.4.A.4)
 - d. Water conservation devices shall be required in conjunction with new development. Drought-tolerant landscaping is required where appropriate (Ref. Policy 2.4.4.A.6 Water Availability).
2. Water Pollution Control
- a. All dumping of spoils (dirt, garbage, refuse, etc.) into riparian corridors and other drainage courses is prohibited (Ref. Policy 2.4.4.B.1 Water Pollution Control).
 - b. Development which includes a permit for anew or expanded wastewater discharge into the Monterey Bay and coastal waters of Monterey County shall be reviewed by the Health Department prior to application submittal pursuant to Section 20.140.080. Prior to the application being determined complete, the applicant shall be required to submit, at a minimum, the following information and studies:
 - 1) Three years monitoring records identifying the existing characteristics of the proposed wastewater discharge. Particular areas of concern include toxic chemicals, inorganic heavy metals, bacteria and other indicators prescribed as threats to the health and safety of coastal waters.
 - 2) Provide comprehensive projections of the increase of the proposed wastewater discharges. Both quantitative and qualitative characteristics must be specifically identified.

Specific figures for the indicators identified in 1) must be included in the projections.

- 3) Provide complete information on levels of treatment proposed at the treatment facility to remove those indicators mentioned in 1). This information shall also include reliability and efficiency data of the proposed treatment.
- 4) Provide a comprehensive monitoring plan for testing of wastewater for indicators identified in 1).
- 5) Perform oceanographic studies to determine the most suitable location and methods for discharge into the ocean.
- 6) Perform tests of ocean waters at the proposed discharge site and surrounding waters to establish baseline or background levels of toxic chemicals, heavy metals, bacteria and other water quality indicators. These tests must be performed no more than one year prior to submittal of the proposal. Historical data may not be substituted for this requirement.
- 7) Perform toxicity studies to determine the impacts of the proposed wastewater discharges on marine life as well as on recreational uses of the coastal waters.
- 8) Identify and analyze alternative methods of wastewater disposal. This shall include hydrogeologic studies of the applicant's groundwater basin to determine the water quality problems in that area and whether on-site disposal will have an adverse impact on groundwater quality.

The data and results of the requirements 1) through 8) must be submitted to the County's Chief of Environmental Health for evaluation. A wastewater discharge permit, as part of the overall Coastal Development Permit shall be issued only if the above information demonstrates that the proposed wastewater discharge will not produce levels of pollutants that exceed any

applicable state or federal water quality standards. (LUP amendment)

- c. Development of new or expansion of existing uses which generate a point source of pollution, such as community wastewater treatment systems or industrial or commercial discharge, shall only be allowed if pollution levels remain at levels which will assure the protection of public health and the long-term maintenance of wildlife and plant habitats. Where approved, all such development shall be conditioned to expire within two years of approval. Permit renewal shall require review of water quality impacts and application of new conditions where necessary to protect public health and/or plant and wildlife habitats. Appropriate studies, such as hydrologic reports and biological surveys shall be required where potential adverse impacts may result from the proposed development or to assess development impacts for permit renewal. Non-point sources of pollution shall be subject to the standards of the 208 Water Quality Management Plan, as set forth by erosion control, grading, floodplain and sewage disposal development standards of the implementation plan.

3. On-Site wastewater Systems

In addition to the requirements of Chapter 15.20, the following policies apply:

- a. Adequate maintenance and repair of septic systems shall be required to limit pollution of surface waters and protect the public health. (Ref. Policy 2.4.4.B.3 Water Pollution Control).
- b. Where a proposed subdivision of land for development is to be served by on-site waste disposal systems, sufficient representative lots or parcels shall be tested and approved by the County Health Department at the expense of the developer for suitability prior to approval of the tentative map. Any parcel in the Land Use Plan area proposed for up-zoning shall be tested and approved by the County Health Department for suitability for waste disposal systems prior to approval of the new zoning. Such

testing shall be at the expense of the applicant (Ref. Policy 2.4.4.B.4 Water Pollution Control).

- c. New on-site waste disposal systems shall not be allowed on slopes exceeding 30 percent as required by the Regional Water Quality Control Board Basin Plan. Slopes in excess of 30 percent shall not be graded to allow use for septic fields (Ref. Policy 2.4.4.B.5 Water Pollution Control).
- d. Dual leach fields are required for any new development in Carmel Highlands and other areas in the Carmel area Coastal Segment which are not expected to be served by sewers or package treatment plants (Ref. Policy 2.4.4.B.6 Water Pollution Control).
- e. In the creation of lots for subdivision and any other developments which propose the use of onsite septic systems, one acre shall be the minimum allowable lot size.

4. Erosion and Sedimentation Control

- a. An erosion control plan shall be required for the following types of development:
 - 1. Diking, dredging, filling and construction activities within shoreline, estuary and wetland areas;
 - 2. Any development with the potential to create significant erosion or drainage impacts and;
 - 3. Any development located in "MDR" (Medium Density Residential) or "VSC" (Visitor-Serving commercial).
- b. The Erosion Control Plan shall be required, submitted and approved by the Planning Department prior to the application being determined complete.
- c. The Erosion Control Plan shall be prepared by a registered civil engineer or soils engineer, at the applicants' expense. A minimum of 5 copies shall be submitted.
- d. The Erosion Control Plan shall be reviewed by the Planning Department, Building Inspection Director, Soil Conservation

Service, Monterey County Resource Conservation district and other departments or agencies appropriate for the specific project. A copy of the submitted plan shall be sent to each reviewing agency by the planning Department with comments requested from the specific agencies by a specified date. After comments have been received, the Planning Department, may require that the plan be revised to include additional information or assessment as deemed necessary by the reviewing agencies. A third party review, by a civil engineer or soils engineer and at the applicants expense, may also be required and third party review must be complete before the plan may be approved by the Director of Planning.

- e. The Erosion Control Plan shall contain, at a minimum, the following elements:
 - 1. Location map;
 - 2. To-scale plot plan, showing the entire parcel and existing and proposed structures, roads, fencing, vegetation removal, landscaping, livestock areas and drainage and hydrologic features;
 - 3. Map showing contours and areas of the parcel with slopes of 0%-10%; 10%-25% and over 25%;
 - 4. Map showing soil types and erosion potential hazards according to soil type;
 - 5. To-scale grading plan delineating existing contours, proposed finished contours, proposed finished contours, areas of cut and fill, areas of vegetation clearance and disturbance during construction and cross-scale and contour interval to clearly delineate the proposed grading;
 - 6. Description and assessment of potential erosion and drainage impacts from the proposed development with a depiction on a map where appropriate;
 - 7. Detailed plans of all surface and subsurface drainage devices, dams, channels and other drainage devices to be

constructed as a part of the proposed development. Include measures to retain stormwater runoff resulting from a 20-year recurrence interval storm. All proposed measures must be consistent with the resource protection standards of this ordinance and the Carmel Area Land Use Plan and with the provisions of the Erosion Control Ordinance (Monterey County Code Chapter 16.12);

8. Detailed plans of all erosion control devices and measures to be implemented as part of the development, including landscaping and revegetation of bare ground resulting from the proposed development and measures to assure that the plantings will maintain a continuous vegetative cover throughout the year;
9. An assessment of the amount of land disturbance (or bare ground) created or reduced as a result of the proposed development.
10. In addition to the requirements contained in the Erosion Control Ordinance, the following criteria must also be followed in the Carmel Area:
 - a. All grading requiring a County permit which occurs on slopes steeper than 15 percent shall be restricted to the dry season of the year (Ref. Policy 2.4.4.C.2 Erosion and Sedimentation Control).
 - b. For necessary grading operations, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time (Ref. Policy 2.4.4.C.2 Erosion and Sedimentation Control).
 - c. Sediment basins (e.g., debris basins, desilting basin, or silt straps) shall be installed in conjunction with the initial grading operations and maintained through the development process to remove sediment and runoff waters. All sediment shall be

retained on-site (Ref. Policy 2.4.4.C.3 Erosion and Sedimentation Control).

- d. The native vegetation cover, temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized as soon as possible with planting of native annual grasses and shrubs, appropriate non-native plants, or with approved landscaping practices (Ref. Policy 2.4.4.C.4 Erosion and Sedimentation Control.)
- e. On-site drainage devices shall be designed to accommodate increased runoff resulting from site modification. Where determined appropriate by county departments such as Health, Building Inspection or Flood Control, on-site retention of stormwater is required (Ref. Policy 2.4.4.C.5 Erosion and Sedimentation).

20.146.060 Forest Resources Development Standards.

Intent of Section: The intent of this section is to provide development standards which allow for the protection and maintenance of Carmel's forest resources. The primary use of forested land in the Carmel area shall be for recreational and aesthetic enjoyment and for educational, scientific, watershed and habitat protection activities. Commercial logging of healthy redwood shall be considered an inappropriate use of a nationally significant resource. Other Commercial logging is not permitted in the Carmel area pursuant to Policy 4.4.2.9 of the Carmel Area Land Use Plan. Limited, non-commercial, salvage and selective logging activities will be allowed to maintain the health of the forest provided that all natural resource protection provisions of this ordinance and the Carmel Area Land Use Plan are met.

A. Coastal Development Permit Requirement

- 1. A coastal development permit must be obtained for the removal of trees and other major vegetation with the following exceptions:

- a. Removal of hazardous trees which pose an immediate danger to life or structures;
 - c. Thinning of small (less than 12" in diameter) or dead trees from densely forested areas, especially as needed to reduce unsafe fuel accumulations adjacent to existing occupied buildings;
 - d. Prescribed burning, crushing, lopping or other methods of brush clearing which do not materially disturb underlying soils; or
 - e. A Timber Harvest Plan is required for the tree removal, in accordance with State requirements.
2. No coastal development permit is required if the Zoning Administrator determines that:
 - a. Removal of diseased trees which threaten to spread the disease to nearby forested areas as verified in writing by a qualified professional forester selected from the County's list of consulting foresters; or
 - b. Removal of trees in accordance with a previously approved Forest Management plan.

B. Forest management Plan Requirement

1. A Forest Management Plan will be required for the following:
 - a. Tree removal requiring a Coastal Development Permit and;
 - b. Development requiring a coastal Development Permit, where the development includes native tree removal of size or amount.
2. The Forest Management Plan shall be required, submitted and approved by the Director of Planning prior to the project application being determined complete. Three copies of the Forest Management Plan shall be submitted so that there is an approved copy for the file, the applicant and the Monterey County Planning Department library.
3. The Forest Management Plan shall be prepared by a qualified professional forester, as selected from the County's list of Consulting Forester. Plan preparation shall be at the applicants' expense.

4. The Forest Management Plan shall consist of the following elements as contained in Attachment 1:
 - a. A plot plan
 - b. A Forest Maintenance Plan
 - c. Signatures of the property owner and the forester preparing the plan, on each copy of the plot plan and forest maintenance plan.

The forest management plan shall apply to the entire parcel, even if tree removal is proposed only for a portion of the parcel.

C. Amended Forest Management Plan

1. An amended Forest Management Plan shall be required when:
 - a. A Forest Management Plan for the parcel has been previously approved by the Coastal Commission and/or the Monterey county Director of Planning; and
 - b. The proposed tree removal requiring a Coastal Development Permit, or as reviewed as part of a development requiring a Coastal Development Permit has not been shown in the previously approved Forest Management Plan.
2. The Amended Forest Management Plan shall conform to all requirements of the Forest Management Plan, as listed in the preceding Section. The previously approved Forest management Plan shall be revised as necessary in order that the amended plan may meet all requirements.
3. At a minimum, the Amended Forest management Plan shall consist of:
 - a. A plot plan showing the location , type and size of each tree proposed for removal, as well as the location and type of trees to be replanted
 - b. A narrative describing reasons for the proposed removal, alternatives to minimize the amount and impacts of the proposed tree removal, tree replanting information and justification for removal of trees outside of the developed area, if proposed.

D. Development Standards

1. Landmark trees of all native species shall not be permitted to be removed. A landmark tree is a tree which is 24 inches or more in diameter when measured at breast height, or a tree which is visually significant, historically significant, exemplary of its species, or more than 1000 years old. An exception may be granted by the decision-making body for removal of a landmark tree within the public right-of-way or area to be purchased for the right-of-way where no feasible and prudent alternatives to such removal are available, subject to obtaining a coastal development.
2. Removal of any trees which would result in the exposure of structures in the critical viewshed shall not be permitted, subject to the provisions of Section 20.146.030.A.
3. Removal of native trees shall be limited to that which is necessary for the proposed development. Prior to the application being considered complete, the development shall be adjusted for siting, location, size and design as necessary to minimize tree removal
4. Removal of native trees other than directly necessary for the proposed development shall be limited to that required for the overall health and long term maintenance of the forest, as verified in the Forest Management Plan.
5. Tree removal shall not be permitted within the riparian corridor. Tree felling adjacent to the riparian corridor may be permitted, except where trees, logs or debris could be deposited in the stream. Where a tree might fall into or across a stream, it shall be cabled so that it falls at a right angle to the stream (Ref. Policy 2.5.4.4.3).
6. Native trees to be removed which are 12 inches or more in diameter when measured at breast height shall be replaced on the parcel. Replacement shall be at a rate of one tree of the same variety for each tree removed, except where demonstrated in the Forest Management Plan or Amended plan that this would result in an overcrowded unhealthy

7. Development which includes the preparation of a forest management plan shall be required as a condition of approval to record a notice which states: "A Forest Management plan has been prepared for this parcel by (forester's name)(date) and is on record in the Monterey County Planning Department Library as (Library no.). All tree removal on the parcel must be in accordance with this forest management". The notice must be recorded prior to issuance of building or grading permits.

20.146.070 Agricultural Resources Development Standards.

Intent of Section: Because of the increasing costs of operations, including taxes, encroaches development and many other factors, the continuation of viable agricultural operations has grown very difficult. It is the intent of this section to provide guidelines to aid in preservation of existing agriculture and other land suitable for food production as well as the associated scenic amenities and open space values.

