

MONTEREY COUNTY PLANNING COMMISSION

Meeting: April 30, 2008 Time: 9:00 P.M.	Agenda Item No.: 1
Project Description: Amendment to an existing General Development Plan (PLN050638) for the Palo Corona Regional Park to include realignment (0.4 miles) and retirement (2.0 miles) of existing roads, and development of new trails (3.9 miles). Portions of the road realignment (2,195 linear feet) and retirement (10,475 linear feet) will occur on slopes in excess of 30% and portions of the new trails (22,285 linear feet) would be within 100 feet of an environmentally sensitive habitat.	
Project Location: 680-acre Palo Corona Regional Park, "Front Ranch" area, State Highway 1 and Ribera Road, Carmel Area, Coastal Zone.	APN: 243-081-005-000, 243-081-008-000 and 157-121-001-000
Planning File Number: PLN080093	Property Owner: Monterey Peninsula Regional Park District Agent: Scott Hennessey
Plan Area: WSC/40-D-SpTr (CZ)	Flagged and staked: No
Zoning Designation: "WSC/40-D" (CZ) [Water Shed and Scenic Conservation 40 acres per unit, Design Control District, Special Treatment Area in the (Coastal Zone)]	
CEQA Action: Negative Declaration adopted by Monterey Regional Park District Board	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission:

- 1) CERTIFY that the Commission reviewed and considered the information and affirms the conclusions contained in the Monterey Regional Park District's Negative Declaration adopted on April 7, 2008 by the Board of the Monterey Regional Park District.
- 2) APPROVE an amendment to the General Development Plan or herein after described as the (Interim Public Access Plan) for the Palo Corona Regional Park, "Front Ranch" as described above (PLN080093) based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

PROJECT SUMMARY:

On April 26, 2006 the Planning Commission approved a General Development Plan (GDP) or Interim Public Access Plan (IPAP) for the Monterey Peninsula Regional Park District (MPRPD) allowing interim public access to the 680-Palo Corona Regional Park "Front Ranch" area (PLN050638). The Plan will be used to govern public use of the park during an interim period until the MPRPD has completed a long-term management plan for the entire 4,300-acre regional park (Park).

On March 22, 2008 the MPRPD submitted an application to the RMA-Planning Department to amend the approved IPAP to include development of new trails, realigning roads, and retiring existing roads at various locations where previously approved project components were planned to occur in the 680-acre Park "Front Ranch" area (**Exhibit G**). The proposed plan revisions include 3.9 miles of new trails, 0.4 miles of re-aligned roads, 2.0 miles of roads to be retired resulting in grading of approximately 1,406 cubic yards of cut and 1,403 cubic yards of fill. Some portions of the realigned roads (2,195 linear feet), and retired roads (10,475 linear feet) will traverse 30% slope. In addition, portions of the new trails (22,285 linear feet) will be located within 100 feet of environmentally sensitive habitat. However, the result of this project

would be to achieve the resource protection objectives and policies of the Carmel Area Land Use Plan.

The MPRPD, acting as “Lead Agency”, prepared, circulated, and adopted a Negative Declaration for the proposed IPAP amendment. Monterey County is a “Responsible Agency” because of our permitting authority. As the decision-making body of a Responsible Agency, the Planning Commission must certify that it reviewed and considered the information contained in the Lead Agency’s (MPRPD) Negative Declaration and affirm the conclusions therein prior to acting or approving the project. A copy of this document is attached for the Commission’s consideration (**Exhibit F**)

See attached discussion (**Exhibit B**)

OTHER AGENCY INVOLVEMENT: The following checked agencies and departments have reviewed this project:

- ✓ California Department of Forestry Coastal District (Fire)
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ California Coastal Commission

Conditions recommended by Planning, Fire, Public Works, and Water Resources Agency have been incorporated into the conditions of approval (**Exhibit D**).

The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review on April 7, 2008. The LUAC voted 5-0 recommending approval. There was no public comment presented. The LUAC noted concerns regarding having signs that would direct the public to refrain from leaving the trails and littering and that future picnic tables and benches should be located outside of the viewshed (**Exhibit E**).

