

ATTACHMENT B

Before the Planning Commission in and for the County of Monterey, State of California

Resolution No. _____

Resolution of the Monterey County Planning
Commission recommending that the Board of
Supervisors:

- a. Certify the EIR for the Castroville
Community Plan;
- b. Adopt CEQA Findings and a Statement of Overriding Considerations

The Final Environmental Impact Report for the Castroville Community Plan was considered by the Monterey County Planning Commission and its hearings on the Plan on January 31, 2007, February 7, 2007 and March 14, 2007. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission makes the following recommendation:

1. **FINDING: ENVIRONMENTAL REVIEW PROCESS.** Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 et seq. and the CEQA Guidelines, 14 Cal. Code Regs. (“CCR”) Sections 15000 et seq. (collectively CEQA), an Environmental Impact Report (“EIR”) was prepared to analyze the environmental effects of the Castroville Community Plan (“Project”). Monterey County, the CEQA lead agency for the Project, prepared the EIR in cooperation with Pacific Municipal Consultants. Pursuant to CEQA Guidelines Section 15090, the Planning Commission recommends that the Board of Supervisors certify that the Final EIR (“FEIR”), has been completed in compliance with CEQA and that the Final EIR reflects the County’s independent judgment and analysis. The FEIR was presented to the Planning Commission and the Planning Commission has reviewed and considered the information contained in the FEIR prior to recommending that the Project be approved by the Board of Supervisors.

EVIDENCE:

- (a) The Environmental Impact Report (State Clearinghouse No. 2005061132 (SCH) is a “programmatic level” environmental document, as explained in Section 1, Introduction of the Draft EIR (DEIR).
- (b) Project Description. The Project analyzed in the EIR is fully described in Chapter 2.0, Project Description of the Draft EIR. The proposed Project is evaluated in the EIR at a program level. The EIR consists of the DEIR (May, 2006) and the FEIR, which includes the Response to Comments

(November, 2006) containing copies of all written and summaries of oral comments, a list of commenters, all responses to oral and written comments, and proposed revisions to the DEIR in accordance with the Public Resources Code Sections 21081.5, and 21081.6 and the CEQA Guidelines, Title 14, California Code of Regulations, Sections 15091 through 15093.

The Monterey County Housing and Redevelopment Office has prepared the Castroville Community Plan for the community of Castroville in unincorporated Monterey County. The proposed Community Plan serves as a long-range plan designed to direct growth and development in a manner that enhances the quality of life in the community of Castroville and provides a guide to promote growth that effectively uses land resources, and provides a safe and attractive environment that is environmentally sensitive and economically viable, while preserving those significant qualities that define Castroville as a unique and desirable community.

The proposed Community Plan for Castroville identifies several areas for future growth and redevelopment that have been designated as “Opportunity Areas,” which include the Merritt Street Corridor Opportunity Area, Cypress Residential Opportunity Area, Commuter Train Station Opportunity Area, North Entrance Opportunity Area, and New Industrial Opportunity Area. In addition, there are several vacant and underutilized properties within the community that provide additional in-fill development areas and redevelopment opportunities. If the Opportunity Areas and additional in-fill areas were fully developed as contemplated by the proposed Community Plan, approximately 1,655 residential units, 40 new parcels of light industrial development, 50,000 square feet of commercial development, several recreational parks, and a commuter rail station would be built on approximately 403 acres.

- (c) In 2005 an EIR to address the Project identified in subsection (b) above was initiated.
- (d) **On June 23, 2005** the County issued a Notice of Preparation (“NOP”) for the EIR pursuant to CEQA Guidelines Section 15082. The NOP was distributed to the State Clearinghouse (SCH No. 2005061132), responsible and trustee agencies, interested groups and individuals, and surrounding property owners for a 30-day comment period pursuant to CEQA to obtain comments on the proposed scope of the EIR for the Project. Availability of the NOP was advertised, pursuant to CEQA Guidelines Section 15082, through direct mailing to the State Clearinghouse and Responsible and Trustee agencies, and by publishing notices in the Monterey County Herald.
- (e) Monterey County also held an EIR scoping meeting on June 29, 2005 to provide information about the Project, the potential environmental impacts and the CEQA review process, as well as the schedule for Project

implementation. Members of the public and other interested parties had the opportunity to ask questions and express their concerns and interests regarding environmental issues related to the Project early in the EIR preparation process.

- (f) On May 22, 2006, the DEIR was published and distributed to the State Clearinghouse as well as to responsible and trustee agencies for a 60-day public comment period in compliance with CEQA. Copies of the DEIR were made available on the Monterey County's web site where it could be downloaded for review. In addition, copies were provided at the Castroville Public Library, the Castroville office of the District 2 Board of Supervisor, and the North County Fire District Offices in Castroville. A Notice of Completion ("NOC") and a Notice of Availability ("NOA") of the DEIR were prepared and circulated, as required by CEQA Guidelines Sections 15085 and 15087. The Notices were circulated, as applicable, to the State Clearinghouse, responsible and trustee agencies and interested organizations and individuals. The NOA was posted with the County Clerk and published in newspapers of general circulation, including the Monterey County Herald.
- (g) The public comment period for the DEIR ended on July 20, 2006. During that time 17 letters were received. All comments on the DEIR have been reviewed and considered, including comments from responsible and trustee agencies and the public and any testimony given at the Planning Commission during public hearings. The FEIR includes Responses to Comments, clarifying information, the comment letters themselves, and changes to the DEIR. Copies of the FEIR were sent to all commenting agencies and individuals. In addition, the FEIR was available on the County's website and available for public review upon request.
- (h) On September 13, 2006 the Castroville Redevelopment Citizen's Advisory Subcommittee (CAC), acting as an advisory body to the Planning Commission and Board of Supervisors, held a public meeting to consider the Castroville Community Plan and associated DEIR. After receiving public testimony and comments, the CAC voted to recommend to the Planning Commission and Board of Supervisors that the Castroville Community Plan be adopted.
- (i) The Planning Commission considered the Project along with the FEIR at a publicly noticed hearings on January 31, 2007, February 7, 2007.
- (j) The Planning Commission has reviewed and considered the information contained in the FEIR, and in the record as a whole before it. The Planning Commission finds that the FEIR reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in this Resolution and the FEIR and in consideration of testimony and information received, and scientific and factual data presented as evidence during the public review process. Studies, data and reports prepared by staff from various County departments, including but not limited to, Planning and Building Services, Public Works, and Environmental Health, and the Monterey County Water Resources

Agency as well as those prepared by the EIR consultants and subconsultants, support the certification of the FEIR for the Project. The Planning Commission considered the administrative record as a whole, which includes but is not limited to the Monterey County General Plan (1982), North County Area Plan (non-coastal area), North County Land Use Plan (Coastal), the proposed Monterey County General Plan (2006), the Castroville-Pajaro Redevelopment Plan, studies, data and reports supporting the conclusions of the FEIR, as well as additional documentation provided by staff in support of these findings; information presented during the public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data and reports; application materials; and expert testimony. No facts, reasonable assumptions predicted on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by these studies, data, reports and the FEIR. In sum, nothing in the record alters the Planning Commission's environmental determination and recommendation.

2. **FINDING: POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED IN THE EIR THAT ARE REDUCED TO A LEVEL OF 'LESS THAN SIGNIFICANT' BY THE MITIGATION MEASURES IDENTIFIED IN THE EIR AND ADOPTED FOR THE PROJECT.** Chapter 3 of the EIR analyzes potentially significant environmental impacts and identifies impacts that can and will be mitigated to a less-than-significant level or avoided by incorporation of mitigation measures into the Project. The impacts and related mitigation measures identified below are presented in summary form. For a detailed description of impacts and mitigation measures, see the appropriate text in the EIR. *NOTE: The entire mitigation measure as proposed in the Draft and/or Final EIR is included below. New language recommended by Monterey County Water Resources Agency (MCWRA) included in the FEIR Errata is underlined. Language recommended for deletion by MCWRA is identified with a ~~strikethrough~~.*

The Planning Commission recommends incorporation of the mitigation measures described below into the Project, and assuming the measures are incorporated into the Project, finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. The measures are set forth in full in the Mitigation Monitoring and Reporting Plan (MMRP), which is proposed to be approved and adopted by the Board of Supervisors concurrently with approval of the Project. As explained in the FEIR, implementation of these mitigation measures will reduce the impacts identified below to a less than significant level. Therefore, the Planning Commission recommends that the Board of Supervisors find that each of the

identified impacts will be reduced to a “less-than-significant” level by mitigation measures identified in the FEIR as set forth below:

(1) Chapter 3.1 Aesthetics and Visual Resources

Impact-3.1-3. Create a New Source of Light or Glare. Implementation of the proposed Community Plan would result in the introduction of a substantial amount of daytime glare sources and would increase the amount of nighttime lighting.

MM-3.1-3a. The project applicant(s) shall prepare a detailed exterior lighting plan that indicates the location and type of lighting that will be used and ensure that all exterior lighting is consistent with Policy 26.1.20 of the Monterey County General Plan. All external lighting shall be indicated on final improvement plans, subject to review and approval by the County of Monterey.

MM-3.1-3b. The County of Monterey shall require that the project applicant(s), for General Development Plans and other development approvals associated with the proposed Community Plan restrict the use of reflective materials to minimize daytime glare within the planning area.

(2) Chapter 3.2 Agriculture

Impact 3.2-3. Conflict with Surrounding Land Uses. Adoption of the proposed Community Plan could create land use compatibility conflicts with surrounding uses.

Incorporation of agricultural conservation buffers in the North Entrance Opportunity Area, Commuter Train Station Opportunity Area, Cypress Residential Opportunity Area, and New Industrial Opportunity Area, as required by mitigation measure **MM 3.2-2** would reduce land use compatibility impacts.

(3) Chapter 3.3 Air Quality:

Impact 3.3-1. Short-Term Construction Emissions. Construction activities associated with implementation of the proposed Community Plan would generate temporary emissions of criteria pollutants that could exceed MBUAPCD significance thresholds.

MM 3.3-1a. The County of Monterey shall require that the project applicant(s), for General Development Plans and other discretionary approvals associated with the proposed Community Plan, implement best-available control measures (BACM) to reduce emissions of particulate matter, as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the Monterey County General Plan during construction activities.

MM 3.3-1b. The County of Monterey shall require that the project applicant(s), for General Development Plans and other

discretionary approvals associated with the proposed Community Plan, implement best-available control measures (BACM) to reduce emissions of toxic air contaminants, as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the *Monterey County General Plan* during construction activities. Examples of BACM typically recommended by the MBUAPCD include, but are not limited to, the following:

- Diesel equipment used onsite should be year 2003, or newer, equipped with emission control technology (e.g., diesel-oxidation catalyst), or use alternative fuels (e.g., biodiesel) that sufficiently reduces diesel-exhaust emissions at nearby receptors to within acceptable levels, as defined by the MBUAPCD. For equipment retrofitted to operate with diesel exhaust emissions control technology, the CERP shall include verification of installation or presence of these devices for review by the MBUAPCD. Additional controls may be required, such as restrictions on equipment use/location, construction phasing, and/or hours of construction, to be determined on a project-by-project basis.

Impact 3.3-3. Long Term Operational Emissions – Odorous

Emissions. The proposed Community Plan could result in the increased exposure of sensitive receptors to odor sources.

MM 3.3-3. The County of Monterey shall require that project applicant(s), for General Development Plans or other discretionary approvals associated with the proposed Community Plan that consists of non-residential uses, coordinate with the MBUAPCD to assess the potential for the proposed non-residential use(s) to generate airborne emissions that may affect nearby receptors, in accordance with Monterey County General Plan Policy 20.2.1. New facilities in which sensitive receptors are located (e.g., residential subdivisions, schools, childcare centers, playgrounds, retirement homes, and hospitals) shall be sited away from significant sources of air pollution.

(4) Chapter 3.4 Biological Resources

Impact 3.4-1. Potential Loss of Special Status Plant Species.

Implementation of the proposed Community Plan may result in a permanent substantial adverse effect on special status plant species, within the Merritt Street Corridor, Cypress Residential, and Commuter Train Opportunity Areas, which would be considered a potentially significant impact.

MM 3.4-1. The County of Monterey shall require that the project applicant(s), as a condition of approval for General Development

Plans and other discretionary approvals, contract with a qualified biologist to prepare a biological assessment of the area proposed for development. As part of the biological assessment, pre-construction surveys for special status plant species shall be conducted within each Opportunity Area as shown in Table 3.4-1. Surveys shall occur during the flowering period for each species as noted in Table 3.4-1. If any special status species are detected during pre-construction surveys, the size and distribution of the population(s) shall be determined and recorded, and the project applicant(s) shall consult with DFG. The DFG may authorize “taking” of a special status plant species if an approved habitat management plan or management agreement that avoids or compensates for possible jeopardy of these species is implemented prior to approval of a General Development Plan for each Opportunity Area.

