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Monterey County Coastal Implementation Plan



Part 2

Regulations for Development In the North County Land Use Plan Area (Chapter 20.144)

as adopted by the
Monterey County Board of Supervisors
January 5, 1988

**Monterey County
Coastal Implementation Plan**

**Adopted By The Monterey County
Board of Supervisors
On January 5, 1988**

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**The Monterey County Coastal Implementation Plan
Is Published In Six Parts:**

- Part 1: Coastal Zone Regulations (Chapters 20.105 – 20.139)
Regulations for Coastal Development Permits
(Chapter 20.140)
General Provisions and Exceptions in the Coastal Zone
(Chapter 20.142)
Title 20 (Zoning Ordinance)
- Part 2: Regulations for Development in the North County Land
Use Plan Area (Chapter 20.144)
- Part 3: Regulations for Development in the Big Sur Coast Land
Use Plan Area (Chapter 20.145)
- Part 4: Regulations for Development in the Carmel Area Land Use
Plan Area (Chapter 20.146)
- Part 5: Regulations for Development in the Del Monte Forest
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- Part 6: Appendices
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Chapter 20.144
**Regulations For Development In The
North County Land Use Plan Area**

Sections:

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20.144.010 Purpose.

The Purpose of this Chapter is to establish regulations, standards, and procedures to fully implement the policies of the north County Land Use Plan. These regulations apply only to parcels within the North County Coastal Zone, as subject to the North County Land Use Plan.

20.144.020 Definitions.

- A. Access Area is area encompassing the accessway(s) and shoreline destination. (Carmel Area Shoreline Access Background Report)
- B. Access Destination/Shoreline Destination is an area which provides either contact with the water's edge, such as a beach, or visual access to the ocean, such as a blufftop trail or vista point. (Santa Cruz County LCP)

- C. Access Management Plan is a plan which details all aspects of improvements to and development of a shoreline access or trail. The plan must be prepared when an application for the accessway development is submitted to the Planning Department. (Ref. Section 20.144.150.B)
- D. Accessory or Appurtenant Use or Structure is any or structure accessory to the main use and customarily a part thereof; an accessor use is clearly incidental and secondary to the main use and does not change the character of the main use. (North County LUP)
- E. Accessway is a trail (or staircase, ramp, boardwalk, etc.) to or along the shoreline or blufftop. It may provide vertical or lateral access. (Carmel Area Shoreline Access Background Report)
- F. Active Fault is one that has moved in recent geologic time and which is likely to move again in the relatively near future. For planning purposes, the time frame extends on the order of 11,000 years in the past and 100 years in the future. (American Geological Institute)
- G. Agriculture Related Uses, Facilities or Operations are those uses and facilities that are related to or involve the production of plant materials and animals useful to humans but which tend not to be onsite soil dependent. (Monterey County Planning Department)
- H. Agricultural Viability Report is a report which assesses 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. (Ref. Section 20.144.080.B)
- I. Agricultural Management Plan is a plan required for the development of new or expanded agricultural uses, under certain circumstances. (Ref. Section 20.144.080.C)
- J. Aquaculture is the culture and husbandry of aquatic organisms, including but not limited to fish, shellfish, mollusks, crustaceans, kelp and other algae. (Public Resources Code)

- K. 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.
- L. 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.
- M. Bluff-Top Access is to and along a bluff where no beach exists for the purpose of public viewing, or where trails can be sited to connect pocket beaches. (After Statewide Interpretive Guidelines for Public Access)
- N. Caretaker’s Quarters is a permanent residence, secondary and accessory to an existing main residence, 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. The caretaker’s unit may not be rented, let or leased.
- O. Chaparral is an evergreen plant community of drought-adapted shrubs usually found on dry slopes and ridges. Chamise, toyon, scrub oak, ceonothus, and manzanita re characteristic species. (Monterey County Planning Department)
- P. Coastal Dependent Development or Use refers to a development or land use which requires a site on or adjacent to the sea in order to be able to function at all. (Coastal Act)
- Q. Coastal Prairie is a relatively rare grassland community dominated by native perennial bunch grasses and limited to the coastal terraces and outer Coast Ranges from Monterey County to southern Oregon. (After Point Lobos State Resource Inventory, Dr. W. J. Barry)
- R. Coastal-Related Development is any use or development that is dependent on a coastal dependent development or use (Coastal Act)

- S. Community (Biotic) is an aggregate of organisms which forms a distinct ecological unit; it may be described in terms of flora or fauna, or both. (Wildlife Planning Glossary, U.S. Forest Service)
- T. 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, and accepted by the Planning Department.
- U. Critical Erosion Areas are those areas having soils with a high erosion potential, as expressed by a "K-Factor" exceeding .4, and/or having a slope exceeding 25%. A determination of critical erosion areas is required of all development applications. Non-Critical Erosion Areas are all other areas. (Ref. Section 20.144.070.A)
- V. Cross Slop/Average Cross Slope is the average slope of a parcel determined by the formula $S = 0.002291L/A$

Where: 1 = Interval of measured contours in feet

 S = Average percent cross slope of parcel

 L = Summation of length of contours in feet (i.e. map measurement of contours in inches X the scale).

 A. = Area of parcel in acres. (Monterey County Subdivision Ordinance 1713)

The derivation is based on the fact that 1 acre – 43,560 square feet and that one square foot (the unit produced by multiplying 1 times L) = 43,560 acre, or 2.29×0.00001 acre, and that it is necessary to multiply by 100 in order to arrive at a percent rather than a decimal. (North Count Land Use Plan)

- W. 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;

- X. 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.
- Y. Disjunct is a plant or animal species found in an area outside of its normal range or distribution. (San Luis Obispo County LCP Land Use Plan)
- Z. Dwarf Coastal Chaparral is a maritime Chaparral association that supports several endemic plant species and in which the plants are dwarf in stature, possibly the result of low water availability. (After Point Lobos State Reserve Resource Inventory)
- AA. Ecosystem is a system formed by the interactions of a community of organisms with their environment. (Wildland Planning Glossary, U.S. Forest Service)
- BB. Employee Housing Plan is a plan required for applications for commercial development, including new or expanded recreation, restaurant, and other visitor-serving facilities. The plan details the number of employees and the on-site and off-site housing to be provided by the employer. (Ref. Section 20.144.140.B.3.c)
- CC. Endangered Species: See Rare species
- DD. Energy Facility is any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy. (Coastal Act)
- EE. 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.

- FF. Essential Ranching Structures are structures required for commercial ranching operations such as barns, toolsheds, etc. (Monterey County Planning Department)
- GG. Estuary is a Coastal water body usually semi-enclosed by land, but which has open, partially obstructed, or intermittent exchange with the ocean and in which ocean water is at least occasionally diluted by freshwater runoff from the lands. The salinity may be periodically increased above the open ocean by evaporation. In general, the boundary between “wetlands” and “estuary” is the line of extreme low water. (State-wide Interpretive Guidelines for Wetlands)
- HH. Exotic Plant is any plant species that is not native to the area where it occurs; an introduced plant species. (After Wildland Planning Glossary, U.S. Forest Service)
- II. Fault is a fracture in the earth’s crust along which there has been differential movement of the tow sides. (After Monterey County Seismic Safety Element 1975)
- JJ. Fault Trace is the intersection of a fault with the Earth’s surface as revealed by the dislocation of fences, roads, by ridges and furrows in the grounds, by dislocations in rock strata, etc. (After Monterey County Seismic Safety Element 1975)
- KK. Fault Zone is a zone or band of interconnected, closely-spaced faults and fault traces. (Monterey County Seismic Safety Element 1975)
- LL. Feasible refers to development being capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. (Coastal Act)
- MM. Floodplain, 100-year is the nearly level land situated on either side of stream channel which is subject to the overflow of flood waters which,

may on the average, occur once every 100 years. (After Soil Conservation Society of America)

NN. Floodway is the channel of a stream or other watercourse and the adjacent land area required to carry and discharge the 100-year flood and which must be kept free of encroachment in order to avoid an increase in water surface elevation of more than one foot at any point. (Federal Flood Insurance Program)

OO. Floodway Fringe is the area between the floodway and the boundary of the floodplain which could be completely obstructed without increasing the water surface elevation of the 100-year flood by more than 1.0 foot at any point (Federal Flood Insurance Program)

RR. Guesthouse is a permanent attached or detached structure containing a living area, without kitchen or cooking facilities, clearly subordinate and incidental to an existing main residence on the same building site. The guesthouse may not be rented, let or leased, whether compensation is direct or indirect.

SS. High Hazard Areas are areas in which there are or may be a substantial risk of damage to life and property as a result of flood, fire, or geologic and seismic hazards, including tsunamis. The following areas are defined as high hazard areas:

1. Seismic and Geologic Hazards:

- 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" on Map 5 of the County Seismic Safety Element.
- Geotechnical Evaluation Zones IV, V, and V1 on Maps A-Q of the County Seismic Safety Element Maps.
- Geotechnical Evaluation Zones V and V1 on the Monterey Peninsula Map of the County Seismic Safety Element

2. Flood Hazard Area:

- Everything included within the 100-year floodplain.

3. Fire Hazard:

- Areas classified as having a high to extreme (very high) fire hazard through application of the Department of Forestry Criteria.

- TT. Historical Site is a site which has been included on the County's list of adopted historical sites, due to its national, state or local significance as an historical or cultural resource.
- UU. Informal Access is access established through public use without improvements or signing on public or private lands. (After Big Sur and Carmel Area Shoreline Access Background Reports)
- VV. In-Lieu-Fees are fees paid to the Count or other public agency as substitution for the required dedication of land to the agency or development for a stated public purpose, such as provision of access, low and moderate income housing, road improvements or parks. (Monterey County Planning Department)
- WW. Intermittent Stream is a stream which flows during a portion of the year only, generally during the wet season. Intermittent streams are designated on USGS Maps by a dash and three dots symbol. (After Statewide Interpretive Guideline for Wetlands)
- XX. Intertidal refers to the shoreline area that is above the low tide mark and below the high tide mark. (Santa Barbara County Coastal Plan)
- YY. Invasive Plant Species is an exotic or native plant species which is absent in undisturbed conditions but which will invade and, often displace, the original vegetation under conditions of disturbance including continued overuse. The term is most commonly used in connection with exotic or introduced species. (After Wildland Planning Glossary, U.S. Forest Service)
- ZZ. K-Factor refers to the erosion potential of a particular soil. Table 7 of the Soils Conservation Service Soils Manual Shows the K-Factor by soil type. A K-factor exceeding .4 indicates a "Critical Erosion Area". (Ref. Section 20.144.070.A.2.b)
- AAA. Land Disturbance target is the total amount of bare ground or disturbed soil which may be permitted in each sub watershed of the North County

Coastal Zone. The targets are shown on Table 1 of the North County Land Use Plan. A Land Disturbance Target (LDT) evaluation is required for each development project in order to determine whether the land disturbance in the watershed exceeds or will exceed the target figure. (Ref. Section 20.144.070.B)

- BBB. Landmark Trees are those 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.
- CCC. Lateral Access is a path or trail which runs parallel to or along the shoreline. On dry sand and rocky beaches, lateral access easements shall extend over the entire beach area to the toe of the coastal bluff, or absent such bluff, to the first line of terrestrial vegetation.
- DDD. Level of Service is a measure of the ability of a section of roadway of significant length to carry specific volumes of traffic. (Highway Capacity Manual, 1965)
- EEE. Low and Moderate Income Housing is housing which is affordable to those household earning up to 120% of the current County median household income. (County Inclusionary Housing Ordinance)
- FFF. Maritime Chaparral is a unique type of chaparral found close to the coast within the summer fog zone climate and characterized by a high proportion of localized endemic plant species. (After North County Environmentally Sensitive Habitat Areas Draft Background Report)
- GGG. Marsh is a wetlands area, or a tract of low wet land that is periodically inundated with fresh or saline water characterized by grasses, sedges, cattails and rushes.
- HHH. Ministerial Permit is a grading or building permit. A project requiring a ministerial permit requires review by staff of both the Planning and Building Inspection departments, but does not require a public hearing before the Zoning Administrator, Planning Commission, Subdivision Committee, or board of Supervisors.
- III. Native Trees are those trees which are native to Monterey County, as listed in Attachment 2 to this Chapter.

- JJJ. New Development is any development activity (c. f. Development) with the exception of replacement of structures (c. f. Replacement) remodeling of existing structures (c. f. Remodeling) or repair and maintenance activities (c. f. Repair and maintenance. (Statewide Interpretive Guidelines for Public Access)
- KKK. Non-Critical Erosion Areas are defined under “Critical Erosion Areas”.
- LLL. Perennial Stream is a stream (c. f. stream) that normally flows throughout the year. Perennial streams are designated by a solid line symbol on United States Geological Survey topographic maps. (After Coastal Commission’s Interpretive Guidelines for Wetlands)
- MMM. Permit is any license, certificate, approval, or other entitlement for use granted or denied by any public agency which is subject to the provisions of the Local Coastal Program. (Coastal Act)
- NNN. Potentially Active Fault is a fault along with there has been displacement during the last 3 million years, but not during the last 11,000 years, and along which there might be displacement in the future. (Monterey County, Seismic Safety Element, 1975)
- OOO. Prime Agricultural Land/Soils are those lands defined in Section 51201 of the Government Code as follows:
1. All land which qualifies for rating as class 1 or Class 11 in the in the Soil Conservation Service land use capability classifications.
 2. Land which qualifies for rating 80 through 100 in the Stories Index rating.
 3. Land which supports livestock used for the production of food and fiber and which has annual carrying capacity equivalent to at least one animal unite per acre as defined by the United States Department of Agriculture.
 4. Land planted with fruit-or-not-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production not less than two hundred dollars per acre.

- PPP. Productive agricultural Land/Soils are those lands that qualify as Class 111 or 1v in the Soil Conservation Service land use capability classification scheme (Soil Conservation Service.) In North County, lands qualifying as primer under (c) and (d), of Section 51201 of the Government Code are included as productive agricultural lands.
- QQQ. Project Planner is the planner responsible for reviewing the development.
- RRR. Project Referral Process is a process whereby the Planning Department refers an application for a discretionary permit to various County departments for review and recommendation, prior to public hearings on the project.
- SSS. Public Viewshed is the composite area visible from major public use areas and scenic corridors, including Highway 1, Highway 156, Elkhorn Slough Road, Elkhorn and Moro Cojo Sloughs, beaches, dunes, and wetlands, and views to and along the ocean shoreline from Highway 1, Molera Road, Struve Road, and public beaches, and views to and along the shoreline of Elkhorn Slough. Visibility will be considered in terms of normal, unaided vision in any direction for any amount of time in any season.
- TTT. Public Viewing Area is any area open to the public, such as a public road or public lands.
- UUU. Public Works include the following:
1. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities;
 2. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities;
 3. All Public financed recreational facilities, all projects of the State Coastal Conservancy and any development by a special district; and

4. all community college facilities. (Coastal Act)

- VV. Rare and Endangered Species are species identified as rare, endangered and/or threatened by the State Department of Fish and Game, United States Department of Interior Fish and Wildlife Service, and/or the California Native Plant Society. (After Monterey County LCP ESH background reports)
- WWW. Relict is a persistent remnant of an otherwise extinct flora or fauna. (San Luis Obispo County LCP Land Use Plan)
- XXX. Remodeling of Existing Structure refers to improvements to a structure which do not change the use or intensity of use of the structure, or of the land or water; no increase the area, height and/or bulk of the structure by more than 10 percent; and which do not interfere with a currently existing public view or public accessway. (Statewide Interpretive Guidelines for Public Access)
- YYY. Repair and Maintenance refers to activities required to prevent the declined or failure of a structure (c. f. Structure) or public works facility (c. f. Public Works) and which do not result in an additional to, or enlargement or expansion of, the object of such repair or maintenance activities. (After Coastal Act, Sec., 306210)
- ZZZ. Replacement of Structures is the action or process of restoring or rebuilding a structure (c. f. Structure) in the same location as the original structure. Replacement must be consistent with zoning requirements, be of the same use, and in size, area, height, and bulk no more than 10% in excess of the destroyed structure. (Coastal Act. Action 30610)
- AAAA. Restoration Areas are areas which generally require mitigation of adverse impacts from existing uses, including residential and recreational uses. These areas are specifically discussed and identified the various land use plans.
- BBBB. 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.

- CCCC. Riparian Corridor is the area consisting of the stream channel and an area on each side of the stream to the measured from the mean rainy season (bankful) flowline as follow:
1. 150-foot zone from each side of perennial streams, or the extent of riparian vegetation, whichever is greater.
 2. 50-foot zone from each side of intermittent streams, or the extent of riparian vegetation, whichever is greater.
- DDDD. Riparian Habitat/Community/Woodland Is an area of vegetation and associated animal species which typically occurs along freshwater course Riparian woodland is generally restricted to a linear strip along streams although where river valleys are broad, the extent of riparian woodland is often correspondingly broad. Characteristic woody species are Black Cottonwood, Sycamore, Red Alder, White Alder, Box Elder and Willow species. (After San Luis Obispo County Local Coastal Plan and California plant Life by Ornduff)
- EEEE. Safe Yield: See Sustained Yield
- GGGG. Sand Dune Habitats are areas of duneland. 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 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)
- HHHH. Second Structures are guest rooms, guests houses or non-commercial and non-residential accessory structures clearly subordinate and incidental to the principal residence or other main building on the same building site. (After Monterey County Zoning Ordinance 911 and Big Sur Land Use Plan)
- IIII. Seating refers to restaurant seating, and includes any chair, sofa, stool, or bench that is either temporary or permanent or in an open or enclosed area, at which a customer can sit and order food, including full meals, a la carte items, and appetizers, regardless of the presence of a table.

- JJJJ. Seismic Hazard 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 Zones 1, 2, and 3 are low hazard zones. Seismic hazard Zone 4 is a moderately high hazard zone. Seismic hazard Zones 5 and 6 are high hazard zones.
- KKKK. Selective Logging is the removal of mature timber (usually the oldest, largest trees) either as single scattered trees or small groups, at relatively short intervals, by means of which the continuous establishment of natural reproduction is encouraged and an uneven-aged stand is maintained. (Wildland Planning Glossary, U.S. Forest Service)
- LLLL. Shoreline Access is access provided from the nearest public road to the shoreline or coast. Types of access include access across and to bluffs, along a beach, vertical access to a beach, scenic overlooks, and visual access.
- MMMM. Shoreline Destination: See Access Destination.
- NNNN. Significant Hazard: See High Hazard.
- OOOO. Significant Historical Buildings, Landmarks and Districts are those buildings, landmarks or districts identified as historically significant by the National Historic Landmarks Program or the Nation Register of Historic Places and/or the Register of California Historical Places and/or the County's future inventory and registry program. (Monterey County Planning Department; After Big Sur Land Use Plan)
- PPPP. Special District is any public agency other than a local government formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special district" includes but is not limited to, a county service area, a maintenance district or area, and improvement district or zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting that area. (Coastal Act)
- QQQQ. Special Treatment Area (Forestry) are those identifiable and geographically bounded forested areas, depicted on the LCP Resource Maps, that constitute a significant habitat area, area of special scenic

significance, and any land where logging activities could adversely affect public recreation area or the biological productivity of any wetland, estuary, or stream especially valuable because of its role in a coastal ecosystem. (After Coastal Act)

- RRRR. Stream/Stream Corridor/Stream Channel is a natural watercourse as designated by a solid line or dash and three dots symbol shown on the United States Geological Survey map most recently published, or any well-defined channel with distinguishable bed and bank that shows evidence or having contained flowing water as indicated by scour or deposit of rock, sand, gravel, soil or debris. (Statewide Interpretive Guidelines for Wet- lands)
- SSSS. Stream Discharge is the volume of water flowing past a point per unit time, commonly expressed as cubic feet per second, million gallons per day, gallons per minute. (Soil Conservation Society of America)
- TTTT. Structure is a building or other facility, including but not limited to, any road, retaining wall, pipe, conduit, telephone line, electrical power transmission or distribution line. (After Coastal Act)
- UUUU. Sub watershed is a smaller watershed unit of the Elkhorn or Moro Cojo sloughs. There are a total of 37 sub- watersheds, which are delineated on North County Land Use Plan resource maps.
- WWV. Sustained Yield or Long-Term Sustained Yield is the yield that a renewable resource can produce continuously over the long-term at a given intensity of management without impairment of the resource and other associated resources. (After Wildland Planning Glossary, U .S. Forest Service)
- WWWW. Threatened Species: See Rare and Endangered Species.
- XXXX. Tidepool is an accumulation of sea water remaining in a depression on a beach or reef after the tide has receded. Characteristic habitat of a variety of plant and animal species. (From Santa Barbara County Local Coastal Plan)
- YYYY. Timber Harvest Plans are plans required under the Forest Practices Act (Public Resources Code Sec. 4582) for certain timber harvest operations, as administered by the California Department of Forestry

- ZZZZ. Trails generally provide scenic and recreation access for hikers, equestrians, and/or bicyclists along the coast, to recreation areas, and to public lands.
- AAAAA. Vertical Access is a patch or trail which connects the nearest public roadway with a shoreline destination via a reasonably direct route. (Santa Cruz County LCP)
- BBBBB. Visitor-Serving Facility is a public and private development that provides accommodations, food and/or services for visitors or tourists. (Santa Cruz County LCP)
- CCCCC. Visual Access is access for scenic viewing of the shoreline and/or ocean from either a vista point or public road or trail. (Monterey County Planning Department)
- DDDDD. Watershed is the region drained by, or contributing water to, a stream, spring, lake or other body of water. (Santa Cruz County LCP)
- EEEEE. Watershed Restoration Area is a sub watershed in which the total amount of existing land disturbance or bare ground in the sub watershed exceeds its Land Disturbance Target. Special development standards apply to these areas. Each project is evaluated to determine whether it is in or will cause a sub watershed to become a Watershed Restoration Area. (Ref. Section 20.144.070.B and F)
- FFFFF. Wetlands are lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mud- flats, and fens. (Coastal Act)
- GGGG. Wetland Restoration Plan is a plan for the restoration of a degraded wetland into a healthy, functioning biological habitat. (Ref. Section 20.144.060.B.3 and 20.144 130.A.5)

20.144.030 Visual Resources Development Standards.

Intent of Section The intent of this Section is to provide development standards which will protect the visual resources of North County. To this end, development shall be prohibited to the fullest extent possible in beach, dune, estuary, and wetland areas. Only low intensity development that can be sited, screened, or designed to minimize

visual impacts, shall be allowed on scenic hills, slopes, and ridgelines. (Ref. Policy 2.2.1)

A. Viewshed Determination

1. An on-site inspection by the project planner shall be required for the following projects:
 - a. All projects on parcels which are or may be located either wholly or partially within the public viewshed, as defined in Section 20.144.020.SSS; and,
 - b. All proposals for minor subdivisions, standard subdivisions, industrial uses, commercial uses, and residential projects.
2. The on-site investigation shall be made prior to the application being considered complete, for the purpose of determining the project's visual impact. Visibility shall be considered in terms of normal, unaided vision for any amount of time at any season. As well, during the on-site investigation the planner will review possible development alternatives where needed to bring the project into full conformance with the policies of the North County Land Use Plan and the standards of this ordinance.
3. Prior to the on-site inspection, the applicant shall accurately indicate the corners, height and the roof- lines of the proposed building(s) by poles with flags. The location of proposed access roads and driveways shall be accurately indicated by stakes with flags. Both poles -and flags shall remain in place for the duration of the project review and approval process.
4. The planner, in the course of the on-site investigation, may record the proposed development photographically, and may require the applicant to superimpose on the photographs a representation of the proposed project.