Ramon A. Montano, Assistant Planner
(831) 755-5169; montanor@co.monterey.ca.us
April 10, 2008

Note: The decision on this project is appealable to the Board of Supervisors (20.86.030) and the California Coastal Commission (20.86.080).

cc: Front Counter Copy, Planning Commission Members (10); County Counsel; CDF-Coastal District; Public Works Department; Environmental Health Division; Water Resources Agency; Coastal Commission; Laura Lawrence, Planning Services Manager; Ramon A. Montano, Project Planner; Carol Allen; Property Owner, Roberto Flores; Representative, Claudio Ortiz, Planning File PLN070645

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval
	Exhibit E	LUAC Minutes (2 pages)
	Exhibit F	Negative Declaration (42 pages)
	Exhibit G	Site plan, Grading Plans (14 pages)
	Exhibit H	Vicinity Map

This report was reviewed by Carl Holm, Assistant Director.

PROJECT DATA SHEET

EXHIBIT B
DETAILED DISCUSSION
PLN080093

A. BACKGROUND

On April 26, 2006 the Planning Commission approved a General Development Plan (PLN050638) for the Monterey Peninsula Regional Park District (MPRPD) allowing Interim Public Access to the 680-acre Palo Corona Regional Park “Front Ranch” area (Park). The General Development Plan (GDP) was designed to govern public use of the Park during an interim period until the MPRPD completed a long-term management plan for the entire 4,300-acre regional park. The Park links 13 ecologically important properties, including Point Lobos State Reserve, Carmel River State Beach and the Ventana Wilderness. It is important that the use of the Park establishes a framework for public access and resource protection necessary for the Park District’s long-term stewardship of the land.

A maintenance plan has been developed for trails and roads within the Front Ranch area. The GDP amendment represents an initial effort to open a unique coastal natural resource near an urban area in order to enable public access and use of the property as soon as possible. This amendment continues to be limited and controlled so as to avoid damaging the Park from unrestricted uses or overuse. The GDP will be used to govern public use of the Park while the Monterey Peninsula Regional Park District (District) completes a long-term management plan for the entire 4,300-acre regional park consistent with the County’s General Plan, Carmel Area Land Use Plan, State Coastal Conservancy access guidelines, and American Disabilities Act standards to the extent feasible as dictated by topography.

B. PROJECT DESCRIPTION

This amendment will revise the current IPAP to include realignment and retirement of existing roads, and development of new trails resulting in approximately 3,500 cubic yards of grading balanced on site. The proposed IPAP (**Exhibit G**) revisions include:

- a. New Trails (3.9 miles). The proposed trail system is 4-6 feet wide and will be made of compacted native soil. The lower portion of the project site will have trails with less than a five percent (5%) running cross slope. Portions of the new trails (22,285 linear feet) would be within 100 feet of an environmentally sensitive habitat.
- b. Roads (0.4 miles of re-aligned roads, 2.0 miles of roads to be retired). Retirement of roads, and subsequent restoration, affects four existing roads: Monastery Road, Corrals Road, River Field Road, and the Trough Road are remnant ranch roads that are no longer necessary or desirable for the Park. All four roads cut through open grassland, and three of the four roads (Monastery, Corrals, and Trough Roads) are within the Carmel Area Land Use Plan’s designated viewshed. River Field Road is outside the viewshed because this road was constructed through a topographical depression that collects water during the winter, which creates a saturated soil condition that is unsuitable for a road or trail. Portions of the road realignment (2,195 linear feet) and retirement (10,475 linear feet) will occur on slopes in excess of 30%.
- c. Grading. Soil disturbance associated with road construction (1,406 cubic yards of cut, 1,403 cubic yards of fill), retirement, and realignment will occur over a period of

approximately two years, and at any one time will not exceed one-quarter to one-half acre at a time.

Page 17 of the Plan shows the various locations in the 680-acre Park area where project components are planned to occur.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW

In accordance with the California Environmental Quality Act (CEQA), Monterey Peninsula Regional Park District (MPRPD) assumed Lead Agency and prepared an Initial Study/Negative Declaration (ND) for the proposed amendments to the previously approved Interim Public Access Plan (IPAP) permitted under a General Development Plan (PLN050638). The scope of analysis included all the work proposed under the amendment including the necessary entitlements to facilitate those improvements.