Impact 3.4-3. Construction Impacts to Steelhead Trout.

Implementation of the proposed Community Plan may potentially result in a substantial adverse effect on Steelhead trout, a federally threatened species, either directly or indirectly through habitat modification with implementation of the proposed enhancement plan to the Tembladero Slough.

MM 3.4-3.The County of Monterey shall require that the project applicant(s), as a condition of approval for General Development Plans and other discretionary approvals, contract with a qualified biologist to prepare a biological assessment for the area proposed for development, as required by mitigation measure MM 3.4-1. If the biological assessment identifies the potential for Steelhead trout to exist in the Tembladero Slough at the time development is proposed, the County of Monterey shall require the project applicant(s) within the Cypress Residential Opportunity Area and Merritt Street Corridor Opportunity Area to contract with a qualified biologist to perform surveys on the Tembladero Slough during spawning season (December to April) to determine if Steelhead trout are present and/or could use the waterway to reach spawning grounds upstream. If there is a potential for Steelhead trout to occur within the Tembladero Slough, the project applicant(s) shall consult with NOAA Fisheries Service regarding the potential for Steelhead trout to occur in the Tembladero Slough prior to undertaking any restoration and/or construction activities within and adjacent to the slough. If NOAA Fisheries Service determines that there would be no possible adverse affect on Steelhead trout, no action is necessary. However, if NOAA Fisheries Service determines that Steelhead trout may be adversely affected by restoration and/or construction activities adjacent to the Tembladero Slough then the project applicant(s) shall obtain an incidental take permit from NOAA Fisheries Service under Section 10(a)(1)(B) of the Endangered Species Act and submit a habitat management plan or management agreement

prepared by a qualified biologist in consultation with NOAA Fisheries Service and/or the United States Fish and Wildlife Service.

Impact 3.4-4. Construction Impacts to Migratory Bird Habitat and Species. Implementation of the proposed Community Plan would result in temporary and direct disturbance to nesting raptors and migratory birds.

MM 3.4-4.The County of Monterey shall require that the project applicant(s), as a condition of approval for General Development Plans and other discretionary approvals associated with the proposed Community Plan, retain a qualified biologist to prepare a detailed biological assessment for the area to be developed, as required by mitigation measure MM 3.4-1. If listed migratory bird species or suitable breeding habitats is identified in the biological assessment, the project applicant(s) shall hire a qualified biologist to conduct a focused survey for active nests of raptors and migratory birds within and in the vicinity (i.e., any suitable breeding habitat in accessible parcels adjacent to the project area that the biologist deems could be disturbed by construction activities) of the construction area. Surveys shall be conducted no more than 30 days prior to ground disturbance during the nesting seasons for local avian species (typically February 1st through August 31st). If active nests are located during preconstruction surveys, USFWS and/or DFG (as appropriate) shall be notified regarding the status of the nests and agency recommendations regarding nest avoidance measures implemented. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or the biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100-feet around the nest) or alteration of the construction schedule. No action is necessary if construction will occur during the non-breeding season (generally September 1st through February 28th).

Impact 3.4-5. Construction Impacts to California Red-Legged Frog and California Tiger Salamander. Implementation of the proposed Community Plan may potentially result in a substantial adverse effect on California red-legged frog (*Rana aurora draytonii*) a federally threatened species and a state species of special concern, either directly or indirectly through habitat modification in the Cypress Residential and Merritt Street Corridor Opportunity Area. Development within the Commuter Train Station Opportunity Area may potentially result in a substantial adverse effect on California Tiger Salamander (*Ambystoma californiense*), a state species of special concern and federal candidate wildlife species, either directly or indirectly through habitat modification.

MM 3.4-5. The County of Monterey shall require that the project applicant(s), as a condition of approval for General Development Plans

and other discretionary approvals associated with the proposed Community Plan, retain a qualified biologist to prepare a detailed biological assessment for the area to be developed, as required by mitigation measure **MM 3.4-1**. If the biological assessment identifies the potential for California red-legged frog species and/or California Tiger Salamander or their associated habitat exists within the area proposed for development, the County of Monterey shall require the project applicant(s) to contract with a qualified biologist to conduct pre-construction surveys no more than 30-days prior to grading or construction in or within 100 feet of potential habitat areas to determine if California red-legged frogs occur within the Cypress Residential Opportunity Area and at various sites within the Merritt Street Corridor Opportunity Area and/or if California Tiger Salamanders are located within the Commuter Train Station Opportunity Area. If California red-legged frog species and/or California Tiger Salamanders are present during the pre-construction surveys, any improvements proposed in or adjacent to the aquatic and riparian habitats shall be done in consultation with the USFWS and the DFG to determine whether incidental take authorization is required. The following avoidance measures shall be implemented including, but not be limited to the following:

- Heavy equipment operators shall be instructed to identify and avoid aquatic and riparian habitats;
- Temporary sediment settling basins and structures such as sediment fencing, straw bales, or other appropriate erosion control measures shall be used to delineate the project area boundaries and prevent sediment-laden runoff from entering the drainage channels and riparian corridors;
- Construction activities occurring adjacent to the aquatic and riparian habitat shall occur during the summer months when the drainage corridors are dry or nearly dry and rain is unlikely;
- Before construction begins, a qualified biologist shall inform grading equipment operators of the potential presence of the California red legged frog and California Tiger Salamander, its protected status, work boundaries, and measures to be implemented to avoid the incidental take;
- A qualified biologist shall monitor grading activities occurring within 100 feet of the aquatic and riparian habitats;
- Food and food related trash items associated with construction workers shall be enclosed in sealed containers and regularly removed from the project site to deter potential predators;
- Pets shall not be permitted on the construction site;

- All staging areas and all refueling and maintenance of vehicles and other equipment shall occur at least 20 meters (60 feet) from any riparian habitat, pond, stream, creek, or other water body to ensure that habitat contamination does not occur from such activities.

Impact 3.4-6. Potential Loss of Least Bell's Vireo Wildlife Habitat.

Implementation of the proposed Community Plan may potentially result in a substantial adverse effect on Least Bell's Vireo (*Vireo bellii pusillus*), a federally and state endangered species, either directly or indirectly through habitat modification.

MM 3.4-6. The County of Monterey shall require that the project applicant(s), as a condition of approval for General Development Plans and other discretionary approvals associated with the proposed Community Plan, retain a qualified biologist to prepare a detailed biological assessment for the area to be developed, as required by mitigation measure **MM 3.4-1**. If the biological assessment identifies the potential for Least Bell's Vireo (*Vireo bellii pusillus*) or associated habitat to exist within the Cypress Residential Opportunity Area, then the County of Monterey shall require the project applicant(s) to contract with a qualified biologist to perform protocol level surveys for the Least Bell's Vireo between April 10th and July 31st to determine presence or absence of the species, and if present, the size and distribution of the population(s). If Least Bell's Vireo is identified during the pre-construction surveys, the habitat occupied shall be avoided to the maximum extent feasible to ensure that there is no net loss of habitat. If impacts cannot be avoided, the County of Monterey shall require the project applicant(s) to contact USFWS and DFG to discuss project permitting options and to implement appropriate mitigation measures such as avoidance, project design, construction timing, and compensatory mitigation. The following requirements shall apply if Least Bell's Vireo are present within the planning area:

- Occupied habitat shall not be removed during the breeding season (April 10th and July 31st). If Least Bell's Vireo are not present, then no additional mitigation is required.
- If construction activities are proposed during the Least Bell's Vireo breeding season and they are found within 500 feet of the grading limits based on the survey to determine presence/absence an acoustical technician shall be consulted to identify appropriate measures for reducing construction noise levels to 60 dBA hourly L_{eq} during the part of the breeding season when active nests are most likely. If ambient noise levels currently exceed this level, then noise attenuation measures shall be implemented to prevent construction noise from exceeding ambient levels during this period. If noise reduction measures are determined to be necessary, the acoustical technician shall confirm through noise

measurements, that noise attenuation measures are effective at maintaining the noise below the specified threshold.

Impact 3.4-7. Potential Disturbance of Western Burrowing Owl

Habitat. Implementation of the proposed Community Plan may result in a direct alteration of the site conditions of the Commuter Train Station Opportunity Area that could support western burrowing owl, a California Species of Special Concern.

MM 3.4-7.The County of Monterey shall require that the project applicant(s), as a condition of approval for General Development Plans and other discretionary approvals associated with the proposed Community Plan, retain a qualified biologist to prepare a detailed biological assessment for the area to be developed, as required by mitigation measure **MM 3.4-1**. If the biological assessment identifies the potential for burrowing owl habitat within the Commuter Train Station Opportunity Area, the project applicant(s) shall contract a qualified biologist to complete a pre-construction survey for burrowing owl. The pre-construction surveys shall occur no more than 30-days prior to grading and construction within the Commuter Train Opportunity Area and surrounding areas (up to 150 feet outside the project area). If no burrowing owls are detected during the pre-construction surveys, no action is necessary. However, if burrowing owls are detected within the planning area, the following shall apply (as outlined in DFG guidance):

- During the nonbreeding season (September 1st through January 31st), no disturbance should occur within approximately 160-foot radius of an occupied burrow. During the nesting season (February 1st through August 31st), occupied burrows should not be disturbed within a 250-foot radius unless a qualified biologist approved by the DFG verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival;
- The project applicant shall acquire and permanently protect, either through conservation easement or through an approved mitigation bank, a minimum of 6.5 acres (amount established by the DFG) of foraging habitat (calculated on an approximate 300-foot foraging radius around the burrow) per pair or unpaired resident bird to offset the loss of foraging and burrow habitat on the project site. The protected lands should be adjacent to occupied burrowing owl habitat and at a location acceptable to the DFG. Protection of additional habitat acreage per pair or unpaired resident bird may be applicable based on DFG guidance;
- When destruction of occupied burrows is unavoidable, existing unsuitable burrows should be enhanced (enlarged or cleared of

debris) or new burrows created (by installing artificial burrows per DFG design specifications) at a ratio of 2:1 on the protected lands site;

- If owls must be moved away from the disturbance area, passive relocation techniques (as outlined by the DFG [i.e., use of one-way doors]) should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to alternate burrows;
- The project applicant(s) shall provide funding for long-term management and monitoring of the protected lands. The monitoring plan should include success criteria, remedial measures, and an annual report to the DFG.

Impact 3.4-8. Substantial Adverse Effects on Riparian Habitat.

Implementation of the proposed Community Plan may result in permanent alteration of site conditions in the Cypress Residential, Merritt Street Corridor, and Commuter Train Station Opportunity Areas that may affect riparian habitats along the Tembladero Slough and Castroville Slough.

MM 3.4-8a. The County of Monterey shall require that the project applicant(s), for General Development Plans and other discretionary approvals within the Cypress Residential and Commuter Train Station Opportunity Areas, contract with a registered Civil Engineer and certified biologist to prepare a slough enhancement plan for the Tembladero and Castroville sloughs prior to any disturbance of land that would affect the riparian habitat along the sloughs. The project applicant(s) shall implement slough enhancement plans concurrent with flood improvement projects along the sloughs and adjacent to the area proposed for development. Slough enhancement plans shall include details regarding slough modification and enhancement, as well as habitat restoration and management in accordance with the Resource Management component of the proposed Community Plan. The slough enhancement plan shall identify grading and realignment proposed within the floodway, the exact amount and location of impacted riparian and wetland habitat that would be disturbed, and identify the proposed locations for replacement or restoration of this habitat along the respective slough within each Opportunity Area at an overall ratio of 3:1; of which at least 1:1 must be comprised of wetland creation. A lower overall ratio may be undertaken with the concurrence of the DFG. The slough enhancement plans shall specify an appropriate plant palette and provide specifications for installation and maintenance of the habitat subject to review and approval by the County of Monterey. The plan shall specify the use of locally-obtained native species, including arroyo willow, as appropriate.