B. Development Standards

1. Subdivision of parcels containing areas visible: from a public viewing area shall minimize the development's visibility from the viewing areas

by incorporation of appropriate planning techniques. such techniques shall include, but are not limited to, the following:

- a. Lot configurations which provide highest potential for each lot's building site to be screened by existing topography and vegetation:
 - b. Specified building sites and new access road locations that allow for natural screening by existing topography and vegetation minimized grading, minimized tree removal, and development on less than 25% slopes:
 - c. Clustering of structures, with wooded hills and ridges placed in open space lots or scenic easement. (Ref. Policy 2.2.2.3, 2.2.2.4, and 2.2 2.5)
2. Development which is: 1) within coastal dunes, beaches, estuaries, and wetlands; 2) on parcels within public view to and along the ocean shoreline from Highway 1, Molera Road, Struve Road and public beaches; or, 3) on parcels within public view to and along the shoreline of Elkhorn Slough shall meet the following standards:
- a. The location and siting of structures shall allow for their maximum screening from public view by existing topography or vegetation and to minimize obstruction of or intrusion of views of the shoreline from public viewing areas.
 - b. The design of structures, including fencing, shall incorporate natural materials, earth-tone colors, and otherwise blend with the rural setting.
 - c. Landscaping and lighting shall be unobtrusive and blend with the rural setting. Landscaping and incorporate native plants common to the area, as contained in Attachment 3.
 - d. The structures shall be modified for bulk, size, and height where necessary to protect and minimize visibility from the public viewshed. (Ref. Policy 2.2.2.1 & 2.2.3.3)
3. New structures shall be located on the least visible portion of a parcel, as viewed from a public viewing area. (Ref. Policy 2.2.2.4)

4. Structures shall be located and sited so as to minimize the amount of tree removal and grading to that amount necessary for construction of the building site and access road. Development proposals shall be modified as necessary for size, bulk, siting, location, and/or design where this would result in less tree removal and/or grading. All tree removal shall be in accordance with Section 20.144.050.B. (Ref. Policy 2.2.2.4 & 2.2.3.6)
5. Landscape screening and restoration shall be required where needed to minimize the visual impact of development, as viewed from a public viewing area. Screening and replanting shall consist of native plants consistent with those found in the area. As conditions of project approval, a landscape plan and performance bond shall be submitted to and approved by the Director of Planning prior to occupancy and the landscaping shall be continuously maintained in a weed-free, litter-free manner. (Ref. Policy 2.2.2.5)
6. 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 North County Land Use Plan or development standards of this ordinance. 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.
7. 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.

8. Development of access roads shall meet, and be modified as necessary to meet, the following standards:
 - a. Roads shall be sited so as to reduce visibility from a public viewing area, such as by being sited to allow natural screening by existing vegetation or topography. Road and driveway ingress and egress points shall meet traffic safety requirements of the Public Works Department on County roads and the State Department of Transportation on State Highways.
 - b. Roads shall minimize grading, erosion, and scarring by being sited to conform to natural topography and by incorporating property erosion control, drainage control, engineering, and stabilization as a condition of project approval.
 - c. New roads shall not be permitted on slopes of greater than 25% subject to Section 20.144.070.E.2.
 - d. Access to residential, recreational, and agricultural uses shall utilize existing access roads on the subject and/or neighboring parcels. Where proposed development includes construction of a new access road, the applicant shall demonstrate an inability to obtain easements for use of existing private roads or inability to use existing public roads as access. Such demonstration may include maps delineating roads and easements on adjacent properties and written verification from owners of property potentially providing access. such information shall be required

and submitted prior to the application being considered complete. (Ref. Policy 2.2.3.4)

9. New utility and transmission lines shall be placed underground. Development of overhead lines may only be considered upon the applicant's demonstration that: 1) the utility provider is unable to feasibly place utilities underground; 2) overhead utilities will not have adverse visual impacts due to poles and lines being naturally screened from view of a public viewing area by existing topography or vegetation; or, 3) overhead utilities will better meet resource protection policies of the North County Land Use Plan or development standards of this ordinance. (Ref. Policy 2.2.3.5)
10. Highway direction and other public and private signs shall be of a size and design so as to be consistent with the visual character of the area where feasible. To this end, the sign shall be small in scale and of a height appropriate to its purpose where feasible. Highway direction signs shall be in conformance with California Vehicle Code 21401. (Ref. Policy 2.2.3.7)
11. Commercial and industrial signs shall incorporate natural materials, shall utilize paint only for lettering, and shall not be internally-illuminated. External illumination shall be restricted to lighting only of the sign's face. (Ref. Policy 2.2.3.8)

20.144.040 Environmentally Sensitive Habitat Development Standards.

Intent of Section: The intent of this Section is to provide development standards which will allow for the protection, maintenance, and, where possible, enhancement and restoration of North County environmentally sensitive habitats. The environmentally sensitive habitats of North County are unique, limited, and fragile resources of Statewide significance, important to the enrichment of present and future generations of County residents and visitors. (Ref. Policy 2.3.1)

A. Biological Survey Requirement

1. A biological survey shall be required for all proposed development meeting one or more of the following criteria:

- a. The development is located within an environmentally sensitive habitat, as shown on current North County Environmentally Sensitive Habitat resource map or other available resource information, or through the planner's on-site investigation;
 - b. The development is potentially located within an environmentally sensitive habitat, according to available resource information or on-site investigation;
 - c. The development is or may potentially be located within 100 feet of an environmentally sensitive habitat, and/or has potential to negatively impact the long-term maintenance of the habitat, as determined through staff's project review; or,
 - d. There is disagreement between staff and the applicant as to whether the proposed development meets one of the above criteria. (Ref. Policy 2.3.2.5)
2. The Survey shall be required, submitted, and meet approval of the Planning Department prior to the project application being determined complete. 2 copies of the survey report shall be submitted.
 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 applicant's expense.
 4. The biological survey shall contain the following elements:
 - a. identify the property surveyed, with accompanying location map and site plan showing topography and all existing and proposed structures and roads, and the proposed project site(s);
 - b. Describe the method of survey;
 - c. Identify the type(s) of plant and animal habitats found on the site (and/or on adjacent properties where development is adjacent to the habitat), with an accompanying map delineating habitat location(s);
 - d. identify the plant and animal species, including rare and endangered species, found on the site (or on adjacent properties,

where development is adjacent to the habitat) with a map showing their habitat locations;

- e. In areas of potential public access, determine the maximum amount and type(s) of public use which will allow for the long-term maintenance of the habitat;
 - f. Describe and assess potential impacts of the development on the environmentally sensitive habitat(s) found on the site and/or on neighboring properties;
 - g. recommend mitigation measures, such as setbacks from the habitat , building envelopes, and modifications so to proposed siting, location, size, design, vegetation removal, and grading, which will reduce impacts to on-site or neighboring habitats and allow for the habitat's long-term maintenance;
 - h. assess whether the mitigation measures will reduce the development's impact to an insignificant level, which is the level at which the long-term maintenance of the habitat is assured; and,
 - i. Other information or assessment as necessary to determine or assure compliance with resource protection standards of the North County Land Use Plan and of this ordinance.
5. The Biological survey may be waved by the Director of Planning for development of a single family dwelling on a vacant lot of record created through subdivision or lot line adjustment, for which a biological survey was prepared according to the requirements of this section.

B. General Development Standards

1. All development, including vegetation removal, excavation, grading, filling, and construction of roads and structures, shall be prohibited in the following environmentally sensitive habitat areas: riparian corridors, wetlands, dunes, sites of known rare and endangered species of plants and animals, rookeries, major roosting and haul-out sites, and other wildlife breeding or nursery areas identified as environmentally sensitive. As an exception, resource dependent uses, including nature education and research hunting, fishing and aquaculture, where

allowed by the North County Land Use Plan, or activities for maintenance of existing structures and roads , or activities for watershed restoration may be allowed within environmentally sensitive habitats if it has been determined through the biological survey that impacts of development will not harm the habitat's long-term maintenance. (Ref Policy 2.3.2.1)

2. Development on parcels containing or within 100 feet of environmentally sensitive habitats, as identified on the current North County Environmentally Sensitive Habitat resource map, other resource information, or planner's on-site investigation, shall not be permitted to adversely impact the habitat's long-term maintenance, as determined through the biological maintenance, as determined through the biological survey prepared for the project. Proposals shall be modified for siting, location, bulk size, design, grading vegetation removal, and/or other methods where such modifications will reduce impacts to an insignificant level and assure the habitat's long-term maintenance. Also, the recommended mitigation measures of the biological survey will be considered by the decision-making body and incorporated into the conditions of approval as found necessary by the decision-making body to implement land use plan policies and this ordinance and made conditions of project approval. (Ref. Policy 2.3.2.2)
3. New land uses and new subdivisions on parcels within 100 feet of environmentally sensitive habitats, as identified on the current North County Environmentally Sensitive Habitat resource map, other resource information, or planner's on-site investigation, shall not be permitted where they will adversely impact the habitat's long-term maintenance, either on a project or cumulative basis. As such, a project shall only be approved where sufficient conditions of approval are available, such as for siting, location, design, setbacks, and size, which will mitigate adverse impacts to and allow for the long-term maintenance of the habitat, as determined through the biological survey. Also, a project shall only be approved where the decision-making body is able to make a determination that the project will not set a precedent for continued land development which, on a cumulative basis could degrade the habitat. (Ref. Policy 2.3.2.2 & 2.3.2.3)

4. Subdivisions which are completely within an environmentally sensitive habitat shall not be permitted. (Ref. Policy 2.3.2.4)
5. Subdivision of parcels containing an environmentally sensitive habitat area, as identified on the current North County Environmentally Sensitive Habitat resource map, other resource information or planner's on-site investigation, shall only be permitted where such subdivision not result in adverse impacts to the habitat's long-term maintenance, as determined through the biological survey. Such subdivisions shall incorporate techniques, such as clustering, appropriate setbacks from the habitat, building envelopes, and conservation easements, in order to mitigate adverse impact to the habitat. As well, large and, where feasible, contiguous areas and corridors of native vegetation shall be placed. In conservation easement so as to provide sufficient vegetative habitat for the long-term maintenance of its associated wildlife. Further conditions of project approval shall include: a) establishment of building envelopes on each approved parcel which allows for the least impact on and vegetation removal within and adjacent to the environmentally sensitive habitat; b) recordation of the building envelopes on the final map or record of survey; c) placement of a note on the final map stating that no grading, structures, roads animal crazing, vegetation removal, or other activities may take place outside of the building envelope; and, d) recordation of a notice with the County Recorder stating that a building envelop has been established on the parcel, and that no grading, structures, roads, animal grazing, vegetation removal, or other activities may take place outside of the envelope. (Ref. Policy 2.3.2.4 and 2.3.3.C.1 & C.2)
6. Deed restrictions or conservation easement dedications over environmentally sensitive habitat areas shall be required as a condition of approval for any development proposed on parcels containing environmentally sensitive habitats. Where the proposed project is to occur on an already-developed parcel, restrictions or easement dedications over the habitat area shall still be required. The restrictions and easements shall be in accordance with the requirements of Section 20.142.130. (Ref. Policy 2.3.2.6)

7. Public access to and within 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. Provision of public access in areas of sensitive habitats shall be permitted only if the development will not disrupt or otherwise impact the long-term maintenance of the habitat, as determined through the biological survey prepared for the project. Where public access is permitted, a condition of project managed controlled, and confined to designated trails and paths so as to reduce potential adverse impacts. (Ref. Policy 2.3.2.70)
8. Removal of indigenous vegetation and land disturbance, such as grading, excavation, paving, and fill, on parcels containing or adjacent to environmentally sensitive habitats shall be limited to that necessary for the structural improvements and driveway access. Modifications to the proposal shall be made for siting, location, design, bulk, vegetation removal, and grading where such modifications will reduce impacts to the habitat. (Ref. Policy 2. 3. 2. 8)
9. The use of native species consistent with and found in the project area shall be required in landscaping required as a condition of project approval. A list of appropriate native plant species is included as Attachment 3. (Ref. Policy 2.3.2.9)
10. Construction activities, and industrial, public and commercial recreational uses which would affect rare, threatened and endangered birds shall be regulated by conditions of project approval to protect habitats of the birds during their breeding and nesting seasons. As such, conditions of project approval may include restricted access, noise abatement, restricted hours of operation of public or private facilities, and other mitigation measures as recommended in the biological survey prepared for the project. Regulations shall not prohibit emergency operation of service and -public utility equipment. (Ref. Policy 2.3.2.10)

C. Specific Development Standards

1. Terrestrial Plant Wildlife Habitats

- a. Maritime chaparral habitat, as identified on the current North County Environmentally Sensitive Habitat resource map or through other resource information, a biological survey, or the planner's on-site investigation, shall not be permitted to be converted to agricultural use. (Ref. Policy 2.3.3.A.2)
- b. New Residential development on parcels containing or adjacent to chaparral habitat, as identified on the current North County Environmentally Sensitive Habitat resource map or through other resource information, a biological survey, or the planner's on-site investigation, shall minimize development within and impacts to the habitat. As such, the development proposal shall incorporate techniques, and be modified as necessary, to reduce and mitigate impacts. Such techniques shall include clustering of structures, reduced grading reduced vegetation removal, modifications in size, location, siting, design, and bulk, proper erosion controls, and landscaping with chaparral habitat plant species. As well, the development shall comply with the Environmentally Sensitive Habitat General Development Standards applicable to development in and within 100 feet of an environmentally sensitive habitat. (Ref. Policy 2.3.3.A.2)
- c. Where development is proposed on parcels containing chaparral habitat, conservation easements shall be required, as conditions of project approval, over the portions of the parcel over 25% in slope and containing chaparral habitat. The easements shall be in accordance with the requirements of Section 20.142.130. (Ref. Policy 2.3.3.A.2)
- d. Where development is proposed on parcels containing environmentally sensitive habitat, if domestic livestock, including cows, sheep, pigs, - horses, and goats, are presently or proposed for location on the parcel, a condition of project approval shall be that fencing be erected in order to confine livestock to non-environmentally sensitive habitat areas. AS well, prior to the application being considered complete, the applicant shall be required to contact either the Agricultural Extension Farm Advisor or a private agricultural consultant (selected from the County's list of agricultural viability consultants) regarding appropriate livestock management on the parcel, including the types and amounts of appropriate livestock given the specific on-site conditions. The Farm

Advisor's or agricultural consultant's written recommendations shall be provided to the Planning Department prior to the application being determined complete. Those recommendations shall be incorporated into the

- e. Development on a parcel within oak woodland habitat shall minimize the amount of oak tree removal to that required for construction of structures and access road. Where the parcel is within an approved subdivision for which a biological report has been required and a building envelope accordingly designated on the final map, the development shall be restricted to the building envelope area. Where no envelope has been established, the development shall be restricted to an area on less than 25% slopes and to an area which will allow for the least amount of oak tree removal necessary, as determined through the biological report and forest management plan required for the project. Where the proposed project includes a subdivision or a lot line adjustment, the proposed lots shall be configured so as to result in a building site requiring a minimized amount of oak tree removal. In all cases, proposals shall be modified for size, location, siting, design, bulk, grading and proposed lot boundaries where such modifications will result in reduced oak tree removal while also maintaining the resource protection standards of the North County Land Use Plan and this ordinance. (Ref. Policy 2.3.3.A. 4)
- f. Development within coastal sand dune habitats in "OR" (Outdoor Recreation) and "RC" (Resource Conservation) zoning districts shall be restricted to scientific, educational and low- intensity recreational uses, and within the Moss Landing area, essential utility pipelines where no feasible alternative exists. Within the "OR" zoning district, conditional uses for the district, as contained in Chapter 20.134, may be considered upon completion of geologic and hydrologic reports, as prepared by a registered engineering geologist, and biologic report, as prepared by a biologist from the County's list of consulting biologists. The reports must be in conformance with the requirements of Section 20.144.040.A and 20.144.100.A.1. As well, the reports must be determined adequate by the County Planning Director and reviewed by County Flood Control, Health, Building Inspection, and Public Works departments and by other

reviewing agencies as deemed appropriate by the County Planning Department. A third-party review shall be required where needed to establish report adequacy or to address comments of the reviewing agencies. The geologic and hydrologic reports, which may be combined into one comprehensive report, must describe and address the proposed development, assess flood, seismic, and geologic hazards, and analyze the short-term and long-term impacts to the proposed development from such hazards. As such, the reports must further address mitigation measures to reduce such impacts, including appropriate uses, use intensities, development locations, and modifications to the proposed development. The biological report shall assess the environmentally sensitive habitat and provide mitigation measures to reduce habitat disturbance and adverse impacts to a level assuring the long-term maintenance of the habitat. In order to approve the proposed project, the decision-making body shall make the following findings: 1) due to available mitigation measures and information contained in the biologic report, the proposed development will not adversely impact the long-term maintenance of the environmentally sensitive habitat; and, 2) due to available mitigation measures and information contained in the hydrologic and geologic reports, the seismic, flood, and geologic hazards will not pose a threat to public health, safety, or welfare. Where a project is approved, conditions of approval shall include measures, including those contained in the report prepared for the project, necessary to reduce hazards and impacts to a level at which the above findings can be made. (Ref. Policy 2.3.3.A.6)

- g. Development of new public access or improvements to existing public access through dune habitats shall include measures to protect the dune stability. Such measures shall include boardwalks, pathways constructed of permeable materials, and/or other measures to control and limit dune access. (Ref. Policy 2.3.3.19)

2. Riparian, Wetland, and Aquatic habitats

- a. Within intermittent and perennial stream channels, as mapped on U.S. Geological Survey maps or as identified by the department of Fish and Game, the following development shall be prohibited: cultivated

agriculture, pesticide applications, and installations of septic systems. Grazing may be permitted only at levels which will not destroy the vegetative ground cover of the stream channel, as determined through a biological survey and regulated through conditions of project approval. (Ref. Policy 2.3.3.B.3)