Agricultural uses still occur on several large parcels on the Carmel area. Row crop production occurs on two parcels immediately south of the Carmel River, while cattle ranching takes place on the grazing land found north of San Jose Creek. The State Department of Parks and Recreation acquired on large parcel of agricultural land to ensure protection of its' open space.

A. Overall Development and Management Plan

1. An Overall Development and Management Plan shall be prepared for parcels which are 50 acres or more in size and those within the "Special Treatment" designations when the following development is proposed:
 - a. A minor or standard subdivision. The Plan is to be required as a condition of project approval and must be submitted and receive County approval prior to issuance of building permits.
 - b. Any type of development for uses other than agricultural structures or the first single-family residence on a parcel. When a plan is required, it shall be submitted to the Planning Department and must receive approval from the County Agricultural Commissioner and the Planning Department prior to the application being considered complete.

- c. It may also be required, at the discretion of the Director of Planning, for subdivisions of a less size and for other development proposals where agricultural viability is in question and could be a factor in the decision-making process.
2. The plan shall be submitted to the Director of Planning, who will further transmit the plan to the County Agricultural Commissioner. The plan must be determined adequate by both the Director of Planning and the Agricultural Commissioner before the application is considered complete and in order for the project to meet County approval. An inadequate plan shall be revised as necessary in order to meet County acceptance. Once deemed adequate, the plan shall become a binding agreement between the County and the property owner.
3. The plan shall be prepared, at the applicants expense, by a qualified professional such as a consultant on the County's Agricultural Viability Consultant list. The applicant may select the consultant; however, if an agricultural viability consultant has not been selected to prepare the plan, the applicant shall engage the assistance of such a consultant, as selected from the County's list, in order to evaluate the plan's consistency with continued or future agricultural or grazing use on the property. The agricultural viability consultants' written assessment shall then be submitted to the Planning Department along with the plan. The county will oversee the consultants' work and be responsible for paying the consultant out of funds deposited by the applicant.
4. The plan shall include, as a minimum, the following information:
 - a. Description of long-range uses contemplated on the property;
 - b. Map delineating areas proposed for each type of development, areas to be retained for grazing/open space/agriculture/habitat protection/public access and existing and proposed roads/rights-of-way/easements/fences;
 - c. Recommendations for maintaining and increasing the agricultural viability and recreational uses on the property.
5. The plan must conform to all applicable development standards of this chapter and to the policies of the Carmel Area Land Use Plan.

6. Where an overall Development and management Plan has been prepared for a parcel and accepted as adequate by the Planning Department, that plan shall become a binding agreement between the County and the property owner. As such, all future development shall be consistent with the plan. Where the overall development and Management Plan has been required as a condition of approval, a further condition of approval shall be that a note be recorded and placed on the final map (record of survey) stating that such a pain is on file with the Planning Department and that all future development must be in accordance with the plan.

B. Agricultural Viability Report Requirement

1. An agricultural Viability Report shall be required for the subdivision of Parcels in the "CAP"(Coastal Agricultural Preservation or "AC" (Agricultural Conservation) zoning districts or any parcel under Williamson Act contract. A report may also be required, at the discretion of the Director of Planning, for other development proposals where agricultural viability is in questions and could be a factor in the decision-making process.
2. The report shall be required, submitted and determined adequate by both the Director of Planning and the County Agricultural Commissioner prior to the application being determined complete.
3. The report shall be prepared by an agricultural viability consultant, according to the approved County procedures for agricultural viability reports, as outlined in Section 20.142.140.

C. Odello West Development Standards

1. Prime agricultural lands, including public lands and the Odello West property shall be designated for agricultural use and should be retained in large parcels. Development on these agricultural lands shall be limited to buildings, including the existing amount of farm residences, required for agricultural activities and uses (Ref. Policy 2.6.3.1).
2. The agricultural use of the entire State-owned Odello West prime agricultural parcel shall be continued. In order to protect the scenic

views from Highway 1 to the ocean, the agricultural usage shall continue to be a low type of crop such as artichokes (Ref. Policy 2.6.4.2).

3. Odello West shall be designated Agricultural Preservation in order to conserve the land for exclusive agricultural use.

D. General Development Standards

1. Grasslands traditionally in grazing use or capable of supporting grazing shall be protected for grazing. See Map "C" in the Carmel Area Land Use Plan (Ref. Policy 2.6.3.2).
2. Well-defined buffer zones (location and actual width to be approved by staff) shall be established on land abutting agricultural areas to protect agriculture from potential impacts of adjacent development and to mitigate against the effects of agricultural operations on adjacent land uses. The buffer zone area shall be placed in an open space easement, to be required as a condition of project approval. (Ref. Policy 2.6.4.1). Requirements for the easement are as follows:
 - a. In order to protect agriculture operations from the impacts of new or expanded residential development as well as other incompatible development and to mitigate effects of agricultural uses on the proposed developments, in the "Coastal Agricultural Preservation"(CAP)(CZ) and "Agricultural Conservation"(AP)(CZ) zoning districts, the easement shall be a width of 200 feet or wider (or a width as determined sufficient by Planning Department staff, based upon project review and any attendant required studies for the project) where necessary to mitigate adverse impacts between agricultural and adjacent uses. In all other zoning districts, the easement may be reduced to a width of not less than 50 feet (or a width as determined sufficient by Planning Department staff, based upon project review and any attendant required studies for the project). In order to assure that the approved width is sufficient, the applicant may be required by the Planning Department to provide a determination shall be prepared by a consultant selected from the County's list of Agricultural Viability Report Consultants, at the applicant's

expense and may be subject to third party review to assure adequacy.

- b. Uses compatible with grazing, including some forms of low-intensity recreation shall be encourage as a means to assist maintaining land in agricultural use by providing income to land owners(Ref. Policy 2.6.4.3)
- c. New residential and utility buildings and barns associated with ranching uses shall be located to minimize encroachment upon grazing land (Ref. Policy 2.6.4.4).
- d. The configuration of new parcels created through land divisions shall be designed (as approved by staff) to protect existing agricultural activities and grazing resources. These subdivisions shall require the recordation of a binding agreement for the continued management of the entire property as an agricultural venture. (Ref. Policy 2.6.3.3).

20.146.080 Hazardous Area Development Standards.

Intent of Section: To regulate land uses and development in areas of high geologic, flood and fire hazards and to minimize risks to life and property and damage to the natural environment (Ref. Policy 2.7.2).

A. Special Permit Requirements

- 1. Development which has the potential for impacts upon the floodway fringe area or riverbank area as described in the following description is subject to first securing a Special Permit from the Planning Commission prior to the commencement of such development or work.

Such work or development shall be designed and constructed so that the proposed development does not: 1) adversely effect adjoining or other property; 2) be visually incompatible with the natural appearance of the river channel, banks and riparian corridor; c) be inappropriate for the intended purpose; or d) adversely impact the river, river flow or other matters which may specifically be affected by the application under consideration.

The following developments are those subject to securing a Special Permit from the Planning Commission before initiation of the project:

- a) All Development permitted under subsection 20.108.040 A (1) of Title 20 Monterey County Code,
- b) All development in the floodway fringe performed under subsection 20.108.040.B of Title 20 Monterey County Code,
- c) All development in the floodway permitted under subsection 20.108.040C of Title 20 Monterey County Code,
- d) All development of lots of record performed under subsection 20.108.050A of Title 20 Monterey County Code,
- e) All bank protection or channel modification measures performed under section 20.108.060 of Chapter 20.108 Title 20 of the Monterey County Code.

B. Geologic Hazards

1. Geologic Report Requirement

- a. Regardless of a parcel's seismic hazard zone, a geologic report shall be required for, but no limited to, the following projects:
 - 1) New power plants;
 - 2) Large dams;
 - 3) Explosive manufacturing plants;
 - 4) Standard or minor subdivisions;
 - 5) New hospitals;
 - 6) Schools, detention centers, civic buildings, and other public facilities
 - 7) Emergency communication facilities;
 - 8) Flood control projects;
 - 9) Diking, dredging, filling, construction of shoreline protection structures and construction of new structures within shoreline, estuary, and wetland area. See also Section 20.146.040 for the biological/botanical report requirement when these types of activities are proposed; and

- 10) Oil Wells.
- b. Regardless of a parcel's seismic hazard zone, a geologic report shall also be required for any development project located in the following areas:
 - 1) Landslide areas, or areas showing evidence of ground movement within historic times;
 - 2) Within 50 feet of the face of a cliff or bluff or within the area of a 20 degree angle above horizontal from the face of a cliff whichever is greater;
 - 3) Within 1/8 mile of an active or potentially active fault;
 - 4) On slopes of greater than 30%;
 - 5) Within sand dune habitats; and,
 - 6) In any area of known or suspected geologic hazards.
 - c. If a parcel is located in Seismic Hazard Zone IV, V, or VI, or in Recent Alluvium or Unstable Uplands areas (as shown on County Seismic Hazard Maps), a geologic report shall be required for, but not limited to, the following projects:
 - 1) Churches;
 - 2) Theaters;
 - 3) Hotels, motels;
 - 4) Utility centers;
 - 5) Large commercial or industrial buildings or centers which are not exempt from environmental review under CEQA; and,
 - 6) Apartment buildings.
 - d. If a parcel is located in Seismic Hazard Zone VI, an Unstable Uplands or Recent Alluvium area, or in an area of a known hazard, a geologic report shall be required for, but not limited to, the following projects:
 - 1) Single family dwellings;
 - 2) Small commercial or industrial buildings which are exempt from environmental review under CEQA; and,
 - 3) Grading, when a Coastal Development Permit is required.

- e. Projects which require no report, unless a hazard is otherwise known, include but are not limited to:
 - 1) Uninhabited structures;
 - 2) Pole barns;
 - 3) Storage shed;
 - 4) Greenhouses;
 - 5) Uses in existing structures;
 - 6) Structural addition which are exempt from environmental review under CEQA; and,
 - 7) Additions to water systems;
 - 8) Outdoor public gatherings. (Ref. Countywide Geology Policy Guidelines)
- f. The report shall be prepared, at the applicant's expense, by a registered geologist or registered engineering geologist, as deemed appropriate by the County given the project type and probable hazards.
- g. The report shall be required, submitted, and deemed adequate by the County prior to the application being considered complete. A minimum of 2 copies of the report shall be submitted.
- h. Where there is a dispute over the adequacy of the geologic report, a third party review by a registered geologist or registered engineering geologist will be required. The review shall be at the applicant's expense. Third party review and any necessary report revisions shall be completed prior to receiving approval by the Director of Planning.
- i. When a report is required, the report shall be consistent with "Guidelines for geologic/Seismic Reports" of the California Division of Mines and Geology (CDMG Notes No. 37) and shall include, at a minimum, the following elements, as applicable to the site:
 - 1) geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features, such as bedding, joints and faults;

- 2) Evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity;
- 3) Ground and surface water conditions and variations, including hydrologic changes caused by the development (i.e., introduction of sewage effluent and irrigation water to the ground water system; alterations in surface drainage);
- 4) Potential erodibility of site and mitigating measures to be used to minimize erosion problems during and after construction (i.e., landscaping and drainage design);
- 6) Any other factors that might affect slope stability;
- 7) Effect of the proposed development including siting and design of structures, septic system, landscaping, drainage, and grading, and impacts of construction activity on the stability of the site and the adjacent area;
- 8) Recommended mitigation measures; and, for bluff top development;
- 9) For bluff top development;
 - a) Cliff geometry and site topography, extending the surveying work beyond the site as needed to determine unusual geomorphic conditions that might affect the site; and
 - b) Historic, current, and foreseeable cliff erosion, including investigations of recorded land surveys and tax assessment records, in addition to the use of historic maps and photographs where available and possible changes in shore configuration and sand transport.
- 10) When development of shoreline protection structures is proposed, in addition to items 1-10, the following topics shall also be addressed:

- a) Design wave height
- b) Maximum expected wave height
- c) Frequency of overtopping
- d) Normal and maximum tidal ranges
- e) Erosion rate with/without protection device
- f) Effect of structure on adjoining property
- g) Potential/effect of scouring at base
- h) Design life of structure/maintenance provisions
- i) Alternatives to the chosen design method including "no project"
- j) Maintenance provisions including methods and materials

The engineer must certify that the structure is designed to withstand storms comparable to the winter storms of 1982-83 on the California Coastline.

C. General Development Standards

1. All development shall be sited and designed to minimize risk from geologic, flood, or fire hazards. Areas of a parcel which are subject to hazard shall be considered unsuitable for development. (Ref. Policy 2.7.3.1).
2. In high hazard areas, critical facilities (fire, police hospitals, emergency communication facilities, bridges and overpasses, public utilities, dams), heavy industry involving the manufacture or storage of explosive or toxic materials, and high occupancy structures (high-rise apartments, schools, hotels, etc.) shall not be permitted. Critical facilities may be allowed in floodplains if they are incorporated as part of a flood management program as per Specific Development Standards in Section 20.146.080 "2" Flood Hazards #3. Development may be permitted in areas underlain by recent alluvium so long as appropriate engineering standards are employed to mitigate any adverse effects (Ref. Policy 2.7.3.2).
3. New land divisions which create commitment to new or intensified development shall be approved only where it can be demonstrated that development of each proposed parcel and construction of the

proposed access roads will neither create nor significantly contribute to erosion, geologic instability, flooding, or fire hazard, nor require construction of new protective devices which would substantially alter natural landforms (Ref. Policy 2.7.3.3).