The Initial Study identified the potential for a less than significant impact to the Aesthetics because the project could have a substantially adverse effect on a scenic vista. The Visual Resource Management Classification System and Visual Impact Analysis (VIA) were utilized to determine the impact to the public viewshed as a result of the proposed project. The visual analysis determined that the proposed project would have a less than significant impact and that no mitigations were necessary due to the results of the visual assessment, which indicated that the proposed improvements would have limited visibility and would not significantly impact the visual aesthetic/character of the study area because the visibility of the proposed trails and roads are almost identical to that of the existing landscape. MRPD has designed the project to avoid or mitigate the effects to a point where clearly no significant effect on the environment would occur.

The County is acting as a “Responsible Agency in this case because of our permitting authority. As a Responsible Agency, the Planning Commission must certify that it has reviewed and considered the information contained in the Environmental Document Initial Study (IS) on the project. This certifying action affirms conclusions of the MRPD environmental document prior to acting upon or approving the project so that no separate CEQA action is required by the County.

EXHIBIT C

RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING:** **CONSISTENCY** – The project as described in Condition No.1 and as conditioned, policies, requirements, and standards of the Monterey County General Plan, certified Monterey County Local Coastal Program (LCP). The LCP for this site consists of the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), and the Coastal Implementation Plan Appendices (Part 6); Monterey County Coastal Implementation Plan (Part 1) or Zoning Ordinance (Title 20), which designates this area as appropriate for residential development.

EVIDENCE: (a) **This proposed amendment shall carry forward the following finding and strike through the revised portions of the existing Interim Access Plan and incorporate the changes to the plan in bold for the purpose of consistency with the previously approved project (PLN050638) and maintain all the other elements of the previously approved Interim Access Plan.** As per Section 20.17.050 of the Monterey County Coastal Implementation Plan (Title 20), Conditional Uses, including those that are public and quasi-public in nature are allowed within the Watershed and Scenic Conservation Zoning District upon securing a Coastal Development Permit. The proposed project includes a change in use designed to allow interim public access to designated parkland areas within the 680-acre “Front Ranch” area of Palo Corona Regional Park for a period not to exceed five years. ~~Interim access at this time will be limited to pedestrians and hikers. Equestrian, bicycle and motorized vehicle use of the trails is not proposed nor permitted at this time. Hiking trails will correspond to the existing ranch road network and no new trail construction is proposed.~~ **Amendments to the plan includes realignment (0.4 miles) and retirement (2.0 miles) of existing roads, and development of new trails (3.9 miles). Portions of the road realignment (2,195 linear feet) and retirement (10,475 linear feet) and (22,285 linear feet) of new trails.** The Public access will be allowed from sunrise to sunset and may be adjusted appropriately to correspond to public safety needs. The project further includes the placement of one portable restroom facility behind the Barn and the installation of interpretive, directional and regulatory signage. Public parking areas are proposed along the easterly side of Highway 1, along the gated park entrance and adjacent to the existing Fish Lower Front Barn. Parking along the easterly portion of Highway 1 and in front of the gated park entrance ~~will~~. **During the interim access period public access will be limited to pedestrians and by permit only. No bicyclists or equestrian s will be permitted. Permits will be issued online, by phone, or in-person at the District office. No drop-ins at the park will be allowed. The District Ranger will have a daily list of those with permits. Permits will be limited to 13 per day with each permit accommodating up to 5 persons for a total number of up to 65 persons per day. In addition to the 13 permits a limited**

general public access program will be instituted to accommodate Special Group Use Permits to accommodate organized access. These permits will be limited to 5 per month for up to 25 person per permit for a total of 125 persons per month. Park hours are from sunrise to sunset for all persons. This Plan includes no lighting. ~~be allowed on a permit basis only with a maximum of 18 vehicle permits granted by the Park District each day. In accordance with the Palo Corona Interim Public Access Proposal,~~ the 93-acre privately owned Fish Ranch property will be protected from public access and public viewing and will not be used as a primary public entrance to the park. Implementation of the project will not impact the historic status or nature of the Fish Lower Front Barn and no habitat will be disturbed or removed as a result of project implementation. Staff has reviewed the associated application materials and determined that the proposed change in use is consistent with the plans, policies, requirements, and standards of the Local Coastal Program (LCP) for this site.