MM 3.4-8b. The County of Monterey shall prepare and implement a slough enhancement plan for the portion of the Tembladero Slough

within the Merritt Street Corridor Opportunity Area prior to approval of development within this Opportunity Area. Project applicant(s) within the Merritt Street Corridor Opportunity Area shall contribute all adopted development impact fees towards the preparation and implementation of the slough enhancement plan. The slough enhancement plan shall include details regarding slough modification and enhancement, as well as habitat restoration and management in accordance with the Resource Management component of the proposed Community Plan. The slough enhancement plan shall identify grading and realignment proposed within the floodway, the exact amount and location of impacted riparian and wetland habitat that would be disturbed, and identify the proposed locations for replacement or restoration of this habitat along the respective slough within each Opportunity Area at an overall ratio of 3:1; of which at least 1:1 must be comprised of wetland creation. A lower overall ratio may be undertaken with the concurrence of the DFG. The slough enhancement plans shall specify an appropriate plant palette and provide specifications for installation and maintenance of the habitat. The plan shall specify the use of locally-obtained native species, including arroyo willow, as appropriate.

MM 3.4-8c. The County of Monterey shall require that the project applicant(s), for General Development Plan and other discretionary approvals within the Cypress Residential, Merritt Street Corridor, and Commuter Train Station Opportunity Areas, install orange plastic and/or other temporary demarcation within 100-feet of riparian habitat prior to initiation of grading. The fencing shall be in place until all construction activities within 100-feet of riparian habitat are complete. Soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials shall not be allowed within the Tembladero and Castroville sloughs.

Impact 3.4-9. Substantial Adverse Effect on Federally Protected Wetland habitat. Implementation of the proposed Community Plan would result in permanent alteration of site conditions that may directly impact federally protected wetland habitat.

MM 3.4-9. As a condition of approval for General Development Plans and other discretionary approvals, the County of Monterey shall require that the project applicant(s) contract with a qualified biologist to perform a jurisdictional wetland delineation within the Commuter Train Station, Cypress Residential, and Merritt Street Corridor Opportunity Areas if development is proposed in the vicinity of vegetation that is mapped as a potential wetland or the project site contains or is located immediately adjacent to a natural drainage course. Wetland delineations may be required at: Collins Road and across Castroville Boulevard in the Commuter Train Opportunity

Area; between Haro Street and the Tembladero Slough, and between the railroad and Highway 183 within the Cypress Residential Opportunity Area; near the end of Speegle Street in the Merritt Street Corridor Opportunity Area. The wetland delineation shall identify the presence of any federally protected wetlands, if any, and the potential for development to adversely effect wetlands. If no wetland determination is made, no further action is required; however, if a jurisdictional wetland determination is made within the planning area the following shall apply:

- Upon obtaining a USACE jurisdictional wetland delineation for areas within the Commuter Train Station, Merritt Street Corridor, and Cypress Residential Opportunity Areas, the County of Monterey shall require that the project applicant establish a ‘no net loss of wetlands’ policy and develop a Wetlands Mitigation Plan (to be reviewed by the County of Monterey) in association with obtaining the appropriate regulatory permits (i.e., Sections 401 and 404 of the Clean Water Act). A wetland restoration plan shall be prepared to ensure there is no loss of wetland habitat. This plan shall include but not be limited to the following:
 - Baseline site information,
 - Goals and objectives of mitigation,
 - Considerations for site selection,
 - Mitigation work plan,
 - Performance standards,
 - Responsible party information,
 - Site protection measures,
 - Contingency plan,
 - Monitoring and long-term management plan, and
 - Financial assurances.

The San Francisco District of the USACE should be consulted for additional guidance regarding the Wetland Mitigation Plan.

Impact 3.4-10. Realignment and Restoration of the Tembladero and Castroville Sloughs. Implementation of the proposed Community Plan would result in a temporary and permanent alteration of the Tembladero and Castroville sloughs, a jurisdictional water of the United States, which would be considered a potentially significant impact.

MM 3.4-10. As a condition of approval for General Development Plans and other discretionary approvals within the Cypress Residential and Merritt Street Corridor Opportunity Areas, the County of Monterey shall require that the project applicant(s) obtain the

appropriate permits (e.g. Individual permit or Nationwide 404 Permit from the U.S. Army Corps of Engineers; Streambed Alteration Agreement from the CDF; and/or obtain Section 401 Water Quality Certification from the Central Coast Regional Water Resources Control Board) prior to any disturbance and/or realignment of the Castroville and Tembladero Sloughs that would impact jurisdictional waters of the U.S. and/or wetlands. Permits will be required prior to the Cypress Residential Opportunity Area General Development Plan approval and prior to the approval of either phase of the proposed Artichoke Avenue project within the Merritt Street Corridor Opportunity Area.

Impact 3.4-11. Cumulative Affect on Special Status Species and Sensitive Habitats. Build out of the proposed Community Plan combined with build out of reasonably foreseeable development within the proposed Community Plan planning area would result in disturbance to special status species and sensitive habitats throughout the region.

Implementation of mitigation measures presented within this section, **MM 3.4-1** through **MM 3.4-9**, would reduce the overall contribution to cumulative biological resource impacts resulting from build out of the proposed Community Plan.

(5) Chapter 3.5 Cultural Resources

Impact 3.5-1. The proposed Community Plan may result in the destruction or disturbance of historic structures and archaeological sites.

MM 3.5-1a. The County of Monterey prior shall require the project applicant(s), for General Development Plan and other discretionary approvals associated with the proposed Community Plan, contract with a certified archaeologist to perform an archaeological evaluation in accordance with *Monterey County General Plan Policy 12.1.3*. If no archaeological resources are identified no further action is required. However, if archaeological resources are discovered, the project applicant shall be subject to goals, objectives, and policies identified in *Monterey County General Plan* and Section 15064.5(b)3, (c), and (f) of the CEQA Guidelines for the identification and protection of cultural resources and human remains. If construction on archaeological or other types of cultural sites is unavoidable, adequate preservation measures shall be required. Site specific mitigation shall be designed in accordance with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.

MM 3.5-1b. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery during future development activities, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to

overlie adjacent remains until the coroner of Monterey County has determined whether the remains are subject to the coroner's authority. This is in accordance with Section 7050.5 of the California Health and Safety Code. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of identification. Pursuant to Section 5097.98 of the Public Resource Code, the Native American Heritage Commission will identify a "Native American Most Likely Descendent" to inspect the site and provide recommendations for the proper treatment of the remains and any associated grave goods.

Impact 3.5-2. Cumulative Impacts to Archaeological and Cultural Resources. Implementation of the proposed Community Plan, in combination with cumulative development activity in the area, would increase the potential to disturb or contribute to the loss of known and undiscovered cultural resources in the area.

Implementation of mitigation measure **MM 3.5-1a** and **MM 3.5-1b** would reduce the proposed Community Plan's contribution to this cumulative impact by addressing impacts on a case-by-case basis, thus avoiding compounding impacts associated with cumulative development.

(6) Chapter 3.6 Geology and Soils

Impact 3.6-1. Seismic Ground Shaking. Placement of new structures within the planning area could result in potential structural damage and associated human safety hazards due to seismic ground shaking caused by earthquakes on nearby active and potentially active faults.

MM 3.6-1. The County of Monterey shall require project applicant(s), for General Development Plans and other discretionary approvals associated with the proposed Community Plan contract with a registered geologist to prepare a preliminary seismic and geologic hazard report consistent with Policy 15.1.4 in the *Monterey County General Plan*. This report may include, but not be limited to the potential for surface ruptures, ground shaking, liquefaction, landsliding and other geologic and soils hazards. All final engineering and improvement plans shall be prepared in accordance with Monterey County standards and shall be submitted to the County for review and approval prior to issuance of building permits. All future development shall be designed in accordance with the current edition of the California Building Code.

Impact 3.6-2 Liquefaction. Placement of new structures within the planning area could result in potential structural damage and associated human safety hazards due to liquefaction of soils. Implementation of mitigation measure **MM 3.6-1** requires that all future development be designed in accordance with the requirements of the California Building Code and the recommendations contained within site-specific geotechnical report, subject to review and approval by Monterey County. By requiring all buildings be designed and constructed to ensure that the effects of liquefaction are minimized, potential impacts to people and structures from these effects would be reduced to a less than significant level.

Impact 3.6-3. Short-Term Soil Erosion During Construction

Activities. Development within the planning area has the potential to result in short-term soil erosion during construction activities. Implementation of mitigation measure **MM 3.9-2** requires that specific development proposals prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) Construction Activities general permit. The SWPPP describes treatment measures and best management practices (BMPs) necessary to control pollutants and would be implemented during construction and post-construction phases of project development. In addition, development within the planning area will be subject to the County's Erosion Control Ordinance (Section 16.12), which requires submittal of an Erosion Control Plan indicating proposed methods for the control of runoff, erosion and sediment movement prior to permit issuance for building, grading or land clearing. Implementation of mitigation measure **MM 3.9-2** and adherence to the Erosion Control Ordinance will reduce short-term soil erosion impacts during construction activities to a less than significant level.

Impact 3.6-4. Expansive Soils. Placement of new structures within the planning area could result in potential structural damage and associated human safety hazards resulting from expansive soils. Implementation of mitigation measure **MM 3.6-1**, requiring all future development be designed in accordance with the California Building Code and the recommendations contained within site-specific geotechnical reports.

(7) Chapter 3.7 Hazards and Hazardous Materials

Impact 3.7-1. Hazardous Materials in the Planning Area.

Implementation of the proposed Community Plan may result in the discovery of hazardous material contamination in areas proposed for future development. In addition, development within the Cypress Residential, Commuter Train Station, and New Industrial Opportunity Areas, on lands previously utilized for agricultural production, could potentially expose people or property to soil contamination from pesticides and herbicides.

MM 3.7-1. The County of Monterey shall require the project applicant(s), for General Development Plan and other discretionary approvals associated with the proposed Community Plan, contract with a qualified professional to conduct a site-specific Phase I Environmental Site Assessment (Phase I ESA) to assess whether soils have been contaminated by the storage of hazardous materials or use of pesticides. To the extent that soil contamination is detected during the initial assessment or during subsequent investigations, the project applicant(s) shall develop a remediation program to ensure that the hazardous materials contamination is remediated to the standards of the Monterey County Environmental Health Department; Regional Water Quality Control Board and DTSC prior to grading activities.

(8) Chapter 3.8 Hydrogeology and Groundwater

Impact 3.8-1. Long -Term Impact to Groundwater Resources. The proposed Community Plan would increase the water demand in the basin with the construction of urban uses, however the conversion of CSIP irrigated agricultural land to urban uses would allow for the transfer of CSIP water at a ratio of 2:1 to land that is currently in production but not within the CSIP service area. In addition, the proposed urban uses would result in an increase in the amount of wastewater generated within the planning area, which would be conveyed to the MRWPCA wastewater treatment plant for treatment and reclamation in the expanded CSIP service area. Therefore, with implementation of the proposed Community Plan, an overall decrease in water being extracted from the Salinas Valley Groundwater basin would occur upon completion of the Salinas Valley Water Project's diversion project. As a condition of approval of General Development Plans, project applicant(s) within the Cypress Residential, North Entrance, Commuter Train Station, and New Industrial Opportunity Areas shall annex half of the required acreage and provide appropriate connections for distribution of CSIP water to the annexed land. The remaining acreage shall be annexed to Zone 2B within one year (secured by an agreement with MCWRA) after the Salinas Valley Water Project diversion project is completed. For every acre of existing farmland using recycled water from Zone 2B that is converted to urban uses, two acres of farmland shall be annexed into Zone 2B in accordance with current CSIP construction standards. The farmland to be annexed into Zone 2B must be

currently using groundwater, not recycled water, to irrigate. If the acreage is not annexed to Zone 2B within one year after construction of the Salinas Valley Water Project, this would be considered a potentially significant impact.

MM 3.8-1a. The County of Monterey shall require that the project applicant(s), for General Development Plans within the Cypress Residential, North Entrance, Commuter Train Station, and New Industrial Opportunity Areas, submit a water use analysis that demonstrates the associated water use is within the maximum allowable water budget for the proposed Community Plan upon completion of the Salinas Valley Water Project's diversion project. The sum of groundwater demand sources shall be subtracted from the maximum allowable consumption within the planning area, using the water consumption estimates in the proposed Community Plan, to determine the amount of supply available for development within the proposed Community Plan. The water use analysis shall be submitted to the Castroville Water District and Monterey County Water Resources Agency for review and shall identify the agricultural land currently in production that would be annexed into Zone 2B in order to meet the CSIP replacement acreage requirement, which may be phased.

The CSIP replacement requirement is as follows: For every acre of existing farmland currently using recycled water for irrigation within Zone 2B that is converted to urban uses, two acres of farmland shall be annexed into Zone 2B. The farmland to be annexed into Zone 2B must be currently and historically in production, and currently using groundwater, not recycled water, to irrigate. Upon annexation into Zone 2B, farmland shall receive recycled water through turnouts to be constructed by the project applicant(s). Project applicant(s) shall provide any required right-of-way to ensure that at least one turnout is provided for every 100 acres annexed into Zone 2B. The project applicant(s) for new development shall be responsible for engineering and installing the new CSIP transmission lines and associated equipment to serve the replacement acreage (i.e. piping, booster pumps, and connections) in accordance with current CSIP standards and removing the existing CSIP transmission lines to be abandoned. The acreage to be annexed into Zone 2B and the CSIP transmission lines to be removed and installed shall be noted on the General Development Plan prior to recordation of the Final Maps for each Opportunity Area. All plans and specifications shall be submitted to the Water Resources Agency for review and approval.