- b. All development shall be set a minimum of 150 feet back from each bank of perennial streams, 50 feet back from the top of each bank of intermittent streams (as mapped on U.S. Geological Survey maps or as identified by the Department of Fish and Game), or the extent of riparian vegetation, whichever is greater. The decision-making body may allow a reduction in the required setback if it has been conclusively demonstrated in a biological survey that the reduced setback is sufficient to protect existing riparian vegetation from the impacts of development. As well, the decision-making body may require a wider setback if so recommended in the biological survey or otherwise necessary for the mitigation of development impacts to existing riparian vegetation. (Ref. Policy 2.3.3.B.1)
- c. All development, including dredging, filling, and grading within stream corridors and their associated riparian vegetation shall be limited to flood control projects to protect existing development, water supply projects, improvement of fish and wildlife habitat, laying of pipelines when no alternative route is feasible, and continued and future use of utility lines and appurtenant facilities. These activities shall be carried out and conditions of project approval required, in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution. A geologic report shall be required in accordance with Section 20.144.100.A.1. When the development requires removal of riparian plant species, revegetation with native plants shall be required as conditions of project approval. (Ref. Policy 2.3.3.B.2)
- d. All development shall be set a minimum of 100 feet back from the landward edge of vegetation associated with coastal wetlands, including but not limited to McClusky Slough, Pajaro River, Salinas River lagoon, Elkhorn Slough, Bennett Slough, and Moro Cojo Slough. As an exception, permanent structures necessary for recreational, scientific,

or educational use of the habitat may be permitted within the setback area where it is demonstrated that: 1) the structure cannot be located elsewhere; and, 2) the development does not significantly disrupt or adversely impact the habitat as determined in the biological survey prepared for the project. As a further exception, the permanent structures along Moss Landing Road on the west side of Moro Cojo Slough which are located within the 100 foot setback, as shown in Attachment 4, may be replaced, provided that: 1) the replaced be sited in the same location on the affected property as the structure to be replaced; 2) the replacement shall conform to the requirements of the applicable zoning district; 3) the replacement structure shall be for the same use as the structure to be replaced; 4) the replacement structure shall not exceed either the floor area, height or bulk of the structure to be replaced by more than 10%; and 5) the replacement does not adversely impact the habitat as determined in the biological survey prepared for the project. Where development is proposed on any portion of a parcel containing area within a 100 foot setback of the landward edge of coastal wetland vegetation, the setback area shall be placed in an open space easement shall be in accordance with the requirements of Section 20.142.130. (Ref. Policy 2.3.3.B.4 & B.5; Coastal Act Section 30610)

- e. Development which includes dredging or other major construction activities which are considered to be those with potential to adversely impact riparian, wetland, or aquatic habitats shall be conducted so as to avoid breeding seasons and other critical phases in the life cycles of commercial species of fish and shellfish and other rare, endangered, and threatened indigenous species. Recommended mitigation measures to avoid disruption of plant and animal lifecycles, as contained in the biological survey required in accordance with Section 20.144.040.A, shall be made conditions of project approval. (Ref. Policy 2.3.3.B.6)
- f. Development and recreational activities near the harbor seal haul-out areas, as shown on current North County Environmentally Sensitive Habitat resource map, or through a biologic report, the planner's on-site investigation, or other resource information, shall not adversely

impact the continued viability and long-term maintenance of this habitat. As such, conditions of project approval and project modifications, as recommended in the biological survey, shall be required where necessary to mitigate adverse habitat impacts. (Ref. Policy 2.3.3.B.7)

- g. New development shall not be permitted adjacent to estuarine areas where such development may result in: 1) drainage or discharge of oil or other toxic substances into the estuary; or, 2) increase in the hazard of oil spill or toxic substance discharge into the estuary. As such, development on parcels containing, adjacent to, or with drainage into estuarine areas must comply with all Monterey County Code regulations of toxics and hazardous substances, as administered by the County Health Department for a review of the development's conformance with Titles 22 and 23 of the Public Resources Code and with applicable sections of the Monterey County Code pertaining to toxics and hazardous substances, prior to the application being determined complete. The applicant shall be required to provide written verification from the Health Department that: 1) the project complies with Code requirements; or, 2) with conditions of project approval, the proposed development will comply with Code requirements and will not result in or increase the hazard of drainage or discharge of oil or other toxic substances into the estuary; or, 3) additional studies must be completed prior to the Health Department's verification. Such studies shall be completed prior to the application being considered complete, and shall include such information and testing as determined necessary by the health Department. Conditions of project approval shall be applied as necessary to assure no impacts to the estuary related to hazardous or toxic substances. (Ref. Policy 2.3.3.B.8)

3. Marine Habitats

- a. Development proposing new or expanded wastewater discharge into the Monterey Bay and coastal waters of Monterey County shall be reviewed by the health Department pursuant to Section 20.140.080.D.1. 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 if onsite disposal will have an adverse impact on groundwater quality.

The data and results of requirements 1) through 8) must be submitted to the County's Chief of Environmental Health for evaluation. A

wastewater discharge permit, as a part of the overall Coastal Development Permit, shall be issued only if the above information demonstrates that the proposed wastewater discharge will not degrade marine habitats; will not create hazardous or dangerous conditions; and will not produce levels of pollutants that exceed any applicable state or federal water quality standards. (LUP Amendment)

20.144.050 Forest Resources Development Standards.

Intent of Section: The intent of this Section is to provide development standards which will allow for the protection and maintenance of North County's forest resources.

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 non-native or planted trees, except where this would be ridgeline tree removal as per Section 20.144.050.D.8 or where the trees are considered to be of significant or landmark status, as defined in Section 20.144.050.D.1;
 - b. Removal of hazardous trees which pose an immediate danger to life or structures;
 - c. Removal of native trees less than 12" diameter when measured at breast height, or removal of oak trees less than 6" in diameter measured 2 feet above the ground, or removal of madrone trees less than 6" in diameter measured at breast height;
 - d. Prescribed burning, crushing, lopping, or other methods of clearing brush which do not materially disturb underlying soils;
 - e. A Timber Harvest Plan is required for the tree removal, in accordance with State requirements; or
 - f. Removal of trees planted as part of an orchard or a commercial tree-growing and harvesting operation (such as Christmas tree farms or nurseries).

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. Forester's Assessment and Recommendation

1. A Forester's Assessment and Recommendation shall be required for removal of three or more trees requiring a coastal Development Permit or proposed as part of a development where the tree removal would otherwise require a coastal development permit. For the purposes of the Forester's Assessment and recommendation, a clustered or multi-stemmed tree shall be considered one tree if sharing a common basal crown at ground level. The basal crown is the enlargement of the bottom of a tree trunk at the ground.
2. The Forester's Assessment and recommendation shall be required by, submitted to, and accepted by the Director of Planning prior to the application being determined complete. Three copies of the assessment/recommendation shall be submitted.
3. The Forester's Assessment and Recommendation shall be prepared by a qualified professional forester, as selected from the County's list of consulting foresters. Report preparation shall be at the applicant's expense.
4. The Forester's Assessment and Recommendation shall consist of a narrative and a plot plan. The narrative shall include a general description of the property, a general description of the number, types, sizes and spacing of trees found on the property, the overall forest condition, and a recommendation as to the proposed tree removal and tree replacement. The plot plan shall generally show the distribution of tree types and sizes, proposed development (if any), tree removal, and tree replacement. On the plot plan, individual trees need not be shown

in order to depict the tree cover on the parcel. However, the tree(s) must be clearly shown. Both the plot plan and the narrative must be signed by the towner and the forester preparing the plan.

C. Development Standards

1. Landmark trees of all native and non-native species shall not be permitted to be removed. A landmark tree is a eucalyptus or Monterey pine which is 36" or more in diameter measured at breast height, or any other type of tree which is 24" or more in diameter when measured at breast height, or a tree which is visually significant, historically significant, exemplary of its species, or significant as part of a wildlife habitat. Where a tree proposed for removal may potentially act as a nesting or roosting location for a rare, endangered, or threatened species, a biological survey report shall be required in order to assess the tree's role and significance to the species' habitat.

An exception may be granted by the decision-making body for removal of a tree that is 24 inches or greater in diameter (measured at breast height) and not also visually or historically significant, exemplary of its species or more than 1000 years old. To grant the exception, the decision-making body must find that no alternatives to development (such as resiting, relocation, or reduction in development area) exists whereby the tree removal can be avoided or that the tree removal is for the purpose of maintaining existing agricultural operations where not resulting in the enlargement of those operations.

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 public right-of-way where no feasible and prudent alternatives to such removal are available, subject to obtaining a coastal development permit.

2. Removal of native trees, as listed in Attachment 2, which would render a structure visible from a public viewing area may be permitted providing that replacement landscaping is provided. As a condition of project approval, a landscaping plan and performance bond shall be subject to and approved by the Director of Planning prior to issuance of the permit.

3. Removal of native trees shall be limited to that which is necessary for the development of the structure and access road and/or necessary for the improvement of an unhealthy forest condition and for the forest's long-term maintenance, as assessed in the Forester's Assessment and Recommendation, if prepared for the proposed development. Proposed development shall be modified for siting, location, design, size, and bulk where such modifications will result in less removal of healthy trees in a healthy forest condition, as assessed in the forester's Assessment and Recommendation, if prepared for the proposed development.
4. Tree removal shall not be permitted within the riparian corridor or wetland habitat.
5. Native trees to be removed which are 12 inches or more in diameter, or madrone trees which are 6 inches or more in diameter when measured at breast height, and oak trees to be removed which are 6 inches or more in diameter when measured 2 feet above the ground 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 forester's assessment and recommendation (if prepared for the proposed development) that this would result in an overcrowded, unhealthy forest condition.
6. Development within oak woodland habitat shall minimize the amount of oak tree removal to that required for construction of structures and access road. As well, subdivisions and lot line adjustments shall be configured so as to result in a building site requiring a minimized amount of oak tree removal. Proposals shall be modified for structure size, location, siting, design, bulk, grading, lot size, and proposed lot boundaries where such modifications will result in reduced oak tree removal while also maintaining the resource protection standards of the North County Land Use Plan and this ordinance. (Ref. Policy 2.3.3.A.4)
7. Development which includes the preparation of a forester's assessment and recommendation shall be required as a condition of approval to record a notice which states: "A Forester's Assessment and Recommendation 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 approved as part of (permit no.) must be in accordance with the Forester's Assessment and recommendation." This notice must be recorded prior to issuance of building or grading permits.

8. Removal of trees shall not be permitted on the side or crest of a hill where such removal would create a gap, hole, or interruption in a tree cover on a ridgeline.
9. A condition of all project approval where retained trees may be affected by construction, shall be:

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, or tunneling under major roots where exposed in foundation or utility trenches, and other measures appropriate to protect the well-being of the retained trees."

20.144.060 Diking, Dredging, Filling and Shoreline Structures Development Standards.

Intent of Section: The intent of this Section is to provide development standards which will regulate diking, dredging, filling, and construction so as to preserve and protect the coastal estuaries and wetlands in as natural a state as possible while providing for appropriate expansion of Moss Landing Harbor facilities and other limited, compatible wetland uses. (Ref. Policy 2.4.1)

A. Biological Survey Requirement

1. A biological survey shall be required for all projects involving diking, dredging, filling and construction of new structures within the shoreline, estuary and wetland areas, as determined through review of current North County Environmentally Sensitive Habitat maps, other resource information, or on-site investigation.
2. The biological survey requirement may be waived by the Director of Planning for diking, dredging, and filling activities related to the maintenance and repair of existing structures in shoreline, estuary, and

wetland areas. In order for a waiver to be considered by the Director of Planning, a biological survey must have been previously prepared and approved according to the standards of this section and the survey must have adequately addressed expected impacts of the proposed activities. Where such impacts are unknown or in question, the survey may not be waived.

3. The survey shall be required, submitted, and meet approval of the Planning Department prior to the project application being determined complete. 3 copies of the report shall be submitted.
4. Prior to receiving County approval, a copy of the report (with the project application form and project map) shall be transmitted by the County to the California Department of Fish and Game for review and comment.
5. 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 applicant's expense.
6. The biological survey shall contain the following elements:
 - a. Identify the property and area surveyed, with accompanying location map and site plan showing topography, all existing and proposed structures and roads, and the proposed project site(s);
 - b. Describe the method of survey;
 - c. Identify the type(s) of plant and animal habitats found on the site and in the areas to be affected by the proposed development, with an accompanying map delineating habitat location(s);
 - d. Identify the plant and animal species, including rare, threatened, and endangered species, found on the site and in the area to be affected by the proposed development, with a map showing their locations;
 - e. Describe and assess potential impacts of the proposed development, including those from alteration of natural shoreline processes, dredging, and spoils disposal, on habitats found on the site and in the area to be affected; and,

- f. Describe and discuss measures to enhance the biological productivity of the area, including plans for wetland creation or restoration and for site restoration, and to mitigate adverse impacts to the wetlands, shoreline, and/or estuarine habitat. Include alternatives and modifications to the proposed development which will result in less environmental damage and habitat disruption.

B. Geologic Report Requirement

1. A geologic report shall be required for all projects involving diking, dredging, filling, and constriction of new structures within the shoreline, estuary, and wetland areas, as determined through review of current North County Environmental Sensitive Resource Maps, other resource investigation, or on-site investigation.
2. The geological survey requirement may be waived by the Director of Planning for diking, dredging, and filling activities related to the maintenance and repair of existing structures in shoreline, estuary, and wetland areas. In order for a waiver to be considered by the Director of Planning, a geological survey must have been previously prepared and approved according to the standards of this section and the survey must have adequately addressed expected impacts of the proposed activities. Where such impacts are unknown or in question, the survey may not be waived.
3. The geologic survey must be prepared in accordance with the requirements of Section 20.144.100.A.1.

C. Development Standards

1. Diking, dredging, filling, and construction resulting in alteration of natural shoreline processes, including those related to drainage, water circulation, and sand transport, shall be prohibited except where for protection of public beaches, existing significant structures (such as public roads), coastal dependent development, or for public health and safety. Where a proposed development's impacts on the shoreline processes are not fully known, or in question, appropriate professional engineering, hydrological, geological, biological, or other studies shall be required for the necessary assessment, geological reports shall be

prepared in accordance with Section 20.144.100.A.1. (Ref. Policy 2.4.2.1 and Coastal Act Section 30235)

2. The diking, filling, or dredging of coastal wetlands or estuaries shall be limited to restorative measures to maintain and enhance the long-term maintenance of the biological habitat, and to appropriate facilities associated with access , research, education, mariculture, and aquaculture. The development shall be in accordance with the requirements and specific criteria designated in an approved wetland management plan has been approved for the area, appropriate facilities shall be limited to those consistent with Section 30233 (a) of the Coastal Act, as follows:
 - a. new or expanded port, energy and coastal-dependent industrial facilities, including commercial fishing facilities;
 - b. Maintaining existing or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps;
 - c. In wetland areas only, entrance channels for new or expanded boating facilities; and, in “degraded wetland” areas as identified by the California Department of Fish and Game, entrance channels for boating facilities, where a substantial portion of the degraded wetland is restored and maintained as a biologically-productive wetland along with development of the boating facilities. In the degraded wetland areas, the size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25% of the degraded wetland.
 - d. In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities;
 - e. Incidental public service purposes, including but limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines;

- f. mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas;
 - g. Restoration purposes; and,
 - h. Nature study, aquaculture, or similar resource dependent activities. (Ref. Policy 2.4.2.4 & Coastal Act Section 30233 [a])
3. Diking, dredging and filling shall only be permitted where the following criteria can be met:
- a. An equivalent area of new or “degraded” wetland, as identified by the California Department of Fish and Game pursuant to Coastal Act Section 30411, is created or restored within the same estuarine system and in a manner which maintains or enhances overall biological productivity shall be fully discussed and assessed in the biological survey. Such plans shall be implemented, as a condition of approval to be completed before the approved development activities may proceed. As an exception, completion before proceeding with the approved development may be waived for temporary fill, short-term fill in place for not more than 6 months, or for diking, provided that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time, not to exceed one year from project installation.
 - b. The amount and extent of proposed diking, dredging, and filling is the minimum necessary to accomplish the intended purpose, and, where there are alternatives to the proposed development, the least environmentally-damaging alternative is chosen. As such, modifications shall be made for siting, location, design, and amounts of dredging and fill or other factors, where the modifications will minimize the amount and/or extent of diking, dredging, and filling. Appropriate biological, hydrologic, engineering, geologic or other professional studies shall be required where needed to determine project impacts, alternatives, and mitigation measures. (Ref. Policy 2.4.2.2, 2.4.2.4, 2.4.2.6 & 2.4.3.6 and Coastal Act Section 30233 (a), 30411 & 30607.1)

4. Channelization's, dames or other substantial alterations of rivers and streams shall be limited to the following:
 - a. necessary water projects;
 - b. flood control projects where 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,
 - c. developments where the primary function is the improvement of fish and wildlife habitat.

As a condition of project approval, the project shall incorporate mitigation measures, such as those contained in the biological, geological, and other reports prepared for the project, which will reduce impacts to the affected plant and animal habitats. (Ref. Policy 2.4.3.6 and Coastal Act Section 30236)

5. Filling shall not be permitted within the wetland area of McClusky Slough, unless the filling is permitted in conjunction with a wetland enhancement or restoration plan. (Ref. Policy 2.4.3.1)
6. Where diking, dredging, or filling will disrupt a site, that site shall be restored to its original condition if restoration is feasible and also desirable for maintenance or enhancement of the area's biological productivity, as determined through the biological survey prepared for the project. Site restoration plans shall incorporate recommendations included in the biological survey prepared for the project and shall be implemented directly following project completion, as a condition of project approval. (Ref. Policy 2.4.2.5)
7. Where proposed development involves dredging and spoils disposal, such activities shall be planned and implemented so as to avoid significant and unnecessary disruption to marine, estuarine, and wetland habitats, and to the pattern and volume of water circulation. Appropriate biological, engineering, hydrologic or other professional studies shall be required where needed to determine potential development impacts, alternatives to development, and mitigation measures to reduce habitat disruption. Such measures may be made

conditions of project approval. Further conditions of project approval shall be that: 1) dredged spoils suitable for beach replenishment be transported for such purposes to appropriate beach areas with suitable longshore current systems; and, 2) dredged spoils meet all State and Federal standards for the protection of the marine biological environment and shall be disposed of consistent with all current policies and activities on other sites. (Ref. Policy 2.4.2.3)

20.144.070 Water Resources Development Standards.

Intent of Section: the intent of this section is to provide development standards which will protect the water quality of the North County surface water resources and groundwater aquifers, control new development to a level that can be served by identifiable, available, and long-term water supplies, and protect North County streams, estuaries, and wetlands from excessive sedimentation resulting from land use and development practices in the watershed areas. (Ref. Policy 2.5.1)

A. Critical and Non-Critical Erosion Area Determination

1. For all proposed development, a determination shall be made by the project planner as to which portions of the parcel are in Critical and Non-Critical Erosion Areas. The determination shall be made prior to the application being determined complete. The map may not meet County approval until it has been determined to be accurate and of professional quality. (Ref. Policy 2.5.3.C.2.a)
2. Those process for determining which portions of the parcel are in Critical and Non-Critical Erosion Areas is as follows:
 - a. Greater than 25% Slopes
 - 1) A map showing both contours and areas of the parcel with slopes of 0% - 10%, 10% - 25%, and over 25% shall be required by, submitted to, and approved by the Planning Department prior to the application being determined complete. The Map may not meet County approval until it has been determined to be accurate and of professional quality. (Ref. Policy 2.5.3.C.2.a)

- 2) Those portions of the parcel shown on the map as exceeding slopes of 25% shall be determined to be "Critical Erosion Areas".

b. K-Factor

- 1) The project planner overlays the appropriate Planning Department base map with the appropriate map sheet in the Soil Conservation Service Soils manual for Monterey County. The base map is a transparency delineating parcel boundary, while the Soils Manual sheet delineates soil types. Both are at a 1" to 2000' scale.
- 2) The project planner is able to identify the soils types and their distribution over the parcel, with the overlay.
- 3) The planner determines the K-Factor for each soil type on the parcel by looking at Table 7 of Soils Manual. For some soil types, the Soils Manual provides a range of K-Factors

c. Critical Erosion Areas

Critical Erosion Areas shall then be those areas of slope in excess of 25% and K-Factor in excess of .4, according to the above analysis.

3. If a project involves substantial development, such as a subdivision, or where the soil types or development location in relation to the soil types, cannot be accurately determined by the planner, the applicant shall be required to provide a soils analysis. The analysis shall consist of a soils map prepared by a soils engineer which delineates the following information: contours, areas over 25% in slope, soil types, and soils with K-Factors exceeding 0.4. This information shall be used as the basis for the planner's determination of Critical and Non-Critical Erosion Areas.

B. Land Disturbance Target Evaluation Requirement and Watershed Restoration Area Determination

1. For all proposed development, a Land Disturbance Target (LDT) Evaluation and a determination as to whether the development is

located in a Watershed Restoration area shall be made prior to the application being determined complete.

As such, the planner will determine if the parcel is located within a "Watershed Restoration Area" at the time the application is reviewed. The applicant will also be required to submit a "LDT evaluation" form prior to the application being determined complete. When the form is submitted, the planner will determine whether the proposed development will cause the sub watershed in which it is located to become a "Watershed restoration Area". A project which is located in a Watershed Restoration Area at either point in the determination will be subject to the development standards for such areas, as contained in Section 20.144.070.F.

