

# Exhibit A

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## **EXHIBIT “A” DISCUSSION**

Since 2008, County staff, affected agencies, the Moss Landing community, and interested members of the public have been working on a comprehensive update of the Moss Landing Community Plan, Chapter 5 of the North County Land Use Plan. Beginning in 2019, Moss Landing Community Plan community meetings and Planning Commission workshops were held to discuss draft Moss Landing Community Plan policies in manageable portions and allow public participation and receive input on policy language prior to finalizing the draft Plan.

On May 27, 2020, staff presented the Commission with draft coastal hazards, water and wastewater policies and requested comments and recommendations from the Planning Commission and public on the draft Plan as a whole. After staff’s presentation on the draft water and coastal hazard policies, the Commission directed staff to meet with stakeholders, finalize the coastal hazard policies and return with staff’s recommendation of a draft plan.

Now that draft coastal hazard policies have been discussed at a community meeting and comments submitted at the May Planning Commission workshop have been considered (see discussions below), staff has returned with a 2020 Draft Moss Landing Community Plan, also discussed below, and recommends the Planning Commission consider the draft plan as a whole and provide direction to staff prior to environmental review.

### **Community Meeting–Coastal Hazards**

The Coastal Hazard policies were discussed at a workshop with the community and interested parties on July 23, 2020. Modifications to the coastal hazard policies (policies in section 5.2.6.F and 5.2.6.G), as well as policies in section 5.4.9.I, shown in “track changes” mode reflect comments received from that workshop as well as comments received since the May Planning Commission meeting, particularly several conversations with Coastal Commission staff (Draft Chapter, Red Line version, **Exhibit B**).

### **Comment Letters—Submitted for May Planning Commission Workshop**

Comment letters were provided from the public to the Planning Commission for its May 27, 2020 workshop on the Community Plan. We have attached those letters to this report (**Exhibit E**). This section summarizes the comments from those letters and how staff addressed those comments. The staff summaries of comments are not all inclusive, so please read the corresponding comment letters for the full background on each of the topics discussed in this section.

### **Nancy Russell**

The comments include undergrounding utilities, pedestrian facilities, and speed limits.

For the Community Plan, our approach on undergrounding utilities within the community is to include a policy stating that Moss Landing is one of the areas within the unincorporated area where funds for undergrounding will be prioritized (Policy 5.2.2.B.5). We do not recommend attaching the engineering plans as an appendix as that is a level of detail not needed for a planning document.

Draft policies 5.3.2.E.2 and 5.3.2.F.4 directly relate to committing to improving pedestrian connections along Moss Landing and Sandholdt Roads.

Traffic speed discussed in Ms. Russell's comments relate to traffic coming from Highway 1. Caltrans and County Public Works staff determine traffic speeds and a community plan does not establish such a limit. Access to the community from Highway 1 is from left turn lanes or right turns, so traffic should not be coming into the community at 55 mph. The southern approach from Highway 1 to Moss Landing Road could lead to a high-speed entrance but any such driving would be reckless from a left turn lane. Policies 5.3.2.E.1 and E.2 seek to maintain a transportation system that balances all users for safe and convenient travel.

Andrew DeVogelaere

See responses to Russell, above.

Roger and Jane Edberg

See responses to Russell, above.

Gayle Eisner

The comment focused on having to read a lot of information and respond in a short timeframe during a pandemic. At this point, the community and other interested parties have had several months to read the information we provided in May. The draft chapter modifications provided by staff for the current hearing (**Exhibit B**) tracks the changes since the May 2020 draft plan so that individuals and agencies can focus on the new information.

Moss Landing Harbor District

The first comment related to background information provided by staff related to water resources. Staff has rewritten Section 5.2.5.A, Freshwater Resources, to reflect information provided from many studies over the years. North County Land Use Plan Section 2.5, Water Resources, identifies significant overdraft, seawater intrusion, and water quality issues. Many studies done since the Land Use Plan's certification confirm that the conditions still exist. The water policies for the Moss Landing chapter are supplemental to the North County Land Use Plan, which address the regional overdraft issue. The Moss Landing chapter policies focus on actions that can be taken by individual property owners to reduce water use or increase supply and to address water rights moving between properties.

The second comment, as staff pointed out during the May workshop, provided acceptable edits to Policy 5.2.5.C.4. We removed a couple parenthetical clauses but generally accepted the language proposed by the Harbor District.

The third comment suggested a change to narrative in Section 5.3.2.A.1 related to *Street and Highway Classifications, Highway 1*. County staff concurs with the suggestion and included the change.

The fourth comment related to erosion control of the South Harbor's west bank, which is not under the ownership of California State Parks. The concern may be related to the west bank of

the North Harbor. Staff met with the Harbor Master to understand their overall concerns for erosion and the harbor. Changes were made based on suggestions from both the Harbor District and Coastal Commission staff. The changes reflect protection of the harbor's shoreline as needed, with direction to utilize more natural protection where possible in the North Harbor.

#### Stamp/Erickson Attorneys at Law

The first comment was that the strikeout/underline format was not completed and that the document was unreliable. The draft Chapter has been formatted in the following manner: ~~Hard~~ strike and through and underline was used only on policies that have been retained from the certified 1982 Land Use Plan but modified as shown through those markings. The Microsoft Word "track changes" used in the current draft plan shows changes made from the version of the plan submitted for the May 2020 Planning Commission meetings to the current version attached for this hearing (**Exhibit B**).

The next comment was that staff presented policies that were not acceptable to the community and had no reasonable basis. Staff took into consideration all input, including from the community but also from other agencies and is providing staff's recommendation considering all factors and comments. Consensus has not been achieved for all policies and some disagreements remain. The specific example used generated a change to the identified narrative to consider whether improved public access and recreational use is needed for Bennett and Elkhorn Sloughs.

The third comment was that the document committed to costly future plans that are not desired and have no funding source. Staff had proposed policies that include commitments to work with other agencies and may also require preparation of a future plan as described in the policy. We eliminated some of the policies where it is not currently clear that funding would be available but are recommending that some of those commitments/policies remain in place to direct staff to seek funding for an important topic. The example cited in the comment is of the County implementing our portion of a plan prepared by other agencies.

The fourth comment objected to policy wording that did not provide sufficient context or direction. Staff is recommending policies that provide general guidance. More detail on implementing the policies will be provided in the companion Implementation Plan (regulations) that will be considered together with the Land Use Plan amendments proposed in this Moss Landing Community Plan. These regulations will provide more detail on how the policies are applied. The regulations are being drafted and will be available with the Draft EIR. Staff also considered this comment and reviewed all the policies for clarity knowing that additional details will need to be provided in implementing regulations.

The next comment objected to the growth being allowed within the Moss Landing Business Park site as not meeting the 2009 Committee recommendation of moderate growth. We discussed this in the Planning Commission staff report and workshop on September 25, 2019. The 2009 Committee report stated that the public was favorable to a Moderate Growth Alternative for the community. Staff followed that direction when drafting the 2017 Community Plan and the direction is reflected in the limitations established by the current draft policies (5.4.9.H.1 and 5.4.9.H.2). The Expanded Growth Alternative considered and rejected by the 2009 Committee was envisioned to allow additional commercial and other uses along the Highway 1 Corridor.

Additional commercial areas have specifically not been included in the draft Community Plan, due to the 2009 Committee recommendation, resource protection concerns, and the prohibition on new access points to Highway 1. To see the full discussion related to the 2009 Committee recommendation for the Moderate Growth Alternative, see the Planning Commission staff report for the September 25, 2019 public hearing (Exhibit A, Discussion, pages 19 through 26) (Click on the following link to view the September 25, 2019 Planning Commission Agenda and the links found under Agenda Item No. 3, “GPZ090005 – MOSS LANDING COMMUNITY PLAN UPDATE” <https://www.co.monterey.ca.us/home/showdocument?id=82290>).

The growth allowed by the proposed plan policies would not be in addition to the “harbor-front strip” presented in the following comment (page 3 of this letter, fourth comment). All growth would be limited through policy language for the entire Special Treatment Area property, which includes the portion along the harbor. Draft Policies 5.3.2.F.2 and 5.4.9.H.2.c would significantly limit development between Highway 1 and the harbor for the business park property.

The next comment proposes that sea level rise has not had adequate consideration by the community or the County. County staff held two community meetings in Moss Landing on this topic. The Planning Commission and public also received a presentation on climate change, including in relation to developing the Moss Landing Community Plan, on January 29, 2020. The Planning Commission workshop in May 2020 was scheduled to allow the public an opportunity to provide additional comments on climate change/coastal hazard policies. Comments from many parties, including Stamp/Erickson, the Harbor District, and the Coastal Commission were considered in drafting the recommended coastal hazard policies. Staff has been working with Coastal Commission staff on developing a comprehensive set of coastal hazard policies. Some of what the Coastal Commission staff has requested will be included within the regulations, but agreement has not been reached on all topics. See the discussion in the response to the Coastal Commission letter, below.

#### Monterey Bay Aquarium Research Institute

The first comment related to the purpose of the plan. They were concerned with requirements related to coastal hazards. Staff explained our position on a number of topics during a phone conversation and have considered their comments (and others, as described in these responses) in editing the coastal hazard policies.

The comment related to information gaps was also discussed. County staff explained that we have used the Coastal Commission’s guidance as a basis for the draft policies, including meetings with Coastal Commission staff that includes some suggestions on policy language that continues to evolve from their earlier guidance documents. Those discussions have all been considered in the recommended coastal hazard policies presented in the current draft community plan.

The comment related to uncertainty has to do with documents that are still being prepared by staff, including the implementing regulations. Those regulations are being prepared and will be provided along with the environmental document, which will help to inform and draft some of the regulations.

The comment related to internal consistency has been considered as County staff did a final read through of all the policies together for preparation of the current recommended draft community plan. As pointed out in the comment, some of their concerns relate to drafting in progress and information that will be provided in the regulations being drafted.

#### Moncrief and Hart

Staff has read through the letters provided and made adjustments to narrative and the following policies as a result:

Policy 5.3.2.F.1

Policy 5.4.9.H.1

Policy 5.4.9.H.2

To be clear, the business park site would have more flexibility in allowing non-coastal-dependent uses (Policy 5.4.9.H.2) than the current 1982 plan allows, but also restricts the use of the site based on resource limitations identified in Policy 5.4.9.H.1. These limitations were put in place by staff to implement the 2009 Committee recommendations for a Moderate Growth scenario and due to limitations of the physical setting of the site. Staff did not agree with all comments in the Moncrief and Hart letter but made adjustments to narrative and policy language in response to their comments.

Staff also wants to reiterate that coastal-dependent industry is a priority under the Coastal Act, but is not an exclusive requirement for industrial areas, and staff intends to preserve use of the industrial-designated parcels for industrial uses while allowing additional uses on those properties. The current Coastal Implementation Plan (zoning ordinance) already allows many non-industrial uses in the Heavy Industrial properties. The companion zoning districts will provide a revised list of uses allowed within the industrial zoning districts that implement the industrial land use designations in the draft community plan. The site's seawater pipelines mean that coastal-dependent uses are possible for the site if they propose use of such pipelines; staff has interpreted the coastal-dependent language to include uses that utilize seawater from those pipelines. The use of the site for "Natural Resource Preservation and Protection" will be listed as a variety of uses allowed in the Implementation Plan.

#### California Coastal Commission

Staff met with and exchanged information with the California Coastal Commission (CCC) staff in drafting the current recommended plan, including discussion subsequent to the May Planning Commission workshop, and subsequent to the Community workshop, related to the coastal hazard policies.

County staff addressed some of their concerns in policy changes. However, County staff also explained that much of what they are proposing to be included in policy would be better suited as part of the regulations. We have discussed many of the specific recommendations from their comment letter with the CCC staff. Lastly, we have discussed areas where County staff are not in agreement with CCC staff comments and would not make all the changes they are suggesting. The current set of recommended policies reflect the results of these discussions.

One topic of disagreement is how “redevelopment” (e.g., reconstruction or substantial additions) is handled on a cumulative basis. That topic will be specifically addressed in the regulations that are being developed but we have informed the Coastal Commission staff that counting cumulative additions retroactively to 1977, the effective date of the Coastal Act, is not acceptable to the County. One jurisdiction recently was before the Coastal Commission for a hearing on this topic, but that application was withdrawn before any action was taken. We will continue to work with Coastal Commission staff on determining a suitable approach for redeveloping property as part of developing the Coastal Implementation Plan amendments.

Managed retreat is also a topic that will be discussed between the County and Coastal Commission staffs as we develop the regulations. As we have previously stated, it is premature to relocate the community until we know how the Harbor District and Caltrans (Highway 1) will address climate change hazards. However, policies have been proposed that allow shoreline protection for coastal-dependent uses, which includes the Harbor and, therefore, the land around the Harbor. This approach is consistent with the Coastal Act and will have specific analysis requirements, procedures, and permit requirements for properties that will be impacted by climate change effects. In addition, County staff is moving forward with the larger topic of climate change effects to the entire County. As part of that effort, staff is recommending that the Board of Supervisors provide direction to staff to seek funding to prepare resiliency plans for infrastructure and vulnerable areas, including the Moss Landing area.

After discussions about incorporating the section 5.2.6.F policies (Erosion Hazard) into the 5.2.6.G policies (Climate Change Hazard), we are recommending that the policies remain separate. We have distinguished the policies in section 5.2.6.F as pertaining specifically to the harbor and relating to erosion. The policies in section 5.2.6.G are more generally applicable to the entire community and relate to all climate change hazards.

We have removed the policy relating to Shoreline Management Plans as such an effort would be expensive for the community or even a neighborhood. The benefit of such a plan would be that prescriptive treatments for development would be precisely outlined for individual properties and would address the cumulative effects of potential individual projects. However, such a plan or plans would be expensive and the County cannot commit to preparing such plan(s). In addition, much of the harbor area is developed and master plans are currently being analyzed for much of the harbor shoreline. Developing a plan after the master plans have been processed greatly diminishes the value of such a plan. Until funding can be found, individual proposed projects would need to provide an analysis of future coastal hazard impacts to the property, address needed infrastructure or techniques to ensure safety, identify resource avoidance and mitigation, and address cumulative effects to the shoreline and other affected properties. This process will be detailed in the regulations (Coastal Implementation Plan).

We accepted the Coastal Commission staff’s suggestion relating to a Highway 1 policy, but at a policy level that does not require the County to prepare a plan for a state facility. As stated earlier, much of their remaining comments are better served as regulation and will be considered as part of our effort in developing the Coastal Implementation Plan.



### Moss Landing Community Plan – Final Draft

Staff considered all input and recommendations provided by the community and other agencies, resulting in the deletion, modification and addition of policies throughout the update process. As noted during previous Planning Commission workshops, attaining 100% consensus on all policies from all groups involved was not the objective of this work. Rather, the goal of the update is to create policies that frame and embody the intent and vision of Moss Landing. As such, staff recommends the policies contained in the draft plan as they address the known and foreseeable opportunities and constraints for the community and provide the general pattern for existing and future development. Staff's recommendation is made with the understanding that the pending environmental review may identify certain policies be modified, deleted and/or replaced. Further, the CEQA process would inform the appropriate regulations contained in the Coastal Implementation Plan, which will provide the detailed procedures that implement the plan policies.

### 2020 Draft Moss Landing Community Plan – Red Line Version

Once staff identified the set of the draft policies to bring forward, work on the entire draft Moss Landing Community Plan began. This was done utilizing the 1982 Moss Landing Community Plan (1982 MLCP), Chapter 5 of the 1982 North County Land Use Plan (NCLUP), as the base. Due to the layout of the 1982 MLCP, the next step was to restructure its format so that the draft plan would be consistent with the order and organization of the remaining chapters of the NCLUP as well as the other Land Use Plans contained in the Monterey County Local Coastal Program. Then, the 1982 MLCP narratives and figures were updated/replaced and the draft policies were inserted. All these modifications resulted in a red line version difficult to read and compare the 1982 MLCP and the proposed draft.

In response, a 2020 Draft Moss Landing Community Plan – Red Line Version (**Exhibit B**) is provided. Accompanying this red line version is a cover page explaining how to navigate through the document and identifies how formatting is used to identify changes in the document.

### 2020 Draft Moss Landing Community Plan – Clean Version

A 2020 Draft Moss Landing Community Plan – Clean Version (**Exhibit C**) is also provided. The clean version does not contain references to 1982 MLCP policies or the draft policies presented with the 2017 draft plan, which allows the reader to go through the document and consider how it would be used as an adopted policy document.

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