The project applicant(s) for new development shall demonstrate, through an agreement with MCWRA, the ability to annex two acres of farmland for every one acre of existing farmland to be removed from

Zone 2B; however, the annexation of new farmland to Zone 2B can be phased. Prior to approval of development for the Cypress Residential, North Entrance, Commuter Train Station, and New Industrial Opportunity Areas, the project applicant(s) shall annex into Zone 2B half of the total required acreage and provide appropriate connections for distribution of CSIP water to the annexed land. An agreement between the project applicant and MCWRA shall require annexation of the remaining acreage (and installation of associated infrastructure) into Zone 2B within one year after the completion of the Salinas Valley Water Project's diversion project as a condition of project approval of the General Development Plan. The first half of the acreage shall receive CSIP water prior to completion of the Salinas Valley Water Project's diversions project. However, the second half of the acreage identified to be annexed into Zone 2B will continue to pump irrigation water from groundwater resources until completion of the Salinas Valley Water Project. The water use analysis shall reflect the phasing of the annexation of acreage into Zone 2B and occupancy shall be phased accordingly.

MM 3.8-1b. The County of Monterey shall require that the project applicant(s), for General Development Plans within the Commuter Train Station and New Industrial Opportunity Areas, consult with Castroville Water District regarding installation of a new production well within the eastern portion of either of the Opportunity Areas. This additional production well will help to broaden the concentration of groundwater pumping over a wider area and move groundwater pumping further away from the path of seawater intrusion. The project applicant for the Opportunity Area selected to provide the additional well site shall be required to install the new production well at their expense during the annexation of the Opportunity Area into Castroville Water District's service area. The cost associated with the installation of the new well shall be reimbursed to the project applicant upon collection of development impact fees from other project applicants. The new production well shall be perforated in the 400-foot aquifer, and possibly the deep aquifer. The location, design, and installation of the well shall be subject to approval by Castroville Water District. Upon installation, the project applicant shall deed the well and associated infrastructure over to Castroville Water District.

Impact 3.8-2. Near-term development within the Merritt Street Corridor Near-Term Groundwater Demand. Opportunity Area, as well as in-fill development proposed in the Community Plan may occur prior to the completion of the Salinas Valley Water Project diversion project in 2008, placing additional demands on the groundwater basin. In recent years, CWD has experienced a decrease in demand by approximately 108 AFY due to several large agricultural businesses leaving the Castroville area. This water could be available to accommodate near-term development within the Merritt Street Corridor Opportunity Area, as well as in-fill development in the proposed Community Plan, prior to completion of the Salinas Valley Water Project diversion project in 2008. However, if water demands associated with near-term development exceed 108 AFY, this would be considered a potentially significant impact.

MM 3.8-2. Prior to the completion of the Salinas Valley Water Project diversion project in 2008, the County of Monterey shall require that the project applicant(s), for discretionary approvals within the Merritt Street Corridor Opportunity Areas and in-fill development areas, submit a water use analysis to Castroville Water District that demonstrates the associated water use is within the maximum allowable water budget for near-term development. The sum of groundwater demand sources shall be subtracted from the maximum allowable consumption of 108 AFY for near-term development to ensure there is adequate supply. If development exceeds the maximum allowable consumption for near-term, development shall be postponed until the Salinas Valley Water Project diversion project is complete.

(9) Chapter 3.9 Surface Water Hydrology and Water Quality

Impact 3.9-1. Long-Term Surface Water Runoff Flows.

Implementation of the proposed Community Plan would result in an increase in impervious surface, which would subsequently increase surface water runoff in the planning area

MM 3.9-1.The County of Monterey shall require that the project applicant(s), for General Development Plans and other discretionary approvals associated with the proposed Community Plan in the Cypress Residential, Merritt Street Corridor, New Industrial, Commuter Train Station, and North Entrance Opportunity Areas contract with a registered Civil Engineer to prepare a detailed comprehensive drainage study and drainage control plan that is generally consistent with the drainage concepts developed for the proposed Community Plan and the Environmental Protection Agency's Low Impact Development (LID) design techniques or equivalent methods. The drainage control plans for the New

Industrial, Commuter Train Station, and North Entrance Opportunity Areas shall incorporate detention basins, which limit stormwater discharge to the 10-year and the 2-year pre-development flow rates in order to ensure that the Castroville Pump Station does not run longer than estimated increased duration of 182 hours per year. Drainage plans shall identify the direction of flow of runoff towards proposed detention areas within each Opportunity Area. Stormwater runoff control measure that use natural and engineered infiltration and storage techniques to provide detention areas, increase infiltration, allow for pollutant removal, and control the release of stormwater into adjacent waters are recommended.

The drainage study and drainage control plan shall be submitted for review and approval by the Monterey County Public Works Department; Monterey County Water Resources Agency; Castroville Water District, and the Environmental Health Division prior to recording the final map. Prior to final inspection, the project applicant(s) shall submit to Monterey County Water Resources Agency a certification prepared by a registered civil engineer or licensed contractor that stormwater detention facilities have been constructed in accordance with approved plans.

Impact 3.9-2. Long-Term Surface Water Quality Standards.

Implementation of the proposed Community Plan would result in an increase in long-term surface runoff that may contain contaminants that would have an adverse impact on surface water quality.

MM 3.9-2.The County of Monterey shall require that the project applicant(s), for General Development Plans and other discretionary approvals associated with the proposed Community Plan that will result in grading or excavation that disturb an area greater than or equal to one acre, obtain coverage under the NPDES General Permit, in accordance with current State regulations. Concurrent with preparation of drainage plan and prior to issuance of a grading permit, the project applicant(s) shall prepare a Stormwater Pollution Prevention Plan (SWPPP) that documents best management practices (filters, traps, bio-filtration swales, etc.) to ensure that urban runoff contaminants and sediment are minimized. The erosion and sediment control plan shall specify which erosion control measures necessary to control runoff shall be in place during the rainy season (November 1 through April 15) and which measures shall be in place year round. The SWPPP shall be consistent with CCWQCB standards.

Impact 3.9-3. Short Term Erosion and Surface Water Quality.

Implementation of the proposed Community Plan would result in short-term increased rates of erosion during construction activities.

Implementation of mitigation measure **MM 3.9-2** requires that the project applicant(s), for General Development Plans and other development associated with the proposed Community Plan, prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) Construction Activities general permit. The SWPPP describes treatment measures and best management practices (BMPs) necessary to control pollutants and would be implemented during construction and post-construction phases of project development. In addition, future development within the planning area will be subject to the County's Erosion Control Ordinance (Section 16.12), which requires submittal of an Erosion Control Plan indicating proposed methods for the control of runoff, erosion and sediment movement prior to permit issuance for building, grading or land clearing. Implementation of mitigation measure **MM 3.9-2** and adherence to the Monterey County Erosion Control Ordinance will reduce short-term soil erosion impacts during construction activities to a less than significant level.

Impact 3.9-4. Urban Development Within a 100-Year Flood Hazard Area. During the 100-year storm event, life and property may be exposed to hazards due to flooding.

MM 3.9-4a. The County of Monterey shall require the project applicant(s), for General Development Plans and other discretionary approvals associated with the proposed Community Plan which propose future development within a Special Flood Hazard Area (e.g. Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), to construct structures in accordance with Flood Insurance Rate Map building guidelines (e.g. lowest floor is at or above the Base Flood Elevation level), and Monterey County Code Chapter 16.16, subject to review and approval by the Monterey County Water Resources Agency. Structures within the Special Flood Hazard Area in a community participating in the National Flood Insurance Program are subject to floodplain management regulations that affect building standards and are designed to minimize flood risk. These building requirements include but are not limited to Title 44 CFR 60.3(c)(2) which requires that the lowest floor of a residential structure, including basement, built within the Special Flood Hazard Area be at or above the base flood elevation.

MM 3.9-4b. The County of Monterey shall require that the project applicant(s), for General Development Plans and other discretionary approvals associated with the proposed Community Plan and within Special Flood Hazard Area, submit two copies of the FEMA

Conditional Letter of Map Revision (CLOMR) application including all supporting documentation to the Monterey County Water Resources Agency with discretionary permit applications or sooner. All flood studies, site plans, topography, and other elevation data should reference the datum on the effective FEMA Flood Insurance Rate Maps. Prior to final inspection of the project's grading permit the applicant shall submit two copies of the FEMA Letter of Map Revision (LOMR) application including all supporting documentation to the Monterey County Water Resources Agency.

MM 3.9-4c. Prior to Monterey County Planning Department deeming applications complete for General Development Plans and other discretionary approvals within the Merritt Street Corridor, Cypress Residential and Commuter Train Station Opportunity Areas, the County of Monterey shall require that the project applicant(s) contract with a professional civil engineer or licensed land surveyor to determine the top of bank of the Castroville and Tembladero Sloughs in accordance with Chapter 16 of the Monterey County code. Cross sections shall be submitted to Monterey County Water Resources Agency for review and approval and the "top of bank" shall be noted on the site plans. Any development proposed within the required 50-foot setback shall provide supporting evidence satisfactory to the Monterey County Water Resources Agency that: (1) the proposed development will not significantly reduce the capacity of the existing watercourse or otherwise adversely affect any other properties by increasing stream velocities or depths, or diverting the flow; and (2) the proposed new development will be safe from flow-related erosion and will not cause flow-related erosion hazards or otherwise aggravate flow-related erosion hazards.

MM 3.9-4d. Prior to recording the Final Maps for General Development Plans within the Cypress Residential and Merritt Street Corridor Opportunity Area, the County of Monterey shall require that the project applicant(s) dedicate to Monterey County Water Resources Agency any necessary easement, within the project site, required for levee maintenance. Required easements shall be recorded on the final map. Prior to recordation, the applicant shall provide the final map to the Water Resources Agency for review and approval. Maintenance of any proposed levees outside of the easement shall be the responsibility of the project applicant(s), developer homeowners or other maintenance entity created and funded by the homeowners, and may be funded through establishment of a new benefit assessment zone.

Adequate access road shall be provided within the 100-year channel. The developer shall construct channel improvements capable of conveying 100-year flows identified in the FEMA Flood Insurance Study, with maintenance and access roads. The levee side slopes shall

be a minimum of 2:1. The proposed channel alignment and maintenance easement shall be shown on the General Development Plan. All necessary improvements shall be constructed in accordance with plans approved by the Water Resources Agency.

(10) Chapter 3.11 Noise

Impact 3.11-1. Short-Term Exposure to Construction Noise. The proposed Community Plan could result in construction-related noise that would exceed applicable County noise standards at nearby noise-sensitive land uses.

MM 3.11-1. Prior to approval of any General Development Plan or other discretionary approvals, the County of Monterey shall review and assess the potential noise impacts to nearby noise-sensitive land uses and project specific mitigation measures shall be implemented to reduce significant noise impacts to noise-sensitive land uses during future construction activities associated with general development plan and other development approvals within the proposed Community Plan planning area. Measures for attenuating noise during construction shall include, but not be limited to, the following:

- Limit noise-generating construction operations to between the least noise-sensitive periods of the day (e.g., 7 A.M. to 7 P.M.);
- Locate construction equipment and equipment staging areas at the furthest distance possible from nearby noise-sensitive land uses;
- Ensure that construction equipment is properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds should be closed during equipment operation;
- When not in use, motorized construction equipment should not be left idling; and
- Install temporary noise barriers when activities would affect daytime noise-sensitive receptors (e.g., residential uses, schools, and churches).

Impact 3.11-2. Long-Term Exposure to Stationary-Source Noise. The proposed Community Plan would result in new stationary-source noise, particularly noise from commercial and industrial uses that could exceed applicable County noise standards at nearby noise-sensitive land uses.