- (b) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of the application. No conflicts were found to exist. No communications were received during the course of review of the project to indicate that there is any inconsistency with the text, policies, and regulation in these documents.
- (c) The project is located within the 680-acre portion of the 4,300-acre Palo Corona Regional Park (a.k.a. "Front Ranch"). The park is located south of the Carmel River along State Highway 1 and Ribera Road, Carmel Area, (Assessor's Parcel Numbers 243-081-005-000, 243-081-008-000, and 157-121-001-000), Carmel Land Use Plan, Coastal Zone. The project consists of an Amendment to an existing General Development Plan (PLN050638) approved by the Planning Commission on April 26, 2006. Proposed amendments to the IPAP include realignment (0.4 miles) and retirement (2.0 miles) of existing roads, and development of new trails (3.9 miles) resulting in grading of approximately 1,406 cubic yards of cut and 1,403 cubic yards of fill. Portions of the road realignment (2,195 linear feet) and retirement (10,475 linear feet) will occur on slopes in excess of 30% (*Finding 3*) and portions of the new trails (22,285 linear feet) would be within 100 feet of an environmentally sensitive habitat (*Finding 5*). Portions of the road work would be located within the designated viewshed (*Finding 4*).
- (d) The property has two land use designations: 1) Medium Density Residential/ two (2) unit per acre with Design Control Overlay, in the Coastal Zone; and 2) "WSC/40-D" (CZ) [Water Shed and Scenic Conservation 40 acres per unit, Design Control District, Special Treatment Area in the (Coastal Zone)]. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20. Therefore the property is suitable for the proposed development. The project is consistent with the Monterey County Zoning Ordinance (Title 20) standards as required by Section 20.17.030 which

identify non-exempt development and requires a Coastal Development Permit for those categories listed under that section.

- (e) The project planner conducted a site inspection in March 17, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
- (f) The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review on April 7, 2008. The LUAC voted 5-0 recommending approval. There was no public comment presented. The LUAC noted concerns regarding having signs that would direct the public to refrain from leaving the trails and littering and that future picnic tables and benches should be located outside of the viewshed (**Exhibit E**).
- (g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN080093.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, California Department of Forestry Coastal District, Parks, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

(b) Technical reports by outside biological and geological consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:

- “*Biological Report*” Library No.080228 prepared by Vern Yadon Biologist, Pacific Grove, CA, dated February 19, 2008.
- “*Geological Survey*” Library No. 080229 prepared by the California Department of Conservation, dated June 2007 Sacramento, CA.
- “*Archaeological Report*” Library No. 080227 prepared by Archaeological Consultants, dated December 21, 2007 Salinas, CA.

(c) The project planner conducted a site inspection in March 25, 2008 to confirm site conditions and the information provided in the sited reports.

(d) Materials in Project Files PLN060675 and PLN020559.

3. FINDING: 30 PERCENT SLOPE WAIVER – The proposed development, qualifies for a waiver to allow development on slopes in excess of thirty percent. For the reasons stated in the following evidences; The project as designed, (*retirement of existing roadway sections on slopes in excess of thirty percent*), better achieves the goals, policies, and objectives of the Carmel Land Use Plan policies and regulations in Title 20 (Monterey County Coastal Implementation Plan, Part 1, Chapter 20.64.230 E.) regarding development on slopes in excess of 30 percent.

EVIDENCE: (a) The project is located within the 680-acre Palo Corona Regional Park “Front Ranch” area along State Route Highway 1 and Ribera Road, Carmel Area Land Use Plan, Coastal Zone. The site is zoned WSC/40-D or Water Shed and Scenic Conservation 40 acre per unit in a Design

Control District. The existing roadway network provides access to, and traverses, several areas throughout the site on slopes in excess of 30%.