Elkhorn Slough and Moro Cojo Slough have been delineated according to their sub watersheds, as shown on the North County Land Use Plan resource maps. Each sub watershed has a "Land Disturbance Target", shown in Table 1 of the Land Use Plan, which is the total amount of land disturbance or bare ground permitted in the sub watershed. A "Watershed Restoration Area" is a sub watershed in which the total amount (in acres) of existing land disturbance exceeds the Land Disturbance target. Such areas are subject to specific development standards, as contained in Section 20.144.070.F.

2. The LDT Evaluation shall be required, submitted, and meet approval of the Planning Department prior to the project application being determined complete. The evaluation shall be accurate and of professional quality, subject to an on-site investigation by the planner, in order to receive Planning Department approval.
3. The LDT Evaluation shall consist of the following elements:
 - a. to-scale map of the entire parcel, delineating:
 - 1) Contours;
 - 2) Hydraulic features, including drainage swales, and intermittent and perennial streams;
 - 3) existing and proposed structures, including sheds, barns, houses, water storage, etc.;

- 4) existing and proposed driveways, roads, and easements;
 - 5) existing and proposed land uses and areas of vegetation on the entire parcel, using the general land use categories in Attachment 1;
 - 6) Areas to be disturbed by cut and fill for the proposed project; and,
 - 7) Areas to be revegetated and landscaped as a part of the proposed project.
- b. LDT Evaluation Form, included as Attachment 1.
4. The LDT Evaluation process, including the Watershed Restoration Area determination, is as follows:
- a. An application for development is submitted.
 - b. As part of the application review, the planner determines the sub watershed in which the parcel is located, using the current sub watershed Resource Map.
 - c. From the Planning Department computer, the planner obtains the current figures for the sub watershed's "current existing land disturbance" (i.e., total amount of existing bare ground, in acres), "land disturbance target", and "current balance of land disturbance" (i.e. land disturbance target minus the existing disturbance). This information is entered on the LDT Evaluation Form. A negative balance indicates that the sub watershed's existing land disturbance is greater than that allowed by the North County Land Use Plan. The sub watershed is thus a "Watershed restoration Area" and the proposed project is subject to development standards for such areas.
 - d. The applicant is required to submit the LDT Evaluation information, prior to the application being determined complete. This includes submittal of the Evaluation Form and map information.
 - e. The planner completes the information on the LDT Evaluation Form, using the form's calculations for existing land disturbance,

projected land disturbance, and net change in disturbance on the parcel (i.e. projected disturbance minus existing disturbance).

- f. The planner determines whether the parcel is in a Watershed Restoration Area, given the “revised balance figure” on the LDT Evaluation Form. A negative “revised balance” indicates that the sub watershed’s land disturbance (including existing disturbance and the land disturbance added by the project) exceeds the target. The sub watershed would thus be a “Watershed Restoration Area” and the project subject to applicable development standards, including those contained in Section 20.144.070.F.
- g. The new figures on the LDT evaluation Form are entered into the Planning Department computer, so that subwatershed land disturbance information is continuously updated. The project LDT Evaluation Form is placed in the project file.

C. Erosion Control Plan Requirement

- 1. An Erosion Control Plan shall be required for the following types of development:
 - a. Any development to be located on Critical Erosion Areas;
 - b. Any development located in “HDR” (High Density Residential), “MDR” (Medium Density Residential), “VSC” (Visitor-Serving Commercial), “CGC” (Coastal General Commercial), “IC” (Institutional Commercial), “LI” (Light Industrial), or “HI” (Heavy Industrial) zoning districts;
 - c. Any development located within a Watershed Restoration Area Either at the time the application is reviewed or as a result of the proposed development; and,
 - d. Diking, dredging, filling, and construction activities within shoreline, estuary, and wetland areas; an,
 - e. Any other development with potential to create significant erosion or drainage impacts. (Ref. Policy 2.5.3.C.3.b [specific policies] and 2.5.3.C.5.b & 6.c)

2. The Erosion Control Plan shall be required, submitted, and approved by the Planning Department prior to the application being determined complete.

The erosion control plan may be required as a condition of approval, rather than prior to the determination that the application is complete, if the Director of Planning determines that sufficient erosion control measures are available so that new land disturbance will not be created as a result of the project. The Director's determination shall be based on the applicant's submittal of adequate grading and erosion control information.

3. The Erosion Control Plan shall be prepared by a registered civil engineer or soils engineer, at the applicant's expense. A minimum of 5 copies shall be submitted.
4. 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 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 a civil engineer or soils engineer and at the applicant's expense, may also be required. All departmental review, plan revisions, and third party review must be complete before the plan may be approved by the Director of Planning.
5. The Erosion Control Plan shall contain, at a minimum, the following elements:
 - a. Location map;
 - b. To-scale site plan, showing the entire parcel and existing and proposed structures, roads, fencing, vegetation removal, landscaping, livestock areas, and drainage and hydrologic features;
 - c. Map showing contours and areas of the parcel with slopes of 0% -10%, 10% - 25%, and over 25%;

- d. Map showing soil types, erosion potential hazards according to soil type, and those soils types with a K-factor exceeding .4;
- e. To-scale grading plan delineating existing contours, proposed finished contours, areas of cut and fill, areas of vegetation clearance and disturbance during construction, and cross-sections, with the plan being of sufficient scale and contour interval to clearly delineate the proposed grading;
- f. Description and assessment of potential erosion and drainage impacts from the proposed development, with depiction on a map where appropriate;
- g. Detailed plans of all surface and subsurface drainage devices, dams, channels, and other drainage devices to be constructed as 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 North County Land Use Plan and with provisions of the Erosion Control Ordinance (Monterey County Code Chapter 16.12);
- h. 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 planting will maintain a continuous vegetative cover throughout the year;
- i. An assessment of the amount of land disturbance (or bare ground) created or reduced as a result of the proposed development, calculated according to the system used for the LDT Evaluation. If the project is located in a Watershed Restoration Area, then the assessment must show how the project will either reduce or not create any new land disturbance as a result of the p=Proposed policy 2.5.3.C.6.c)

D. Hydrologic Report Requirement

- 1. A hydrologic report shall be required for any development which involves intensification of water use. As an exemption to this

requirement, a hydrologic report will not be required for the following: a) development of a single residence on a vacant, undeveloped parcel; and, b) development of an accessory structure, including a guesthouse. Uses where the water will be used for agricultural operations shall not be exempted from the hydrologic report.

2. The report shall be required, submitted, and approved by the Director Environmental Health prior to the application being determined complete.
3. The hydrologic report shall be prepared by a registered Civil engineer or hydrologist, at the applicant's expense. A minimum of 4 copies shall be submitted.
4. The report shall be reviewed by the Health Department, Flood Control District and other departments or agencies appropriate for the specific project. A copy of the submitted report shall be sent to each reviewing agency by the Health Department, with comments requested by a specified date. After comments have been received, the Health Department may require that the report be revised to include additional information or assessment as deemed necessary by the reviewing agencies. A third-party review, by a civil engineer or hydrologist at the applicant's expense, may also be required. All departmental review, report revisions, and third-party review must be complete before the report may be approved by the Director of Planning.
5. The hydrologic report shall contain, at a minimum, the following elements:
 - a. Location map;
 - b. To-scale site plan showing the entire parcel and proposed
 - c. Description of how water is currently supplied and how it will be supplied to the proposed development;
 - d. Assessment of existing and proposed water usage, including water usage for landscaped and other vegetated areas;

- e. Description of hydrologic setting and features on the parcel and in the area, and for areas presently cultivated or proposed for cultivation;
- f. Description of investigation methods, including review of well logs, (Subject to owner's permission) on-site and off-site testing, and contacts with Health Department and Flood Control District staff;
- g. Description of other development activity in the area, both proposed and under construction;
- h. Assessment of the individual and cumulative impacts of the proposed development on the quantity and quality of the groundwater table and local aquifer, specifically addressing nitrates, TDS, and toxic chemicals;
- i. Assessment of the proposed development's individual and cumulative impact on the aquifer's safe long-term yield level, saltwater intrusion, and long-term maintenance of local coastal-priority agricultural water supplies;
- j. Description and assessment of project alternatives, including reduced density, if needed to mitigate the proposed development's adverse impacts as identified above; and,
- k. 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.

E. General Development Standards

1. Where development is proposed on a parcel containing land in both Critical and Non-Critical Erosion Areas, the development, including structures and roads, shall be sited on the non-critical erosion portion of the parcel. Development shall be modified as necessary in order to be relocated off of Critical Erosion Areas. (Ref. Policy 2.5.3.C.3.a [general policy])
2. Development may be located on Critical erosion Areas only under the following circumstances:

- a. There are no alternatives to development on slopes in excess of 25%, or the proposed development is preferable as it better conforms to other resource protection standards of this ordinance, such as by reducing grading, tree removal, or impacts to an environmentally sensitive habitat. To develop under either of these two circumstances, the Director of Planning must grant a waiver of the standard requiring location of development off of critical erosion areas. As such, prior to the application being determined complete, the applicant must in writing request the waiver with an explanation of the reasons justifying the request. A determination regarding whether the waiver request is justified will then be made by the Director of Planning, with the decision able to be appealed to the Planning Commission and with findings to support the decision included within the Coastal Permit findings per Section 20.140.080.F.1.
- b. The proposed development is located in a "HDR" (High Density Residential), "MDR" (Medium Density Residential), "LI" (Light Industrial), or "HI" (Heavy Industrial) zoning district, upon approval of an Erosion Control Plan prepared according to the requirements of Section 20.144.070.C.
- c. The proposed development is to establish new cultivation in a "CAP" (Coastal Agricultural Preservation) "AC" (Agricultural Conservation) zoning district, upon approval of an Agricultural Management Plan containing measures adequate to maintain erosion and sedimentation for the site at levels closely approximating, or less than, pre-conversion levels. The Agricultural Management Plan shall be prepared and approved according to the requirements of Section 20.144.080.C.
- d. The proposed development is to construct a structure accessory to existing uses if:
 - 1) In "CAP" (Coastal Agricultural Preservation) and "AC" (Agricultural Conservation) districts, location of the structure in non-critical erosion areas would interfere with on-going commercial agricultural operations; or,

- 2) In any district, location of the structure in non-critical erosion areas would cause the structure to be of such a distance from the main structure as to render the accessory use infeasible or impractical.

Prior to the application being determined complete, the applicant must demonstrate either condition through provision of appropriate information, such as the types and locations of on-going agricultural activities, explanation of the accessory use and its relation to the main use/structure, distance to the main structure, and description of site topography and slope. (Ref. Policy 2.5.3.C.3.a – c [specific policies])

3. Development of new commercial agricultural uses which involves clearing of native vegetation shall be prohibited in Critical Erosion Areas. (Ref. Policy 2.5.3.C.3.b [general policies])
4. Structural development shall be clustered on the portions of the parcel with soils of the lowest erosion hazard potential, according to the Soil Conservation Service Soils Manual, where such clustering will reduce overall erosion and is consistent with the policies of the North County Land Use Plan and standards of this ordinance. (Ref. Policy 2.5.3.C.3.c [general policies])
5. All land clearing shall be consistent with the provisions of the County Erosion Control Ordinance (Monterey County Code Chapter 16.12). As a condition of project approval, no land clearing or grading shall take place between October 15 and April 15 in Watershed Restoration Areas, Critical Erosion Areas or other areas with a high erosion hazard potential, unless specifically authorized by the Director of Building Inspection. Such authorizations shall generally be confined to agricultural operations in areas in "Cap" (Coastal Agricultural Preservation) and "AC" (Agricultural Conservation) zoning districts, where such operations and associated land clearing are in accordance with an agricultural management plan prepared and approved in accordance with Section 20.144.080C. (Ref. Policy 2.5.3.C.6.d)
6. Where development is proposed on a parcel with an existing erosion problem, such as visible gullying, rilling, or sedimentation, a condition of

project approval shall be that proper erosion and drainage controls be implemented as part of the development, subject to approval of the Director of Building Inspection. (Ref Policy 2.5.3.C.6.a)

7. New development shall be required to minimize removal of existing vegetative cover and natural vegetation on the parcel. The project shall be modified for siting, location and grading where such modifications will result in less vegetation removal. As well, a condition of project approval shall be the revegetation and/or landscaping of disturbed areas, with a landscaping plan and performance bond to be submitted to and approved by the Director of Planning prior to occupancy. (Ref. Policy 2.5.3.C.6.e)
8. Where development is proposed on parcels containing land in Critical and Non-critical Erosion Areas, all land in the Critical erosion Areas shall be placed in Conservation Easement as condition of project approval to be completed prior to issuance of building or grading permits. The easement shall be required in accordance with Section 20.142.130. An exception may be made in the easement for any development approved within the Critical Erosion areas.

Where development is proposed on a parcel that is completely located within a Critical Erosion Area, and a waiver for such development has been granted in accordance with Section 20.144.070.E.2.a, then an easement over the entire parcel shall not be required as a condition of project approval. Instead, a condition of project approval shall be that a building envelope, to include the area of the approved development, be established in accordance with the Erosion Control Plan prepared for the project, with the envelope to be approved by the Director of Planning prior to the issuance of building permits. All development shall be restricted to the building envelope . A further condition of project approval shall be that a notice is recorded with the County Recorder stating that: a) an erosion control plan is on file with the Monterey County Planning Department; B) a building envelope is established for the parcel; and, c) all development is restricted to the building envelope and is subject to erosion control requirements (ref. Policy 2.5.3.C.6.f)

9. Development for which either an Erosion Control Plan or an Agricultural Management Plan containing an erosion control element (as per the

requirements of Sections 20.144.070.E.17 and 20.144.080.C) has been approved shall be required to incorporate the recommendations contained in the plan, as conditions of project approval. In the absence of an Erosion Control Plan or Agricultural Management Plan, the development shall incorporate erosion control measures as approved by the Director of Building Inspection, required as a condition of project approval. (Ref. Policy 2.5.2.1 and 2.5.3.C.6.a & b)

10. Development shall not be permitted if it has been determined, through preparation of the hydrologic report, or other resource information, that:
 - a. The Development will have adverse impacts to local agricultural water supplies, such as degrading water quantity or quality; and,
 - b. There are no project alternatives and/or mitigation measures available that will reduce such impacts to levels at which the long-term maintenance of local coastal priority agricultural water supplies is assured. (Ref. Policy 2.5.3.A.1 & A.2)
11. Development shall not be permitted if it has been determined, through preparation of a hydrologic report, or other resource information, that:
 - a. The development will generate a water demand exceeding or adversely impacting the safe, long-term yield of the local aquifer; and,
 - b. There are no project alternatives and/or mitigation measures available that will reduce the development's water use to a level at which it will not exceed or adversely impact the safe, long-term yield of the local aquifer.

As such, each hydrologic report shall be reviewed by the Flood Control District and health Department review shall include an on-going monitoring of cumulative impacts of development on groundwater resources through review of hydrologic reports previously prepared for other development projects in the area. (Ref. Policy 2.5.2.3)

12. Development shall incorporate water conservation measures, such as recommended in the hydrologic report, in the hydrologic report element

of the Agricultural Management Plan (as per Section 20.144.080.C), and by County agencies, as a condition of project approval. Such measures may include (but are not limited to) modifications in siting, location, project density, construction and landscaping, water reclamation, and groundwater recharge if approved by the Director of Environmental Health. (Ref. Policy 2.5.3.A.4 and 4.3.4.7)

13. Development, including subdivisions, shall not be permitted where on-site septic systems will result in adverse impacts to public health, environmentally sensitive habitats, or natural resources through causing or contributing to degradation of ground/surface water quality or quantity. As such, the proposed development shall be subject to Health Department requirements and other measures necessary to mitigate adverse impacts. Modifications shall be made for the development's location, siting, density, and other techniques where such modifications will mitigate adverse impacts of septic system development. 2.5 acres per unit shall be considered to be the maximum density for parcels resulting from a proposed subdivision, for replacement of non-conforming uses, for setting a maximum density for residential development, or from a plan or zoning ordinance amendment where on-site septic systems would be required. (Ref. Policy 2.5.2.5 & 2.5.3.B.3)
14. On-site septic or other waste disposal systems shall not be permitted on slopes exceeding 30%. One acre shall be considered to be the minimum area for development of a septic system. (ref. Policy 2.5.3.B.5)
15. All dumping of spoils, such as dirt, garbage, or refuse, shall be prohibited within riparian corridors and other drainage courses. (Ref. Policy 2.5.3.B.1)
16. 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. A condition of approval of all such development shall be the submittal and approval of a monitoring plan and implementation of a monitoring program subject to the approval of the Director of Planning and Director of Environmental Health. The Monitoring program shall include

monitoring and assessment of the water quality impacts to public health and plant and wildlife habitats, and shall include appropriate testing and studies, such as hydrologic reports and biological surveys. Non- point sources of pollution shall be subject to the standards of the 208 Water Quality management Plan, as set forth in the Erosion Control Ordinance, Grading Ordinance, Floodplain Ordinance, Sewage Disposal Ordinance, and Development Standards of the Coastal Implementation Plan. (Ref. Policy 2.5.2.2 & 2.5.3.B.5)

17. An agricultural Management Plan shall be required, and prepared in accordance with Section 20.144.080.C, for development of new or expanded agricultural uses under the following circumstances:
 - a. If the land to be cultivated contains slopes in excess of 10% or a K-Factor in excess of .4, according to the analysis required in Section 20.144.070.A.; or,
 - b. The development is proposed on a parcel in a "CAP" (Coastal Agricultural Preservation) or "AC" (Agricultural Conservation) zoning districts within a Watershed Restoration Area. (Ref. Policy 2.5.3.C.6.b)
18. Livestock enclosures shall minimize erosion and resulting sedimentation. Proposed development of enclosures shall be modified for siting, location, grading, and vegetation removal where such modifications will result in minimized erosion. Measures to control erosion and drainage and to retain sedimentation on the site shall be required as a condition of project approval, subject to approval of the Director of Building Inspection. (Ref. Policy 2.5.3.C.6.g)
19. The densities specified by any particular zoning district are maximum allowable densities that may be approved where all resource protection policies of the North County Land Use Plan and standards of this ordinance can be fully met. A Parcel's maximum allowable density as provided by zoning, shall be reduced as follows:
 - a. In "RDR" (Rural Density Residential) and "LDR" (Low Density Residential) zoning districts:

- 1) Densities shall be reduced as necessary in order to site all development in Non-Critical Erosion Areas and to maintain cumulative development within the Land Disturbance Target for the sub watershed.
 - 2) Existing parcels containing no land suitable for development within Non-Critical Erosion Areas shall be limited to a single residence or to the existing development on the parcel, or if there is neither, a single residence. Division of such parcels shall not be permitted if the subdivision will create an additional vacant parcel(s) upon which building could take place.
- b. In "MDR" (Medium Density Residential), "HDR" (High Density Residential), "LI" (Light Industrial), and "HI" (Heavy Industrial) zoning districts, maximum densities shall be reduced as necessary to implement erosion control measures that may be required for the proposed development. Such measures shall include those contained in an Erosion Control Plan prepared for the project. (Ref. Policy 2.5.3.C.5)

F. Watershed Restoration Area Development Standards

1. Each development proposal determined to be within a Watershed Restoration Area, either at the time the application is reviewed or at the time the LDT Evaluation is completed, will be subject to the "General Development Standards" of Section 20.144.070.E as well as "Watershed restoration Area Development Standards".
2. Development located within a Watershed Restoration Area shall not be permitted to increase the amount of land disturbance (or bare ground) in the watershed. As such, in order for the project to be approved, the Erosion Control Plan required for the project must provide mitigation measures that will allow the development to have a zero or negative increase in land disturbance. The mitigation measures shall be made conditions of project approval. (Ref. Policy 2.5.3.C.4.a)
3. In Watershed restoration Areas, new cultivation, or conversion to cultivation, of lands in "CAP" (Coastal Agricultural Preservation) or "AC" (Agricultural Conservation) zoning districts may be permitted upon

completion of an Agricultural Management Plan which provides measures adequate to maintain erosion and sedimentation from the site at levels closely approximating, or less than, pre-cultivation or pre-conversion levels. The sub watershed's Land Disturbance target may be exceeded if the Agricultural Management Plan demonstrates that maximum erosion control shall be achieved. The Agricultural Management Plan prepared for the project must be in accordance with the requirements of Section 20.144.080.A. (Ref. Policy 2.5.3.C.4.f)

4. Within sub watersheds determined to be Watershed Restoration Areas pursuant to Section 20.144.070.B.4, all development shall be required as a condition of project approval to record a deed restriction stating that the property owner agrees to make a one-time financial contribution to the County at a rate of \$500 per acre of land disturbance caused by the project. Amount of land disturbance shall be as calculated according to the Land Disturbance Target Evaluation required as per Section 20.144.070.B. The required contribution shall be paid upon the County's request as such time that the board of Supervisors implements a Watershed Restoration Program for the affected sub watershed. In the case of a single family dwelling, the contribution shall not be more than \$600. The deed restriction shall be required as per Section 20.142.130.B.
5. The intent of the Monterey County board of Supervisors is to initiate a Watershed Restoration Program within five years of final County adoption of this ordinance. (Ref. Policies 2.5.3.C.4.b & c)

20.144.080 Agricultural Development Standards.

Intent of Section: The intent of this Section is to provide development standards which will support the permanent preservation of prime agricultural soils exclusively for agricultural use, and protect productive farmland not on prime soils if it meets State productivity criteria and does not contribute to degradation of water quality. Development adjacent to prime and productive farmland shall be planned to be compatible with agriculture. (Ref. Policy 2.6.1)

A. Coastal Development Permit Requirement

1. A coastal development permit shall be required for development of new or expanded agricultural operations if 50% or more of the parcel has a

slope of 10% or greater. The applicant shall provide sufficient information, such as a slope analysis, for the permit determination to be made by the Planning Department.

2. A coastal develop permit shall be required for development of new or expanded agricultural operations where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual. The erosion hazard potential shall be determined by the planner by overlaying the appropriate Soil Survey Manual soils sheet with the parcel-based transparency. (Ref. Policy 2.6.2.3 & 2.6.3.8)

B. Agricultural Viability Report Requirement

1. An Agricultural Viability Report shall be required for the subdivision of parcels in "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 question and could be a factor in the decision-making process. (Ref. Policy 2.6.2.2)
2. The report shall be required, submitted, and be 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. Agricultural management Plan Requirement

1. An Agricultural Management Plan shall be required for the development of new or expanded agricultural uses under the following circumstances:
 - a. If the land to be cultivated contains slopes in excess of 10%, or a K-Factor in excess of .4, according to the analysis required in Section 20.144.070.A; or,
 - b. The development is proposed on a parcel in a "CAP" (Coastal Agricultural Preservation) or "AC" (Agricultural Conservation)

zoning district within a Watershed Restoration Area according to the analysis required in Section 20.144.070.B. (Ref. Policy 2.5.2.C.6.b, 2.6.2.3, & 2.6.3.8)

2. The plan shall be required, submitted, and approved by the Planning director prior to the application being determined complete. A minimum of 4 copies shall be submitted, with more copies required depending on the number of reviewing agencies.
3. The plan shall be prepared by a consultant selected by the applicant from the County list of Agricultural Viability Report Consultants, at the applicant's expense.
4. The plan shall be reviewed by the Soil Conservation Service, County Agricultural Commissioner, and any other agencies or departments 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 by a specified date not to exceed 15 working days from the plan's transmittal date. After comments have been received, the Planning Department may require that the report be revised to include additional information or assessment as deemed necessary by the reviewing agencies. A third party review may also be required. All departmental review, report revisions, and third party review must be complete before the report may be approved by the Director of Planning.
5. The Agricultural management Plan shall contain, at a minimum, the following elements:
 - a. Locational map;
 - b. To-scale site plan showing the entire parcel, and proposed and existing structures (including accessory and agricultural buildings and residences), roads, fences, contours, wells, water lines, septic tanks and leach lines;
 - c. To-scale plan showing the entire parcel, and existing land uses, areas presently under and proposed for cultivation, areas of vegetation type, areas to be cleared, and areas to be graded for the development;

- d. Soils analysis, discussing soils conditions (including erosion potential and erosion control) and their relationship to appropriate agricultural management on the parcel;
- e. Water availability and demand, and the relationship to appropriate agricultural management on the parcel;
- f. Map delineating areas which are suitable for agricultural production, as based on the agricultural viability report if one has been prepared for the parcel, or based on soils, water, and other conditions as deemed appropriate by the consultant in the absence of an agricultural viability report;
- g. Description and analysis of existing and proposed agricultural activities on the parcel, including types of crops and acres under cultivation, geographic distribution of crops over the parcel, rotation of crops, and related agricultural activities, including agricultural goods and equipment storage, packing and processing;
- h. Erosion control plan element, which incorporates the Erosion Control Plan required in Section 20.144.070;
- i. Hydrologic report element, which incorporates the hydrologic report required in Section 20.144.070.D; and,
- j. Description of recommended agricultural management techniques for the parcel and proposed development and/or development alternatives to reduce erosion, conserve water, protect water quality, and minimize impacts to plant and animal habitats. (Ref. Policy 2.6.3.8)

D. General Development Standards

1. Subdivision of parcels located in "CAP" (Coastal Agricultural Preservation) or "AC" (Agricultural Conservation), or any land under Williamson Act contract, shall only be permitted when such subdivision does not adversely affect the land's long-term agricultural viability. As such, each subdivided parcel must be capable of remaining a viable agricultural unit, as determined through the agricultural viability report prepared for the project. As a condition of project approval, all agricultural

subdivisions shall ensure continued long-term agricultural use through provision of recorded easements, Williamson Act contracts, or other methods such as those recommended in the agricultural viability report prepared for the project. (Ref. Policy 2.6.2.2)

2. In “CAP” (Coastal Agricultural Preservation) or “AC” (Agricultural Conservation) zoning districts, subdivision or conversion of cultivated land for non-agricultural uses shall be permitted only where there is an overriding need to protect the public health and safety from adverse erosion or water quality/quantity impacts, or where the land is needed to infill existing “developed” areas. Such infilling shall be considered appropriate when the parcel to be developed is surrounded entirely by parcels in a “RDR” (Rural Density Residential), “LDR” (Low Density Residential), “MDR” (Medium Density Residential), and/or “HDR” (High Density Residential) zoning districts. (Ref. Policy 2.6.2.2)
3. Where development is proposed on agricultural lands within view of a designated County scenic route or highway, a condition of project approval shall be that the viewable lands be placed either under Williamson Act contract or, in the absence of a Williamson Act contract, under scenic and conservation easement required pursuant to Section 20.142.130.
4. Where development of new or expanded agricultural uses is approved on a parcel in a “RDR” (Rural Density Residential) zoning district, the parcel will be rezoned to “AC” (Agricultural Conservation) upon approval of an Agricultural management Plan and a Williamson Act contract for the parcel. As such, a condition of project approval may be that the applicant request a rezoning of the parcel to “AC” pending approval of both an Agricultural Management Plan and a Williamson Act contract. (Ref. Policy 2.6.3.1.c)
5. In “AC” (Agricultural Conservation) zoning districts, development which involves conversion of land to non-agricultural uses shall be allowed only if such conversion is necessary to:
 - a. Establish a stable boundary between agriculture and adjacent urban uses or environmentally sensitive habitats; or,
 - b. accommodate agriculture-related or other permitted uses which:

- 1) Are essential in order for the farming operation on the parcel to be developed or on adjacent parcels to become economically viable; and,
- 2) As such, allows for the farming operation on the parcel or adjacent parcels to continue.

Prior to the application being determined complete, the applicant shall be required to demonstrate that the proposed use will either provide a boundary to buffer and mitigate impacts between agriculture and adjacent land uses, as determined through a review by an agricultural consultant as selected from the County's list of Agricultural Viability Consultants, or between agricultural and environmentally sensitive habitats, as determined through a review by a biologic consultant as selected from the County's list of Consulting Biologists. IF economic viability is at issue, the applicant shall be required to demonstrate that the proposed use is essential to the economic continuation of the parcel's or adjacent parcel's agricultural uses, as determined through a review by an agricultural consultant selected from the County's list of Agricultural Viability Consultants. All consultant reports shall be required, submitted in writing and approved by the Director of Planning prior to the application being determined complete. All reports shall be subject to third party review where needed to determine adequacy, as per Section 20.140.080.J. (Ref. Policy 2.6.3.5)

6. New development adjacent to agricultural areas shall be required to establish a well-defined buffer zone within the areas to be developed. The area to be utilized as a buffer shall be placed in open space easement, required as a condition of project approval. Requirements for the easement are as follows:
 - a. The easement width shall be sufficient to protect agriculture from impacts of new residential or other incompatible development and to mitigate against the effects of agricultural operations on the proposed uses. As such, for development adjacent to "CAP" (Coastal Agricultural Preservation) and "AC" (Agricultural Conservation) zoning districts, the easement shall be a width of 200 feet, or wider where necessary to mitigate adverse impacts between agricultural and adjacent land uses. In all other zoning

districts, the easement may be reduced to a width of not less than 50 feet. In order to assure that the approved width is sufficient, the applicant may be required to provide a determination of the easement width necessary to mitigate impacts between the proposed development and adjacent lands. The determination shall be prepared by a consultant selected from the County list of Agricultural Viability report Consultants, at the applicant's expense, and may be subject to third party review to assure adequacy.

- b. The easement shall extend the full length of the boundaries between the property to be developed and adjacent agricultural lands. Permanent roads which have been established by a dedicated road easement, or which have been paved, or which are a public road, may serve as part of this easement.
 - c. Land within the easement shall be maintained in open space and may not be used for recreational areas as part of housing projects or public facilities. Minor storage buildings or shed associated with the residential uses may be permitted within the easement area. Specific permitted and prohibited uses shall be stipulated in the easement document. (Ref. Policy 2.6.3.6)
7. In "CAP" (Coastal Agricultural Preservation) zoning districts, agricultural-related development that is not on-site soil dependent, such as greenhouses, farm-labor housing, warehouses, and packing sheds, shall not be located on areas of the parcel which are prime or productive soils (i.e. Soil Conservation Service Class I – IV, as obtained from the Soil Conservation Service Manual) or are in cultivated agriculture on slopes of less than 10%. Determination of soil productivity and cultivated areas shall be made through the Land Disturbance target Evaluation information required in Section 20.144.070.B.3. On-Site soil dependent greenhouses may be permitted in "CAP" zoning districts but shall be located so as not to interfere or conflict with on-going agricultural operations on the parcel. (Ref. Policy 2.6.3.7)
8. Agricultural-related development, such as greenhouses, farm-labor housing, warehouses, and packing sheds, may be located in "LI" (Light Industrial), "AV" (Agricultural Conservation), or "RDR" (Rural Density

Residential) zoning districts. Where located in "AC" or "RDR" districts, the development shall be located on the less agriculturally viable areas of the parcel. The least viable areas are considered to be those areas with soils not in Soil Conservation Service Class I through IV and no in Cultivated agricultural use on slopes of less than 10%. (Ref. Policy 2.6.3.7)

9. Development of new or expansion of existing commercial mushroom-growing operations shall be allowed in "AC" (Agricultural Conservation) and "LI" (Light Industrial) zoning districts, upon obtaining a Coastal Development Permit. In all other zoning districts, existing mushroom-growing operations may be allowed, upon obtaining a Coastal Development Permit, activities for the construction, replacement, reconstruction, and retrofitting within the existing buildings currently used for the operation where resulting in increased production. Such activities may not involve construction of new buildings, structures, or building additions. Conditions of project approval shall include measures for the mitigation of impacts to drainage, air and water quality, traffic, noise, and scenic quality. Consultant reports, such as performed by a professional traffic consultant or registered civil engineer, and project modifications, such as for project siting, location, and design, shall be required as necessary in order to assure fill impact assessment and mitigation. (Ref. Policy 2.6.3.9)
10. In Critical Erosion Areas, conversion of uncultivated lands to crop land as per Sections 20.144.070.A.2 and E.2, may be permitted upon completion of an Agricultural Management Plan containing measures adequate to maintain erosion and sedimentation from the site at levels closely approximating or less than pre-conversion levels, as per Sections 20.144.070.A.2 and E.2. (Ref. Policy 2.6.3.8)
11. In "CAP" (Coastal Agricultural Preservation) and "AC" (Agricultural Conservation) zoning districts, a second single-family residence may be developed, in addition to one single-family residence, on parcels of 40 acres or more, provided that the development is located on areas of the parcel which are not prime or productive agricultural soils (i.e., Soil Conservation Service Class I – IV as obtained from the Soil Conservation Manual). The second residence is exempt from density requirements and does not require subdivision of the parcel. Conditions of project

approval shall include that the parcel be rezoned to include a “B-6” zoning classification and that a note be recorded with the County Recorder stating that the parcel may not be subdivided. (Ref. Policy 4.3.6.B.4)

20.144.090 Aquaculture Development Standards.

Intent of Section: The intent of this Section is to provide development standards which allow for further growth and development of aquaculture as a priority economic, research, and educational activity within the North County coastal zone, consistent with the need to provide for other activities, such as commercial fishing and recreational boating and fishing, and the need to protect wildlife and water resources. (Ref. Policy 2.7.1)

A. General Development Standards

1. Aquaculture permitted within the “aquaculture overlay” area, as shown on Figure 2 of the North County Land Use Plan, shall be subject to the following criteria:
 - a. All necessary permits must be obtained from agencies such as the Moss landing Harbor District and the California Department of Fish and Game, as a condition of project approval to be completed prior to issuance of building or grading permits.
 - b. Aquaculture activities shall not be permitted that require dredging, filling, or other significant alteration of coastal wetlands, streams, or shorelines, or conflict with other resource protection or land use standards of the North County Land Use Plan or this ordinance.
 - c. Aquaculture activities shall not be permitted in established public shellfish gathering grounds or in areas with important stands of submerged vegetation (i.e. eel gradd), and shall otherwise conform to Department of Fish and Game standards. As such, all aquaculture projects shall be referred to the Department of Fish and Game and shall be subject to biologic report requirements where necessary to assess biotic habitat locations and impacts.

- d. Aquaculture shall not interfere with routes of established public access to the shoreline or with navigation in the main channel of Elkhorn Slough. To protect aquaculture facilities and the public, conditions of project approval may include construction of fences or other devices around sites adjacent to public access areas and demarcation and signage of all structures in public waterways. (Ref. Policy 2.7.2.1)
2. On-shore aquaculture facilities may be permitted in "LI" (Light Industrial) zoning districts where consistent with other resource protection policies of the North County Land use Plan and standards of this ordinance. (Ref. Policy 2.7.2.2)
3. In "RC" (Resource Conservation) zoning districts, on-shore aquaculture facilities may be permitted within existing structures as a conditional use, where consistent with the resource protection policies of the North County Land Use Plan and standards of this ordinance. Such Facilities shall not be exempt from Coastal Development Permit requirements under Section 20.140.070. (Ref. Policy 2.7.2.3)

20.144.100 Hazardous Area Development Standards.

Intent of Section: The intent of this Section is to provide development standards which regulate land use and development, using the best available planning practices, in order to minimize risk to life and property and damage to the natural environment. (Ref. Policy 2.8.1)

A. 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 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, and construction of new structures within shoreline, estuary, and wetland areas; 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 Upland 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;
 - 6) Minor subdivisions; and,
 - 7) 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 additions which are exempt form environmental review under CEQA;
 - 7) Additions to water systems;
 - 8) Outdoor public gatherings. (Ref. County-wide 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. Third party review by a registered geologist or registered engineering geologist may be required according to the standards and procedures contained in Section 20.140.080.L. An exception to the geologic report requirements may be granted for minor improvements to public roads by the decision-making body.
- i. 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) Regional geologic setting;
- 2) Geologic conditions, including soil, sediment, and rock types and characteristics in addition to structural features such as bedding, joints and faults;
- 3) Evidence of past or potential landslide conditions for the proposed development, and the potential effects of the development on landslide activity both on-site and off-site;
- 4) Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage effluent and irrigation water to the groundwater system, and alterations in surface drainage);
- 5) Potential effects of seismic forces resulting from a maximum credible earthquake;
- 6) 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;
- 7) Any other factors that might affect slope stability;
- 8) Potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction (i.e., landscaping and drainage design); and,
- 9) Any other recommended mitigation measures. (Ref. Policy 2.8.3.A.5)
- 10) And for development of shoreline structures, the following elements shall be included:
 - 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 including "no project"
 - j) Maintenance provisions including methods and materials.

2. Development Standards

- a. If a geologic report has been prepared for a proposed development, the following requirements shall apply:
 - 1) The report recommendations shall be incorporated into project design, as follows:
 - a) If the proposed development requires a Coastal Development Permit or other discretionary permit, the recommendations contained in the report shall be made conditions of project approval. Further, a condition of project approval shall be that a deed restriction be recorded which describes the nature of the hazards and mitigation measures recommended in the report. For subdivisions, a note shall be placed on the final or parcel map which states that a report was prepared for the parcel and that specific mitigation measures apply to development on the parcel. Notes and deed restrictions shall be required in accordance with Section 20.142.130.
 - b) If the proposed development requires only a ministerial permit, as exempt from the Coastal Development Permit Requirement as per Section 20.140.070, the Building Inspection department shall be responsible for ensuring that recommendations contained in the geologic report are incorporated into project design, such as through conditioning of the building permit. As such, the Building Inspection Department shall be given a copy of the geologic report by the Planning department, after Planning Department review of the project has been completed.
 - 2) If the report determines that the hazard is unlikely to lead to property damage or injury, a condition of development shall be that the report consultant certify that the proposed development will not result in unacceptable risk of injury or structural damage and that the County has deemed the geologic report as adequate, pursuant to Section 20.144.100.A.1.g. Such certification shall be

recorded with a copy of the deed at the County Recorder's Office. (Ref. Policy 2.8.2.6 & 2.8.3.A.4)

- b. All structures, with the exception of utility lines where no alternative route is feasible, shall be sited a minimum of 50 feet from an identified active fault or potentially active fault. Greater setbacks may be required where it is warranted by local geologic conditions, as recommended in the geologic report prepared for the project. (Ref. Policy 2.8.3.A.2)
- c. Development shall be sited and designed to conform to site topography so as to minimize grading and other site preparation activities. Modifications in location, siting, structural design, and foundation design shall be required where such modifications will allow better conformity to natural topography and minimize required grading. (Ref. Policy 2.8.3.A.1)
- d. Development of new roads on slopes of 30% and greater shall only be allowed where potential erosion and geologic impacts can be adequately mitigated, as provided through the recommendations in the geologic report prepared for the project. Adequate mitigation shall be that level at which the proposed development will not induce landsliding, significant soil creep, nor increase existing rates of erosion. Mitigation measures shall not include massive grading or excavation, or the construction of protective devices that would substantially alter landforms. (Ref. Policy 2.8.3.A.3)

B. Flood Hazards

1. Development Standards

- a. Development, including filling, grading, and construction, with the exception of necessary utility lines and appurtenant facilities, shall be prohibited within the 100-year floodway. Where the location of the floodway has not been determined, it shall be considered to be the same as the floodplain until definitive studies demonstrate otherwise. Acceptable land uses within the floodway are considered to be agriculture and those permitted in

the "RC" (Resource Conservation) zoning district. (Ref. Policy 2.8.3.B.2)

- b. Development of flood control projects to protect new development in the 100-year floodplain or floodway is prohibited. (Ref. Policy 2.8.3.B.1)
- c. All new development shall be located outside of the 100-year floodplain, where feasible. Where location outside of the floodplain is not feasible due to other resource constraints or other conditions on the site, new development may be permitted within the floodplain if able to meet the following criteria:
 - 1) The development is located outside of the area of riparian vegetation and is in conformance with the environmentally sensitive habitat setback requirements contained in Section 20.144.040.C.2.a; and,
 - 2) The development's cumulative effect, in combination with all other existing and anticipated development in the area, will not cause an increase in the water surface elevation of the 100-year flood, as assessed and certified by a qualified hydrologist or registered civil engineer. Such assessment shall be required, submitted, and approved by the Director of Planning prior to the application being determined complete. Prior to Planning Director approval, the assessment shall be review for adequacy by the County Flood Control District. (Ref. Policy 2.8.3.B.3 & 2.8.3.B.4)
- d. Proposed projects which are located within the 100-year floodplain or 100-year floodway, as indicated on current FEMA resource maps, shall incorporate County Flood Control District recommendations into project design, as follows:
 - 1) If the proposed development requires a Coastal Development Permit or other Discretionary permit, the project shall be referred to the Flood Control District for review and recommendations, prior to submittal of the application to the Planning Department as per the procedures contained in Section 20.140.080.D.1. Subsequent Flood Control recommendations, as well as

planning Department recommendations, shall be made conditions of project approval, including that:

- a) A deed restriction be recorded which states that flood 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 applicable to the property;
 - c) The areas on the parcel subject to inundation be delineated on the parcel or final map, in the case of a subdivision;
 - d) The elevation of the lowest finished floor of habitable structures shall be a minimum of 1 foot above the 100-year flood level; and,
 - e) Where the parcel contains waterway banks or riparian vegetation that is disturbed, as identified in the biological report prepared for the project, these areas must be restored to a natural vegetated appearance, including landscaping with native plants and trees appropriate to riparian habitats. As a condition of approval, a landscaping plan shall be required to be submitted and approved by the Director of Planning prior to occupancy of the building.
- 2) If the proposed development requires only a ministerial permit, as exempt from Coastal Development Permit requirements pursuant to Section 20.140.070, the project shall be referred to Flood Control by the Building Inspection Department prior to the building or grading permit being issued. The Building Inspection Department, as the referral agency, shall then be responsible for assuring that Flood Control recommendations are incorporated into project design, such as through conditioning of the building or grading permit. (Ref. Policy 2.8.3.B.3 & 2.8.3.B.5)

C. Fire Hazards

1. Development Standards

- 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. (Ref. Policy 2.8.2.5 & 2.8.2.6)

- 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. Where not 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.