MM 3.11-2. The County of Monterey shall require that project applicant(s), for any General Development Plan or other discretionary approvals associated with the proposed Community Plan, prepare site-specific acoustical analyses for future development within the

Community Plan. Future development shall be required to comply with the Monterey County's noise criteria for land use compatibility. The acoustical analyses prepared for future development shall evaluate resultant noise impacts in comparison to established noise standards, including, but not limited to, the land use compatibility noise criteria identified in the *Monterey County General Plan*. Feasible project specific mitigation measures shall be required to reduce significant noise impacts at noise-sensitive land uses. Noise-related mitigation measures shall include, but are not limited to, the following:

- **Site Design:** Locate noise/vibration sensitive land uses at the furthest distance from noise sources;
- **Operational Restrictions:** Limit noise-generating operational activities associated with the proposed commercial and industrial land uses, including truck deliveries, landscape maintenance, and waste collection activities to the least noise-sensitive hours of the day;
- **Barriers:** Include noise/vibration -reduction features (e.g., sound walls, berms, or combinations of) in the design to shield sensitive land uses;
- **Setbacks:** Increase setback distances from noise/vibration sources (i.e., roads, commercial/industrial uses, recreational uses) for sensitive land uses;
- **Insulation:** Incorporate noise/vibration-reduction features for noise sources (e.g., rubberized asphalt paving, dock seals, equipment enclosures, vibration insulation pads). Use of increased noise-attenuation measures in building construction (e.g., dual-pane, sound-rated windows; mechanical air systems; exterior wall insulation, etc.).

Impact 3.11-4. Exposure to Ground-borne Vibration. Implementation of the proposed Community Plan may result in increased groundborne vibration levels at nearby land uses in excess of established standards.

MM 3.11-4. Prior to General Development Plan approval, the County of Monterey shall require environmental review of all proposed new development that could result in a potential increase in ground-borne vibration levels at nearby land uses. Feasible project specific measures shall be identified and incorporated to reduce significant impacts to within acceptable levels at nearby land uses.

(11) Chapter 3.14 Traffic and Circulation

Impact 3.14-2. Intersection Level of Service Impacts Without Interchanges. With the addition of traffic generated by the proposed Community Plan the Castroville Boulevard/Eastbound Highway 156 ramp intersection would operate at LOS B during the AM peak hour and LOS E during the PM peak hour if no interchanges are developed.

MM 3.14-2. Construct the southerly extension of Castroville Boulevard, realign the existing Castroville Boulevard north of Highway 156, and relocate the at-grade intersection just east of the existing Castroville Boulevard/Highway 156 intersection to connect with southerly extension with the following signal and lane operations as an interim improvement until the proposed interchange is constructed:

- Signalized intersection, with Protected signal phasing on eastbound and westbound Highway 156, Permitted signal phasing on northbound and southbound Castroville Boulevard, and a southbound right-turn overlap signal phase.
- Northbound: one left-, one through-, and one right-turn lane.
- Southbound: one left-, one through-, and one right-turn lane.
- Eastbound: two left-turn lanes, two through-lanes, and one right-turn lane.
- Westbound: one left-turn lane, two through-lanes, and one right-turn lane.

To fund these new improvements (included in the proposed Community Plan as planned mitigation), the County of Monterey shall require that the project applicant(s), for General Development Plan(s) and other discretionary approvals within the proposed Community Plan planning area, contribute to all adopted traffic impact fees. Anticipated adopted traffic impact fees include: the regional traffic impact fee, Castroville Community Plan traffic impact fee, and other fair-share fees for regional improvements as adopted and shown to have nexus. Construction of this improvement could require a Caltrans Project Study Report, which shall be determined during the design phase of the improvement.

Castroville Boulevard Two Lane Roadway. Construction of the southerly extension of Castroville Boulevard as a two lane divided arterial roadway shall be completed prior to occupancy of any new development in the New Industrial Opportunity Area.

Castroville Boulevard Left-turn Channelization and Frontage Improvements. Left-turn channelization and frontage improvements, including left-turn lanes, sidewalks, and bicycle lanes, shall be installed along the southerly extension of Castroville Boulevard

concurrent with development and completed prior to buildout and full occupancy of the New Industrial Opportunity Area.

Realignment of Castroville Boulevard/Highway 156 Intersection.

Realignment of the existing Castroville Boulevard north of Highway 156 and relocation of the intersection with revised traffic control configuration and lane configurations shall be completed prior to occupancy of any new development in the New Industrial or Commuter Train Station Opportunity Areas.

Impact 3.14-3. Roadway Segments Level of Service Impacts Without Interchanges. With the addition of traffic generated by the proposed Community Plan, Castroville Boulevard, north of Highway 156 would operate at an unacceptable level of service, LOS D during the PM peak hour. Deficient operation of this roadway segment would be considered a potentially significant impact.

MM 3.14-3. Widen Castroville Boulevard to a four-lane arterial street, between Highway 156 and the primary entrance for the Commuter Train Station Opportunity Area. To fund these new improvements (included in the proposed Community Plan as planned mitigation), the County of Monterey shall require that the project applicant(s), for General Development Plan(s) and other discretionary approvals within the proposed Community Plan planning area, contribute to all adopted traffic impact fees. Anticipated adopted traffic impact fees include: the regional traffic impact fee, Castroville Community Plan traffic impact fee, and other fair-share fees for regional improvements as adopted and shown to have nexus.

Widening the realigned Castroville Boulevard to four lanes, between Highway 156 and the entrance to the Commuter Train Opportunity Area, shall be constructed concurrent with development and prior to buildout and full occupancy of development within the Commuter Train Station Opportunity Area.

Impact 3.14-5. Intersection Level of Service Impacts With Interchange Improvements. With the addition of traffic generated by the proposed Community Plan, significant level of service impacts would occur at the Castroville Boulevard/Highway 156 intersection.

MM 3.14-5. Construct the Castroville Boulevard/Highway 156 Interchange Ramps in conjunction with the upgrade of Highway 156 to a four-lane freeway. The Castroville Boulevard/Highway 156 Interchange Ramps shall be constructed as a bridge over Highway 156, with two northbound through lanes, one left-turn lane, and one southbound lane. The following traffic controls and lane configurations shall be implemented:

Castroville Boulevard/Westbound Highway 156 Ramps:

- Stop control on only the Westbound Highway 156 Ramp approach
- Northbound: one left and two through lanes
- Southbound: one through and one right turn lane
- Eastbound: none (this leg would be the westbound on-ramp)
- Westbound: one left-through lane and one right turn lane

Castroville/Eastbound Highway 156 Ramps:

- Signalized intersection, with Protected signal phasing on northbound and southbound Castroville Boulevard, and Split phasing on the eastbound Highway 156 off-ramp
- Northbound: one through and one right turn lane
- Southbound: one left and one through lane
- Eastbound: one left turn lane, one left-through lane, and one right turn lane
- Westbound: none (this leg would be the eastbound on-ramp)

To fund this improvement, the County of Monterey shall require that the project applicant(s), for General Development Plan(s) and other discretionary approvals within the proposed Community Plan planning area, contribute to all adopted traffic impact fees for this improvement. Anticipated adopted traffic impact fees include: the TAMC regional impact fee, Castroville Community Plan traffic impact fee, and other fair-share fees for regional improvements as adopted and shown to have nexus as determined in project specific traffic impact reports prepared for subsequent development within the proposed Community Plan.

Impact 3.14-7. Bicycle and Pedestrian Facilities. Implementation of the proposed Community Plan would increase the demand for new bicycle and pedestrian facilities.

MM 3.14-7. Repair and replace missing sections of curb, gutter, sidewalk and street lighting missing along Merritt Street (west side north of Sanchez Street and south of Highway 156 to Walsh Street); construct sidewalk improvements; provide crosswalks and pedestrian signal phases; and provide bicycle lanes and/or bicycle paths along all primary streets within each Opportunity Area. The County of Monterey shall require that the project applicant(s), for General Development Plans and other discretionary improvement contribute their fair share towards pedestrian and bicycle improvements and install improvements within each Opportunity Area. All pedestrian and bicycle improvements shall be constructed concurrent with development with each opportunity area and completed prior to build out of each Opportunity Area.

Impact 3.14-8. Transit Facilities. Implementation of the proposed Community Plan would result in an increased demand for transit service and facilities.

MM 3.14-8. The County of Monterey shall require that the project applicant(s), for General Development Plans and other discretionary approvals contribute their proportionate fair share towards providing additional bus shelters along northbound Merritt Street at the intersections of Mead and Union Streets and along southbound Merritt Street at the intersection with Pajaro Street in accordance with the development standards and guidelines cited in the latest version of Monterey-Salinas Transit *Designing for Transit Manual*.

Impact 3.14-9. Parking. Implementation of the proposed Community Plan would result in an increased demand in parking in the Merritt Street Corridor Opportunity Area.

MM 3.14-9. The County of Monterey shall prepare the Downtown Parking Program to ensure that adequate parking is provided as new development occurs in the downtown area and prohibit truck activity in residential and downtown commercial areas. The County of Monterey shall require the project applicant(s), for General Development Plans and other discretionary approvals within the Merritt Street Corridor Opportunity, Area provide adequate parking for proposed uses if parking demands cannot be met by existing facilities. Project applicants are encouraged to incorporate carpool parking spaces within proposed parking areas. To fund additional parking facilities, the County of Monterey shall require that the project applicant contribute towards capital costs of additional parking facilities. A reasonable allowance is about \$5,000 per surface parking space. This would include grading, paving, drainage, parking lot lighting, frontage improvements, driveways and landscaping. Each parking space requires about 350 square feet of land area including aisles and landscaping. Contribution shall be collection prior to issuance of building permit. The County of Monterey shall install and/or coordinate with Caltrans the installation of no truck parking signs in areas where truck parking is occurs along Merritt Street and within residential areas.

Impact 3.14-10. Emergency Vehicle Access. Implementation of the proposed Community Plan would increase population, which may result in an increase in the demand for emergency vehicle access to the proposed Community Plan planning area.

MM 3.14-10. Install emergency vehicle detection at the existing Highway 156 interchange and other traffic signals along Merritt Street (Highway 183), and mount emitters on fire trucks and ambulances to allow preemption of normal signal operations by emergency vehicles. To fund installation of preemption system, the County of Monterey

shall require that the project applicant(s), for General Development Plans and other discretionary approvals, contribute their fair share towards installation of emergency vehicle preemptive system.

(12) Chapter 3.15 Utilities

Impact 3.15-1. Increased Wastewater Flows. Implementation of the proposed Community Plan would result in an increased demand upon wastewater collection, treatment, and disposal facilities.

MM 3.15-1a. Upon approval of the proposed Community Plan, the County of Monterey shall require that the Opportunity Areas are annexed to the CWD's Sphere of Influence (SOI) upon approval of a General Development Plan for the respective Opportunity Area. CWD shall submit an application to the Local Agency Formation Commission of Monterey County (LAFCO) to revise their Sphere of Influence to include all of the Opportunity Areas.

MM 3.15-1b. The County of Monterey shall require that project applicant(s), for General Development Plans or other discretionary approvals associated with the proposed Community Plan, contract with certified engineer to prepare wastewater system plans in accordance with CSA-14 guidelines. These plans shall confirm that the estimated amount of wastewater flow generated by proposed development does not exceed the projected 0.64 MGD of additional flow to the Castroville Regional Pump Station.

MM 3.15-1c. The County of Monterey shall require that project applicant(s), for General Development Plans or other discretionary approvals associated with the proposed Community Plan, pay connection fees to Monterey Regional Water Pollution Control Agency and Castroville Water District. The MRWPCA connection fees are based on type of use. The CWD fees are to be determined during the wastewater system master planning level analysis to be prepared by Castroville Water District.

Impact 3.15-2. Potable Water. Implementation of the proposed Community Plan would increase the demand for potable water.

MM 3.15-2. The County of Monterey shall require that the project applicant(s), for General Development Plans and other discretionary approvals associated with the proposed Community Plan, contract with a certified engineer to determine the amount of water supply, and water treatment and distribution improvements required by proposed development to meet the requirements of Castroville Water District and North County Fire Protection District.

3. **FINDING: SIGNIFICANT UNAVOIDABLE IMPACTS.**

The FEIR identifies significant and unavoidable adverse impacts associated with the approval of the Project, as listed below. If the Board of Supervisors

incorporates the mitigation measures described above into the Project to mitigate the impacts to the extent feasible, the impacts listed below will remain significant after identified feasible mitigation measures are implemented. The Planning Commission therefore recommends, for the reasons set out in this resolution that the Board of Supervisors find and determine: that specific economic, legal, social, technological, or other considerations including provision of employment opportunities make infeasible the mitigation measures or project alternatives identified in the FEIR; that these significant and unavoidable adverse impacts are acceptable and that the Project may be approved despite these impacts for the reasons specified in the Statement of Overriding Considerations (Finding 6); that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce the following impacts to a less than significant level; that some of the impacts identified are changes or alterations that are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes have been adopted by such other agency or can and should be adopted by such other agency. The impacts and related mitigation measures identified below are presented in summary form. For a detailed description of impacts and mitigation measures, see the appropriate text in the FEIR.