- (a) The project areas are identified in the Carmel Land Use Plan (LUP) as relatively unstable uplands. A *Geology and Soils Assessment and Report* was prepared for the proposed Plan by the California Department of Conservation LIB No. 0000. This report was prepared June 2007 and is available at the RMA-Planning Department in the project file PLN0080093. This report provides a very detailed description of all the proposed trails to be constructed and roads to be realigned. Trail construction and road realignment specifications are premised on published state standards. Existing ranch roads that are proposed for realignment will be relocated to reduce and /or eliminate the current 30% grades that attract water runoff and erosion and to adjacent areas that do not collect water or become saturated during the rainy season. For that reason the project better meets the objectives of the Carmel Land Use Plan Policies and since the project proposes to retire existing sections of roadway on slopes in excess of thirty percent and place those sections of road in areas which follow the contours of the land, the project as proposed is the feasible alternative. Additionally the retired road section shall be restored to there pre-existing condition including vegetation.
- (b) The propjet as proposed is considered to be located in “The Uplands” area. Per the LUP, the planning objective for this area shall be to preserve its open space and scenic recreational values. Low-intensity uses shall be allowed, and the land shall be retained in the largest possible parcels (LUP, page 61). The Development Policies pertinent to the Project include Policies 4.4.2.5, 4.4.3.A.1, 4.4.3.C.1, 4.4.3.C.4, and 4.4.3.C.5. In addition, there are “Special Treatment” areas identified in the LUP of which the Palo Corona Ranch is one. The LUP states, “In order to protect the high scenic values of the Ranch’s frontal slopes, these slopes shall be designed for “Special Treatment”. As specified by general development policy 4.4.2.5; development shall be compatible with the preservation of sensitive coastal resources and that outdoor recreational uses shall be passive to low intensity.
- (c) The project planner conducted a site inspection in March 25, 2008 to confirm site conditions and information provided in the visual analysis.
- (d) Materials in Project Files PLN050638 and PLN080093.

4. **FINDING:** **VISUAL RESOURCES** – The project is consistent with Chapter 2.2 of the Carmel Area Land Use Plan. The access roads shall not detract from the natural beauty of the undeveloped ridgelines and slopes in the public viewshed. The project as proposed is consistent with the Carmel Land Use Plan policies and regulations (Monterey County Coastal Implementation Plan Part 4 Section (20.146.030.C.1 & C.4) regarding development standards for parcels visible within the public viewshed and will not have a significant adverse visual effect on the public viewshed, or the designation of Highway 1 as a “Scenic Highway.”

EVIDENCE: (a) Site studies conducted in the Initial Study quantified potential impacts relative to Aesthetics. Site investigations and technical reports analysis through the Visual Resource Management Classification System, Visual

Impact Analysis (VIA) system determined that no significant impacts that would occur as a result of the proposed project. The visual analysis determined that the proposed project would have a less than significant impact and that no mitigations were necessary due to the results of the visual assessment, which indicated that the proposed improvements would have limited visibility and would not significantly impact the visual aesthetic/character of the study area

(b) The project planner conducted a site inspection in March 25, 2008 to confirm site conditions and information provided in the visual analysis.

5. FINDING: ENVIRONMENTALLY SENSITIVE HABITAT – The proposed development, complies with the objectives in the Carmel Land Use Plan policies (Chapter 2.3) and regulations in Coastal Implementation Plan (Section 20.146.040) regarding development near environmentally sensitive habitat.

EVIDENCE: (a) The biological report conducted for the amendment to the Interim Public Access Plan and environmental document determined the locations of sensitive plant and animal species. The impact indicated the location of critical areas and plant species that were to be avoided. The plan incorporates the recommendations of the biologist to avoid those areas while creating the proposed trails. Road re-alignments and road retirements were not areas of concern since those areas were previously disturbed area and contained no species of concern or biological significant. Therefore, the project as proposed incorporates into the design of the new trails and road re-alignments the recommendations made by the biologist. No protected vegetation is to be removed.

(b) The project planner conducted a site inspection in March 25, 2008. to verify the site conditions of the subject parcel.

(c) The County will require as a condition of approval compliance with all the recommendations indicated in the biological report, Library No. 080228

6. FINDING: CEQA/NEGATIVE DECLARATION: On the basis of the whole record before the Planning Commission there is no substantial evidence that the proposed project as designed, conditioned, will have a significant effect on the environment. The County as the decision-making body of a Responsible Agency hereby certifies that it reviewed and considered the information contained in the Lead Agency's (Monterey Peninsula Regional Park District) Negative Declaration prior to acting upon or approving the project.

EVIDENCE: (a) The following document is on file in the office of the RMA-Planning Department, Initial Study/Negative Declaration (IS/ND), and are hereby incorporated by reference under file number (PLN080093/Monterey Peninsula Regional Park District). Technical reports by outside biological and geological consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:

- “*Biological Report*” Library No.080228 prepared by Vern Yadon Biologist, Pacific Grove, CA, dated February 19, 2008.