20.144.110 Archaeological Resources Development Standards.

Intent of Section: The intent of this Section is to provide development standards which assure the maintenance and protection of North County's archaeological resources. New land uses and development, both public and private, shall be considered compatible with this intent only where they incorporate all site planning and design features necessary to avoid or mitigate impacts to archaeological resources. (Ref. Policy 2.9.1)

A. Coastal Development Permit Requirement

- 1. Development proposed within 750 feet of a known archaeological resource, 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 Survey Report Requirement

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. "Low or Moderate Archaeological Sensitivity Zone", as mapped on current County resource maps, which requires environmental assessment according to Monterey County CEQA Guidelines; and,
 - c. 750 feet of a known archaeological resource; or,
 - d. An area of suspected archaeological resources, as determined through the planner's on-site investigation or other available information. (Ref. Policy 2.9.2.2)
2. The survey report shall be required by, submitted to, and approved by the County prior to the application being considered complete. 2 copies of the report shall be submitted.
3. The survey report shall be prepared, at the applicant's 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 archaeologist, 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 on 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 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 its 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 2.9.3.1)

D. Development Standards

- 1. Development proposed on parcels with an identified archaeological site shall be designed and located so as to avoid development on or impacts to the site. Alternative siting or location, reduction of project size, and other techniques, such as limiting of public access and requiring archaeological easements as conditions of project approval, shall be utilized where resulting in reduced impact to or avoidance of the archaeological site. (Ref. Policy 2.9.2.4)
- 2. Development on parcels with an 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 condition of approval.
 - b. The applicant shall request a rezoning of the parcel to add an "HR" (Historical or Archaeological Resources) zoning district to the existing zoning of 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 areas shall be reviewed and verified as adequate to

protect the resource by an archaeologist who has been selected from the County's list of archaeological consultants or who is a member of the Society of Professional Archaeologists. (Ref. Policy 2.9.2.3 and 2.9.2.4)

3. Where construction on or reconstruction impacts to an identified archaeological or paleontological site cannot be avoided, as verified in the archaeological report prepared for the project, a mitigation plan shall be required for the project. Prior to the application being considered complete, the plan shall be required by, submitted to, and approved by the County. The plan shall be prepared at the applicant's expense by a qualified archaeologist, either on the County's list of archaeological consultants or a member of the Society of Professional Archaeologists. Included in the plan shall be recommend preservation measures in 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 2.9.3.2)
4. 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 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. (Ref. Policy 2.9.3.2)

20.144.120 Transportation Development Standards.

Intent of Section: The intent of this Section is to provide development standards which will result in the: 1) upgrading of the State highways; 2) expansion and management of major County roads to accommodate traffic volumes at Service Level

C; and, 3) expansion of public transit to provide a viable transportation alternative. (Ref. Policy 3.1.1)

A. Traffic Study Requirement

1. A traffic study will be required for all development proposals with potential to significantly impact the service level of or traffic safety along highway 1, or where such impacts are unknown or in dispute, as determined by the Public Works Department. Development requiring a traffic study includes, but is not limited to, new or expanded industrial, commercial, visitor-serving, and recreational facilities.

A traffic study may also be required for development involving expansion of or improvements to Highway 1, and for any development with potential to adversely impact State highways or major County roads.

2. The traffic study shall be prepared, at the applicant's expense, by a Professional Engineer registered in the State of California.
3. The traffic study shall be required by, submitted to, and approved by the County prior to the application being determined complete. Three copies of the study shall be submitted.
4. Prior to the study receiving Planning Department approval, a copy of the study, project application and project map shall be transmitted to the Public Works Department for review, with comments requested by a specified date no to exceed three weeks after receipt by the Public Works Department for review, with comments requested by a specified date not to exceed three weeks after receipt by the Public Works Department. After comments have been received, the Planning Department may require that the report be revised to include additional information, as deemed necessary by the reviewing agencies. A third party review may also be required at the applicant's expense. All departmental review, report revisions, and third party review must be complete before the report may be approved by the Director of Planning.
5. The traffic study shall include, at a minimum, the following elements:
 - a. Locational map;

- b. Project description;
- c. To-scale site plan showing the entire parcel, and the proposed and existing structures, roads, parking areas, and project ingress and egress;
- d. Amount of employees required by the project;
- e. Amounts and types of traffic to be generated by the proposed development, and modal splits directional splits, distribution, and trip assignment, as appropriate;
- f. Existing amounts and types of traffic and service levels on Highway 1, and/or other highways or roads serving the proposed development;
- g. Potential traffic conflicts and safety hazards, as related to access points, turning movements, acceleration, deceleration, types of traffic, times of peak traffic, etc.;
- h. Impacts to Highway 1 or other road service capacity and traffic safety as a result of the proposed development;
- i. Any topics recommended for inclusion by the Public Works Department and/or the State of California department of Transportation prior to the traffic study being required; and,
- j. recommended measures to mitigate impacts of the proposed development.

B. Development Standards

- 1. Proposed expansion of Highway 1 shall be subject to the following criteria:
 - a. The existing alignment of highway 1 shall be used to the maximum extent feasible and practical. Any deviation shall remain as close to the existing alignment as possible.
 - b. The highway shall be widened to four lanes.
 - c. Barriers shall be widened to four lanes.

- d. Extra lanes shall be added, where needed to alleviate existing inadequate capacity and to facilitate safe access to existing developments with connections to the highway, Jetty Road, or Moss Landing Road. A traffic study required to determine need for extra lanes. As well, the determination of the need for extra lanes shall be coordinated with and take into account the proposed developments with potential to impact Highway 1.
 - e. The project shall be designed so as to not require wetland fill, except for pier, pilings and abutments associated with bridges or causeways where there is no less environmentally damaging alternative, and to mitigate adverse wetland impacts in conjunction with road construction, subject to the biological survey requirement pursuant to Section 20.144.040.A. (Ref. Policy 3.1.2.1)
- 2. Development of new or expansion of existing uses which require traffic to enter and exit along a State highway or major County Road shall be permitted only where sufficient measures are available to mitigate traffic safety hazards resulting from the project. A traffic study may be required in order to assess potential hazards and to recommend appropriate mitigation measures. Required as a condition of project approval, such mitigation measures may include consolidated access, adequate acceleration and deceleration lanes, left-hand turn lanes, and other measures as recommended by the Public Works Department or in the traffic study. (Ref. Policy 3.1.3.3)
 - 3. Where proposed development of new industrial, commercial, agricultural or recreational uses includes access to Highway 1, or Highway 1 is to provide the major transportation access to the proposed use, such development should be of a coastal-dependent type. As such, the development must require a site on or adjacent to the sea to be able to function at all. Non-coastal dependent uses may be approved by the decision-making body where it has been determined, through the traffic study prepared for the project, that sufficient mitigation measures are available such that the development will not significantly impact the service level of Highway 1, or where it has been determined by the

Public Works Department that Highway 1 has sufficient capacity to accommodate the development.

4. Development of new access roads to Highway 1 or Highway 156, or new commercial entrances on Highway 1, shall only be permitted if use of existing access points is not feasible or if easements for their use are not obtainable. An applicant shall be required to demonstrate either condition prior to the application being determined complete. Demonstration shall be through the provision of appropriate maps showing locations of existing easement and access points on the subject and adjacent properties, and written verification from owners of property potentially providing access that an access easement will not be granted for the proposed use. (Ref. Policy 3.1.2.3 & 3.1.3.3)
5. Improvements, including access points, turnoffs, and intersections proposed to Highway 156 shall be consistent with the "Standards for Development" contained in the Monterey County Scenic Highway Plan for Highway 156, on file the Monterey County Planning Department Library as Library No. 1.02.04. All improvements to Highway 1 shall conform to the "Scenic Highways" goals, policies, and objectives in the Monterey County General Plan. (Ref. Policy 3.1.2.4)

20.144.130 Wastewater Management Facilities Development Standards.

Intent of Section: The intent of this Section is to provide for development of rural areas serviced by septic or other on-site wastewater management systems at densities which will protect public health and natural resources, and to provide for development of centralized sewer and treatment systems for high density residential areas and for areas which presents significant public health hazards due to system failure which cannot be corrected by on-site wastewater management programs. (Ref. Policy 3.2.1)

A. Development Standards

1. Expansion of the wastewater management service area, as defined by the "Urban Service Lines" shown on Figure 1 of the North County Land Use Plan, may only be permitted through a Local Coastal Plan amendment if additional capacity is available after:
 - a. Infilling of the areas has been completed; and,

- b. Service has been provided to the following priority uses:
- 1) Existing uses within the service area;
 - 2) New or expanded coastal-dependent industries within the service area;
 - 3) New or expanded essential public services, basic industries and recreational uses, or minimum other uses on vacant parcels within the service area as provided in the individual parcel's zoning district; and,
 - 4) All other uses.

Within the Moss Landing and Las Lomas areas, service shall be provided according to the sewer allocation plans approved for those areas, as included as appendixes to this plan. Within each area of allocation, service will be provided on a first-come, first-served basis. (Ref. Policy 3.2.2.1)

2. Notwithstanding Section 15.20.040, public sewer services shall not be extended outside of the "Urban Service Lines" shown on Figure 1 and Figure 2 of the North County Land Use Plan. Exceptions shall only be considered where necessary to resolve public health problems which cannot be mitigated by development of on-site wastewater system(s). Verification of the public health problem and its inability to be corrected on-site shall be made by the Health Department. As determined by the Health Department, appropriate hydrologic, engineering or other studies shall be required as necessary to assess the potential problems and mitigation measures. (Ref. Policy 3.2.2.2)
3. Expansion of the wastewater management service area or adjustment of the area's boundary, as defined by the "Urban Service Lines" shown on Figure 1 of the North County Land Use Plan, may not incorporate area in agricultural cultivation. An exception may be considered by the appropriate decision-making body if the cultivated area is in a "MDR" (Medium Density Residential), "HDR" (High Density Residential), or "PQP" (Public/Quasi-Public) zoning district. (Ref. Policy 3.2.2.3)
4. Where development of new sewer lines is proposed, the sewer lines shall not be routed through areas in agricultural cultivation or through

“CAP” (Coastal Agricultural Preservation) or “AC” (Agricultural Conservation) zoning districts. An exception may be considered where there is no feasible location alternative and where the sewer lines can be constructed, such as at certain depths and locations, so as not to interfere with the agricultural use of the land. Such mitigation measures shall be made a condition of project approval. As well, a condition of project approval shall be that the applicant record a notice stating that the property may not be serviced by or assessed according to the sewer lines. (Ref. Policy 3.2.2.3)

5. Development of sewer connections between Oak Hills or Monte del Lago and the Castroville or regional wastewater treatment plant shall require the restoration of degraded wetlands used as sewage treatment ponds for Oak Hills or Monte del Lago. As such, prior to the development application being determined complete, a wetland restoration plan shall be required, submitted, and approved by the Planning Department. The plan shall be prepared, at the applicant's expense, by a consultant selected from the County's list of biologic consultants. Incorporated into the plan shall be a complete program for the wetland's restoration as a health, functioning biologic habitat, with a time-table for the program's implementation. Program implementation, in accordance with the plan, shall be required as a condition of project approval to be completed prior to the issuance of building or grading permits for the development of the sewer connection. (Ref. Policy 3.2.2.4)
6. Development of wastewater collection and treatment systems shall minimize impacts to natural and visual resources, be in accordance with the policies of the North County Land Use Plan and the standards of this ordinance. Modifications, such as for siting, location, and design, shall be made as necessary in order to minimize impacts and to provide consistency with the standards of the North County Land Use Plan and this ordinance. (Ref. Policy 3.2.3.5)

20.144.140 Land Use and Development Standards.

Intent of Section: The intent of this Section is to provide standards such that future development in North County will be clearly consistent with the protection of the

area's significant human and cultural resources, agricultural, natural resources, and water quality. (Ref. Policy 4.3.4)

A. General Development Standards

1. Development of non-coastal dependent uses shall require availability of adequate sewer, water, and transportation services. Prior to the application being determined complete, the applicant shall demonstrate adequacy of water, sewer and transportation services through provision of verification from the Public Works Department and Health Department. As well, appropriate soils, hydrologic, and/or traffic studies shall be required and submitted prior to the application being determined complete, where needed to determine potential development impacts, the level of required services, and adequacy of available services. The proposed development may be modified, such as by a reduction in density, as necessary to assure adequacy of services. Where services are determined not to be adequate for the proposed non-coastal dependent use, only coastal dependent uses shall be permitted. (Ref. Policy 4.3.5.2 & 4.3.5.4)
2. All development and use of the land, whether public or private, shall conform to the policies of the North County Land Use Plan and to the development standards of this ordinance. (Ref. Policy 4.3.5.9)
3. 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 sections 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.

B. Specific Development Standards

1. Resource Conservation
 - a. Development in "RC" (Resource Conservation) zoning districts shall meet the following criteria:

- 1) Development shall not adversely impact environmentally sensitive and wildlife habitats. Modifications shall be made as necessary, such as for siting, location, design, or other factors, where such modifications will mitigate impacts to a level at which the development will not impact the long-term maintenance of the habitat. A biologic survey shall be required for the project where needed to assess potential impacts and to recommend mitigation measures.
- 2) The development shall not threaten the long-term continuance of rare and endangered plant and animal species on or adjacent to the project site. Impacts to rare and endangered species, such as resulting from habitat diminishment or disruption, shall be assessed through a biologic survey prepared for the project as per Section 20.144.040.A, and mitigation measures incorporated into project design. Where sufficient measures are not available to avoid adverse impacts to the long-term maintenance of the species, the development shall not be permitted. (Ref. Policy 4.3.6.A.1 & A.2)

2. Recreation

a. Recreation Management Plan Requirement

- 1) Development of new recreational facilities shall be in accordance with a recreational management plan prepared for the project.
- 2) The recreational management plan shall be required, submitted, and approved prior to the application for the proposed recreational facility being determined complete.
- 3) The plan shall include, at a minimum, the following elements:
 - a) Responsible agencies;
 - b) Facility maintenance and up-keep;
 - c) Facility supervision and management;

- d) Types of recreation and areas of recreational use;
 - e) Expected number of facility users;
 - f) Development and management of the recreation area;
 - g) Proposed physical improvements;
 - h) Phasing of proposed improvements;
 - i) Funding of proposed improvements;
 - j) Restoration of disturbed areas; and,
 - k) Resource protection plans.
- b. In "OR" (Outdoor Recreation) zoning districts, development in beach and dune areas, with the exception of the Moss Landing State Beach, the beach adjacent to the developed area of the Moss Landing "Island" and the existing parking lot areas of the Salinas River State Beach, shall be subject to the following criteria:
- 1) The development shall be resource-dependent, requiring the location in the dune or beach environment in order to exist.
 - 2) The use and development shall require only a minimal level of development to accommodate basic user needs.
 - 3) The development shall require no or minimal alteration of the dune or beach environment, including grading and vegetation removal.
 - 4) The development will not adversely impact the long-term stability of the dune habitat, as determined through a biologic survey where needed to assess project impacts, possible mitigation measures, and project alternatives.
 - 5) The development must be in keeping with the natural character of the beach area, such as through incorporation of appropriate earthtone colors, low-scale design, and wood materials.

- 6) uses shall be in accordance with the requirements of Section 20.144.040.C.1.f. (ref. Policy 4.3.6.C.1)
- c. Recreational uses permitted in dunes, wetlands, riverbanks, areas of rare, endangered or threatened plant or animal communities, or other environmentally sensitive habitats shall meet the following criteria:
- 1) The recreational use shall be passive and low-intensity.
 - 2) The recreational use shall be resource – dependent, requiring the location in the specific environment in which it is proposed in order to exist.
 - 3) The recreation use will not adversely impact the long-term maintenance of the habitat, as determined through the biologic report prepared for the project pursuant to Section 20.144.040.A. The report shall assess potential impacts and provide mitigation measures to assure the habitat's long-term maintenance. Such measures may be made conditions of project pursuant to Section 20.144.040.A. The report shall assess potential impacts and provide mitigation measures to assure the habitat's long-term maintenance. Such measures may be made conditions of project approval, and may include project modifications, such as for location, siting, and design. (Ref. Policy 4.3.6.C.1 [rec. Man.]

3. Residential

a. Build-out

In the North County Land Use Plan area, a total of 2,043 new lots or units may be created after certification of the LUP in June, 1982. This figure represents development at a level of 50% of the build-out remaining at the time of LUP certification. It was calculated by subtracting the number of existing units from the potential build-out (i.e. 7,835 units – 3,750 units = 4,085 units; 4,085 units x 50% = 2,043 units, at the time of LUP certification as provided in LUP Policy 4.3.3. The 50% build-out is permitted as

the first phase of new development which limits groundwater use to the safe yield level. Additional development beyond this ordinance, and shall only be permitted after safe yields of groundwater use have been established and water supplies are determined to be available, according to definitive water studies.

Between the time of LUP certification (June, 1982) and Coastal Implementation Plan preparation (July, 1987), a total of 168 lots were approved and a total of 119 final building permits were issued. As well, there were a total of 405 vacant residential parcels as of July, 1987. (These figures were calculated through use of County Planning Department and Assessor computer records.) Subtracting these figures from the 2,043 new lots or units provides the remaining build-out that may be permitted after County assumption of coastal development permitting authority, exclusive of one single family dwelling on a vacant lot of record. That remaining build-out figure is 1,351 new lots or units. This figure shall include senior citizen units, caretaker units, multiple family dwellings, employee housing, and lots created through subdivision approved after County assumption of permitting authority, but shall exclude development of a single-family dwelling on a vacant lot of record. (Ref. Policy 2.5.3.A.2 & 4.3.3)

b. Caretaker's Quarters

- 1) Caretaker quarters 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."
- 2) Only one caretaker unit per legal lot of record shall be allowed.
- 3) The caretaker shall be employed exclusively on the parcel for purposes of security or to provide continuous care for persons, plants, animals, equipment, or other conditions specific to the site. As such, prior to the application being

considered complete, the applicant for a caretaker unit shall provide evidence which demonstrates necessity for such unit by demonstrating that: 1) there is a security problem, or 2) some type of continuous care is required, and 3) the owner is unable to personally perform the needed function, or requires additional assistance to a sufficient degree to warrant a caretaker. Acceptable evidence shall include such items as a letter from a doctor stating medical needs, a letter from a police department describing the area's security problems, or employee job descriptions.

- 4) The minimum lot size for establishment of a caretaker unit shall be two acres, in order to provide sufficient water and sewer capability under Health Department regulations. Where public water and sewer services are available, there shall be no minimum lot size.
- 5) Caretaker units shall be subject to density requirements of the zoning district in which the parcel is located. During project review, pursuant to Section 20.140.080, 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 development standards of this ordinance.
- 6) Caretaker units attached to the main residence are encouraged; however, the maximum building size for an attached or a detached caretaker unit shall be 850 square feet.
- 7) A minimum of one off-street parking space shall be provided for the caretaker unit.
- 8) The caretaker unit shall not be rented.
- 9) Subsequent subdivisions which divide a main residence from a caretaker's residence shall not be permitted.

- 10) The applicant shall record a deed restriction as a condition of project approval, pursuant to Section 20.142.130.B, stating that the caretaker unit shall not be rented and that a subsequent subdivision which divides a main residence from the caretaker's residence shall not be permitted.

c. Guesthouses

- 1) The guesthouse shall be a permanent attached or detached structure containing a living area without kitchen or cooking facilities, which is clearly subordinate and incidental to an existing main residence on the same building site.
- 2) One guesthouse shall be allowed per parcel or per existing main residence.
- 3) Guesthouses shall be excluded from density requirements. However, during the 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 North County Land Use Plan and the standards of this ordinance.
- 4) Detached guesthouses shall be located in close proximity to the principal residence.
- 5) Guesthouses shall be required to share the same utilities with the main residence, except where prohibited by public health requirements.
- 6) The guesthouse shall contain no kitchen or cooking facilities, including microwave ovens, hot plates, and toaster ovens.
- 7) All facilities such as "wetbars" must be proportionate to the size and scope of the guesthouse. There may be a maximum of six feet of counter space, excluding counter space required for a bathroom and its attendant fixtures.

There may be a maximum of eight square feet of cabinet space, excluding clothes closets.