EVIDENCE:

a. Significant Irreversible Environmental Changes.

As explained in Chapter 6.1 of the EIR, and described below, implementation of the Castroville Community Plan would result in irreversible impacts.

b. Significant Unavoidable Impacts.

Chapter 3.0 of the EIR, provides an analysis of the significant impacts and mitigation measures. The FEIR identifies the following potentially significant impacts associated with the Project, which will remain significant even after implementation of the mitigation measures identified in the FEIR.

1) EIR Chapter 3.1 Aesthetics and Visual Resources

Impact-3.1-2. Degradation of the Visual Character of the Planning Area and Surrounding Area. Implementation of the proposed Community Plan would result in permanent alteration of the existing planning area conditions that are known to provide visual character to the community of Castroville. The overall change in the visual character of the project area from primarily vacant and agricultural land to approximately 1,655 residential units, 40 new parcels of light industrial development, 50,000 square feet of commercial development, several recreational parks, and a commuter rail station, would result in a permanent change. Despite the policies in the proposed Community Plan, the permanent conversion, the pace of change, and the overall character

and appearance of the community of Castroville will be significantly altered with implementation of the proposed Community Plan. Although this analysis is somewhat subjective, as it may be also be argued that the new development of quality design and enhancement plans may result in many visual improvements to the community, the impact to the community's overall visual and rural character is nonetheless considered to be a **significant and unavoidable impact** in the long-term.

2) EIR Chapter 3.2 Agriculture

Impact 3.2-1 Conversion of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. The proposed Community Plan would convert approximately 376 acres of Prime Farmland, Farmland of Statewide Importance and Unique Farmland to urban uses. Because the affected agricultural land within the proposed Community Plan planning area cannot be recreated or re-produced elsewhere, the conversion of approximately 376 acres of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland is considered a **significant and unavoidable impact**.

Impact 3.2-2. Conflicts with Applicable Agricultural Land Use Plan, Policy, or Regulation. Implementation of the proposed Community Plan would result in conflicts with existing agricultural policies of plans with jurisdiction over the planning area. Mitigation measure **MM 3.3-2** would require that future development within the North Entrance Opportunity Area, Cypress Residential Opportunity Area, Commuter Train Station Opportunity Area, and New Industrial Opportunity Area, record permanent conservation easements on farmland adjacent to the proposed developments or within the required agricultural buffer areas in order to ensure a permanent limit to urban development, which would ensure that surrounding agricultural land is not converted. Agricultural policies of the General Plan are applicable to the three Opportunity Areas within the Coastal Zone, as well as the Cypress Residential Opportunity Area, which includes Prime Farmland and Farmland of Statewide Importance. However, the proposed conversion of prime agricultural areas can't be recreated elsewhere. The conversion of farmland to other uses is therefore considered a **significant and unavoidable impact**.

Impact 3.2-4. Cumulative Conversion of Farmland. Implementation of the proposed Community Plan would convert approximately 376 acres of agricultural land to urban uses, approximately 276 acres of which are located within the Coastal Zone, contributing to the cumulative loss of farmland in the region. The *Monterey County General Plan* contains no policies or implementation programs which require mitigation or offsets for conversion of prime farmland and Monterey County does not have an established agricultural compensation program for the conversion of agricultural land. There are no feasible mitigation measures available to reduce the impact of agricultural land conversion to a less than significant

impact. Therefore, the conversion of farmland through implementation of the proposed Community Plan would be considered a **significant and unavoidable cumulative impact**.

3) EIR Chapter 3.3 Air Quality

Impact 3.3-2. Long-Term Operational Emissions - Criteria Air Pollutants. Operational emissions associated with build out of the proposed Community Plan would result in emissions of criteria air pollutants that would exceed MBUAPCD's thresholds of significance.

MM 3.3-2. The County of Monterey shall require that project applicant(s), for General Development Plan and other discretionary approvals associated with the proposed Community Plan, implement best-available control measures to reduce criteria air pollutants of ROG, NO_x, CO and PM₁₀ as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the *Monterey County General Plan* (1982), during operations. Best available control measures typically recommended by the MBUAPCD include, but are not limited to, the following:

Commercial and Industrial Uses

- Provide preferential carpool/vanpool parking spaces;
- Provide facilities that encourage the use of alternative transportation sources (e.g., public transportation, bicycle and pedestrian access), such as transit bus pullouts shelters, and onsite showers, lockers and bicycle storage/parking;
- Provide onsite child care centers;
- Develop park-and-ride lots;
- Employ a transportation/rideshare coordinator;
- Implement a rideshare program
- Provide incentives to employees to rideshare or take public transportation;
- Implement compressed work schedules; and
- Implement telecommuting program.

Residential Uses

- Use gas-fired fireplaces;
- Provide pedestrian sidewalks and bicycle paths that link to adjacent land uses and external networks; and
- Incorporate energy-efficient appliance into residential uses.

All Uses

- Orient buildings to minimize heating and cooling needs;
- Provide shade trees to reduce cooling needs;
- Include energy-efficient lighting systems;

- Include solar water heaters or centralized water heating systems; and
- Increase insulation beyond Title 24 requirements to minimize heating and cooling needs.

Implementation of MBUAPCD recommended best available control measures would reduce long-term operational emissions as follows: ROG by 3.31 lbs/day; NO_x by 0.51 lbs/day; CO by 1,530.53 lbs/day; SO_x by 8.02 lbs/day; and PM₁₀ by 231.85 lbs/day. However, ROG, CO and PM₁₀ emissions would still exceed MBUACPD's thresholds of significance even with full effectiveness of these mitigation measures. No additional mitigation measures were identified that would reduce emissions to below MBUAPCD's significance thresholds. As a result, increases in long-term regional emissions attributable to the proposed Community Plan would be **considered significant and unavoidable**.

Impact 3.3-4. Long-Term Operational Emissions - Toxic Air Contaminants (TAC). The proposed Community Plan would include commercial and industrial land uses that may result in the generation of TAC, including diesel-exhaust PM emissions. Exposure to TAC, particularly mobile source TAC, could exceed MBUAPCD significance thresholds. Emissions from diesel-fueled vehicles are anticipated to decrease substantially over the next few years, with continued implementation of ARB's diesel-engine emission standards and diesel particulate-matter control measures. However, given that specific land uses have not yet been identified, it is unclear what effect the ARB's diesel-engine emission standards and diesel particulate-matter regulations would have on the level of impact and the necessity for, or type of, mitigation required for specific land uses. As a result, this impact is considered **significant and unavoidable**. However, this conclusion could change in the future depending on the specific land uses proposed, operational characteristics, and location of sensitive receptors, as well as the effectiveness of statewide regulatory controls for diesel-fueled engines.

4) EIR Chapter 3.11 Noise

Impact 3.11-3. Long-Term Exposure to Transportation Noise. Implementation of the proposed Community Plan would contribute to a substantial increase in ambient traffic noise levels along various roadway segments. Implementation of mitigation measure **MM 3.11-2** would reduce the impact of transportation noise levels. In accordance with **MM 3.11-2**, proposed noise-sensitive land uses would be required to meet the County's noise standards for land use compatibility (**Table 3.11-4**). However, substantial increases in ambient noise levels at existing noise-sensitive receptors, particularly those located along primarily affected roadways, may still occur. Therefore, this would be considered a **significant and unavoidable impact**.

Impact 3.11-5. Cumulative Traffic Noise Exposure. Implementation of the proposed Community Plan combined with other foreseeable projects may result in a cumulative increase in traffic noise levels. Implementation of mitigation measure **MM 3.11-2** would reduce the impact to cumulative transportation noise levels generated by the proposed Community Plan combined with reasonably foreseeable projects. Implementation of **MM 3.11-2** would reduce impacts to future planned noise-sensitive land uses. However, substantial increases in noise levels at existing noise-sensitive land uses may still occur. Impacts to existing uses would be infeasible to mitigate. Therefore, this would be considered a cumulative significant and unavoidable impact.

5) EIR Chapter 3.14 Traffic and Circulation

Impact 3.14-1. Intersection Level of Service Impacts Without Interchanges. With the addition of traffic generated by the proposed Community Plan, significant level of service impacts would occur at the following four intersections if no interchanges are developed:

- a) The Highway 1/Merritt Street (Highway 183) intersection would continue to operate at unacceptable levels of service at LOS F during the PM peak hour.
- b) The Merritt Street (Highway 183)/Westbound Highway 156 ramp intersection would operate at unacceptable levels of service at LOS E during the AM peak hour and LOS D during the PM peak hour.
- c) The Merritt Street (Highway 183)/Eastbound Highway 156 ramp intersection would at unacceptable levels of service at LOS F during the PM peak hour.
- d) The Merritt Street (Highway 183)/Oak Street--Blackie Road intersection would operate at LOS D during the AM peak hour and LOS F during the PM peak hour.

The proposed Community Plan would have a significant impact on these four intersections. The following Mitigation Measures would reduce these impacts, but not to a less-than-significant level.

MM 3.14-1a. Prior to approval of any General Development Plan or discretionary approval for new development, the County of Monterey shall require that a traffic impact analysis be prepared for future development within each Opportunity Area. The traffic impact analysis shall refine the roadway or intersection improvements associated with each Opportunity Area and shall define the proportionate “fair share” traffic impact fees on a per trip basis that would be applicable for subsequent development within the proposed Community Plan.

MM 3.14-1b. Construct Artichoke Avenue between Highway 1 and Poole Street, and add improved right-turn lanes/ramps at the existing Highway 1/Merritt Street (Highway 183) intersection. Prior to commencement of development within any Opportunity Area in the proposed Community Plan, the project applicant(s) of the first Opportunity Area shall execute an agreement with the County of Monterey, which provides for the funding of the portion of the construction of Artichoke Avenue between Highway 1 and Mead Street (Phase I) attributable to the future developments impact and phased reimbursement by subsequent development within the planning area for contribution in excess of the development's fair-share. Reimbursement may be obtained from future adopted traffic impact fees paid by new development within the planning area benefiting from the improvement and/or other funding sources.

Artichoke Avenue between Highway 1 and Mead Street. Construction of Artichoke Avenue between Highway 1 and Mead Street (Phase I of the proposed Artichoke Avenue Improvement Project) shall be completed prior to occupancy of any development within the North Entrance, New Industrial, and Commuter Train Station Opportunity Areas; the Tottino Subarea of the Commuter Train Station Opportunity Area; and full occupancy of the Cypress Residential Opportunity Area, Merritt Street Corridor Opportunity Area and/or the Infill Sites.

Artichoke Avenue between Mead Street and Poole Street. Construction of Artichoke Avenue between Mead Street and Poole Street (Phase II of the proposed Artichoke Avenue Improvement Project) shall be constructed when project conditions warrant construction of this improvement as buildout of the Community Plan occurs. The subsequent traffic impact analysis, required under mitigation measure **MM 3.14-1a** for each Opportunity Area, would determine the timing of this improvement under project conditions for a particular Opportunity Area.

Highway 1/Merritt Street (Highway 183) Intersection Improvements.

The Highway 1/Merritt Street (Highway 183) intersection improvements shall be constructed concurrent with development and completed prior to full occupancy of the Tottino Subarea of the Commuter Train Station Opportunity Area, the Merritt Street Corridor Opportunity Area, the North Entrance Opportunity Areas, and the Infill Sites.

MM 3.14-1c. Construct a northbound Merritt Street right-turn lane at Highway 156. To fund these new improvements (included in the proposed Community Plan as planned mitigation), the County of Monterey shall require that the project applicant(s), for General Development Plan(s) and other discretionary approvals within the proposed Community Plan planning area, contribute to all adopted

traffic impact fees. Anticipated adopted traffic impact fees include: the regional traffic impact fee, Castroville Community Plan traffic impact fee, and other fair-share fees for regional improvements as adopted and shown to have nexus.

The northbound right-turn lane on Merritt Street shall be constructed concurrent with development and completed prior to buildout and full occupancy of the Cypress Residential, Merritt Street Corridor, North Entrance, New Industrial, or Commuter Train Station Opportunity Areas; the Tottino Subarea of the Commuter Train Station Opportunity Area; and/or the Infill Sites.

MM 3.14-1d. Construct a second northbound Merritt Street through-lane at the intersection of Merritt Street and Oak Street/Blackie Road. To fund these new improvements (included in the proposed Community Plan as planned mitigation), the County of Monterey shall require that the project applicant(s), for General Development Plan(s) and other discretionary approvals within the proposed Community Plan planning area, contribute to all adopted traffic impact fees. Anticipated adopted traffic impact fees include: the regional traffic impact fee, Castroville Community Plan traffic impact fee, and other fair-share fees for regional improvements as adopted and shown to have nexus.