- “*Geological Survey*” Library No. 080229 prepared by the California Department of Conservation, dated June 2007 Sacramento, CA.
 - “*Archaeological Report*” Library No. 080227 prepared by Archaeological Consultants, dated December 21, 2007 Salinas, CA.
- (b) In accordance with the California Environmental Quality Act (CEQA), the Monterey Peninsula Regional Park District (MPRPD) assumed Lead Agency and prepared an Initial Study/Negative Declaration (ND) for the proposed amendments to the previously approved General development Plan approving an Interim Public Access Plan (IPAP) permitted under Combined Development Permit PLN050638. The scope of analysis included all the work proposed under the amendment including the necessary entitlements to facilitate those improvements.
 - (c) On March 12, 2008. Tim Jenson MPRPD Programs Manager completed an Initial Study for the proposed amendments to the IPAP and subsequent improvements, pursuant to the California Environmental Quality Act (CEQA). This ND identifies potential impacts relative to Aesthetics. Site investigations and technical reports, Visual Resource Management Classification System Visual Impact Analysis (VIA) determined that no significant impacts that would occur as a result of the proposed project. The visual analysis determined that the proposed project would have a less than significant impact and that no mitigations were necessary due to the results of the visual assessment, which indicated that the proposed improvements would have limited visibility and would not significantly impact the visual aesthetic/character of the study area because the visibility of the proposed trails and roads are almost identical to that of the existing landscape. The Visual Impact Assessment contained in the Initial Study is on file in the office of RMA-Planning Department and is hereby incorporated by reference (PLN060675).
 - (d) On April 7, 2008, the Board of Monterey Peninsula Regional Park District as Lead Agency adopted a Negative Declaration.
 - (e) Monterey County is acting as a “Responsible Agency” in this case because of our permitting authority. As a Responsible Agency, the Planning Commission must certify that it reviewed and considered the information contained in the Environmental Document Initial Study (IS) on the project.
 - (f) The Monterey County Planning Commission affirms conclusions of the Monterey Peninsula Regional Park Districts environmental document. As such, no separate CEQA action is required by the County as a Responsible Permitting Agency. The County has conditioned the project whereas MPRPD must provide evidence that said conditions are implemented and have the intended effect. A matrix with these conditions is attached hereto and incorporated herein by reference.
 - (g) There are no unusual circumstances related to the project or property that would require additional review.

7. FINDING: NO VIOLATIONS - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.

8. **FINDING: PUBLIC ACCESS** – The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4.). Approval of the Interim Public Access Plan Amendments will not have a substantial adverse impact on public access, individually or cumulatively, as described in Section 20.70.050.B.4.b & c. of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: (a) The project includes the implementation of an amendment to an interim public access plan. The plan provides pedestrian access to the “Front Ranch” area of Palo Corona Regional Park. Access is not required under the Coastal Act and Local Coastal Program. However existing access under the Interim Public Access Plan will be limited to pedestrians and by permit only. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property that would affect the existing Interim Public Access Plan.
(b) The subject property is not described as an area where the Local Coastal Program requires access.
(c) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 3, the Shoreline Access/Trails Map, of the Carmel Area Land Use Plan.
(d) Staff site visit in March 25, 2008.

9. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) The subject project if approved would not require variances or exception to any Health and Safety regulations within the county codes. The project as conditioned is consistent with all county regulations and Land Use Plan policies.
(b) The project as proposed was noticed for a public hearing as required under Section 20.84.040 of the Coastal Implementation Plan Part 1.
(c) Preceding findings and supporting evidence 3 & 4.

10. **FINDING: APPEALABILITY** – The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: (a) Sections 20.86.020 of the Monterey County Zoning Ordinance, Title 20. (Board of Supervisors)
(b) Section 20.86.030 of the Monterey County Zoning Ordinance, Title 20 (Coastal Commission).