- 8) Guesthouses shall not exceed 425 square feet of interior area in size.
- 9) Guesthouses may not be separately rented, let or leased from the main residence.
- 10) Prior to the issuance of permits for guesthouse construction or for use of an existing building as a guesthouse, the applicant shall record a deed restriction pursuant to Section 20.142.130.B stating the regulations applicable to the guesthouse, including that the guesthouse shall not be separately rented, let or leased from the main residence and may not have cooking or kitchen facilities.
- 11) Subsequent subdivision which would divide a main residence form a guesthouse shall not be permitted.
- 12) The guesthouse must be architecturally consistent and compatible with the main residence.
- 13) The guesthouse height shall not exceed 12 feet nor be more than one story. Additions to height and placement of guesthouses over a one-story structure, such as a garage, may be considered when intended to provide for architectural consistency and compatibility with the main residence or to meet resource protection standards of this ordinance or policies of the North County Land Use Plan.

d. Subdivision

- 1) Densities of residential subdivisions shall be based upon an evaluation of the site conditions and the development's cumulative impacts. As such, the maximum allowable density based on the evaluation shall be determined pursuant to Section 20.140.070. Factors to be considered include: geologic/flood/fire hazards, slope, vegetation, environmentally sensitive habitats, water quality and

availability, erosion, septic tank suitability, adjacent land use compatibility, public services availability, and coastal access and visual resource opportunities and constraints. (Ref. Policy 4.3.6.D.1)

e. Low and Moderate Income Housing

- 1) Proposed demolition of low and moderate income housing shall not be exempted from the requirement to obtain a Coastal Development Permit. Low and moderate income housing is considered to be that housing which is affordable to households earning up to 80% to 120% of the current County median household income.
- 2) As a condition of project approval, the applicant for demolition of low and moderate income housing shall be required to replace each of the affordable housing units. As such, the applicant shall obtain the necessary permits, including building permits, for the replacement units prior to issuance of the demolition permit.
- 3) As a condition of project approval, the applicant shall record a deed restriction stating that the replacement unit(s) shall be sold, let or leased only to those households which qualify as low to moderate income housing, i.e. households earning up to 120% of the County's current median household income. Conversion, re-sale, or sub-letting of the units shall not alter this restriction. (Ref. Policy 4.3.6.D.1.a & 1.d [Low-Mod. Hsng.]

f. Visitor-Serving Facility Employee Housing

- 1) Development of new or expanded overnight facilities, restaurant, and other visitor-serving facilities which include a mix of overnight accommodations and restaurant uses shall be required to provide for employee housing. Plans for employee housing shall be incorporated into the development application, shall conform to the criteria of Section 20.144.130.B.3.d.3., and shall be in

accordance with the employee housing plan pursuant to the following section.

- 2) Employee housing to be provided shall be in accordance with an "employee housing plan" prepared for the project. The plan shall be required, submitted, and approved by the Planning Department prior to the application being determined complete. The plan shall include, at a minimum, the following elements:
 - a) Number of total employees, shown on a month-by-month basis if seasonal fluctuations are expected;
 - b) Breakdown of the number of employees according to seasonal/permanent status, job category, and wages shown on a month-by-month basis if seasonal fluctuations are expected;
 - c) Number of employees per shift, including the largest shift during the peak season;
 - d) Number of employees to live in both off-site and on-site housing as provided by the employer;
 - e) Description of on-site and off-site employee housing to be provided by the employer, including locations of the housing, types of accommodations, number of rooms or units, and cost to the employee;
 - f) Description of how employees housed off-site will get to the job site; and,
 - g) Total number of employees, on the largest shift during the peak season, who will be commuting by car to the place of employment.
- 3) Employee housing shall meet the following criteria, which shall be made conditions of project approval where appropriate:
 - a) The housing shall be available at a cost affordable to the development's low-to-moderate income employees.

Rental cost shall not exceed 25% of the average salary of the low-to-moderate income employees shall be considered to be those employees earning 80% to 120% of the average of all employee salaries, as shown in the Employee Housing Plan.

b) The housing must be constructed prior to or concurrent with the proposed visitor-serving facility.

c) The housing may be constructed either on-site, off-site, or a combination of the two. Off-site housing must be in close enough proximity to the development that the employee may walk to the job site. However, an exception may be made if employees housed off-site will be transported by the employer to the work site, as detailed in the Employee Housing Plan.

d) At a minimum, at least one manager unit must be provided on-site. As a maximum, the total number of on-site and off-site employee housing units provided shall not exceed 1 unit per inn unit or per six restaurant seats. (Ref. Policy 4.3.6.D.2.b [Low-Mod. Hsng.]

g. Farm Labor Housing

1) Development of farm labor housing and renewal of permits for existing farm labor housing shall be in accordance with a "Farm Labor Housing Plan" prepared for the project. The plan shall be required, submitted, and approved by the Planning Department prior to the application being considered complete. The plan shall include, at a minimum, the following elements:

a) Entity responsible for housing management;

b) Entity responsible for housing maintenance and up-keep;

c) Description of whether the housing will be used on a permanent, temporary, and/or seasonal basis;

- d) Total number of farm laborers to be housed on-site at any one time;
 - e) Description of the housing, including whether the structures will be permanent and/or temporary, intended as units for families, one person, or several persons, and cost of the units and utilities to the laborers;
 - f) Location of where the laborers will work, as shown on a map, and the types of crops grown;
 - g) Salaries of the farm laborers;
 - h) Assessment of how much water will be used by the proposed development and description of how water is proposed to be supplied to the farm labor housing, including water source location and type, water quality, water quantity, and storage; and,
 - i) Description of the sewage disposal method, such as septic systems, to be used to service the farm labor housing.
- 2) Farm labor housing shall meet the following criteria, which shall be made conditions of project approval where appropriate:
- a) The housing shall be available to the farm laborers at a cost affordable to the development's low-to-moderate income laborers salary as shown in the Farm Labor Housing Plan.
 - b) There must be adequate water and sewer available to service the development, as determined by the Health Department and through appropriate studies, required as needed to assess adequacy of water and sewer.
 - c) The farm labor housing shall meet the density requirements of the zoning district in which it is to be located. The minimum parcel size for the establishment of farm labor housing shall be 2.5 acres.

- d) In "CAP" (Coastal Agricultural Preservation) zoning districts, the housing must be located off of prime and productive agricultural land, as per Section 20.144.080.D.7.
- e) In "AC" (Agricultural Conservation) and "RDR" (Rural density Residential) zoning districts, the housing must be located off of viable agricultural land, as per Section 20.144.080.D.8.
- f) In "LI" (Light Industrial) zoning districts, the housing may be located on any portion of the parcel subject to conformance with the policies of the North County land Use Plan and standards of this ordinance.
- g) The housing shall not be located on Critical Erosion Areas, as per Section 20.144.070.E.1 & E.2.
- h) The development shall incorporate proper erosion and drainage controls, as per Section 20.144.070.E.9.
- i) Parking shall be provided at the ratio of two spaces per family unit, and/or one space per single person. Such spaces need not be covered. The parking areas shall be designated on the approved site plan.
- j) Enclosed storage facilities shall be provided for each housing unit.
- k) Laundry facilities, consisting of washers and dryers, shall be provided on-site.
- l) The design of the housing shall be subject to the approval of the Director of Planning.
- m) The development of more than three units shall require inclusion of recreation facilities and open space, the type and amount of which shall be determined according to the amount and type of housing to be provided. Minimum requirements shall be lawn areas and picnic tables. Inclusion of family units in the housing shall require children's play equipment, such as swings and

slides. Adult housing shall require the inclusion of adult recreational areas, such as for baseball, basketball, or horseshoe pitching.

n) The development shall be landscaped. As a condition of project approval, a landscaping plan shall be approved by the Director of Planning prior to occupancy of the building. As well, landscaped area shall be continuously maintained and up-kept.

o) All permits for farm labor housing shall be conditioned to expire at a time to be specified by the decision-making body at the time of permit approval. Renewal of the permit shall require on-site inspections by the Building Inspection and health departments, prior to public hearing, and a full review of compliance with previous conditions of project approval and with the standards of this ordinance.

p) All renewals of permits for existing farm labor housing shall be subject to the criteria of this section. New conditions of project approval shall be applied in order to assure compliance with the criteria.

4. Commercial

a. Existing commercial development, where applying for renewal of an unexpired or expired permit, shall be required to meet the policies of the North County land Use Plan and the standards of this ordinance. A development's inability to substantially comply with the plan or ordinance requirements may be cause for denial of the permit renewal. Where needed and able to assure compliance, conditions of approval of the renewed permit shall be applied. (Ref. Policy 4.3.6.E.3)

b. Development of non-coastal dependent commercial facilities shall be limited to those necessary to serve local neighborhoods and communities. (Ref. Policy 4.3.5.5)

5. Industrial

- a. Existing industrial uses located outside of "LI" (Light Industrial) and "HI" (High Industrial) zoning districts are considered to be non-conforming uses. As such, expansion of such uses shall not be permitted. (Ref. Policy 4.3.6.F.2)
- b. Development of new agricultural-related industrial facilities may be located in "LI" (Light Industrial), "AI" (Agricultural Industrial), "AC" (Agricultural Conservation), or "RDR" (Rural Density Residential) zoning districts. Where located in "AC" or "RDR" districts, the development shall be located on the less agriculturally-viable areas of the parcel. The least viable areas are considered to be those areas with soils not in Soil Conservation Class I through IV and not in cultivated agricultural use on slopes of less than 10%, as per the Critical Erosion Area determination required in Section 20.144.070.A. (Ref. Policy 2.6.3.7 & 4.3.6.F.3)
- c. Development of new or expanded industrial facilities shall only be permitted where able to meet the following criteria:
 - 1) The industry shall be of a coastal or agriculture-dependent type.
 - 2) The industry shall not use quantities of water that will exceed or adversely impact the safe, long-term yield of the local aquifer, as determined through a hydrologic report prepared in accordance with Section 20.144.070.D.
 - 3) Where not preempted by the exclusive authority of a state or federal agency, the County shall require that the industry shall contribute only low levels of air and water pollution and shall reduce project pollution to the lowest levels possible for the particular industry and circumstance. All available and feasible mitigation measures shall be incorporated into project design, as a condition of project design, as a condition of project approval, where such measures will minimize the amount of air and/or water pollution. Appropriate professional

studies shall be required as necessary to assess possible pollution levels and to provide mitigation measures.

4. The industrial use shall incorporate appropriate buffer zones where located adjacent to agricultural areas, as per Section 20.144.080.D.6.
5. The development shall meet visual resource, environmentally sensitive habitat, and other development standards of this ordinance. (Ref. Policy 4.3.5.6 and 4.3.6.F.1 & F.4)

20.144.150 Public Access Development Standards.

Intent of Section: The intent of this Section is to provide development standards for the protection and provision of public access to the shoreline and along the coast, and for the enhancement of opportunities for recreational hiking access. The provision of all future access and improvements to existing access areas must be consistent with the overriding objective of protecting coastal agriculture, environmentally sensitive habitats, and other sensitive coastal resource areas. The beauty of the coast, its tranquility, and the health of its environment must not be marred by public overuse or carelessness. Visual access as well as physical access should be emphasized as an appropriate response to the needs of the public. 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 20.144.150.D.1. (Ref. Policy 6.2)

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 amended 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 of the North County Land Use Plan. All elements of the plan must be in conformance with the "Public Access Criteria" contained in Section 20.144.150.E.2. As well, the I plan shall incorporate at a minimum the management and implementation recommendations contained in Table 2 of the North County Land Use Plan. The plan shall be revised as necessary to meet each of these requirements, 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 area.
 - 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. The trail shall not be less than 4 feet in width, unless as otherwise specified on 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) Description 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 size/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 the 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;
 - l) Conformity to the "Public Access Criteria" contained in Section 20.144.150.E of this ordinance;

- m) Archaeological resource; and,
 - 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 Locational 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. (Ref. Policy 6.4.B.1)

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 as Section 20.144.150.C, for:
 - 1) Lateral access, to provide continuous and unimpeded lateral access along the entire reach of sandy beach area or other useable recreational shoreline;
 - 2) Vertical access, to provide a connection between the first public road, trail or use area nearest the seas 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 figures 4 and 6 of the North County Land Use Plan or on LUP Table 2 (Site Specific Recommendations for Shoreline Access).

C. Access Location and Distribution Standards

1. Lateral Access

- a. The Lateral Access standard shall apply to parcels containing beachfront or useable recreational shoreline.
- b. Lateral accessways shall be located on all beach front land, as needed to provide continuous and unimpeded lateral access along the entire reach of a sandy beach area or other useable 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, industrial developments and operations that would be hazardous to public safety, 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, to 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-owned tidelands or lateral accessway.

b. Urban Areas (Moss Landing)

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 for construction of an access facility, if proposed.

3) Condominium conversions of existing multiple family developments of five dwelling 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 singlefamily 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 20.144.030, 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 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 1/4 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 agriculture 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 and/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 20.144.150.B.1.a.2;
 - b. public access has been determined to be needed. over the parcel, pursuant to Section 20.144.150.B.1.b; and/or,
 - c. public access is proposed over the parcel, pursuant to Section 20.144.150.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 access 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 20.142.130. (Ref. Policy 6.4.A.1, A.2 & A.4)
 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 deed must be accepted by the County Board of Supervisors, and recorded with the County Recorder, in accordance with Section 20.142.130.A.6. The Planning Department shall place one copy of the deed in the project file, and one copy in the Planning Department easement file. The easement shall also be map
 4. An offer of dedication shall be required, in lieu of an easement, if the exact location of the public accessway remains to be determined and/or if the County will not be responsible for the accessway's eventual improvement and management. To meet the condition, the offer of

dedication to a public or nonprofit agency must be approved by the Board of Supervisors as valid for a period of 21 years, and recorded with the County Recorder in accordance with Section 20.142.130.A.6. The Planning Department shall place one copy of the offer shall then be placed in the project file, and the other copy in the Planning Department easement file. The offer shall also be mapped on Planning Department trails and easement maps. The offer shall be transmitted to the California Coastal Commission, who will hold the offer for the duration of the offer period.

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 20.144.150.A. 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. Also, 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 and is on file with the Monterey County Planning Department, and that all improvements to the accessway must be in accordance with the plan. The note shall be recorded in accordance with the requirements of Section 20.142.130. (Ref. Policy 6.4.B.1 & B.3 & B.4 and 6.4.C.4)
2. All development of shoreline access and trails shall NC-106 be in conformance with the following 11Public Access Criterial1, as detailed in the Access Management Plan prepared for the development, as per Section 20.144.150.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. 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 North County 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.

b. Public Safety

- 1) Development of shoreline accessways or accessway improvements shall incorporate public safety features, as detailed in the access management plan prepared for the project. Required as a condition of project approval, public safety features may include such features as warning signs, handrails, and closure of access during hazardous periods such as extreme fire hazard or flooding. (Ref. Policy 6.4.E.1 & E.2)

c. Habitat and Resource Protection

- 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 20.144.040.A. The survey shall be prepared in accordance with the requirements of Section 20.144.040.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. (Ref. Policy 6.4.F.1)

- 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. (Ref. Policy 6.4.F.2)
- 3) Development of new trails and improvements to existing trails shall minimize impacts to riparian vegetation, wildlife, and water quality. As such, development shall be subject to the development standards for environmentally sensitive habitat and water resources, as contained in this ordinance. Mitigation measures shall be required, as conditions of project approval, to assure conformance with the standards. (Ref. Policy 6.4.F.3)
- 4) Development of Major Access Locations, as shown on Figure 6 of the North County 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. (Ref. Policy 6.4.F.5)
- 5) 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. (Ref. Policy 6.4.F.6)
- 6) 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. (Ref. Policy 6.4.F.7)
- 7) Development of improvements to the accessway shall be limited to those necessary to ensure public safety, protect natural resources, and to minimize land use conflicts, as

detailed in the access management plan. (Ref. Policy 6.4.F.8)

8) Development of new accessways or accessway improvements, including boardwalks, signs, gates, restrooms, and parking facilities, shall minimize visual impacts as follows:

a) Where feasible, trails shall be located out of view from public viewing areas, such as public roads and vista or view points.

b) 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.

c) 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. (Ref. Policy 6.4.F.9 & F.10)

d. Visual Access

1) Development shall conform to the "Visual Resource Development Standards" contained in Section 20.144.030. (Ref. Policy 6.4.G.1 & 6.4.B.5)

2) Development of improvements to accessways and existing 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 natural 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 North County Land Use Plan. (Ref. Policy 6.4.G.2 & 6.4.B.5)
- 3) Development which includes new streetlights shall require:
- a) The submittal of a lighting plan, as a condition of project approval subject to approval of the Director of Planning. 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. (Ref. Policy 6.4.G.3)

e. 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. 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. (Ref Policy 6.4.A.3 & A.4 and 6.4.H.1)
- 2) Development which includes opening of or improvements to a public accessway 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) Limitations to the seasons and/or hours of the public's use of the accessway; and,
- d) Limitation of public activities to pedestrian or passive recreation uses. (Ref. Policy 6.4.H.2 & H.3)

f. Parking and facilities

- 1) 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, as shown on Figure 6 of the North County Land Use Plan.
 - b) Parking areas and turnouts shall incorporate proper erosion and drainage control measures so as to not 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. Parking facilities providing access to Elkhorn, Moro Cojo, and Bennett sloughs shall incorporate measures to retain all storm run-off on the site, or to retain storm run-off to the fullest extent possible to protect the estuarine areas as determined through a biological report prepared for the project pursuant to Section 20.144.040.A.

- c) The number of proposed parking spaces provided shall not exceed the capacity of the shoreline destination, as determined in the access management plan using such criteria as shoreline size, resource sensitivity, and type and intensity of the proposed use.
- d) Parking facilities shall be screened 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 wet-lands 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. (Ref. Policy 6.4.I.1 – I.5)

g. 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. (Ref. Policy 6.4.J.1)
- 2) Development which includes the opening of an unimproved accessways 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. (Ref. Policy 6.4.J.2)

20.144.160 Moss Landing Community Development Standards.

Intent of Section: The intent of this section is to present development standards to allow the orderly development of the Moss Landing Community and the perpetuation of its coastal dependent industries (Ref. Policies 5.2.1 and 5.2.1.A Moss Landing Community Plan).

A. Commercial Fishing and Recreational Boating Facilities

1. General Development Standards

- a. The ratio for berthing space in the South Harbor is currently regulated and shall continue to be regulated and shall continue to be regulated by the Moss Landing Harbor District on a 65% commercial boat berthing space/35% recreational boat berthing space ratio. This ratio is maintained by the Moss Landing Harbor District and a waiting list is also maintained to fill vacancies in the commercial/recreational berths as they arise so that the ratio remains constant at 65%/35%. (Ref. Policy 5.3.2.1 Moss Landing Community Plan).
- b. When reviewing applications for development of recreational boating facilities, information shall be submitted to the Planning staff to document the fact that the proposed project shall not interfere with the needs of the commercial fishing industry as outlined in the Moss Landing Harbor District master Plan and

Associated EIR, as on file with the Harbor District and the Monterey County Planning Department. In review of discretionary permits that affect the harbor area, applications shall be referred to the Harbor District (within the regular referral service for all County agencies before a public hearing on an item) for any comment on projects which may propose build-out into the water and so contain the possibility to affect the commercial fishing industry of the area. (Ref. Policy 5.3.2.1 Moss Landing Community Plan).

- c. Any change in use and/or expansion of the harbor shall be compatible with the conservation of the surrounding wetlands habitat. The Planning Department may require that biological/botanical surveys be completed for development which is proposed in an environmentally sensitive area, pursuant to Section 20.144.040.A. See the "Environmentally Sensitive Areas" section of the North County Implementation Ordinance for the format required for biological/botanical report. (Ref. Policy 5.3.2.2 Moss Landing Community Plan).
- d. On the island, priority is given to expansion of commercial fishing industries and facilities with a low traffic generation projection (projects that do not generate a traffic flow projection exceeding the maximum peak flow as determined at the time of project application by the Public Works Department). Second in priority is development on the island directly serving people engaged in the fishing industry which is not suitable for other locations in Moss Landing. Such development includes those industries directly related to the commercial fishing/boating industry which would result in the transfer of materials and products obtained from the island area to other locations in the Moss Landing area for processing (ref. policy 5.3.2.3 Moss Landing Community Plan).
- e. The protection of public access to the shoreline shall not be precluded by the expanded use of existing land-based facilities supporting commercial boating. Any development which appears to impede public access will be studied by the Planning Department staff for the required mitigation of impeded access

through such actions as project modification to acquire adherence to the section of the implementation ordinance dealing with the dedication of public access contained in the Public Access Development standards of this ordinance. (Ref. Policy 5.3.2.4 Moss Landing Community Plan).

- f. Development of the existing piers for access and recreational purposes shall be allowed when it is shown that these uses are compatible with commercial fishing uses (Ref. Policy 5.3.2.5 Moss Landing Community Plan).
2. Specific Development Standards – The specific development standards presented in this section delineate a two-phase harbor improvement program to allow the maximum use of existing facilities before the expansion into undeveloped areas. The area discussed in these specific development standards is shown with the Moss Landing Harbor District Master Plan. (Ref. Policy 5.3.3 Moss Landing Community Plan).
 - a. Harbor Development – Phase 1
 - 1) Under-utilized and unused parcels on the island, when proposed for development, shall be converted to land uses supportive of the commercial fishing industry (ref. Policy 5.3.3.1 Moss Landing Community Plan).
 - 2) Bulkheading to prevent erosion and to maximize use of available shoreline shall be provided along the west bank of the South Harbor when restoration and erosion control measures in accordance with the Erosion Control Ordinance are undertaken as part of permit approval requirements (Ref. Policy 5.3.3.3 Moss Landing Community Plan).
 - 3) As a part of project review, the adherence to the County's Erosion Control Ordinance and any contingent mitigation measures shall be imposed on projects to ensure that grading and surfacing work designed to provide additional capacity in the harbor will not adversely affect water quality in the harbor (Ref. Policy 5.3.3.4 moss Landing Community Plan).

- 4) As a condition of the Coastal Development permit approval, applicants for land use upgrading shall be required to provide on-site parking facilities on the island (Ref. Policy 5.3.3.9 Moss Landing Community Plan).
- 5) Priority for development in the North Harbor area shall be the development of recreational and visitor-serving commercial uses (Ref. Policy 5.3.3.11 Moss Landing Community Plan).
- 6) The development and upgrading of recreational boating-support facilities shall not jeopardize conservation of sensitive mudflat habitats in the North Harbor. Development shall be submitted to review for impacts to the habitat and subject to all mitigation measures required by the Planning Department (Ref. Policy 5.3.3.12 Moss Landing Community Plan).

b. Harbor Development – Phase 2

- 1) All significant negative environmental impacts of harbor expansion must be mitigated to the maximum possible extent. All feasible road construction measures shall be investigated to minimize damage to the sand dune habitat (Ref. Policy 5.3.3.15 Moss Landing Community Plan).
- 2) Prior to extension of Sandholdt Road, a dune restoration program shall be developed in cooperation with the County Planning Department, State Coastal Commission, and other appropriate agencies and property owners. The program shall outline the restoration of degraded dunes adjacent to the extended road by replanting with native vegetation and the installation of fences or other means of controlling public access between the road and the dunes. Appropriate biological and botanical reports shall be required for the areas concerned with dune restoration, in accordance with Section 20.144.040.A. All reports shall be submitted to the Planning Department for approval and

determination of adequacy and completeness, prior to the application being considered complete.

B. Recreation and Public Access

1. General Development Standards

- a. Adequate on-site parking and public access to the beach shall be a condition of approval for all discretionary permit approvals on the island (Ref. Policy 5.4.3.11 Moss Landing Community Plan).
- b. Development of new access and recreation areas shall require the development of detailed management plans in accordance with Section 20.144.150.A, to insure that the health, safety and welfare of residents and property owners is not jeopardized by poorly planned public access (Ref. Policy 5.4.2 Moss Landing Community Plan).

C. Energy Facilities and Industrial Development

In development of industrial/commercial facilities, the applicant shall apply the least available control technology to a new stationary source on modification of an existing source of pollution for each affected pollutant to be emitted as a waste product of production. All development must conform to the most current permitted pollutant levels as established by the Monterey County Board of Supervisors and administered by the Monterey Bay Unified Air Pollution Control District.

As a condition of approval, all development of a commercial/ industrial nature which proposes to emit harmful and potentially harmful pollutants will be required to submit evidence to the Planning Department that a permit for such emission has been secured for the project from the Monterey Bay Unified Air Pollution Control District.

1. General Development Standards

- a. Coastal dependent industrial facilities shall expand within existing sites before off-site expansion shall be considered. Commercial fishing activities and aquaculture shall have priority over other types of coastal-dependent industrial uses in industrial areas (Ref. Policy 5.5.2.1 Moss Landing Community Plan).

- b. The National Refractories industrial facility at Moss Landing is permitted to expand within the existing site. This expansion is subject to conforming to all other requirements of this implementation ordinance and other State and Federal regulations and all applicable County requirements for the processing of discretionary and ministerial permits. (Ref. Policy 5.5.2.1 Moss Landing Community Plan).
- c. Future expansion, improvement or other development including fuels conversion at P.G.& E., National Refractories and any other heavy industry in the area shall be considered in accordance with the master plan and associated Environmental Impact Report which has been developed for these facilities. This master plan requirement shall not apply to emergency or administratively approved developments under Section 30624 of the Coastal Act. The master plan must have been developed by the applicants and submitted to Monterey County for review and approval prior to approval by the County of any development permits for these industries. The master plans shall address the long-range development and operation of the facilities including:
 - 1) Physical expansion and new construction;
 - 2) Major operational changes in fuels or fuel delivery systems;
 - 3) Circulation or transportation improvements;
 - 4) Electrical power transmission;
 - 5) Alternative development opportunities;
 - 6) Environmental considerations;
 - 7) Potential mitigation of adverse environmental impacts; and
 - 8) Conformance to all other policies of the North County Land Use Plan and other State and Federal regulations.

Subsequent to approval of these master plans, permit requests not in conformity with the master plans shall be considered only

upon completion and approval of necessary amendments to the master plan. This requirement shall not be construed to require disclosure in the master plans of trade secrets, proprietary or confidential information, but only location of buildings and other land use matters necessary for planning purposes (Ref. Policy 5.5.2.2 Moss Landing Community Plan).

- d. For on-site modernization and upgrading of existing facilities, the least environmentally damaging alternative shall be selected. This determination shall be made with background information in such documents as the Planning Department deems necessary to determine the actual affect of the development upon the project site habitat and the surrounding area. These documents may be in the form of, but not limited to, biological/botanical reports pursuant to Section 20.144.040.A, a forest management plan pursuant to Section 20.144.050.B, or an Environmentally damaging alternative is not possible for technical reasons, adverse environmental effects of the preferred alternative shall be mitigated to the maximum extent. These mitigations shall be identified by a document such as a focused EIR which more closely determines the effect of an alternative plan which was not identified as the environmentally damaging in previous studies required for the proposed development (Ref. Policy 5.5.2.3 Moss Landing Community Plan).
- e. Modernization and expansion of industrial facilities shall be compatible with existing community land use patterns and circulation system capacities, planning objectives and local air quality regulations in effect at the time of the granting of such approval for said expansion by the appropriate agencies (Ref. Policy 5.5.2.4 Moss Landing Community Plan).
- f. Potentially hazardous industrial development (that development which is shown to be, through the various required and available documents, to be harmful to the environment of the area or is shown that the establishment, maintenance or operation of the use applied for will be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or

working in the neighborhood of such a proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the County) shall not be located adjacent to developed areas (Ref. Policy 5.5.2.5 Moss Landing Community Plan).

- g. Nuclear plants shall not be allowed to disrupt environmentally sensitive habitats and shall not be allowed in high seismic hazard areas as outlined in Section 20.144.100.A (Ref. Policy 5.5.2.6 Moss Landing Community Plan).
- h. Use of coal as a fuel shall be considered only if other cleaner fuels become unavailable and it is proven, by the completion of an environmental impact report of appropriate scope, that there are no adverse impacts on agriculture and fishing. Where coal fuel industries are allowed, the most effective air pollution control technology available shall be utilized to ensure minimum sulfur dioxide output (Ref. Policy 5.5.2.6 Moss Landing Community Plan).
- i. Any structural expansion of the P.G. & E. and National refractories plants shall include plans for major access on Dolan Road including any attendant improvements to Dolan Road and or Highway 1 (Ref. Policy 5.5.2.7 Moss Landing Community Plan).
- j. One condition of any future expansion of off-shore tanker terminal mooring facilities shall be the demonstrated effectiveness to Monterey County of oil-spill mitigation plans in force at the time of project application. Maximum protection of Elkhorn Slough must be provided (Ref. Policy 5.5.2.8 Moss Landing Community Plan).
- k. All new Heavy industry must be coastal-dependent (Ref. Policy 5.5.2.10 Moss Landing Community Plan).
- l. Additional development of environment-polluting heavy industry shall not be permitted (Ref. Policy 5.5.2.11 Moss Landing Community Plan).

2. Specific Development Standards

- a. Future upgrading or modification of P.G & E. generating units 1-5, will require as part of their development plans to limit the cooling water discharge outfall into the slough to the historical discharge outfall into the slough to the historical discharge rate. If there is a proposed increase in the discharge rate, an appropriately focused environmental impact report shall be required to determine the effect on the Slough and the surrounding habitat (Ref. Policy 5.5.3.1 Moss Landing Community Plan).
- b. Additional National Refractories process storage ponds shall be limited to the areas as shown in the Moss Landing Harbor District Master Plan. These ponds shall be designed and located to avoid any adverse effects to wetlands areas and agriculture. All additional development of process storage ponds must prevent the loss of wetlands (Ref. Policy 5.5.3.4 Moss Landing Community Plan).
- c. In the event that conversion of the P.G. & E. Power plant to a coal-burning facility is proposed, an environmental impact report shall be prepared to determine all effective mitigation measures minimizing adverse effects to air quality, public safety, agriculture and aquaculture. The environmental impact report shall address the location of a safe disposal site for coal ash and collected air pollutants which shall be located away from inhabited areas and sensitive resources. Methods to reduce potentially significant environmental effects to an acceptable level from runoff, as indicated by the environmental impact report, shall be incorporated into the power plant and disposal site design (Ref. Policy 5.5.3.5 Moss Landing Community Plan).
- d. the P.G & E. site south of Potrero Road is not considered a suitable location for future development of a nuclear power plant facility due to potential hazards related to geological conditions, proximity to populated areas, land use conflicts and possible impacts on marine and estuarine environments, (Ref. Policy 5.5.3.6 Moss Landing Community Plan).

- e. For industries with significant emission, as a condition of issuance of development permits, Monterey County shall require that an atmospheric surveillance station be established in the Moss Landing vicinity at the expense of and by the applicant. This station shall thereafter be operated by the Monterey Bay Unified Air Pollution Control District to monitor air pollution concentrations in addition to pertinent Moss Landing Community Plan).
- f. Expansion of heavy industrial uses on the property owned by P.G. & E. west of Highway 1 and East of Moss Landing Harbor shall be limited to improvements or modifications that are compatible with the road right-of-way as established by zoning and previous permit action, along with the visual development standards contained in Section 20.144.030 (ref. Policy 5.5.3.9 Moss Landing Community Plan).
- g. Possible future development of a transmission line north from the P.G. & E. power plant must be compatible with research and educational use of the estuarine sanctuary. Potential Environmental effects shall be reduced to an acceptable level before development is allowed (Ref. Policy 5.5.3.10 Moss Landing Community Plan).

D. Visual Resources and Community Character

1. Public Viewshed Determination

- a. Visibility will be considered in terms of normal, unaided vision in any direction for any amount of time at any season. The standard for review is the objective determination of whether any portion of the proposed development is visible from or impedes the visual access to the Moss Landing community, harbor and dunes from Highway 1 or any other public viewing area.

Views of the Moss Landing community, harbor and dunes from Highway 1 shall be protected through regulation of landscaping and siting of new development adjacent to the highway to minimize the loss of visual access from Highway 1 to the areas of

the Moss Landing Community, the dunes and the harbor area (Ref. Policy 5.6.3.6 Moss Landing Community Plan).

With development located in the viewshed of the Moss Landing Community, the harbor and dunes areas as viewed from Highway 1, the project planner shall make an on-site investigation in order to determine whether the project will affect the visual access to the areas noted above. Proposed building shall be accurately indicated as to dimensions, height and rooflines by poles with flags. Both poles and stakes shall remain in place for the duration of the project review and approval process. The project planner, at her/his discretion, in the process of the on-site review, may record the proposed development with photographs and may require that the applicant superimpose in 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.

2. General Development Standards

- a. In scenic beach, dune, estuary and wetland areas, development is limited to the development consistent with the resource protection development standards of this ordinance (Ref. Policy 5.6.2.1 Moss Landing Community Plan).
- b. As a component of all proposed development permits, any architectural, archaeological or cultural resources present on-site which are eligible for inclusion on historic registers must be identified through resource studies requested by and submitted to the Planning Department pursuant to Section 20.144.110.B. Guidelines for preservation, restoration or adaptive use of developed by the Department using background information supplied by the above-required reports and as outlined in the "Historical Resources" (HR-CZ) zoning section of this Ordinance (Ref. Policy 5.6.2.4. Moss Landing Community Plan).

- c. As a condition of approval for projects located within historically or archaeologically significant areas, the applicant shall request that the combining "HR" zoning be applied to the subject parcel (Ref. Policy 5.6.3.4 Moss Landing Community Plan).
3. Specific Development Standards
- a. The highest priority shall be given to preserving and maintaining all fish handling and processing facilities on the island. (Ref. Policy 5.6.3.1 Moss Landing Community Plan).
 - b. Where the preservation of designated historical buildings and landmarks is in jeopardy, the land and resource shall be considered for acquisition by private or public organizations with the capacity to properly manage and supervise the property (Ref. Policy 5.6.3.2 Moss Landing Community Plan).
 - c. Development on scenic beaches, dunes, estuaries and wetlands is allowed only for development to allow structures associated with the recreational, educational and aquacultural use of the areas. (Ref. Policy 5.6.3.4 Moss Landing Community Plan).
 - d. All development shall be in conformance with "Design Review Criteria". The Criteria are as follows:
 - 1) Recreational boating/Visitor-Serving
 - a) The design of developments shall enhance the recreational boating/visitor-serving/restaurant character of the North Harbor area.
 - b) To maximize the views of the harbor, building heights shall be the standard single and two-story heights only. Structures shall be small scale, the design must be comparable to and in the same size and character of the buildings present in the North Harbor area.
 - c) The use of horizontal natural or painted wood siding shall be considered the most appropriate for the area.

d) Utility lines for new construction shall be placed underground, unless the undergrounding of utilities is infeasible. The applicant may request a waiver of underground utilities. New overhead power or telephone lines may be considered instead of underground utilities only where over-riding 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. If an applicant requests the waiver of underground utilities in a discretionary permit, the following information must be supplied as a part of a 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.

- e) Unsightly storage areas shall be screened and set back from the roadway so that these area are not visible form any public viewing area.
 - f) As a condition of permit approval, all parking areas associated with a project shall be upgraded to adequately serve the proposed parking needs of the subject facility and meet all pertinent regulations, including those for safety and number of parking spaces, at the time of the discretionary permit approval.
- 2) The Island
- a) The design standards of this ordinance shall be applied to develop on the island as long as they do not conflict with the use of the buildings for commercial fishing purposes. Any purported conflict of the design standards with the use of the development for commercial fishing purposes shall be documented by the commercial fishing proposition as contrasted against the design standards required for the site.
 - b) The height of buildings on the island shall be limited to standard one and two-story building heights.
 - c) In the design of new structures on the island, exterior wall material shall be limited to the use of natural wood for building facades near the cannery buildings. Exterior walls and trim shall either be natural wood, wood stain or painted a natural wood-tone color. Exterior doors shall be of a wood panel or wood frame construction.
 - d) Rehabilitation of existing structures and new development shall include amenities for visitors such as pathways or boardwalks to the shoreline; removal or screening of unsightly storage areas.

- e) All discretionary permit approvals shall contain requirements for off-street parking as conditions of approval.
 - f) As an action of approval for discretionary permits, the combining "HR" (historical preservation) zoning district shall be applied as a condition of approval, if applicable according to the standards of Section 20.144.110.
- 3) Moss Landing Commercial District
- a) The design standards of new construction in this area, as encompassed within the "Moss Landing Commercial (MLC)" zoning district, shall enhance the antique shop and historical building character. Development shall conform to the design standards of the "Moss Landing Commercial (MLC)" zoning district. In any discretionary action taken by the owners of the historical Pacific coast Steamship Company off, preservation status shall be applied for a condition of approval. (Ref. Policy 5.6.3.7 Moss Landing Community Plan).

Attachment 1

Land Use Categories and Disturbance Coefficients

Land Use Categories	Disturbance Coefficients
Brush	6.0%
Oak Woodland	1.1%
Eucalyptus	3.2%
Pasture; Grassland	6.5%
Rowcrops; Artichokes	63.1%
Strawberries	69.5%
Orchards	93.2%
Commercial	51.4%
Industrial	48.2%
Residential:	
51 acre lots and greater	9.6%
31 to 50 acre lots	7.9%
15.5 to 30 acre lots	13.2%
10 to 15.4 acre lots	8.1%
5 to 9.9 acre lots	9.9%
2.4 to 4.9 acre lots	3.8%
1 to 2.3 acre lots	14.7%
0.5 to 0.9 acre lots	19.5%
0.2 to 0.4 acre lots	10.8%
0.1 care lots	11.4%
Less than 0.1 acre lots	51.4%

Attachment 1

Land Disturbance target Evaluation Sheet

Assessor Parcel No. _____

Applicant Name _____

Project File No. _____

Existing Land Disturbance

Existing Land Uses on the parcel	Land Disturbance, measured using:			
	<u>Coefficient Method</u>			<u>Site Plan Method</u>
	Bare Ground per acre In each land use category	Acres in each Land use category	Land Disturbance by land use cat.	Amount of bare Ground, measure on site plan
Subtotal			Subtotal	Subtotal

Total Existing Land Disturbance =

Projected Land Disturbance

Existing Land Uses on the parcel	Land Disturbance, measured using:			
	<u>Coefficient Method</u>			<u>Site Plan Method</u>
	Bare Ground per acre In each land use category	Acres in each Land use category	Land Disturbance by land use cat.	Amount of bare Ground, measure on site plan
Subtotal			Subtotal	Subtotal

Total Existing Land Disturbance =

Net Change In Land Disturbance

Total Projected Land Disturbance

_____ acres

Total Existing Land Disturbance

_____ acres

Net Change in Land Disturbance

_____ acres

To Be Completed By Project Planner

Subwatershed No. _____

Existing Subwatershed Land Disturbance (complete prior to applicant LDT evaluation, using computer data)

- A. Total acres in Subwatershed: _____
- B. Current Existing Land Disturbance (or bare ground): _____ acres
- C. Land Disturbance Target: _____ acres
- D. Current Balance of Land Disturbance (C - D): _____ acres
- WATERSHED RESTORATION AREA? , _____ yes (- balance) _____ no (+ balance)

Subwatershed Land Disturbance, with project (complete after applicant returns LDT evaluation)

- E. Net change in Land Disturbance due to project: _____ acres
- F. Total Land Disturbance (B + F): _____ acres
- WATERSHED RESTORATION AREA? , _____ yes (- balance) _____ no (+ balance)

Attachment 2

Native Trees

North County Coastal Zone

Acer macrophyllum.....	Big leaf maple
Acer negundo	California box elder
Aesculus Californica.....	Buckeye
Arbutus menziesii	Madrone
Castanopsis chrysophylla.....	Toyon
Platanus racimosa.....	Western sycamore
Populus fremontii	Fremont cottonwood
Populus trichocarpa.....	Black cottonwood
Quercus agrifolia.....	Coast live oak
Quercus lobata	White or valley oak
Salix sp.....	Willow (specific species to be determined by CDF)

Source: California Department of Forestry

Attachment 3

Suggested Native Species Landscaping List

North County

Trees (Mature height over 12 feet)

Arbutus menziesii	Madrone
Cupressus macrocarpa	Monterey Cypress
Pinus muricata.....	Bishop Pine
Pinus radiata.....	Monterey Pine
Quercus agrifolia.....	Coast Live Oak
Quercus chrysolepis	Canyon Live Oak
Quercus lobata	Valley Oak

Tall Shrubs (to 6 feet and over)

Arctostaphylos tomentosa.....	Shaggy Bark Manzanita
Atriplex lentiformis breweri.....	Salt Bush
Ceanothus Ray Hartman	Felt Leaf Ceanothus
Ceanothus Julia Phelps.....	Ceanothus
Dendromecon harfordii	Island Bush Poppy
Erigonum gigantea.....	Giant Buckwheat
Fremontodendrom spp.....	Flannel Bush
Quercus Dumosa	Scrub Oak
Rhamnus californica	Coffeeberry
Rhus integrifolia	Lemonade Berry
Rhus ovata	Sugar Bush

Small Shrubs (1 foot to 4 feet)

Arctostaphylos densiflora	Vine Hill Manzanita
Arctostaphylos hookeri	Monterey Carpet Manzanita
Arctostaphylos edmundsii	Little Sur Manzanita
Arctostaphylos pumila.....	Sandmat Manzanita
Baccharis pilularis Twin Peaks.....	Dwarf Coyote Bush
Ceanothus griseus horizontalis.....	Carmel Creeper
Diplacus spp (aka Mimulus).....	Bush monkeyflower
Mahonia pinnata	California Grape Holly
Ribes viburnifolium	Catalina Currant
Ribes speciosum	Fuchsia Flowering
Salvia clevelandii	Cleveland Sage

Perennial Groundcovers And Flowers

Brodiaea spp.....	Brodiaea, Wild Hyacinth
Clarkia spp	Farewell to Spring
Dryopteris arguta	Wood Fern
Erigeron glaucus.....	Seaside Daisy
Erigeron fasciculatum.....	California Buckwheat
Eschscholzia californica.....	California Poppy
Iris douglasiana and hybrids	Wild Iris
Sisyrinchium bellum	Blue-Eyed Grass

Attachment 4 Moss Landing Road