Construction of the northbound Merritt Street through-lane shall be constructed concurrent with development and completed prior to buildout and full occupancy of the New Industrial Opportunity Areas.

Impact 3.14-4. Roadway Segments Level of Service Impacts Without Interchanges. With the addition of traffic generated by the proposed Community Plan, Merritt Street (Highway 183) would operate at LOS F south of Highway 1 during both the AM and PM peak hours; LOS D during the PM peak hour, north of Highway 156; LOS F south of Highway 156, north of Blackie Road, and south of Blackie Road during both the AM and the PM peak hour. Deficient operations along this segment of Merritt Street (Highway 183) would be considered a significant impact.

MM 3.14-4a. Widen Merritt Street (Highway 183) to four lanes with left turn channelization between Highway 156 and Blackie Road; add left turn channelization where feasible between Highway 1 and Crane Street, and Blackie Road and Del Monte Avenue; extend the second northbound and southbound through lanes on Merritt Street (Highway 183) between Union and Poole Street; and add a second northbound through lane on Merritt Street (Highway 183) just south of Blackie Road. To fund these new improvements (included in the proposed Community Plan as planned mitigation), the County of Monterey shall require that the project applicant(s), for General Development Plan(s)

and other discretionary approvals within the proposed Community Plan planning area, contribute to all adopted traffic impact fees. Anticipated adopted traffic impact fees include: the regional traffic impact fee, Castroville Community Plan traffic impact fee, and other fair-share fees for regional improvements as adopted and shown to have nexus. Construction of this improvement could require a Caltrans Project Study Report, which shall be determined during the design phase of the improvement.

Widen Merritt Street to Four Lanes between Highway 156 and Blackie Road and Install Northbound Through-Lane with Left-turn Channelization Between Blackie Road & Del Monte Avenue. Widening Merritt Street (Highway 183) to four lanes with left-turn channelization between Highway 156 and Blackie Road, and installation of a second northbound through-lane with left-turn channelization between Blackie Road and Del Monte Avenue (where feasible) shall be completed prior to occupancy of any new development within the New Industrial, Cypress Residential, North Entrance, Commuter Train Station, or Merritt Street Corridor Opportunity Areas; the Tottino Subarea of the Commuter Train Station Opportunity Area; and/or the Infill Sites.

Second Northbound and Southbound Through-Lanes between Union Street and Poole Street. Extension of the second northbound and southbound through lanes on Merritt Street (Highway 183) between Union Street and Poole Street shall be constructed when project conditions warrant construction of this improvement as buildout of the Community Plan occurs. The subsequent traffic impact analysis, as required under mitigation measure MM 3.14-1a for each Opportunity Area, would determine the timing of this improvement under project conditions for a particular Opportunity Area.

Left-turn Channelization between Highway 1 and Crane Street. Left-turn channelization between Highway 1 and Crane Street (where feasible) shall be completed prior to buildout and full occupancy of the New Industrial, Cypress Residential, Commuter Train Station, North Entrance or Merritt Street Corridor Opportunity Areas; the Tottino Subarea of the Commuter Train Station Opportunity Area; and/or the Infill Sites.

MM 3.14-4b. Prior to approval of a General Development Plan within the Cypress Residential Opportunity Area, the County of Monterey shall require that the project applicant(s) preserve the necessary right-of-way to eventually extend Artichoke Avenue southward across Highway 156 to Merritt Street (Highway 183) near Del Monte Boulevard. Construction of this improvement would not occur within the 20-year horizon of the proposed Community Plan.

Impact 3.14-11. Cumulative Intersection Level of Service Without Interchanges. With the addition of traffic generated by the proposed Community Plan, significant level of service impacts would occur at the following intersections if no interchanges are developed:

- a) The Merritt Street (Highway 183)/Westbound Highway 156 ramp intersection would operate at LOS F during the AM and PM peak hours;
- b) The Merritt Street (Highway 183)/Oak Street-Blackie Road intersection would operate at LOS D during the AM peak hour and LOS F during the PM peak hour; and
- c) The Castroville Boulevard/Highway 156 intersection would operate at LOS F during both the AM and PM peak hours.

This would be considered a **significant cumulative impact** at these intersections even with implementation of mitigation measures under project conditions.

MM-3.14-11. Construct a second southbound lane at the realigned Castroville Boulevard/Highway 156 intersection. To fund this improvement, the County of Monterey shall require that the project applicant(s), for General Development Plan(s) and other discretionary approvals within the proposed Community Plan planning area, contribute to all adopted traffic impact fees for this improvement. Anticipated adopted traffic impact fees include: the regional traffic impact fee, Castroville Community Plan traffic impact fee, and other fair-share fees for regional improvements as adopted and shown to have nexus as determined in project specific traffic impact reports prepared for subsequent development within the proposed Community Plan. Construction of this improvement could require a Caltrans Project Study Report which shall be determined during the design phase of the improvement. The above traffic controls and lane configurations would improve operations at the Castroville Boulevard/Highway 156 intersection to LOS D during the AM peak hour and LOS C during the PM peak hour. The current LOS standard for this intersection is LOS C but may be reduced to LOS D. Therefore, this would be considered a significant and unavoidable impact.

Impact 3.14-12. Cumulative Roadway Level of Service Without Interchanges. With the addition of traffic generated by the proposed Community Plan, significant level of service impacts would occur at the following roadway segments if no interchanges are developed:

- a) Castroville Boulevard/Highway 156 would operate at LOS F until re-constructed as a freeway or expressway; and

- b) Merritt Street (Highway 183) would operate at LOS D during the PM peak hour south of Highway 1; LOS E during the AM peak hour and LOS F during the PM peak hour south of Highway 156; LOS F during the PM peak hour north of Blackie Road; and LOS F during the AM and PM peak hour south of Blackie Road.

The impacts described above would be considered a **significant cumulative impact** at these roadway segments.

Highway 156. Highway 156 east of Castroville Boulevard would operate at a deficient LOS F. The improvements recommended and currently in the planning process by Caltrans and TAMC would result in LOS C during the AM and PM peak hour if an expressway is constructed and LOS B during the AM and PM peak hour if a freeway is constructed as addressed in **MM 3.14-14**. With implementation of these improvements the cumulative impact along this roadway segment would be considered less than significant. However, until the regional roadway improvements are constructed Highway 156 would continue to operate at LOS F. This would be considered a short-term significant and unavoidable cumulative impact.

Merritt Street (Highway 183). Merritt Street (Highway 183) would operate at LOS F during the AM and PM peak hour south of Highway 1; LOS D during the AM peak hour and LOS F during the PM peak hour north of Highway 156; and LOS F during the AM and PM peak hour south of Highway 156 through south of Blackie Road. With implementation of mitigation measures **MM 3.14-1c**, **MM 3.14-1d**, and **MM 3.14-4a** under project conditions, Merritt Street (Highway 183) operations would improve to LOS C during the AM peak hour and LOS D during the PM peak hour south of Highway 1; LOS E during the AM peak hour and LOS F during the PM peak hour south of Highway 156; LOS C during the AM peak hour and LOS F during the PM peak hour north of Blackie Road; and LOS F during the AM and PM peak hour south of Blackie Road. However, the level of service would still be deficient. As discussed under **Impact 3.14-1**, physical constraints preclude the ability to widen Merritt Street in this area to accommodate two through lanes in each direction, which would improve the level of service to acceptable levels. Therefore, this would be considered a **significant and unavoidable cumulative impact**.

Impact 3.14-13. Cumulative Intersection Level of Service With Interchanges. Implementation of the proposed Community Plan would result in a deficient cumulative level of service to the following roadway segments and interchanges with implementation of the interchange improvements:

- a) Castroville Boulevard/Highway 156 would operate at LOS F until the highway is reconstructed as a freeway or expressway, and

- b) Merritt Street (Highway 183) would operate at LOS E during the AM peak hour and LOS F during the PM peak hour south of Highway 156; LOS C during the AM peak hour and LOS F during the PM peak hour north of Blackie Road; and LOS F during the AM and PM peak hour south of Blackie Road.

Implementation of mitigation measure **MM 3.14-5** would improve the level of service at this intersection by constructing an interchange at the Castroville Boulevard/Highway 156 intersection in conjunction with the planned upgrade of Highway 156 to a four-lane freeway, which may occur after build out of the proposed Community Plan. With implementation of these improvements, the Castroville Boulevard/Highway 156 interchange would operate at LOS A during both the AM and PM peak hours. However, until the interchange is constructed the Castroville Boulevard/Highway 156 intersection would operate at LOS F from the worst approach during the AM and PM peak hours. This would be considered a short-term significant and unavoidable cumulative impact.

Furthermore, implementation of mitigation measures **MM 3.14-1c**, **MM 3.14-1d**, and **MM 3.14-4a** under project conditions would improve the level of service along Merritt Street (Highway 183) but not to a less than significant level. Therefore, this would be considered a **significant and unavoidable cumulative impact**.

Impact 3.14-14. Regional Roadway Network. Implementation of the proposed Community Plan, combined with cumulative development in the region would exacerbate the regional roadway network that is currently operating at unacceptable levels of service.

MM 3.14-14. The County of Monterey shall require that the project applicant(s), for General Development Plan and other discretionary approvals associated with the proposed Community Plan, contribute their proportionate fair share to the Transportation Agency of Monterey County (TAMC) in order to mitigate for impacts to the regional roadway network. Although TAMC does not have the mechanism in place to implement specific projects, the County of Monterey has been collecting TAMC fees for other projects throughout the County. Therefore, the project applicants shall contribute their fair share to the TAMC traffic impact fee. Through the payment of the TAMC traffic impact fees, the proposed Community Plan would thus directly contribute to the following improvements:

- U.S. Prunedale Freeway Project – Construct a four-lane bypass of Prunedale, or add new capacity to the existing U.S. Highway 101 alignment between Echo Valley Road and Russell Road-Espinosa Road. Upgrade interchange and reroute roadways as necessary.

- Route 156 widening and 101/156 Interchange – Widen Highway 156 to four lanes and upgrade to freeway status with appropriate interchanges. Interchange modifications at the U.S. Highway 101 and Highway 156;
- Airport Boulevard Interchange at U.S. Highway 101 – Rebuild existing Airport interchange and make related improvements to nearby roads and intersections;
- Salinas Road interchange at Highway 1 – Build new interchange at Highway 1 and Salinas Road and add frontage roads.
- U.S. Highway 101 Corridor – Evaluate the need to improve capacity along the U.S. Highway 101 corridor through or around the City of Salinas.
- Highway 1 widening Sand City, Seaside – Widen Highway 1 to six lanes between Fremont Boulevard and Canyon Del Rey Boulevard (Route 218) and make associated roadway improvements.
- Widen Highway 1 to a four-lane expressway between Highway 156 and Merritt Street (Highway 183) and a four lane expressway north of Merritt Street (Highway 183);
- Widen Espinosa Road to a four lane expressway between Highway 183 and Highway 101;
- Widen Highway 183 to a four lane expressway between Castroville (south of Del Monte Avenue) and Salinas (Davis Road);
- Signalize and construct associated roadway improvements at the Highway 183/Espinosa Road;
- Widen San Miguel Canyon Road to a four lane expressway between Highway 101 and Hall Road; and
- Construct the Prunedale Improvement Plan (PIP) improvements, specifically the grade separation between Highway 101 and Espinosa and Russell Roads.

Contribution to the TAMC traffic impact fees program would off-set any traffic impact on the regional roadway network caused by increased trip volume associated with the proposed Community Plan.

Implementation of mitigation measure **MM 3.14-14** would contribute funds for needed regional roadway improvements. However, until the recommended regional roadway improvements are implemented, the level of service will remain unacceptable on several regional roadways and the added trips associated with the proposed Community Plan would contribute to a **significant and unavoidable cumulative impact**.

4. **FINDING: MITIGATION MONITORING PROGRAM.** When making findings, a lead agency must adopt a reporting or monitoring program for the mitigation measures it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. In approving the Project the Planning Commission recommends that the Board of Supervisors adopt, as conditions of approval, the Mitigation Monitoring and Reporting Plan (MMRP) for the Project.

EVIDENCE:

- a. Per CEQA and Board Policy, the Planning Commission recommends that the Board of Supervisors adopt a Mitigation Monitoring and Reporting Plan for the Castroville Community Plan as part of the Project approval. The Mitigation Monitoring and Reporting Plan lists each mitigation measure, actions to be completed, specifies the responsible party, timing, and means of verification of compliance.
- b. The Planning Commission finds that the mitigation measures incorporated into and imposed upon the Project, including mitigation measures that were added or revised in the FEIR, will not have new significant environmental impacts that were not already analyzed in the EIR for the Castroville Community Plan.