EXHIBIT D
Monterey County Resource Management Agency Planning
Department
Condition Compliance and/or Mitigation Monitoring Reporting
Plan

Project Name: Monterey Peninsula Regional Park District
File No: PLN080093 **APNs:**243-081-005-000, 243-081-008-000 and 157-121-001-000
Approved by: Planning Commission **Date:** April 30, 2008

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Combined Development permit (PLN0080093) allows Amendment to an existing General Development Plan (PLN050638) for the Palo Corona Regional Park to include realignment (0.4 miles) and retirement (2.0 miles) of existing roads, and development of new trails (3.9 miles). Portions of the road realignment (2,195 linear feet) and retirement (10,475 linear feet) will occur on slopes in excess of 30% and portions of the new trails (22,285 linear feet) would be within 100 feet of an environmentally sensitive habitat. The property is located within the Palo Corona Regional Park (Assessors Parcels 243-101-007-000, 243-101-006-000, 243-081-008-000, 243-081-005-000, 157-121-001-000, and 157-121-002-000), east of Carmel river state beach, Carmel area, Coastal Zone.. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
2.		<p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the <u>Planning Commission</u> for (Assessors Parcels 243-101-007-000, 243-101-006-000, 243-081-008-000, 243-081-005-000, 157-121-001-000, and 157-121-002-000) on <u>April 30, 2008</u>. The permit was granted subject to <u>13</u> conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and building permits or commencement of use.</p>	
3.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</p> <p>If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical, or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>	<p>Owner/ Applicant/ Archaeologist</p>	<p>Ongoing</p>	

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4.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action, or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	

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5.		PD007 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA - Planning Department)	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	
6.		SPD001 - ADHERENCE TO INTERIM PUBLIC ACCESS PROPOSAL- NON STANDARD The applicant shall adhere to the standards set forth within the Palo Corona Regional Park Interim Public Access Proposal including, but not limited to, protection and preservation of the identified historic Barn, adherence to adherence to visitor hours, permit allocation, private property designation, litter removal, and trail maintenance. (RMA - Planning Department)	Submit monitoring report to Planning and Building Inspection Department.	Owner/ Applicant	Once yearly until 5 year interim period expires.	
7.		SPD002 - VISITOR PARKING -NON STANDARD The applicant shall monitor and record the number of parked vehicles-along the easterly side of Highway 1, as well as any received public comments and or complaints regarding vehicle parking and utilize this information in drafting and implementing a long-term parking plan with proposed parking alternatives. (RMA - Planning Department)	Submit monitoring report to Planning and Building Inspection Department. Include District phone number on signage, website, and permits to allow users, adjacent homeowners, and members of the public an opportunity to comment and or render complaints regarding parked vehicles.	Owner/ Applicant Owner/ Applicant	Once yearly until 5 year interim period expires. Ongoing	

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8.		<p><u>SPD003 - PUBLIC OUTREACH- NON STANDARD</u> In an effort to provide safe ingress and egress to the park, the District shall engage in a public safety outreach program designed to educate park users on the use and location of appropriate parking areas and legally appropriate traffic maneuvers on Highway 1. Vehicle safety information shall be provided on the District's website, park signage, and on the General Public Permit. (RMA - Planning Department)</p>	Submit public outreach plan to Planning and Building Inspection Department for review.	Owner/ Applicant	Once yearly until 5 year interim period expires.	
9.		<p><u>SPD004 - SIGNAGE-NON STANDARD</u> Signs located within the public viewshed and readily visible from Highway 1 shall be of a design complimentary to the scenic character of the Carmel area, with preference for natural materials. (RMA - Planning Department)</p>	Submit photographs of signs visible from Highway 1.	Owner/ Applicant	Prior to start of use	

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10.		<p>SPD005 - PROTECTION OF ENVIRONMENTALLY SENSITIVE HABITATS- NON STANDARD</p> <p>Access through environmentally sensitive habitats shall be limited to low-intensity recreational, scientific, or educational uses. Access through these areas shall be controlled and confined to designated trails and pathways. (RMA - Planning Department)</p>	Submit monitoring report for the review of the Director of PBI.	Owner/ Applicant	Once yearly until five year interim period expires.	
11		<p>SPW001 – NON-STANDARD CONSTRUCTION MANAGEMENT PLAN</p> <p>Prior to issuance of Grading Permit or Building Permit, applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. (Public Works)</p>	Submit public Construction Management Plan to RMA-Planning Department and Public Works Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	

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12		<p>FIRE008 - GATES</p> <p>All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (CDF Coastal Fire District)</p>	Applicant shall schedule fire dept. clearance inspection	Owner/ Applicant	Prior to start of use	
13		<p>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)</p> <p>Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. (CDF Coastal Fire District)</p>	Applicant shall schedule fire dept. clearance inspection	Owner/ Applicant	Prior to start of use	

END OF CONDITIONS