4. Development permits in locations determined to have significant hazards, shall include a special condition requiring the owner to record a deed restriction describing the nature of the hazard(s), geotechnical, and/or fire suppression mitigations and, where appropriate, long-term maintenance requirements (Ref. Policy 2.7.3.4)

D. Specific Development Standards

1. Geologic Hazards
 - a. All development shall be sited and designed to conform to site topography and minimize grading and other site preparation activities (Ref. Policy 2.7.4 Geologic Hazards #1).
 - b. All structures shall be sited a minimum of 50 feet from an identified active fault or potentially active fault (Ref. Policy 2.7.4. Geologic Hazards #2).
 - c. Any proposed development within 50 feet of the face of a cliff or bluff or within the area or a 20 degree angle from the toe of a cliff, which ever is greater, shall require the preparation of a geologic report prior to consideration of the proposed project (Ref. Policy 2.7.4. Geologic Hazards #3).
 - d. New roads across slopes of 30% and greater shall be allowed only where potential erosion impacts can be adequately mitigated (i.e. proposed road construction will not induce landsliding or significant soil creep, nor increase existing erosion rates). Mitigation measures shall not include massive grading or excavation or the construction of protective devices that would substantially alter natural landforms (Ref. Policy 2.7.4. Geologic Hazards #4).
 - e. Soils and geologic reports shall be required for all new land divisions and for the construction of roads and structures, excluding minor structures not occupied by people, on slopes

exceeding 30 percent or in areas of known or suspected geologic hazards. Both potential onsite and off-site impacts shall be evaluated in the report (Ref. Policy 2.7.4 Geologic Hazards #5).

- f. Where geotechnical evaluation determines that the hazard is unlikely to lead to property damage or injury, construction is permissible if certified by a registered geologist/soils engineer that the proposed development will not result in an unacceptable risk or injury or structural damage and the County Building official and Environmental Review section concerns. Such certification will be recorded with a copy of the deed at the County Recorder's Office (Ref. Policy 2.7.4. Geologic hazards #6).
- g. Where there is a dispute over the adequacy of a geotechnical report, the County will request that the report be reviewed by a registered geologist from either the United States Geological Service or the California Division of Mines and Geology. The costs of such a review shall be borne by the applicant (Ref. Policy 2.7.4. Geologic Hazards #8).
- h. As new soils and geologic investigations are completed and received by the County, the information contained in these reports shall be recorded and become part of public record. Where appropriate, the County Seismic Safety element (Ref. Policy 2.7.4. Geologic Hazards #9).
- i. Revetments, groins, seawalls, or retaining walls, and other such construction that alters natural shoreline processes shall be permitted only where required for the protection of existing development. These structures shall not impede lateral beach access and shall respect, to the greatest degree possible, natural landform and visual appearance. Such facilities shall be designed to eliminate or mitigate adverse impacts on local shoreline supply (e.g. incorporate sand by-pass; import replacement sand) and shall be subject to certification of a coastal engineer or engineering geologist with expertise in coastal processes (Ref. Policy 2.7.4. Geologic Hazards #10).

- j. Alteration of the shoreline, including diking, dredging and filling shall not be permitted except where demonstrated as essential for protection of existing residential development or necessary public facilities. Existing dikes and levees may be improved subject to consistency with this and other requirements of the ordinance (Ref. Policy 2.3.4 Wetlands and Marine habitats).
 - k. Land disturbance shall be restricted to building site areas and roads and the native vegetation cover shall be maintained in areas prone to rapid runoff and unstable soils. These include the following soil types as recognized and described by the Soil Conservation Service (1978)(Ref. Policy 2.7.4 Geologic Hazards #11):
 - 1) Cieneba fine gravely sandy loam 30-73% slopes (CcG)
 - 2) Junipero-Sur complex 30-85% slopes (Jc)
 - 3) Junipero sandy loam 30-75% slopes (JbG)
 - 4) San Andreas fine sandy loam 30-70% slopes (ScG)
 - 5) Santa Lucia shaly clay loam 30-75% slopes (SfF)
 - 6) Santa Lucia-Reliz Association 30-75% slopes (Sg)
 - 7) Gazos silt loam 30-50% slopes (GfF)
 - 8) Sheridan coarse sand loam 30-75% slopes (SoG)
 - 9) Arnold-San Andreas Complex 50-75% slopes (Am)
 - 10) Gamboa-Sur Complex 50-100% slopes (Ga)
 - 11) Santa Ynez fine sandy loam 15-30% slopes (ShE)
 - 12) Linne-Shedd silty clay loam 50-75% slopes (LcG2)
 - 13) Xerorthents, dissected 35-90% slopes (Xd)
 - 14) Rock outcrop-Xerorthents Association (Rc)
 - l. Steep (30% and greater) slopes of Santa Lucia shale shall be maintained in open space due to the high risk of erosion and landslides associated with the soil type (Ref. Policy 2.7.4 Geologic Hazards #12).
2. Flood Hazards
- a. When it is determined, by project review, or other means that structural means of flood control are necessary to protect the

lower Carmel River valley, then such structural means shall be allowed only if the following criteria are met:

- 1) Facilities would be located outside the zone of riparian vegetation and outside of the riparian corridor.
- 2) Erosion and sedimentation from construction would be adequately minimized and controlled.
- 3) Plant and wildlife habitat, including steelhead trout habitat, would be maintained and protected both along the river and in the marsh and lagoon.
- 4) The aesthetic and scenic values of the lower river would be maintained.

Excavation, dredging and vegetation removal would be allowed only within the scope of the flood management program only if no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development and only if the best mitigation measures are incorporated into the program including protection of the fish habitat. Maintenance of the river channel would be allowed, including removal of fallen trees and other such obstruction, in order to allow free flow of the river (Ref. Policy 2.7.4. Flood Hazards #3).

- b. New or more intensive development, including major flood control measures, shall conform to the policies established by the County Board of Supervisors, with the advice of the Monterey County Flood Control Office. New or more intensive development, including Flood Control structures, permitted in the 100-Year Floodplain shall conform to the following policies:

- 1) The lowest finished floor of new habitable structures must be at least one foot above the 100-Year Flood level projected to exist after development. Areas adequately protected by structural flood protection devices shall not be subject to the Policies pertaining to the 100 year flood plain;

- 2) Impacts of the Development (in combination with all other existing and anticipated development) on the water surface elevation of the projected 100-Year Flood shall be minimized, and shall be mitigated to the County's satisfaction for all adjacent and downstream properties; and
 - 3) Additional standards may be required by the County of Flood Control District, such as the requirements of the Carmel River Flood Control Ordinance. (Ref. Policy 2.7.4 Flood Hazards #4)
 - c. Where development is allowed or structural flood control measures are required, restoration of waterway banks and disturbed areas to a natural vegetated appearance shall be required. Landscaping shall use native plants appropriate to riparian corridors. Appropriate drought resistant plants are those plants found in the brochure entitled "A Drought-Tolerant Plant List for the Monterey Peninsula" available at the Planning Department. (Ref. Policy 2.7.4. Flood Hazards #5).
3. Fire Hazards
 - a. Proposed projects which are located within areas of high or very high fire hazard, as indicated on current California Department of Forestry Fire Hazards Maps, shall incorporate recommendations of the County Fire Warden and/or local fire district into project design, as follows:
 - 1) If the proposed project requires a Coastal Development Permit or other discretionary permit, the project shall be referred to the County Fire Warden or local district prior to submittal of the application to the planning Department as per the procedures contained in Section 20.140.080.D.1. The recommendations shall then be made conditions of project approval, including that:
 - a) A deed restriction be recorded which states that the fire hazards exist on the parcel and that

development may be subject to certain restrictions, required as per Section 20.142.130;

- b) A note be placed on the parcel or final map, in the case of a subdivision, which indicates the development restrictions as recommended by the County Fire Warden;
 - c) Any road proposed to serve access to residential development be of specified width, surface, and grade, or other measures as necessary for adequate fire protection service; and,
 - d) Fire-resistant materials be used in the construction of exterior walls and fire-retardant materials, such as tile, asphalt, treated fire-retardant shingles, be used in the construction of roofs.
- 2) If the proposed project requires only a ministerial permit, as exempt from Coastal Development Permit requirements pursuant to Section 20.140.070, the applicant shall be required to contact the County Fire Warden or local fire district for review and recommendations. The District shall then forward its recommendations directly to the Planning Department prior to the application being considered complete. The Planning Department shall then forward the recommendations from the County Fire Warden or fire district to the Building Inspection Department, who shall then be responsible for assuring that the recommendations are incorporated into project design, such as through conditioning of the building or grading permit.
- b. Development shall only be permitted on areas of high to extreme (very high) fire hazards if:
- 1) No less hazardous portion of the site is suitable for development in a manner consistent with the policies of

the Carmel Land Use Plan and development standards of this ordinance; and,

- 2) The development will not increase the threat of fire, due to the adequacy of the fire protection measures required by the Fire District and other measures required by the Planning Department.
- c. Alternative fire protection measures may be used in place of those measures required by the County Fire Warden or local Fire District, provided that:
- 1) The alternative measures provide the functional equivalent of the typical fire protection measures they are intended to replace, as determined by the County Fire Warden or local Fire District: and,
 - 2) The alternative measures are determined adequate by and receive written approval from the County Fire Warden or local Fire District.
- d. New subdivisions shall be avoided in extreme wildfire hazard areas as determined by site-specific assessment
- e. Roads serving new residential development, other than in-fill of existing developed areas, shall be adequate to allow access by emergency vehicles. The County Public Works Department roadway standards should be applied to all new developments (other than infill); however, these standards shall be adjusted to allow maximum avoidance of hillside scarring and cut and fill operations while at the same time providing for adequate access for emergency vehicles.
- f. Where development is approved within or adjacent to areas of high to extreme fire hazard, the County should require the use of fire-resistant materials in the construction of exterior walls and fire-retardant (tile, asphalt, treated fire-retardant shingles) materials in the construction of roofs.

- g. All new development is required to have adequate water available for fire suppression. Adequacy shall be determined by the fire official assigned to the area in which the project is located.
- h. House numbers or residents' names shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the house numbers shall be set adjacent to the driveway or access road to the property. House numbers shall be posted when construction begins
- i. Where no superseded by specific fire hazard policies of the land use plan or development standards of this ordinance, development shall be required as a condition of project approval to conform to the following policies of the Monterey County General Plan: 17.3.1 through 17.3.15, table 2, 17.4.1 through 17.4.12, and 17.5.1 through 17.5.2.

20.146.090 Archaeological Resources Development Standards.

Intent of Section: The intent of this section is to insure that those areas considered to be archaeologically sensitive, including those not yet surveyed and mapped shall be maintained and protected for their scientific and cultural heritage values. New land uses, both public and private, should be considered compatible with this objective only where they incorporate all site planning and design features necessary to minimize or avoid impacts to archaeological resources.

A. Coastal Development Permit Requirement

- 1. Development proposed within 750 feet of a known archaeological resource, as identified through the survey report or as shown on current County resource maps or other available information, shall be required to obtain a Coastal Development Permit.

B. Archaeological Report Requirements

- 1. An archaeological survey report shall be required for any development project located within:
 - a. A "High Archaeological Sensitivity Zone" as mapped on current County resource maps;

- b. In areas of moderate sensitivity, projects of 2.5 acres or larger will require a preliminary report;
 - c. “Low or Moderate Archaeological Sensitivity Zone” as mapped on current County resource maps, which requires environmental assessment according to Monterey County CEQA guidelines;
 - d. 750 feet of a known archaeological resource and;
 - e. an area of suspected known archaeological resources, as determined through the planner’s on-site investigation or through other available information. (Ref. Policy 2.8.3.2 and 2.8.3.5).
 - f. All new subdivisions.
2. The survey report shall be required by, submitted to and approved by the County prior to the application being considered complete. Two (2) copies of the report shall be submitted.
 3. The survey report shall be prepared, at the applicants’ expense, by a qualified archaeologist, as included on the County’s list of archaeological consultants or as a member of the Society of Professional Archaeologists.
 4. The report shall be prepared according to the report standards of the Society of Professional Archaeologists and must include, at a minimum, a field survey by the archaeologists, survey of available State resource information at the Northwest Regional Information Center of the California Archaeological Inventory, description of the site’s sensitivity and any identified archaeological resources, appropriate levels of development for the site and recommended mitigation measures. The report may be required to include additional information according to the circumstances of the particular site.
 5. The archaeological survey report may be waived by the Director of Planning under the following circumstances:
 - a. a previous report was prepared for the site by a qualified archaeologist, as included on the County’s list of archaeological

consultants or as a member of the Society of Professional Archaeologists; and

- b. The report clearly and adequately included the currently-proposed development site within the scope of the survey; or,
- c. The proposed development does not involve land clearing or land disturbance.

C. Environmental Assessment Requirement

1. All development proposed on parcels with known archaeological resources, as identified through the survey report prepared for the project shall be subject to environmental assessment under the "Monterey County CEQA Guidelines" (Ref. Policy 2.8.4.1).

D. General Development Standards

1. All available measures, including purchase of archaeological easements, dedication to the County; tax relief and purchase of development rights shall be exploited to avoid development on sensitive prehistoric or archaeological sites (Ref. Policy 2.8.3.3)
2. Development on parcels with and archaeological site as identified through an archaeological report prepared for the site, shall be subject to the following conditions of approval to be completed prior to the issuance of building or grading permits:
 - a. The recommended mitigation measures contained in the archaeological survey report prepared for the site shall be made a condition of approval.
 - b. The applicant shall request to add the combining "HR" zoning district to the existing zoning on the parcel. The rezoning shall not necessitate an amendment to the Land Use Plan or this ordinance.
 - c. The archaeological site shall be placed in an archaeological easement. The easement shall be required pursuant to Section 20.142.130. Prior to being accepted by the County, the proposed easement area shall be reviewed and verified as adequate to protect the resource by an archaeologist who has been selected

form the County's list of archaeological consultants or who is a member of the Society of Professional Archaeologists.

3. When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required to avoid impacts to such cultural sites (Ref. Policy 2.8.3.5).
4. Where construction on or construction impacts to an identified archaeological or paleontological site cannot be avoided, as verified in the archaeological report prepared for the project. This mitigation plan shall be required by, submitted to and approved by the County. The plan shall be prepared at the applicants' expense. Included in the plan shall be recommended preservation measures on accordance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission. The Consulting Archaeologist shall file the report with the State Office of Historic Preservation (Ref. Policy 2.8.4.6).
5. Where a mitigation plan has been prepared for a proposed development, a condition of project approval shall be that:
 - a. The preservation measures shall be undertaken and completed prior to the issuance of building or grading permits; or,
 - b. Where appropriate, according to the recommendations contained in the mitigation plan, the preservation measures shall be undertaken concurrent with grading or other soil-disturbing activities and shall be undertaken in accordance with the mitigation plan, as a condition of the grading or building permit; and,
 - c. The results of the preservation activities shall be compiled into a final report prepared by the archaeologist and submitted to the County prior to the issuance of building or grading permits. Two copies of the report shall be submitted.

E. Specific Development Standards

1. Off-road vehicle use, unauthorized collecting of artifacts and other activities which could destroy or damage archaeological or cultural sites shall be prohibited (Ref. Policy 2.8.4.7).

2. Public access to or over known archaeological or paleontological sites shall be limited and concentrated in areas where supervision and interpretive facilities are available (Ref. Policy 2.8.4.8).

20.146.100 Transportation Development Standards.

Intent of Section: It is the intent of this section for Monterey County to take a strong and active role in guiding future use and development of Highway 1 and all categories of land use related to and dependent on the highway and to see that State Route One south of the Carmel River remains a two-lane highway.

A. Highway 1 and Transportation Development Standards

1. To conform to the Coastal Act, most remaining highway capacity shall be reserved for coastal priority uses: recreation and visitor-serving facilities, agriculture, and coastal-dependent industry. Commitment to further residential development through subdivision shall be extremely limited. (Ref. Policy 3.1.3.1)
2. All highway improvements shall be consistent with the retention of Highway 1 as a scenic two-lane road south of the Carmel River. Bike Lanes and left turn lanes are permitted. Such improvements are to be consistent with the State Scenic Highways Standards (Ref. Policy 3.1.3.5).
3. The number of private roads and recreational access road entrances off of Highway 1 shall be limited wherever possible for traffic safety and management purposes (Ref. Policy 3.1.3.6).
4. Major development projects – both residential and recreation and visitor-serving, which impact Highway 1, including significant expansion of existing facilities – shall contribute their fair-share towards improvements of Highway 1 required as a result of traffic generated by the particular project (Ref. Policy 3.1.3.9). As such, a traffic study shall be required prior to the application being determined complete and shall be prepared by a qualified traffic engineer. The study shall include, at a minimum: 1) estimated amounts and types of existing traffic and traffic to be generated by the proposed development; 2) assessment of impacts to service level and safety; 3) provide needed improvements to mitigate impacts; and 4) provide analysis of improvement's cost. The applicant's 'fair share' of improvements cost shall be negotiated with the

County through the public hearing process, based on the information provided in the traffic study.

20.146.110 Water Supply/Wastewater Treatment Facilities Development Standards.

Intent of the Water Supply Portion of this Section: The intent of this section is to insure that the County reserve a sufficient quantity of water to accommodate coastal priority land uses proposed in the Carmel Area.

Intent of the Wastewater Treatment Portion of this Section: The intent of this section is to develop a manner in which the County is able to support successful wastewater disposal systems and the establishment of water quality management and monitoring programs intended to protect and maintain a high level of water quality in the 'Areas of Special Biological Significance' and in the Carmel area coastal streams.

These ordinances shall be implemented in conformance with Coastal Act sections 30241 and 30254.

A. Water Supply Development Standards

1. Water availability is first committed for coastal-priority visitor serving facilities before any new residential development other than in-filling of existing vacant lots. 0.056 acre-feet/year of water is reserved for each visitor-serving unit permissible under this ordinance (Ref. Policy 3.2.3.1).
2. New development in the Cal-Am service area is required to employ water conservation techniques in the construction of single-family dwellings and all other construction. This includes use of water-saving fixtures, retention of native vegetation, and use of drought-tolerant landscaping (Ref. Policy 3.2.3.3).
3. Wells or other measures for monitoring salt-water intrusion are permitted. If salt-water intrusion is found to adversely affect agricultural irrigation, an additional amount of Cal-Am water or reclaimed water equal to that necessary to maintain irrigation shall be allocated to agriculture (Ref. Policy 3.2.3.4).
4. Any new expanding water supply or distribution facilities or districts shall be limited to accommodate only buildout permitted by the Carmel Area Land Use Plan. (Ref. Policy 3.2.3.5)

B. Wastewater Treatment Facility Development Standards

1. Installation of sewers to serve the Carmel highlands-Riviera shall be considered only to eliminate a public health hazard and shall be sized to serve only the projected built-out of this area. (Ref. Policy 3.3.3.3).
2. Notwithstanding Section 15.20.040, in conjunction with any permit request to extend main wastewater collection pipelines, any accompanying service district formation and/or expansion within the segment must be within the urban boundary or rural enclaves. The permittee agrees not to assess for or guarantee sewer service in areas outside sewer districts within the segments. Application of reclaimed wastewater outside sewer districts is permitted (Ref. Policy 3.3.3.6).
3. Any new or expanded wastewater facilities shall be designed and limited to accommodate only the buildout permitted by approved Local Coastal Plans or local general plans for areas outside of the Coastal Zone. If capacity is limited so all such buildout cannot be served, an allocation plan shall be required as a condition of approval which gives priority to essential public services, basic industries, public recreation, commercial recreation, and visitor-serving land uses. (Ref. Policy 3.2.3.5)
4. Expansion of package treatment plants or other private sanitary systems shall be allowed only if the Director of Environmental Health determines that public health and sensitive coastal resource protection is assured. The Director may require as part of the application that the applicant indicate projected levels of effluent from the expansion and may request the assistance of the Regional Water Quality Control board in making this determination.

The Director of Environmental Health's determination of health and resource protection shall take place either prior to the application being determined complete, if possible, or after an environmental impact report has been prepared, if required for the project. (Ref. Policy 2.4.4.B.7)

5. No coastal permit may be issued for development that would generate wastewater in the service area of a treatment plant is operation at capacity. (Ref. Policy 3.3.3.4)

20.146.120 Land Use and Development Standards.

Intent of the Section: It is the intent of this section to insure that all future development within the Carmel Coastal Segment clearly be consistent with and subordinate to the foremost priority of protecting the areas scenic beauty and natural resource values.

The Carmel River shall be considered the diving line between the urban and rural areas of the Monterey Peninsula. The river shall provide the natural boundary between urban and higher intensity uses to the north and rural, lower intensity uses to the south. Agricultural activities, passive and low-intensity recreation and rural residential use of the Carmel areas large private landholdings are the more appropriate land uses for these areas.

A. General Development Standards

1. New subdivision and development of undeveloped parcels south of the Carmel River is permitted only if the following principal criteria can be fully met in addition to other applicable policies of this plan:
 - a. Structures shall be located, designed, or screened to be outside of the public viewshed.
 - b. Narrow roads shall be sited to minimize impact upon the viewshed and require a minimum of grading.
 - c. Roads and structures shall be sited to avoid disruption or degradation of riparian corridors and other sensitive plant and wildlife habitats.
 - d. Access roads for new development shall be constructed to meet minimum County standards as well as the resource protection standards of this plan.
 - e. Development shall be in keeping with the present rural character of the area
 - f. Adequate sewer service or adequate sewage disposal area which qualifies under County standards must be available. Confirmation of adequacy of sewer service must be provided to the Director of Environmental Health in letter form the sewer service agency.

- g. Documentation must be provided to the Director of Environmental Health showing that adequate water supply is available.

Exceptions may be made for the Carmel Meadows Subdivision (including the Portola property and the Williams property), Carmel Highlands, Point Lobos Ranch, and Carmel Riviera which cannot fully comply with this policy.

Exceptions are permitted to this (all other policies limiting subdivisions such as 2.3.3.4) for parcels to be created for and permanently restricted to resource protection with no residential or major structural development (Ref. Policy 4.4.2.6).

2. All development and use of land, whether public or private, must conform to the development standards of this ordinance and must meet the same resource protection standards set forth in this ordinance. Where conflicts occur between one or more provisions of the plan, such conflicts shall be resolved in a manner which on the whole is the most protective of significant coastal resources (Ref. Policy 4.4.2.7).
3. Only land uses of a character, scale or level consistent with the goal of preserving the coasts natural beauty and tranquility will be permitted in the Carmel area. Types of uses considered inappropriate to the Carmel area and in conflict with the protection of the rural character and scenic and natural resources of the area are intensive recreational uses such as golf, cinemas, mechanized recreation other than non-motorized bicycling and scenic driving, boating facilities; industrial and energy development – offshore or onshore; large-scale mineral extraction and commercial timber harvesting; and manufacturing other than cottage industry or art production (Ref. Policy 4.4.2.9).
4. Notwithstanding other requirements, any building destroyed as a result of a natural disaster can be rebuilt to its original dimensions on its original location on the site, providing replacement structure meets County building code requirements at the time of rebuilding (Ref. Policy 4.4.2.10).

5. New development shall not be permitted to include subsurface disposal of hazardous or toxic chemicals. As such, development must comply with Titles 22 and 23 of the Public Resources Code and with applicable section of the Monterey County Code pertaining to toxics and hazardous substances, as administered by the County Health Department.

Appropriate studies shall be required and conditions of approval applied by the Health Department as needed to assure compliance.

6. As a condition of development approval, all areas of a parcel in slopes of 30% and greater shall be required to be placed in a scenic easement.

B. Specific Development Standards

1. Resource Conservation

- a. Only the minimum level of facilities essential to the support of recreational, educational, or scientific use of resource Conservation areas shall be permitted. Facilities shall be sited so as to avoid adverse impacts to environmentally sensitive habitats and wildlife (Ref. Policy 4.4.3.A-1).
- b. Development that would threaten rare and endangered plant and animal species in the Resource Conservation areas shall not be allowed (Ref. Policy 4.4.3.A-2).

2. Recreation

- a. Use of areas designated as Resource Conservation and scenic and Natural Resource Recreation on the plan map shall be limited to passive and low-intensity day-use recreational and educational activities. These areas include the Carmel Point shoreline, Carmel River State Beach, the marsh and lagoon, Point Lobos State Reserve, and the Garrapata acquisition. Areas designated as Resource Conservation are suitable for conditional development of recreational facilities. Use and development shall be consistent with the policies and recommendations of the Point Lobos-Carmel River State Beach General Plan and with the policies set forth in Carmel Area Land Use Plan (Ref. Policy 4.4.3.C-1).

- b. Recreation development within the portion of the Garrapata acquisition east of Highway 1 shall be compatible with its designation as a Scenic and Natural Resource Recreation area. Only low-intensity recreational development shall be allowed. No trails or campsites shall be developed within the Malpaso Creek watersheds; trails may be permissible only where it can be satisfactorily demonstrated that such facilities and the use thereof will in no way threaten the community water supply provided by Malpaso Creek (Ref. Policy 4.4.3.C-3).
 - c. Upland areas shown in the plan map as Watershed and Scenic Conservation are suitable locations for conditional development of recreational uses permitted in the Scenic and Natural Resource Recreation category of the plan. The Watershed and Scenic Conservation designation will not preclude other uses of the area such as agriculture or residential development (Ref. Policy 4.4.3.C-4).
 - d. Overnight camping facilities shall be located where they do not conflict with surrounding land uses or in areas where a buffer can be provided to adequately minimize potential land use conflicts (Ref. Policy 4.4.3.C-6).
 - e. Recreational opportunities and facilities shall be compatible with the preservation of sensitive coastal resources. Passive, low-intensity outdoor recreational uses shall be emphasized within the state beaches, parks and reserves (Ref. Policy 4.4.2.5).
 - f. Use of the Gowen cypress and Monterey cypress areas of Point Lobos State Reserve and of the Carmel River lagoon and marsh shall be limited to very low-intensity recreational and educational uses such as walking, nature study, photography and scenic viewing. Facilities shall be limited to properly sited and designed trails, access points and interpretive and directional signs. There shall be no public access into the marsh (Ref. Policy 4.4.3.C-2).
3. Recreation and Visitor-Serving Commercial
- a. Where significant expansion of existing high-cost visitor-serving facilities or development of new high-cost facilities is proposed,

low to moderate-cost facilities or land suitable for such use should be provided, where feasible, as part of the development project. The development of low to moderate-cost facilities could include: hostels, overnight camping, motel units, picnic facilities, or recreational trails where appropriate (Ref. Policy 4.4.3.D-3).

As part of any application for new visitor-serving facilities or expansion of existing facilities greater than 10% (rooms or floor area), the applicant shall indicate how the proposed development will compare in cost to the average cost of similar facilities in the area. If the proposed project will exceed the average cost by 10% or more, the applicant shall be required to include a low-cost (at least 30% below average cost) component to the project. This low-cost component must be sized to serve a percentage of visitors that "high-cost" project will serve. That percentage shall be at least equal to the percentage above average the high-cost facility is (e.g., a project 20% above average-cost serving 100 visitors per day shall include a low-cost component capable of serving 20 visitors per day). The low-cost facility shall generally be of the same function as the high-cost facility, but need not be the exact type or quality (e.g., snack bar adjacent to restaurant; tent camping adjunct to cabins; hotel adjunct to hotel). The County shall not require that any certain rental fee be fixed for such uses.

- b. All proposals for development of new or expansion of existing recreation and visitor-serving facilities must demonstrate consistency with the land use plan, maximum site and parcel densities, and environmental, visual, design and traffic constraints. The expansion and development of recreation and visitor-serving facilities shall be of a scale and nature that is compatible with the natural and scenic character of the area.

The maximum intensity for "Recreation and Visitor-Serving" Sites not specified in the Carmel Area Land Use Plan are as follows:

86 visitors units and 12 employee units
for Carmel River Inn;

150 visitor units and 12 employee units for Highlands Inn;

35 visitor units and 4 employee units for Tickle Pink;

16 visitor units and 2 employee units For Sandpiper Inn.

The maximum intensity specified shall not be required to be reduced because of a finding inadequate traffic capacity on Highway 1, unless maximum permitted intensity in this plan of residential use is correspondingly reduced (Ref. Policy 4.4.3.D-3).

- c. Development or expansion of visitor-serving facilities shall be planned to maximize opportunities for use and/or development of public transportation systems and development of private shuttles (Ref. Policy 3.1.3.8).
 - d. Coastal-dependent recreation and visitor-serving uses shall have priority over residential and other non-coastal dependent uses (4.4.2.4).
 - e. Where feasible, employee housing is required as a condition of all permits related to expansion of existing visitor facilities or the construction of new facilities, to be constructed on-site, or in the immediate vicinity. This housing is to be made available to low and moderate income employees (Ref. Policy 4.4.3.H-1b).
 - f. The Carmel River Inn shall not use extensive fill material or disturb existing riparian vegetation. If any existing vegetation must be disturbed during construction, it shall be replaced with equivalent materials on five to one basis (Ref. Policy 4.4.3.D-9).
4. Residential
- a. Medium-density residential development shall be directed to existing residential areas where urban services – water, sewers, roads public transit fire protection, etc. – are available. The density for new sub-division is two units per acre except for the

Mission ranch property and the Portola Corporation property in Carmel Meadows. As a condition of development in Meadows As a condition of development in residential areas, covenants must be recorded acknowledging the existing agricultural use on the adjacent parcel and holding the owner (State) harmless for any nuisance due to the agricultural use (Ref. Policy 4.4.3.E-2).

- b. Subdivision and development of the vacant Portola's Corporation parcel at the northeast corner of Carmel Meadows shall be allowed upon dedication of a minimum 50-foot building setback from existing agricultural land and a 100-foot building setback from Highway 1. Access to development shall be provided from Ribera Road. Access from Highway 1 shall not be allowed (Ref. Policy 4.4.3.E-3).
- c. Up to three building sites may be permitted on the Williams parcel provided they are located adjacent to the existing developed area of Carmel Meadows and avoid adverse impacts on the wetland area or established drainage patterns unless it is to significantly improve the existing drainage (Ref. Policy 4.4.3.E.4).
- d. Low-density residential development shall be located in rural areas where an essentially residential character exists i.e., the Carmel Highlands-Riviera. Housing densities and lot sizes shall be consistent with the ability of septic systems to dispose of waste without contamination of coastal streams or creation of hazards to public health, as determined by individual project review. With the exception of Behavioral Science institute property, the density and minimum parcel size for new land divisions shall be one acre unless waste disposal constraints dictate otherwise (Ref. Policy 4.4.3.E-5).
- e. On the coastal hills and ridges east of Highway 1 designated as Watershed and scenic Conservation, parcels shall be retained in the largest possible size. With the exception of the Sawyer property and the frontal slopes of the Palo Corona Ranch, the density for new land divisions shall be 1 unit per 40 acres below

the 1,000-foot elevation contour; clustering of the allowable number of residential units is preferred in order to retain the areas scenic character and open space values. The Sawyer property and the frontal Palo Corona slopes are designated for Special Treatment with specific provisions for the density and location of new residential development (Ref. Policy 4.4.3.E-10).

- f. Existing parcels less than the minimum parcel size required for new sub-divisions are considered legal parcels and are suitable for development of those uses consistent with the land use plan designation, provided that all resource protection policies can be fully satisfied (Ref. Policy 4.4.3.E-11).
- g. Detached or attached guest rooms are not to be equipped as permanent living quarters and are not considered residences. Guest quarters are permitted providing the constraint of the parcel and other implementation ordinance development standards and land use plan policies permit. Conditions shall be enforced by CC&Rs or other legal restrictions, including revocation provision for non-conformance.

Guesthouses in the coastal zone are subject to the following criteria of development:

- 1) Only one guesthouse per parcel or one for each principal residence on the parcel shall be allowed.
- 2) Detached guesthouses shall be located in close proximity to the principal residence.
- 3) Guesthouses shall share the same utilities with the principal residence except where prohibited by public health requirements.
- 4) The guesthouse shall contain no kitchen or cooking facilities.
- 5) All facilities such as “wetbars” must be proportionate to the size and scope of the guesthouse. There shall be no more than 6’ of counter space, other than the counter space pertinent to the bathroom and its’ attendant fixtures.

There may be no more than 8 square feet of cabinet space for storage other than that for personal belongings in clothes closets.

- 6) Guesthouses shall not exceed 425 square feet of interior area.
- 7) Guesthouses may not be separately rented, let or leased from the main dwelling.
- 8) Prior to the issuance of building permits for a guesthouse or the use of an existing building for a guesthouse, the property owner shall record a deed restriction reflecting the regulations applicable to the guesthouse.
- 9) The guesthouse must be architecturally consistent and compatible with the main structure.
- 10) The height shall not exceed 12 feet, however additions to height to provide for architectural consistency and compatibility shall be considered on a case by case basis. The guesthouse may not be more than one story. Exceptions may be made for guesthouses over structures (i.e. a guesthouse over a garage) to provide architectural consistency and compatibility.
- 11) There must be a demonstration of adequate sewage disposal and water supply.

The above criteria shall also apply to permitted accessory structures (Ref. Policy 4.4.3.E-12).

- h. Studios and other small non-residential and non-commercial accessory structures such as tool sheds, workshops, or barns may be permitted on any size parcel based on reasonable justification and provided the constraints of the parcel and other plan policies permit (Ref. Policy 4.4.3.E-13).
- i. Studios and other small non-residential and non-commercial accessory structures such as tool sheds, workshops, or barns may be permitted on any size parcel based on reasonable

justification and provided the constraints of the parcel and other plan policies permit (Ref. Policy 4.4.3.E-13).

- j. Existing units which are intended for use as a guesthouse or caretakers' residence upon development of a larger principal residence are exempt from applicable policies of this plan, provided that a use permit for the designation of the existing unit as a guesthouse or caretakers residence has been applied for prior to March 1, 1982 (Ref. Policy 4.4.3.E-14).
 - k. The Carmel Sanitary District, in using its' land between the Mission and the river, shall not intrude on the integrity of the Mission grounds because of the significance of this historical resource. Access to the land shall be limited to the existing roadway (Ref. Policy 4.4.3.J.4).
1. As part of the Overall Development and Management Plan, if required under 20.146.070.B.1 and as part of permit review:
- 1) The site shall be evaluated for its recreational use or support potential;
 - 2) Potential impacts on any adjacent parkland shall be evaluated.
 - 3) Parcel lines shall be configured and residential structures shall be located and designed to protect the identified on-site and off-site recreational opportunities. (Ref. Policy 4.4.3.E.9 & E.10)

C. Special Treatment Area Development Standards

1. Mission Ranch
- a. The following specific policies shall regulate uses within the Mission Ranch Special Treatment area. Development shall be subject to the preservation of wetlands (Ref. Policy 2.3.3.1).
 - 1) The existing commercial/visitor serving facilities (other than the dance hall), consisting of the 26 visitor serving units, restaurant, tennis club and riding stables, shall be granted a use permit which allows for their continued use, and for their full refurbishment which shall be limited to painting and internal remodeling without change in outer

structures, without enlargement of capacity, and without expansion of present use.

- 2) The dance hall shall be granted a use permit which allows for its continued use, but subject to reasonable conditions restricting hours of operation and providing for parking and traffic control, noise controls, and similar controls, as appropriate on the surrounding residential neighborhood.
- 3) If and when the dance hall and all other existing commercial/visitor-serving using on the property are permanently abandoned, a clustered medium-density (2-6 units per net developable acre not including wetland area, but not to exceed a maximum of 75 units) residential development, which may include a restaurant and tennis club, may be allowed on the site provided that such development conforms to the policies of the plan, particularly the resource protection policies for the protection of coastal wetlands.

Conversion to residential use shall not be permitted until an equal number of new equivalently-priced visitor-serving units have been made available in the unincorporated coastal zone of Monterey County. For the purposes of this paragraph, "equivalently-priced visitor-serving units" shall mean hotel or motel units in a comparable price range, campground and Recreational Vehicle spaces, or similar accommodations. Findings that such units have been made available shall be made by the County, based upon substantial evidence, at the time of submission of a permit application (Ref. Policy 4.4.3.F-1)

2. Odello East Property

- a. The Odello parcel shall be designated for Special Treatment on the land use map. The following policies, when used with those applicable policies in Section 2.6.2 – 2.6.4 and Section 4.4.3 B in the Carmel Area Land Use Plan. Agriculture, shall specifically

govern the type, intensity and location of uses within this Special Treatment Area.

- 1) Agriculture
 - a) Odello East shall be designated Agricultural Conservation in order to protect the greater portion of the land for long-term agricultural use while allowing conversion of less or non-productive areas to other uses which will support continued agricultural operations (Ref. Policy 4.4.3.B-2).
- 2) Residential uses (a maximum of 162 units at a density of 3 units per acre) is allowed on 54 acres of the property against the Palo Corona frontal slopes.
- 3) Development of a farmers market and restaurant adjacent to Highway 1 may be permissible. Parking facilities must be screened and must comply to the greatest extent possible to the viewshed policies of the plan.
- 4) Sufficient low-income employee housing must be provided to replace existing units which may be demolished and to serve new employees required by new development on the property.
- 5) Development of a recreational complex consisting of tennis and/or racquetball courts, swimming pool, etc. to serve the general public and residents of new residential development may be permitted against the Palo Corona frontal slopes.
- 6) Public access along the existing levee shall be provided (Ref. Policy 4.4.3.F-2).
- 7) Recreation and visitor-serving commercial development on the Odello parcel may be permitted. Allowable uses consist of a recreational complex, and/or a farmers market and restaurant (Ref. Policy 4.4.3.D-8).

- 8) A flood control project shall be required as a condition of project approval, where approval is for increased development (i.e., that development beyond 52 to 90 residential units) on the "MDR" portion of Odello East. The flood control project shall consist of lowering of the levee within the boundary of the Odello property on the south side of the Carmel River. The remaining, non-developed portion of Odello East shall be reserved for the 100-year floodway and agricultural use.
3. Palo Corona Ranch
 - a. No development shall be allowed on the frontal slopes of Palo Corona ranch, as located within the public viewshed. The density credited on this portion of the ranch, consisting of approximately 560 acres, shall be one unit per 40 acres and may be transferred elsewhere on the ranch outside of the public viewshed (Ref. Policy 4.4.3.F-3)
 - b. The density allowed on non-developable portion of the ranch may be transferred elsewhere on the ranch outside of the public views and may be transferred outside the coastal zone. (Ref. Policy 4.4.2.3).
4. Point Lobos Ranch
 - a. The entire Point Lobos Ranch, consisting of the Hudson and Riley properties, shall be designated for Special Treatment in order to facilitate a comprehensive planned development. This planned development shall capitalize upon the significant recreational and visitor-serving opportunities offered by the ranch and protect its' unique scenic and natural resource values. The following development standards, in addition to other applicable development standards, shall govern the types and intensities of allowable uses on the ranch:
 - 1) Visitor-serving facilities shall be allowed on both the Hudson and Riley properties. Each property may be

permitted up to 120 visitor-serving units, for a total of 240 units.

- 2) The existing residential density on the Flatlands portion of the Ranch is permitted to remain (10 units on 143 Riley acres; 4 units on 200 Hudson acres).
- 3) An overall density of 1 unit per 10 acres (i.e., 16 additional residences) may be permitted for the portion of the Hudson property within the Flatlands area and one unit per 5 acres (i.e. 12 additional residences) may be permitted on the portion of the Riley property as an alternative to the permitted visitor—serving facilities.
- 4) The density credit for new residential development for the upper portions of the ranch (“Intermediate Terrain” and “Uplands”) shall be as specified in Section 20.146.130.B.4.e: 1 unit per 40 or 80 acres, which equates to 8 units for the Riley holdings and 20 units for the Hudson holdings). Preference should be given to clustering this development and/or transferring it to the Flatlands.

If clustering of this development and/or a transfer of density from either the Riley or Hudson Intermediate Terrain or Uplands is provided and the completion of overall development and management plans for both properties is coordinated to the greatest extent possible, residential development and visitor-serving facilities shall both be permitted on the Flatlands areas of the Riley holdings and the Hudson holdings, however not to exceed a total visitor-serving units of 276 and a total new residential units as herein permitted for the entire Point Lobos Ranch.

- 5) The maximum residential density for the Riley property if developed exclusively as residential units shall be a total of 30 units (i.e. 8 units on the Uplands, 10 existing residential units, and 12 units on the Flatlands). The maximum residential density for the Hudson property if developed

exclusively as residential units shall be 40 (i.e. 20 units form the intermediate and Uplands areas, 16 units on the Flatlands, and 4 existing family residential units).

- 6) Employee housing shall be required as an addition to the permitted number of residential units, but not to exceed a maximum of 36 employees.
- 7) Shared access to serve new development on both properties shall be required and located and designed so as to have the least impact on Point Lobos reserve and on through traffic on Highway 1. The appropriate location and design shall be determined through the traffic study prepared for the development proposal. The traffic study shall be required by, submitted to, and approved by the Director of Planning prior to the application being determined complete.
- 8) Trails for public access shall be required to connect the Gowen Cypress annex, Huckleberry Hill and Point Lobos Ridge areas.
- 9) If both lodge facilities are developed in the flatlands area of the ranch, a joint-use conference center for functions associated with the hotel(s) may be constructed. Ancillary facilities shall be in scale with the lodge facility.
- 10) Completion of overall development and management plans for both properties shall be required and shall be coordinated to the greatest extent possible.
- 11) Not to be super ceded by Section 20.146.120.B.3.a, lower cost visitor serving facilities shall be provided in the ratio of at least one unit (e.g. hostel bed, campground space) for every fire average or high-cost hotel units. However, the total of visitor-serving units shall not exceed 276.
- 12) Development of intensive recreation and visitor-serving facilities, except for recreational vehicle campgrounds, gas stations and grocery stores, may be permissible on the

Point Lobos Ranch in the Flatlands or Intermediate Terrain areas. The development of lodge or inn facilities must be of a scale and nature that is compatible with the natural scenic character of the area. Development shall provide for low-intensity public recreation and/or low-cost visitor-serving facilities (Ref. Policy 4.4.3.D-6).

- 13) In the Flatlands area of Point Lobos Ranch, conversion of existing ranch buildings not essential to ranch operations to visitor-serving units may be appropriate, as determined by individual project review by staff. Hostel units, if low cost, may be considered as an additional increment to the maximum number of lodge units allowed. If higher cost facilities are proposed, the number of units converted to visitor-serving uses shall be considered as part of the allowable maximum number of visitor-serving units for Point Lobos Ranch (Ref. Policy 4.4.3.D-7).
- 14) Rural residential development is appropriate for the Flatlands area, the lower area of Point Lobos ranch presently characterized by rural residential use. The density for new land divisions within this area is 1 unit per 10 acres on the Hudson property, and 1 unit per 10 acres on the Hudson property, and 1 unit per 5 acres on the Riley property, with a maximum of 12 additional units permissible on the latter. New development in this area shall be located within the forest cover and shall not be allowed on the open, scenic pasturelands (Ref. Policy 4.4.3.E-8).
- 15) Residential development of Point Lobos Ranch shall be considered within the context of an overall development and management plan(s) for the entire ranch that provide for recreation and visitor-serving uses provided. No individual owner shall be prevented from making and proceeding so that overall development and management may be discussed during the consideration of any such application. Any residential development must be

clustered and substantial open space be made available for on-site recreational use by hotel patrons and the public. Protection of adjacent State Parks land is required. (Ref. Policy 4.4.3.E-9).

5. Sawyer Property

- a. The Sawyer property shall be designated for Special Treatment in order to maximize available recreational opportunities. Accordingly, and increase in the number of residential units over the basic 1 unit per 40/80 acre density shall be allowed. A maximum of 16 dwelling units may be permitted. All Development shall be confined to the lower (westerly 30 acres on the property to ensure that houses and roads will be outside of the public viewshed (Ref. Policy 4.4.3.F-5).

6. Rancho San Carlos

- a. The portion of the Rancho San Carlos Ranch contained within the Coastal Zone, comprising approximately 600 acres, relates to Carmel Valley and not to the coast. Its density shall also be determined by the policies of the Carmel Valley Master Plan but in no case shall exceed one unit per 40 acres. Access shall be through Carmel Valley (Ref. Policy 4.4.2.3).
- b. Residential Development is permitted on the portion of the Rancho San Carlos within the Coastal Zone, comprising approximately 600 acres, with the allowable density for new subdivision to be base on one unit per 40 acres (Ref. Policy 4.4.3.E-7).

7. Behavioral Studies Institute (BSI)

- a. The BSI property may be developed for residential use. A maximum of 40 units may be approved; all units shall be sited outside of the view form Highway 1. These units may be used in conjunction with the institutional use. The upper steeper portion shall remain in open space (Ref. Policy 4.4.3.E.6).

D. Development of Large Properties and Ranches

1. The development of large properties and ranches shall be guided by an overall management plan which reflects the long-range open space values, low-intensity recreation, and how development of the property will be phased over time. This plan is detailed in Section 20.136.070.B of this ordinance. (Ref. Policy 4.4.3.G-1).

E. Low and Moderate Income Housing

1. Replacement is required on a one-for-one basis, of all demolished units which were affordable to or occupied by low and moderate income persons (Ref. Policy 4.4.3.H-1a).
2. Caretakers quarters may be permitted throughout the Coastal Zone as provided for in the applicable zoning district and this ordinance. Caretakers quarters (attached and detached) are defined as “a permanent residence, secondary and accessory to an existing main structure, for persons employed exclusively on-site, for purposes of security or to provide continuous care for persons, plants, animals, equipment or other conditions on the site”. In the Carmel Area Land Use Plan area, the following criteria shall be used in applications for detached caretakers’ residences:
 - a. Only one caretakers unit shall be allowed on a parcel.
 - b. The minimum lot size shall be 40 acres.
 - c. Caretakers quarters shall not exceed 850 square feet.
 - d. Caretakers quarters shall be permitted only upon a clear demonstration of need by the property owner or resident. The applicant must supply evidence which demonstrates the necessity for such a unit. Legitimate basis for a caretakers’ unit include:
 - 1) A security problem on the site;
 - 2) A situation which requires continuous care (i.e. medical problems of an individual (s) or plants, animals, equipment storage)

- 3) The owner of property cannot perform adequately the function required and requires additional assistance to a sufficient degree to warrant a caretaker.

Acceptable evidence shall include (but is not limited to) such items as a letter from a doctor stating medical needs of an individual, a letter from a police department describing the area's security problems, or employee job descriptions of person intended to be housed in the caretakers' quarters.

- e. Caretakers quarters shall be located on the same parcel as the principal residence and may not be later subdivided from the principal residence.
- f. Caretaker units shall be excluded from density requirements. However, during the use permit review process, site characteristics shall be reviewed in order to determine that the site is both capable of sustaining the additional development and that the proposal is consistent with the policies of the Carmel Area Land Use Plan and this ordinance.
- g. A minimum of one off-street parking space shall be provided for the caretaker unit.
- h. One of the occupants of the caretakers quarters shall be employed on the property as their principal place of employment.
- i. Additional employee housing is permitted for priority uses (i.e. ranching) in one dormitory/bunkhouse or in temporary structures (i.e., mobile homes) consistent with all other plan policies.
- j. The caretaker unit shall not be rented.
- k. Prior to the issuance of building permits for caretakers quarters or use of an existing building for caretakers quarters, the property owner shall cause to be recorded a deed restriction reflecting the regulations applicable to the Caretakers quarters. (Ref. Policy 4.4.3.H-2c)

F. Commercial

1. Commercial land use in the Carmel area Coastal Segment shall be restricted to those locations of existing and proposed visitor-serving accommodations shown on the land use plan map or described in the text of the Carmel Area Land Use Plan (Ref. Policy 4.4.3.I-1).
2. Expansion of existing commercial visitor-serving facilities or development of new facilities shall be approved only where requirements for adequate parking and wastewater disposal and for protection of natural resources can be fully satisfied. Adequate parking shall include all uses on the subject site (e.g. hotel units, restaurant, employees, day use facilities)(Ref. Policy 4.4.3.I-2).
3. Renewal of use permits for existing commercial uses or the establishment of new uses will require careful consideration of the impact of the use on the surrounding community. Where commercial activities are in proximity to residences, noise or visual modification must be reviewed on a case-by-case basis to determine whether or not this affects the peace and tranquility of neighbors (Ref. Policy 4.4.3.I-4).
4. New commercial uses or expansion of existing uses will be evaluated for their impact on traffic safety and highway capacity in the area. Parking shall be screened from public views from Highway 1 as far as possible and shall in no event create traffic hazards or danger for pedestrians. Commercial uses of a recreational or visitor-serving nature shall not have their maximum permitted intensity required to be reduced because of a finding of inadequate traffic capacity on Highway 1, unless maximum permitted intensity in this plan of residential use is correspondingly reduced (Ref. Policy 4.4.3.I-4).

G. Public/Quasi-Public

1. If at some point the Hodges property is publicly acquired, appropriate uses may include a park, corporation yard, administrative facilities, or sanitary treatment plant facilities. These uses shall be adequately separated and screened from adjoining recreational and visitor-serving and residential development (Ref. Policy 4.4.3.J-2).

2. Alternative uses for schools which have been closed shall be allowed where compatible with the surrounding community and consistent with the other development standards in this ordinance (Ref. Policy 4.4.3.J-3).
3. The Carmel Sanitary District, in using its land between the Mission and the river, shall not intrude on the integrity of the Mission grounds because of the significance of this historical resource. Access to its land must be over the existing roadway (Ref. Policy 4.4.3.J-4).

20.146.130 Public Access Development Standards.

Intent of the Section: Public access shall be protected and provided where consistent with public safety needs and the need to protect the rights of private property owners and natural resource areas from over-use. Public access shall be required except where determined by the decision-making body to be inconsistent with public safety, military security needs, protection of fragile coastal resources or protection of agricultural resources, except where exempt under Section 20.146.130.D.1.

A. Access Management Plan Requirement

1. An access management plan shall be required when any opening of or improvements to a public accessway are proposed or required, and a Coastal Development Permit or other Discretionary permit must be obtained for such opening or improvements. The access management plan requirements shall apply to commercial, industrial, and visitor-serving development which is required, as a condition of project approval, or proposes to establish and open public access as part of the development proposal.
2. An access management plan will not be required for a proposed project if such a plan has been previously prepared and if that plan includes all required elements and also addresses the proposed project as well as the entire accessway. If a previous plan does not meet these conditions, then an emended plan shall be required. That amended plan shall address the appropriate elements such that, together with the original plan, it constitutes an adequate, complete plan.
3. The access management plan or amended plan shall be required by, submitted to, and approved by the Planning Department prior to the

application being considered complete. It shall be prepared at the applicant's expense. Four copies shall be submitted to the Planning Department.

4. The access management plan shall be in conformance with the resource protection and accessway standards of this ordinance and with the policies in the Carmel Area Land Use Plan and LUP Table 5.3.4. All elements of the plan must be in conformance with the "Public Access Criteria" contained in this Public Access section. The plan shall be revised as necessary to meet each of the requirements of this section before the plan may receive County approval.
5. The access management plan shall be prepared for the entire accessway, and shall include, at a minimum, the following elements:
 - a. Overview
 - 1) Description of accessway location, setting, terrain, length and width, and existing land use and development in the area.
 - b. Accessway Liability
 - 1) Identification of entity responsible and liable for what happens to life and property within the accessway easement are.
 - 2) Description of insurance provisions.
 - c. Accessway Maintenance
 - 1) Identification of entity responsible for accessway maintenance.
 - 2) Description of types and frequency of on-going clean-up and periodic up-keep that will be undertaken by the responsible entity.
 - d. Accessway Siting
 - 1) Identification of entity responsible for surveying and determining the precise accessway location and width.

- 2) Description of the accessway location and width. The trail easement shall not be less than 10 feet in width. The trail shall not be less than 4 feet in width, unless as otherwise specified in the access management plan.
- e. Accessway Improvements
- 1) Description of types, locations, and design of accessway improvements, including trailheads, signs, fencing, ramps, steps, railings, public facilities, etc.
 - 2) Description of landscaping, if proposed.
 - 3) Description of grading and tree removal required for the improvement projects.
 - 4) Explanation of the purpose and need for each improvement.
 - 5) Description of funding sources and amounts needed for improvement projects.
 - 6) Timetable for provision of improvements.
- f. Parking (if applicable)
- 1) Detailing of amount of parking needed, given the expected amount of users, and the amount of parking to be provided.
 - 2) Description of parking lot location and dimensions.
 - 3) Description of parking lot design and improvements, including landscaping, barriers, signs, and space/design.
 - 4) Analysis of the access to the parking lot from the public road, and the needed and proposed improvements to the lot entrance and the road in order to assure safety.
- g. Project Analysis
- 1) Analyze and discuss impacts of the proposed accessway and associated improvements in relation to the following:

- a) Amount of expected accessway users and types of use;
 - b) Maximum amount of people able to use the resource while still assuring the resource's protection and long-term maintenance;
 - c) Wildlife, wetland, and environmentally sensitive habitats;
 - d) Area vegetation;
 - e) Adjacent land uses;
 - f) Existing development, including neighborhood privacy;
 - g) Private water sources;
 - h) Visual impacts:
 - i) Noise;
 - j) Fire Hazard;
 - k) Public safety; and,
 - l) Conformity to the "Public Access Development Standards" of this ordinance.
 - m) Archaeological resource
 - n) Other fragile resources
- 2) Discuss mitigation measures and improvements incorporated into the project in order to reduce the potential impacts identified above.

Appropriate mitigation measures include siting and design alternatives, as well as reasonable restrictions on campfires, firearms, motorized vehicles, dogs, collecting, and hours or seasons of use.

h. Maps and Figures

- 1) General Location Map;

- 2) Accessway Location Map;
- 3) Accessway Detailed Map, showing contours, habitat and wetlands locations, and access alignment and width(s);
- 4) Access Improvements Map, showing locations and types of proposed and future improvements; and,
- 5) Access Improvements Detail, showing elevations of the proposed improvements, with design, colors, and materials.
- 6) Maps shall be at a scale to be determined by the project planner.

B. Access Analysis

1. Prior to the determination that a development application is complete, the planner shall analyze whether:
 - a. Public access is presently existing on the parcel to be developed, either as:
 - 1) A dedicated access, or an offer of dedication having been recorded on the parcel; or,
 - 2) An accessway over which the public may have prescriptive rights, according to the planner's site visit, aerial photographs, and/or criteria provided in the "Prescriptive Rights Manual" by the State of California's Office of the Attorney General.
 - b. Public access is needed over the parcel, according to the "Access Location and Distribution Standards" provided below for:
 - 1) Lateral access, to provide continuous and unimpeded lateral access along the entire reach of a sandy beach area or other usable recreational shoreline;
 - 2) Vertical access, to provide a connection between the first public road, trail or use area nearest the sea and the publicly-owned tidelands or lateral accessway;

- 3) Upland trail, to provide access along a shorefront bluff or along the coast inland from the shoreline or to link inland recreational opportunities to the shoreline; and/or,
 - 4) Scenic overlook, to provide access to a location or area that provides a unique or unusual view of the coast.
- c. Public access is proposed over the parcel, or within on-quarter mile of the parcel, as shown on Figure 3 and Table 5.3.4 of the Carmel Area Land Use Plan.

C. Access Location and Distribution Standards

1. Lateral Access

- a. The Lateral Access standard shall apply to parcels containing beachfront or usable recreational shoreline.
- b. Lateral accessways shall be located on all beach access land, as needed to provide continuous and unimpeded lateral access along the entire reach of a sandy beach area or other usable recreational shoreline, such as along bulkheads. Exceptions to this standard may be granted by the decision-making body hearing the project for military installations where public access would compromise military security, and developments where topographic features such as rock outcroppings or river mouths could be hazardous to public safety. On dry sand and rock beaches, lateral access easements or offers to dedicate such easements shall be required over the entire beach area to the toe of the coastal bluff, or absent such bluff, the first line of terrestrial vegetation.

2. Vertical Access

- a. The Vertical Access standard shall apply to parcels located between the first public road, trail, or public use area nearest the sea, and publicly-held tidelands or lateral accessway.
- b. Urban areas
 - 1) Development of a new or improvements to an existing single family residence shall be required to provide for

vertical accessways to be located where streets end at the shoreline, once every six residential parcels or once every 500 feet. Improvements are defined as those which increase either height, or bulk of the residence by more than 10 percent, which block or impede public access, or which result in a seaward encroachment of the structures.

- 2) Development of new multiple family residential projects of five dwelling units or more shall include provision of sufficient open space within the project for a vertical accessway, an adequate public parking area, and fore construction of an access facility, if proposed.
- 3) Condominium conversions of existing multiple family developments of five dwellings units or more shall include provision of a vertical accessway on-site or off-site, but within the same general area, if such a facility cannot feasibly be provided within the project.
- 4) Development of multi-family and single-family residential subdivisions shall include provision of access according to the above standards.
- 5) Development of commercial, visitor-serving commercial, and industrial uses on shoreline parcels shall provide for vertical access through the parcel, for preservation of ocean views according to the standards of Section 20.146.030, and for development and maintenance of accessway improvements.
- 6) An exception to the vertical access standards may be granted by the decision-making body hearing the project provided that adequate access to the same public beach area presently exists within $\frac{1}{4}$ mile of the proposed development.

c. Rural Areas

- 1) Land divisions of beachfront parcels or shoreline parcels containing beach areas shall provide a vertical accessway

to the beach area either as a separate parcel or as an easement over the parcels to be created. If a parcel to be created is greater than 20 acres in size, more than one vertical accessway shall be required if needed to provide access to more than one beach area or to provide at least one access every ¼ mile of beach front.

- 2) In rural areas, development of residential subdivisions shall provide for vertical access according to the standards for "Urban Areas".
- 3) Division of agricultural or timberland shall provide for vertical access at a location which will protect both the public user and the agricultural land's continued productivity and use.

3. Upland Trail

- a. The Upland Trail standard shall apply to oceanfront parcels, parcels containing or potentially providing access to shorefront bluff and/or scenic overlook, and to parcels further inland which may provide a link between recreational areas and the shoreline.
- b. Upland trails shall be located to provide continuous pedestrian an/or equestrian access for passive recreational use along a shoreline bluff or along the coast inland from where beach access opportunities are severely limited or non-existent.
- c. Upland trails shall be located to provide a connection between the shoreline and inland units of the federal, state, or local park systems, between shoreline access easements, or between the road and a scenic overlook.

4. Scenic Overlook

- a. The Scenic Overlook standard shall apply to shoreline and inland parcels containing coastline vistas.
- b. Overlook shall be located on promontories or other areas that provide vistas of a unique or unusually beautiful portion of the

coastline, where the parcel is accessible to a public road, upland trail, or vertical or lateral accessway.

D. Access Requirement

1. Development shall be required to provide public access where:
 - a. Public access has been determined to be existing and appears to be one over which the public has prescriptive rights, pursuant to Section 20.146.130.B.1.a.2;
 - b. Public access has been determined to be needed over the parcel, pursuant to Section 20.146.130.B.1.b; and/or,
 - c. Public access is proposed over the parcel, pursuant to Section 20.146.130.B.1.c.
 - d. except where the development is as follows:
 - 1) Replacement of any structure pursuant to Section 20.140.070.G;
 - 2) Demolition and reconstruction of a single family residence provided that the reconstructed residence does not exceed either the floor area, height, or bulk of the former structure by more than 10 percent, and that the reconstructed residence is sited in the same location on the affected property as the former structure;
 - 3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height or bulk of the structure by more than 10 percent which do not block or impede public access, and which do not result in a seaward encroachment by the structure;
 - 4) Reconstruction or repair of any seawall provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure; or,
 - 5) Repair or maintenance activity for which a coastal development permit shall be required pursuant to Section

20.140.070.D unless the decision-making body determines that the activity will have an adverse impact on lateral public access along the beach.

2. Where development is required to provide public access, the public shall be required either as an easement or offer of dedication (according to the standards below) and made a condition of project approval to be completed prior to issuance of building or grading permits. The easement or offer shall be in accordance with the requirements of Section 20.142.200.
3. An easement shall be required when the County will assume responsibility for the improvement and management of the public accessway. To meet the condition of project approval, the easement shall be required in accordance with the requirements of Section 20.142.130 "Easements".
4. An offer of dedication shall be required to be given to a public or non-profit agency in lieu of an easement, if the exact location of the public accessway is to be determined an/or if the County will not be responsible for the accessway's eventual improvement and management. To meet the condition, the offer of dedication shall be required in accordance with the requirements in Section 20.142.130.

E. Development Standards

1. Development of improvements to, or the opening or expansion of, public accessways shall be in accordance with the access management plan required for the accessway, as per Section 20.146.130.A. (Ref. Policy 5.3.2.1)
2. The access management plan shall become the standard for all improvements to and management of the access. As conditions of project approval, the improvements proposed as part of the development shall be developed and managed according to the specifications of the access management plan.
3. Where it is needed to implement the access plan, access easements, deed restrictions or offers of dedication shall be required as conditions of any coastal permits (except for developments listed in Section 30212

of the Coastal Act) issued for the site containing the potential access. Easements of dedications shall be free of prior liens or encumbrances except for tax liens. Easements, deed restrictions or dedications may contain use limitations permitting pedestrian access only, and new accessways may not be opened until a public agency or private association agrees to accept responsibility for maintenance and liability (Ref. Policy 5.3.2.2).

4. A note shall be recorded with the County Recorder and placed on a subdivision map, if the access management plan is approved as a part of the proposal, stating that an access management plan has been prepared for the accessway must be in accordance with the plan. The note shall be recorded in accordance with the requirements of Section 20.142.200.
5. All development of shoreline access and trails shall be in conformance with the following "Public Access Criteria", as detailed in the Access Management Plan prepared for the development, as per Section 20.146.150.A. Development modifications, such as for siting, design, size, bulk, locations, and materials, shall be required as a condition of project approval, where such modifications will provide for better project conformance with the criteria. As a condition of project approval, all proposed improvements shall be installed prior to the opening of the accessway to public use, where new public use is proposed. The Public Access Criteria are as follows:
 - a. Trails
 - 1) All plans to improve existing trails or create new ones should ensure that environmentally sensitive habitats are protected from over-use. Measures to prevent or reduce impacts to be used include:
 - Routing or re-routing of trails to avoid these habitats.
 - Design features to screen or separate trails and destination points from sensitive resources.

- Revegetation projects, sediment basins, and other site features.
 - Restriction of the number of access points into an area.
 - 10 foot wide easements or dedications. (Ref. Policy 5.3.3.7a)
- 2) Trails along stream corridors shall be sited and designed to avoid disturbance to riparian vegetation and wildlife and degradation of water quality. Measures include, but are not limited to, control or runoff and erosion, contouring and siting trails to conform to the natural topography, and separation and screening from important areas (Ref. Policy 5.3.3.7b).
- b. Trail Location and Width
- 1) The alignment of existing trails shall not be altered, except where the trail rerouting would reduce adverse environmental or visual impacts.
 - 2) Development of new trails shall require conformance with the policies of the Carmel Area Land Use Plan and with the standards of this ordinance. Proposals to develop new trails shall be subject to an on-site inspection by the project planner and to environmental assessment according to the Monterey County CEQA Guidelines.
 - 3) The trail easement shall not be less than 10 feet in width. The trail shall not be less than 4 feet in width, unless as otherwise specified in the access management plan prepared for the accessway.
- c. Public Safety
- 1) A biological survey will be required for development of public accessways which are located within or adjacent to an environmentally sensitive habitat, as per Section 20.146.040.A. The survey shall be prepared in accordance

with the standards of Section 20.146.040.A.4. As well, the survey must determine the maximum acceptable level of public use and mitigation measures for assuring the long-term maintenance of the habitat. The conclusions of the survey shall be incorporated into the physical improvements for and management of the access management plan.

- 2) The development of new accessways shall only be approved if sufficient mitigation measures are available to assure the habitat's long-term maintenance, as assessed through the biological survey prepared for the project.
- 3) Development of new trails, other access and improvements to such existing trails and access shall not impact the wildlife, riparian vegetation and the water quality of the Carmel River, riparian corridors and the Carmel Bay. Siting and design of improvements to public access shall be compatible with these sensitive resources and subject to the design standards for environmentally sensitive habitats (Ref. Policy 5.3.3.3.d).
- 4) Private water supplies shall be protected by locating accessways at an adequate distance from surface water, springs and wells as approved by staff during project review (Ref. Policy 5.3.3.3.d).
- 5) Development of "Public Access" as shown on Figure 3 of the Carmel Area Land Use Plan, shall include the use of boardwalks or pathways constructed of permeable materials to link existing parking areas or access sites with the immediate beach or shore.
- 6) Development of accessways to intertidal areas shall be sited to spread the zone of public use in appropriate areas, rather than concentrate it in a small area.
- 7) Development of accessways to or through dunes or wetlands shall include posting of signs and displays which

educate users as to the fragile nature and appropriate use of the environment.

- 8) Improvements to accessways shall be compatible with the character of the natural scenic environment and shall be limited to those necessary to ensure public safety, protect natural resources and minimize land use conflicts (Ref. Policy 5.3.3.3.c).
- 9) Parking areas, restrooms and other facilities shall be sited, designed and, where appropriate, screened so as to not be visible from major public viewpoints and viewing corridors (Ref. Policy 5.3.3.3.c).
- 10) Development of new accessways or accessway improvements, including boardwalks, signs, gates, restrooms, and parking facilities, shall minimize visual impacts as follows:
 - a) Trails and access improvements shall be designed and sited so as to conform to natural topography and to utilize maximum natural screening, in order to minimize its visibility from public viewing areas. An exception shall be made for trailheads, which shall be located so as to be apparent to the public and to direct public to the established trail.
 - b) Access improvements shall incorporate design features and materials to blend in with the surrounding environment. As such, structures shall be low-scale and be made of natural materials, such as natural wood and stone. Paint shall only be permitted for lettering. Metal may be used where vandalism is a documented problem, as addressed in the access management plan.
- 11) Stairways, ramps, rails, walks and signs shall be constructed of natural materials and must be vandal-proof.

e. Visual Access

- 1) Development shall conform to the "Visual Resource Development Standards" contained in Section 20.146.030.
- 2) Development of improvements to accessways and existing roads and development of new roads and development of new roads and recreational facilities shall be required to incorporate development of scenic viewpoints, such as points with views to the ocean, wooded hills, wetlands, or other areas, where:
 - a) Sufficient area, considered to be the amount of square feet needed to accommodate two cars, is available to create such a viewpoint; and,
 - b) The viewpoint can be developed in keeping with the resource protection standards of this ordinance and with the policies of the Carmel Area Land Use Plan.
- 3) Development which includes new streetlights shall require:
 - a) The submittal of a lighting plan, prior to the application being determined complete. The plan shall include a site plan showing lamp location(s), an elevation showing lamp height and fixture design, and the lamp wattage;
 - b) Approval of the lighting plan by the decision-making body responsible for development approval.
 - c) Existing visual access from scenic viewing corridors (e.g., Highway 1, Scenic Road, Spindrift Road) and from major public viewpoints, and future opportunities for visual access from the frontal ridges east of Highway 1 shall be permanently protected by siting and design control review on an individual project basis (Ref. Policy 5.3.2.4).

- d) Visual access to the shoreline from major public viewing corridors and residential roads in Carmel Highlands-Riviera should be protected for visitors and residents alike (Ref. Policy 5.3.3.4a).
- e) Structures and landscaping on land west of Highway 1 shall be sited and designed to retain public views of the shoreline from Highway 1 and roads seaward of the Highway (Ref. Policy 5.3.3.4c).
- 4) Visual access to the shoreline from major public viewing corridors and residential roads in Carmel Highlands-Riviera shall be protected for visitors and residents alike (Ref. Policy 5.3.3.4.a).
- 5) Structures and landscaping on land west of Highway 1 shall be sited and designed to retain public views of the shoreline from Highway 1 and roads seaward of the Highway (Ref. Policy 5.3.3.4.c).
- f. Land Use Compatibility
 - 1) New development shall not be located, sited, or designed so as to interfere with, encroach upon, or prevent development or use of existing or future public access routes, or create other use conflicts. Modifications to the proposed development shall be made such as for design, materials, siting, location, size, and bulk, where such modifications will provide for better protection of existing and/or planned public access. These modifications and standards for siting and buffer zones shall be determined on a project-specific basis (Ref. Policy 5.3.3.5.b).
 - 2) Development of public access through or adjacent to existing or new residential areas or agricultural lands shall require incorporation of measures to mitigate potential land use conflicts, such as from noise, visibility, trespass, litter, hazards, parking, and water supplies. The potential conflicts and mitigation measures shall be addressed and detailed in an access management plan prior to opening

or development of the accessway. The measures shall be required as conditions of project approval, and may include the following types of techniques:

- a) Specified distances or a buffer areas, to be a 5 foot minimum width except where the access is prescriptive, between the accessway and existing and proposed residential or agricultural areas;
 - b) Use of fences between accessways and residential or agricultural areas;
 - c) Berms
 - d) Periodic public closures such as, but restricted to:
 - 1. Limitations to the seasons and/or hours of the public's use of the accessway; and,
 - 2. Limitation of public activities to pedestrian or passive recreation uses.
- g. Parking and Facilities
- 1) A site is considered potentially suitable for parking if improvement for parking will entail minimum land disturbance and must have a minimal impact upon environmentally sensitive habitats and other sensitive resources.
 - 2) Development of new accessways or improvements to existing accessways shall incorporate adequate parking facilities. The parking facilities shall be fully addressed in the access management plan, and shall meet the following criteria:
 - a) The parking facility and the access road to the facility shall not encroach upon or interfere with the public's access to or use of a major shoreline destination or trail.

- b) Parking areas and turnouts shall incorporate proper erosion and drainage control measures so as not to contribute to or cause slope failure, erosion, run-off, or water quality degradation. Porous surfacing materials shall be required as condition of project approval where feasible.
- c) The number of proposed parking spaces provided shall not exceed the carrying capacity of the shoreline destination. The carrying capacity shall be determined in the access management plan using such criteria as shoreline size, resource sensitivity, and type and intensity of the proposed use (Ref. Policy 5.3.3.8.b).
- d) Parking improvements must not degrade the public viewshed or public views to the shoreline. This shall be achieved by screening of the facilities to the fullest extent possible from view of Highway 1 and other public roads through proper siting, location, landscaping, and other screening techniques.
- e) The design of the parking facilities shall incorporate the needs of the specific major user groups. For example, larger parking spaces are required where boating or sailplaning are expected uses at the shoreline destination point.
- f) Pedestrian access between the parking facility and the access destination point shall be sited and designed so as to be safe for public use.
- g) Parking in areas with an adopted wetlands management plan shall be developed in accordance with the requirements of the plan.
- h) Parking facilities with access to dunes and beaches shall incorporate barriers around the parking lot and along access routes in order to prevent off-road vehicle access.

- g) Adequate and safe pedestrian access must be possible from the proposed parking areas to the destination point.
 - h) Safe ingress to and egress from Highway 1 must be possible.
 - i) The proposed parking area must entail minimum conflicts with surrounding land uses.
 - j) Parking usable by shoreline visitors along county roads shall remain available to the public. (Ref. Policy 5.3.3.8a)
 - k) Parking sites and turnouts shall be located in geologically stable areas, where they will not cause or contribute to slope failure or excessive erosion. Potential degradation of water quality shall be reduced through the use of non-impervious materials and through on-site control of storm runoff (Ref. Policy 5.3.3.8c)
- h. Signs and Maps
- 1) Accessway signs which identify access location, destination points, and hazardous conditions or areas shall be constructed out of natural materials, such as wood and stone, with paint only used for lettering. The size of the sign shall be small-scale and unobtrusive, of a minimum size necessary to convey the basic information.
 - 2) Development which includes the opening of an unimproved accessway shall be required, as a condition of project approval, to include posting of signs to warn the public regarding possible safety risks and that access is at the public's own risk.
- i. Access Priorities

- 1) Access to the Carmel Highlands-Riviera area shall be provided by vehicular access on Highway One, Yankee Point Drive and Spindrifft Road (Ref. Policy 5.3.3.1b).
- 2) Bluff-top access and lateral access along or near the shoreline is allowable along the coast. These types of access shall be protected for long-term public use, subject to adequate management programs (Ref. Policy 5.3.2.5).

Attachment 1
Forest management Plan
Requirements

1. Plot Plan

A plot plan shall be provided which shows the entire parcel and denotes the following:

- A. Location of proposed and existing roads and buildings.
- B. All trees 12" and over in diameter (at breast height) with tree size and type clearly labeled for each tree. However, on parcels over 2 acres in size, only those trees within the area to be developed and/or affected by the development must be shown on the plot plan.
- C. All trees to be removed, shown by a cross (X) through the tree.
- D. Location and types of trees to be replanted.
- E. Total number of trees to be removed and to be replanted.
- F. Reasons for removal of each tree, such a disease, snag or construction.
- G. Proposed grading, including areas of cut and fill.

2. Forest Maintenance Plan

A forest maintenance plan shall be provided according to the following format:

- A. Site description
 - 1) Assessor parcel number
 - 2) Location
 - 3) Parcel size
 - 4) Existing land use
 - 5) Slope
 - 6) Soils
 - 7) Vegetation
 - 8) Forest type and forest condition and health
- B. Project description

- 1) Structures
- 2) Roads
- 3) Grading
- 4) Tree removal (as keyed to plot plan)
 - a) Types, amount and sizes of trees to be removed.
 - b) Reason for removal of each tree
 - c) Justification for tree removal outside of the area to be developed
 - d) Transplant method
- 5) Tree replanting (as keyed to plot plan) including justification for tree replanting which will vary from the requirement that each native tree over 12" in diameter which is removed shall be replaced with one tree of the same variety.

C. Project Assessment

- 1) Long-term and short-term impacts of development on the forest resource
- 2) Alternatives to minimize development impacts on the forest resource
- 3) Alternatives to minimize tree removal

The following section is an agreement by the owner regarding management of the parcels' forest resources. It is a standard section to be included in each Forest Management Plan.

D. Forest Management Agreement

- 1) Management Objectives:
 - a) Minimize erosion, in order to prevent soil loss and siltation.
 - b) Preserve natural habitat, including native forest, understory vegetation and associated wildlife.
 - c) Prevent forest fire.

- d) Preserve scenic forest canopy, as located within the Critical Viewshed (i.e. visible from Highway 1 or any other public viewing area).
- e) Preserve landmark trees, as defined below.
- f) Other, as added by the owner.

2. Management Measures:

- a) Tree removal No tree will be removed without a Coastal Development Permit, unless the removal includes the following: a) removal of non-native or planted tree; b) removal of tree posing and immediate danger to life or structures; c) thinning of dead native tree or live tree less than 12" in diameter; d) prescribed burning, crushing, lopping or other methods of brush clearing which do not materially disturb underlying soils; or e) a timber Harvest Plan which has been required for commercial logging in accordance with State requirements: or if the Zoning Administrator of Monterey County determines that the removal includes:
 - 1) Removal of diseased trees which threaten to spread the disease to nearby forested areas as verified in writing by a qualified professional forester selected from the County's list of consulting forester; or
 - 2) Removal of trees in accordance with a previously-approved Forest Management Plan.
- b) Application Requirements Where a Coastal Development Permit is required, trees proposed for removal will be conspicuously marked by flagging or by paint. Proposed removal of native trees will be the minimum necessary for the proposed development. Removal not necessary for the proposed development will be limited to that required for the overall health and long-term maintenance of the forest, as verified in this plan or in subsequent amendments to this plan.

- c) Landmark Trees All landmark trees will be protected from damage if not permitted to be removed as a diseased tree which threatens to spread the disease to nearby healthy trees or as a dangerous tree which presents an immediate danger to human life or structures. A landmark tree is a tree 24 inches or more in diameter when measured at breast height, or a tree which is visually significant, historically significant, exemplary of its' species or more than 1000 years old.
- d) Dead trees Because of their great value for wildlife habitat (particularly as nesting sites for insect-eating birds) large dead trees will normally be left in place. Smaller dead trees will normally be removed in order to reduce fire hazard. Because no Coastal Development Permit is needed for their removal, dead trees may be removed at the convenience of the owner, provided such removal is otherwise in conformance with the Carmel Area Land Use Plan and Implementing Ordinance and are designated by a qualified forester as being dead trees.
- e) Thinning Trees less than 12" diameter breast height may be thinned to promote the growth of neighboring trees, without first obtaining a Coastal Development Permit.
- f) Protection of trees All trees other than those approved for removal shall be retained and maintained in good condition. Trimming, where not injurious to the health of the tree(s), may be performed whenever necessary in the judgement of the owner, particularly to reduce personal safety and fore hazards.

Retained trees which are located close to the construction site shall be protected from inadvertent damage by construction equipment through wrapping of trunks with protective materials, bridging of tunneling under major roots where exposed in foundation or utility trenches and other measures appropriate and necessary to protect the well-being of the retained trees.

- g) Fire prevention In addition to any measures required by local fire district or California Department of Forestry fire authorities, the owner will:
- 1) Maintain a spark arrester screen atop each chimney;
 - 2) Maintain spark arresters on gasoline-powered equipment;
 - 3) Establish a "greenbelt" by keeping vegetation in a green, growing condition to a distance of at least 50 feet around the house and
 - 4) Break up and clear away any dense accumulations of dead or dry underbrush or plant litter, especially near landmark trees and around the greenbelt.
- h) Use of Fire (for clearing, etc.,) Open fires will be set or allowed on the parcel only as a forest management tool under the direction of the Department of Forestry authorities, pursuant to local fire ordinances and directives.
- i) Clearing methods Brush and other undergrowth, if removed, will be cleared through methods which will not materially disturb the ground surface. Hand grubbing, crushing and mowing will normally be the methods of choice. Use of fire and herbicides will be subject to limitations listed in the Carmel Area Land Use Plan and Implementing Ordinance.
- j) Irrigation In order to avoid further depletion of groundwater resources, prevent root disease and otherwise maintain favorable conditions for the native forest, the parcel will not be irrigated except within developed areas. Caution will be exercised to avoid overwatering around trees.
- k) Exotic plants Care will be taken to eradicate and to avoid introduction of the following pest species:

- 1) Pampas grass
- 2) Genista (Scotch broom, French broom)
- 3) Eucalyptus (large types)
- l) Other, as added by owner

3. Amendments

The Monterey County Director of Planning may approve amendments to this plan, provided that such amendments are consistent with the provisions of the originally approved or subsequent Coastal Development Permit. Amendments to this Forest Management Plan will be required for proposed tree removal not shown as part of this Plan, when the proposed removal requires a Coastal Development Permit.

4. Compliance

It is further understood that failure to comply with this Plan will be considered as failure to comply with the conditions of the Coastal Development Permit.

5. Transfer of Responsibility

This Plan is intended to create a permanent forest management program for the site. It is understood, therefore, that in the vent of a change in ownership, this plan shall be as binding on the new owner(s) as it is on the present owner. As a permanent management program, this Plan will be conveyed to the future owner upon sale of the property.

Forest Maintenance Plan Prepared by:

Foresters' Name

Foresters' Signature

Date

Owner's Agreement as to the Provisions of the Plan:

Owner's Name

Owner's Signature

Date

Forest Maintenance Plan Approved by:

Robert Slimmon, Jr.
Director of Planning

Date

Attachment 2

Botanical/Biological Report Format

This is a standard format developed by the Monterey County Planning Department for botanical reports. This format delineates only the minimum requirements for such a report. The following format must be followed by all consulting botanists for the requested report to be considered adequate.

Cover Page – This page must contain the following information:

1. The type of report (overall habitat summary; rare/endangered species; etc.)
2. Individual/firm conducting the report
3. The date(s) of the fieldwork
4. Individual for whom the report was prepared
5. Location of the site (including the address and the assessor's parcel number)
6. Summary results of the study:
 - a. Results: presence/absence of rare/endangered or threatened vegetation
 - b. Predominant vegetation type(s): i.e. oak woodland; pine forest; riparian, etc.

Body of the Report

The body of the report must contain 8 sections, as follows:

- I. Introduction
- II. Regional Setting
- III. Description of Local Vegetation
- IV. Rare and Endangered plants and/or communities
- V. Threatened species
- VI. Impact assessment and mitigation measures for development (conclusion)
- VII. List of species encountered on-site
- VIII. Regional setting map and a botanical map of the site

Each Section shall be detailed as follows:

- I. Introduction: Contents of the report, why it was requested, for whom the report was prepared, etc.
- II. Regional setting: Describe the regional setting and the extent (acreage) of the property.
- III. Local Vegetation:
 - a. Describe the methodology used for the survey.
 - b. Describe the area according to the major plant communities and habitats
 - c. Describe the dominant plant community for the site
 - d. Describe the specific habitat(s) of the site. In the description of the specific habitats, give the following information:
 1. Location of the plant community on the site
 2. Coverage of the site by that community (% coverage, acres)
 3. Species composition of the plant community/communities on-site (include dominant/co-dominant species of the site)
- IV. Rare and Endangered Species: Indicate presence/ absence of any rare/endangered species encountered on-site. If the report was required because of the suspected presence of rare/endangered species on-site, state this here. Give name (scientific and common) of any rare/endangered species found on-site and their location. Do not exclude any rare/endangered species which are encountered on-site but not requested for study by the Planning Department.
- V. Threatened Species: Note here any vegetation that does not fall under the Rare/Endangered category, but that still needs discussion and special handling/management measures to maintain their habitat successfully. This grouping may include, for example, oak and madrone habitat and the sensitive species defined in Section 20.146.020 GG.
- VI. Impact Assessment and Mitigation Measures for Development (Conclusion):

Impact Assessment: In this section discuss the impacts of the proposed development on the site. Discuss the impacts of each of these individual plant communities of the site such as impacts from grading around tree trunks, change in the water availability, loss of ground cover for water retention, possibility of invasion by non-native plant species, etc.,

Mitigation Measures: For the development proposed, describe the mitigation measures needed to reduce the impacts of the development on the site. These impacts shall be reduced to a level determined to be “insignificant” by the botanists and the Planning Department.

- VII. List of Species Encountered on-Site: This is a list of the individual plants found during the field survey of the property. Please group plants into:

A. Trees B. Shrubs C. Herbaceous Species

With the Scientific and the common name noted. Note also whether or not the plant is rare/endangered or threatened.

- VIII. Regional and Botanical Map of the Site: A regional map showing the general location of the site must be included. The map to be used for this regional setting must be a United States Geological Service. Quadrangle map. A site-specific botanical map must accompany the report. The site-specific botanical map is to include the following:

- a. Reference to the project and its' location:

1. Assessor's Parcel Map
2. Planning Department file number (Minor Subdivision; Planning Commission; Zoning Administrator file, etc.,)
3. Location of the site
4. Applicants' name

- b. Accurate locations of the plant communities discussed in all of the delineated vegetation sections (locations must be of the same scale as the map used for the survey). Indicate all existing drainage courses occurring on-site.

Other Agency Review

- A. Permits for dredging and other activities which substantially modify the substrate of kelp forest communities shall be reviewed by the Marine Resources Region of the Department of Fish and Game. documentation of this review must be submitted to the planning Department in the form of a statement from the Marine Resources Region of the Department of Fish and Game. Documentation review must be submitted to the Planning Department before the application may be considered complete. This documentation must state that the department has reviewed the proposal and must relate recommendations for mitigation procedures determined necessary to maintain the integrity of the impacted resource (Ref. Policy 2.3.4; Wetlands and Marine Habitats Policy #7).
- B. For projects in or ' adjacent to environmentally sensitive habitat areas, the County shall refer projects to the California Department of Fish and Game for evaluation of impacts from development and suggested mitigations for those impacts. These projects shall include but will not be limited to development of new 'or intensified' land uses such as public access, recreation and associated facilities. Recommendations from the California Department of Fish and Game shall be included as conditions of project approval.