5. **FINDING: ALTERNATIVES.** Section 15126.6(f) of the CEQA Guidelines requires that an EIR include “a range of reasonable alternatives to the project, or to the location of the project, which would avoid or substantially lessen any significant effects of the project”. The Planning Commission recommends that the Board of Supervisors find that the County has reviewed the significant impacts associated with a reasonable range of alternatives, as compared with the proposed Project, and in evaluating the alternatives has also considered each alternative’s feasibility, taking in account a range of economic, environmental, social, legal, technological, and other factors. In evaluating and rejecting the alternatives described in this finding, the Planning Commission has also considered the important factors listed in Finding 6, the Overriding Considerations.

EVIDENCE:

- a. Based on results and conclusions of the analysis in Chapter 3 of the EIR, the Project would result in significant and unmitigated impacts to aesthetics and visual resources, agricultural resources, air quality, noise and transportation and circulation.
- b. The EIR considered three alternatives to the Project: “No Community Plan/No Development Alternative,” “Reduced Density Alternative,” and “Modified Community Plan Alternative.”. The Planning Commission finds that each of these alternatives is infeasible or less desirable than the proposed Project due to environmental or other adverse impacts, based on the following:

- (1) *No Community Plan/No Development Alternative.* The “No Community Plan/No Development Alternative” considers the comparative environmental effects of not approving the proposed Community Plan, with the planning area remaining in its current state. This alternative was rejected because it does not meet any of the Community Plan objectives, including protecting the existing community from flooding hazards and correcting existing circulation hazards (e.g. Artichoke Avenue) and eliminating and preventing blight in the furtherance of the community’s vision.
- (2) *Reduced Density Alternative.* The “Reduced Density Alternative” assumes only near-term development would occur within the Merritt Street Corridor Opportunity Area and the in-fill development areas throughout the community. This reduction in density would eliminate 100 percent of the new industrial, public facilities, and park uses, approximately 86 percent of the residential uses, and a portion of the mixed-use commercial uses. Approximately 225 residential units and 30,000 square feet of commercial space would be developed within the planning area under this “Reduced Density Alternative.” Eliminating the industrial, public facilities, and a majority of the residential units would generate less traffic, and subsequently result in a decrease in noise emissions in comparison to the proposed project. Elimination of development within the North Entrance, Commuter Train Station, New Industrial, and Cypress Residential Opportunity Areas would eliminate the conversion of approximately 376 acres of farmland and eliminate the significant visual impacts associated with the loss of agricultural fields. The “Reduced Density Alternative” would also eliminate development within the Coastal Zone.

The “Reduced Density Alternative” does not meet the following Community Plan objectives:

- ensure that new development and redevelopment is compatible with existing development and enhances the character of the community; implement a land use plan that meets the needs of the local population for housing, retail, public services, and employment opportunities during the next 20 years;
- continue to protect and enhance the community’s important natural and man-made resources;
- create a truck bypass system using county roads and Caltrans facilities to remove through truck traffic from the downtown area;
- create a local circulation system that allows for safe automotive through traffic within the downtown area; provide safe and convenient access to the new train station for the existing community and commuters;
- create a safe and convenient pedestrian and bicycle system that connects local and regional destinations; and continue to ensure

that adequate levels of public services and infrastructure are available to meet the needs of new and existing development; and

- promote the creation of primary jobs for workers in the community that provide above average wages and career advancement opportunities.

(3) *Modified Community Plan Design Alternative.* The “Modified Community Plan Design Alternative” assumes development similar to the proposed Community Plan, but includes the elimination of development within sub-areas B and C of the Commuter Train Station Opportunity Area. This alternative would reduce density within the planning area; development within the Coastal Zone; and conversion of agricultural land to urban uses. This alternative would reduce the amount of mixed use/commercial square footage, park and open space use, and residential use. Approximately 962 residential units and 42,000 square feet of commercial space would be developed within the Community Plan under this “Modified Community Plan Design Alternative.” Reducing the commercial and residential units would generate less traffic and subsequently result in a decrease in noise emissions in comparison to the proposed project. No development within sub-areas B and C of the Commuter Train Station Opportunity Areas would reduce the conversion of approximately 115 acres of farmland, which would reduce the significant visual impacts associated with loss of agricultural fields. Eliminating development within the Commuter Train Station Opportunity Areas would also reduce development within the Coastal Zone.

The “Modified Community Plan Design Alternative” does not meet the Community Plan objectives including protection and enhancement of the community’s important natural and man-made resources; and the provision of safe and convenient access to the new train station for the existing community and commuters.

6. FINDING: STATEMENT OF OVERRIDING CONSIDERATIONS (SOC).

In accordance with Section 15093 of the CEQA Guidelines, the Planning Commission recommends that the Board of Supervisors find that the County has evaluated the economic, legal, social, technological, or other benefits of the Castroville Community Plan against their unavoidable significant environmental impacts in determining whether to approve the Project, and determine that the benefits of the Project outweigh their unavoidable, adverse environmental effects and that the adverse environmental effects are considered acceptable in light of the Project’s benefits.

EVIDENCE:

- a. Based on results and conclusions of the analysis in Chapter 3 of the EIR, the Project would result in significant and unmitigated impacts to

aesthetics and visual resources, agricultural resources, air quality, noise and transportation and circulation.

- b. Finding 3 of this Resolution summarizes the impacts identified in the EIR that cannot be mitigated to a level of insignificance.
- c. Each benefit set forth below constitutes an overriding consideration warranting approval of the Castroville Community Plan Project, independent of the other benefits and despite each and every unavoidable impact.

(1) *Achievement of the Castroville Community Plan's Vision and Goals and Objectives.* The Castroville Community Plan provides a comprehensive plan including the following goals and objectives:

- maintain the community's existing small town, agricultural character, while enhancing its sense of place and safety through appropriate design programs;
- ensure that development and redevelopment is compatible with existing development and enhances the character of the community;
- promote the redevelopment of the downtown area to create pedestrian friendly, mixed-use areas that positively contribute to the community's character and sense of place;
- implement a land use plan that meets the needs of the local population for housing, retail, public services, and employment opportunities during the next 20 years;
- protect and enhance the community's important natural and man-made resources;
- create a truck bypass system using county roads and Caltrans facilities to remove through truck traffic from the downtown area;
- create a local circulation system that allows for safe automotive through traffic within the downtown area;
- provide safe and convenient access to the new train station for the existing community and commuters;
- create a safe and convenient pedestrian and bicycle system that connects local and regional destinations;
- continue to ensure that adequate levels of public services and infrastructure are available to meet the needs of new and existing development;

- promote the creation of primary jobs for workers in the community that provide above average wages and career advancement opportunities; and
 - ensure that the commercial business mix in the community provides all feasible shopping opportunities for local residents, and also captures the visitor-serving potential that is commensurate with the desired scale and small town quality of the downtown.
- (2) *Further the implementation of the Redevelopment Plan.* The Community Plan will assist in eliminating and preventing blight, strengthening the economic base of the Project Area, and achieving the Project Objectives as contained in the Redevelopment Plan. The County has adopted “ the Redevelopment Plan of the Monterey County Redevelopment Agency for the Castroville-Pajaro Project” (November 1986). The Castroville Community Plan boundary includes the Redevelopment Project Castroville Subarea within its boundaries. The Project will provide increased tax revenue of the Redevelopment Agency to use in the Project Area, including tax increment funds.
 - (3) *Inclusionary Housing.* Construction of twenty percent (20%) deed restricted affordable (very low, low and moderate income) housing.
 - (4) *Public Facilities.* Provides for public facilities, including public offices, parkland and open space facilities.
 - (5) *Infrastructure.* Provides for community-wide infrastructure including transportation improvements and flood control facilities benefiting the entire community.
 - (6) *Revenue Neutrality.* Structure the funding for infrastructure and public services to be provided within the community to result in fiscal and revenue neutrality to the County and other governmental entities.
 - (7) *Housing Need.* Provide needed market-rate housing to help meet the local demand and regional housing needs identified by the State Housing and Community Development Department and the Association of Monterey Bay Area Governments. The County’s adopted Housing Element, dated October 2003, identifies Castroville as one location where the housing needs can be met.

7. **FINDING: RECIRCULATION NOT REQUIRED.** The amplifications and clarifications made to the Draft EIR in the Final EIR do not collectively or individually constitute significant new information within the meaning of Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5 and therefore re-circulation is not required. The Final EIR does not

contain significant new information, as defined in CEQA Guidelines Section 15088.5, which would require re-circulation of the modified sections or the entire document.

EVIDENCE:

- a. In the course of responding to comments received during the public review and comment period on the Draft EIR, certain portions of the Draft EIR have been modified and some new information amplifying and clarifying information in the Draft EIR has been added into the Final EIR. Changes are identified in the Errata that have been prepared and is attached to this resolution as Exhibit 1.
- b. No substantial changes to the DEIR or Community Plan were proposed as a result of the public comment process. The Final EIR responds to comments and makes only technical changes, clarifications, or additions to the DEIR. The changes, clarifications, and additions to the DEIR do not identify or result in any new significant impacts or any substantial increase in the severity of any environmental impacts. Changes to the DEIR text clarify the discussion based on comment letters and did not change conclusions regarding environmental effects. Changes to the mitigation measures helped clarify or amplify the content and intent of the measures and did not lessen their effect. As the changes constituted clarification or amplification of existing language, and environmental conclusions were not changed, re-circulation of the DEIR is not required.

8. FINDING: RECORD OF PROCEEDINGS. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the Monterey County Housing and Redevelopment Office and the Monterey County Planning Department are the custodian of the documents and other material that constitute the record of proceedings upon which the Planning Commission action is based. The documents and other materials that constitute the record of the proceedings are located at the Monterey County Planning Department and the Monterey County Housing and Redevelopment Office both located at 168 W. Alisal Street, Salinas CA 93901.

9. FINDING: FISH AND GAME FEE. Considering the record as a whole, there is evidence that the Project may have the potential for an effect either individually or cumulatively on wildlife resources as defined under Section 759.2 and 711.2 of the Fish and Game Code.

EVIDENCE:

- a. For the purposes of the Fish and Game Code, the Castroville Community Plan will have a potentially significant adverse impact on the fish and wildlife resource upon which the wildlife depends.

- b. The administrative record as a whole indicates the Castroville Community Plan could result in changes to resources listed in Section 753.5(d) of the Department of Fish and Game regulations. There is evidence that the Project, as a whole at build-out, will have the potential for some effect either individually or cumulatively on wildlife resources, including native or non-native plant life, rare and unique plant life, threatened, protected, special status or endangered plants or animals or their habitats, or biological diversity as defined under Sections 759.2 and 711.2 of the Fish and Game Code. Therefore, this project is not subject to a de minimis exemption and the applicants are required to pay the Fish and Game fee for an EIR.
- c. Section 3 of the EIR discusses specific impacts related to biological resources.
- d. Materials and documents are contained in the County files.

10. CONCLUSION. In accordance with Public Resources Code Section 21081 and CEQA Guidelines, Sections 15091 and 15093, the Planning Commission recommends that the Board of Supervisors find as follows:

- a. based on the foregoing Findings and the information contained in the record, the County hereby makes one or more of the following Findings with respect to each of the significant environmental effects of the Project:
 - (1) Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (Finding 2); or
 - (2) Specific economic, legal, social, technological, or other considerations, made infeasible some of the mitigations measures or alternatives identified in the EIR (Findings 3, 5).
- b. Based on the foregoing Findings and the information contained in the record, the County finds that:
 - (1) As set forth in Finding 2, significant effects on the environment due to the approval of the Project will be eliminated or substantially lessened where feasible through incorporation and implementation of mitigation Measures (Finding 2); and
 - (2) Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors and benefits described in the statement of Overriding Considerations in Finding 6.
- c. These Findings are based on the Draft and Final EIR for the Castroville Community Plan, Mitigation Monitoring Program, the Castroville Community Plan, as revised, comments from other responsible agencies and the public submitted regarding the Draft EIR, testimony before the Planning Commission during public hearings, staff analysis and commentary, and the administrative record as a whole.

DECISION

NOW THEREFORE, the Planning Commission of the County of Monterey recommends that the Board of Supervisors of the County of Monterey certify the Final Environmental Impact Report, including the Final EIR Errata attached hereto as Exhibit 1, for the Castroville Community Plan, and adopt the foregoing Findings and the Statement of Overriding Considerations.

PASSED AND ADOPTED on this ___ day of _____, 2007 upon motion of Commissioner _____, seconded by Commissioner _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT: