

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> July 8, 2009 <b>Time:</b> 1:30 PM	<b>Agenda Item No. 6</b>
<b>Project Description:</b> Conduct a workshop to consider several Draft General Plan Update policies in the Open Space Element, Agricultural Winery Corridor Plan and related proposed mitigation measures.	
<b>Project Location:</b> Unincorporated County (non-coastal)	<b>APN:</b> Countywide
<b>Planning File Number:</b> PLN070525	<b>Name:</b> County of Monterey
<b>Plan Area:</b> Cachagua, Carmel Valley, 'Central Salinas Valley, Greater Monterey Peninsula, Fort Ord, Greater Salinas, North County(Inland), South County, Toro, Agricultural Winery Corridor	<b>Flagged and staked:</b> N/A
<b>Zoning Designation:</b> : Multiple	
<b>CEQA Action:</b> Environmental Impact Report prepared (EIR #07-01, SCH#: 2007121001)	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Planning Commission conduct a workshop to consider several Draft General Plan Update policies and related proposed mitigation measures.

### PROJECT OVERVIEW:

This item is a continued discussion of several Draft General Plan Update policies and related proposed mitigation measures. Discussion so far has been directed toward policies and mitigation measures related to biological resources. Based on comments received on the Draft EIR, the testimony presented, and Commission discussions and public testimony (written and oral), staff has developed a package of possible policy/mitigation changes for the Commission to consider at your July 8, 2009 workshop.

These proposed changes affect policies in the Open Space Element, biological resource mitigation measures, and the Agricultural Winery Corridor Plan (AWCP). **Exhibit A** provides a matrix with a comparison of current and proposed language. Exhibit A includes biological resource measures that would address the post 2030 to buildout timeframe. **Exhibit B** provides slope policy language from the 1982 General Plan, Draft 2007 General Plan (GPU5), and two options for changing policy OS-3.5 in GPU5.

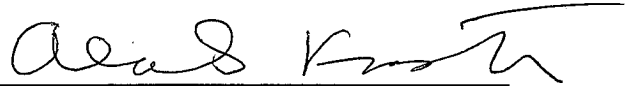
In addition to these matters, staff has a few more items for the Commission to consider. Because of the time constraints on July 8, staff is proposing that these be scheduled for a subsequent workshop or workshops.

1. Other PC Items. As part of previous discussions, the Commission desires to address mitigation measures that would address impacts identified beyond the 2030 timeframe and one relative to the AWCP:
  - WR-2 (PS-3.17 & PS-3.18) - Planning future water supplies
  - CC-4, 4<sup>th</sup> bullet (PS-5.5) - Anaerobic digesters (AWCP)
  - Bio-1.4 and Bio-1.5 are included in **Exhibit A** for discussion as part of the biological issues at this time. WR-2 and CC-4 are proposed for discussion at t alter workshop.

2. CVMP: Comments were presented by a group of residents in Carmel Valley relative to proposed mitigation measures that affect draft CVMP policies. This group has taken proposed policy revisions to the Land Use Advisory Committee (LUAC) and Blue Ribbon Traffic Committee (Traffic Committee). The Traffic Committee created a sub-committee to work with staff to try to develop alternative policy language. Staff proposes to add this as a topic for discussion for a subsequent workshop.
3. CWPP: On June 16, 2009, staff took an item to the Board regarding a request from a working group to consider incorporating language for a Community Wildfire Protection Plan (CWPP) and how fire protections should be handled in policy. Based on the Commission direction on June 24, a separate staff report has been prepared for this matter.
4. Climate Change: Several members of the Planning Commission and the public requested that proposed policies in the DEIR be discussed by the Planning Commission. Staff recommends that this topic would also be scheduled for a subsequent workshop.



Carl P. Holm, AICP, Assistant Director of Planning  
(831)755-5103 or [holmcp@co.monterey.ca.us](mailto:holmcp@co.monterey.ca.us)  
June 30, 2009



Alana S. Knaster, Deputy Director, RMA  
(831) 755-5322 or [knastera@co.monterey.ca.us](mailto:knastera@co.monterey.ca.us)

cc: Front Counter Copy; Planning Commission; County Counsel, RMA-Public Works; Water Resources Agency; Environmental Health; Parks Department; RMA-Redevelopment and Housing Office; Agricultural Commissioner; Fire (R. Hamelin/CalFire, D. Priolo/Salinas Rural) LandWatch (A. White), Refinement Group (B. Finengan), CWPP (K. O'Brien, P. Silkwood), Carl Holm; Alana Knaster, Project File PLN070525, Website.

Exhibit A            Matrix of Proposed General Plan Policies and Mitigation Measures  
Exhibit B            Slope Policy Options

POLICY/MM	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
<p>BIO-1.1</p>	<p>The County shall expand the inventory of listed species suitable and critical habitat required by Policy OS 5.1 and OS-5.2 to include an updated vegetation land cover map, identification of suitable habitat for CEQA-defined special status species (as defined in this document), sensitive natural communities, and riparian habitat in Monterey County. The inventory shall include wetlands inventory as feasible based on existing data sources and aerial interpretation. This inventory should be updated at a minimum of ten-year intervals. The inventory can exclude areas that are not under the control of Monterey County (e.g., cities, state and federal lands).</p>	<p>DELETE</p>	<p>This mitigation was included to clarify what needed to be inventoried based on the biological analysis in the DEIR. With changes to other BIO policies, this mitigation measure is no longer needed.</p>
<p>BIO-1.2</p>	<p>The County shall, in concert with the USFWS, CDFG, cities in the Salinas Valley, and stakeholders develop a conservation plan for the Salinas Valley to provide for the preservation of adequate habitat to sustain the San Joaquin kit fox population. The general focus area of the plan shall be the Salinas Valley south of the community of Chualar. The conservation plan, at a minimum, shall be adopted by Monterey County and shall be applied to all discretionary approvals (and their associated CEQA documents) with potential to affect the San Joaquin kit fox within the conservation plan area. The County shall complete the conservation plan within 4 years of General Plan adoption. The conservation plan funding program shall include a mitigation fee program for which development projects will be assessed a fee based on a proportional basis of impact to the San Joaquin kit fox. The compensation plan shall be developed and implemented in coordination with the appropriate state or federal agency and may provide mechanisms to mitigate impacts of an individual project through one or more of the following means: identifying an agency-approved mitigation bank or other compensation site (on- or off-site); and/or preserving habitat; monitoring the compensation site; and funding the management of the compensation site.</p>	<p>The County shall, in concert with the USFWS, CDFG, cities in the Salinas Valley, and stakeholders develop a conservation strategy for the Salinas Valley to provide for the preservation of adequate habitat to sustain the San Joaquin kit fox population. The general focus area of the plan shall be the Salinas Valley south of the community of Chualar. The conservation strategy, at a minimum, shall be adopted by Monterey County and shall be applied to all discretionary approvals (and their associated CEQA documents) with potential to affect the San Joaquin kit fox within the conservation strategy area. The County shall complete the conservation strategy within 4 years of General Plan adoption. The conservation strategy funding program shall be developed and shall include a mitigation fee program for which development projects will be assessed a fee based on a proportional basis of impact to the San Joaquin kit fox. The compensation strategy shall be developed and implemented in coordination with the appropriate state or federal agency and may provide mechanisms to mitigate impacts of an individual project through one or more of the following means: identifying an agency-approved mitigation bank or other compensation site (on- or off-site); and/or preserving habitat; monitoring the compensation site; and funding the management of the compensation site.</p> <p>Until the adoption of the conservation strategy, habitat loss due to discretionary projects shall be mitigated on a project-by-project basis.</p>	<p>This measure was developed so that there would be a programmatic approach to kit fox habitat issues rather than project-by-project. It would establish policy that allows applicants to mitigate off-site rather than being limited to on-site solutions project-by-project. The change from "Plan" to "Strategy" is to clarify that the intent of this mitigation measure is to develop a program that gives property owners an opportunity for off-site mitigation rather than being limited to on-site mitigation only. Staff did not intend to propose a Habitat Conservation Plan at this time. Accordingly, we are proposing to change the term plan to strategy to avoid confusion.</p>

<p>BIO-1.3</p>	<p>The County shall require that any development project that could potentially impact a CEQA-defined special status species or sensitive natural community shall be required to conduct a biological survey of the site. If CEQA-defined special-status species or sensitive natural communities are found on the site, the project biologist shall recommend measures necessary to avoid, minimize, and/or compensate for identified impacts to CEQA-defined special-status species and sensitive natural communities. An ordinance establishing minimum standards for a biological report shall be enacted. This policy shall only apply to the following:</p> <p>Development in Focused Growth Areas (Community Areas, Rural Centers and Housing Overlays)</p> <p>Development requiring a discretionary permit</p>	<p>Delete. To be substituted with modifications to Policy OS-5.16 (see below)</p>	<p>BIO-1.3 was created to address the term "special status species" used in the CEQA guidelines based on how that term was used and defined in GPUS. Amending Policy OS-5.16 and deleting the current glossary definition for special status species avoids the need for BIO-1.3.</p>
<p>BIO-1.4</p>	<p>Large scale wineries in the AWCP.</p> <p>The County shall consider the focused growth areas established by the 2007 General Plan and/or the designation of new focused growth areas. The purpose of such expanded/new focused growth areas would be to reduce the loss of special status species and due to continued urban growth after 2030. The new/expanded growth areas shall be designed to accommodate at least 80% of the projected residential and commercial growth in the unincorporated County from 2030 to buildout. This update will also address expansion of agricultural operations and potential impacts to special-status species.</p>	<p>At five year intervals, the County shall examine the degree to which thresholds for increased population, residential construction and commercial growth have been attained. If the examination indicates that the growth thresholds ** (ADD NUMERIC THRESHOLDS) predicted in the General Plan EIR have been reached (or are within **% of the projected growth) then the County shall initiate a General Plan Amendment to consider the expansion of focused growth areas established by the 2007 General Plan and/or the designation of new focused growth areas. The purpose of such expanded/new focused growth areas would be to reduce the loss of natural habitat due to continued urban growth. The new/expanded growth areas shall be designed to accommodate at least 80% of the projected residential and commercial growth in the unincorporated County from 2030 to buildout. This update will also address expansion of agricultural operations and potential impacts to natural habitat.</p>	<p>This mitigation measure was based upon the assumption that impacts could occur to biological resources by 2030, based upon a growth forecast. The proposed changes are intended to initiate revisions to the General Plan based upon the County tracking actual growth rather linking an amendment to a specific date (2030). There had been comment on the DEIR regarding the 2030 date for this trigger.</p>
<p>BIO-1.5</p>	<p>The County shall complete the preparation of a NCCP for all incorporated areas in Monterey County by no later than January 1, 2030 to address all state and federal listed species and all CEQA-defined special-status species with potential to be listed up to buildout of the County. The County shall invite the participation of the incorporated cities, the federal land agencies, Caltrans and other stakeholders. The NCCP shall also cover preservation of sensitive</p>	<p>At five year intervals, the County shall examine the degree to which thresholds for increased population, residential construction and commercial growth have been attained. If the examination indicates that the growth thresholds ** (ADD NUMERIC THRESHOLDS) predicted in the General Plan EIR have been reached (or are within **% of the projected growth)</p>	<p>This mitigation measure was based upon the assumption that impacts could occur to biological resources by 2030, based upon a growth forecast. The proposed changes are intended to initiate revisions to the General Plan based upon the County tracking actual growth rather linking an amendment to a specific date (2030). There had</p>

<p>natural communities, riparian habitat, and wetlands, and wildlife movement corridors and include mechanisms including on and off-site mitigation ratios and fee programs for mitigating impacts.</p>	<p>the County shall assess the vulnerability of currently non-listed species becoming rare, threatened or endangered due to Buildout. The County shall complete the preparation of a conservation strategy for those areas containing substantial suitable habitat for plant and wildlife species with the potential to become listed species due to Buildout. The County shall invite the participation of the incorporated cities, the federal land agencies, Caltrans and other stakeholders. The conservation strategy shall also cover preservation of sensitive natural communities, riparian habitat, and wetlands, and wildlife movement corridors and include mechanisms including on and off-site mitigation ratios and fee programs for mitigating impacts.</p>	<p>been comment on the DEIR regarding the 2030 date for this trigger.</p> <p>As with Bio-1.2, the intent had been to provide a mechanism for project mitigation off-site. This measure would address multiple species as appropriate.</p>
<p>BIO-2.1</p> <p>The county shall develop and adopt a county-wide Stream Setback Ordinance establish minimum standards for the avoidance and setbacks for new development relative to streams. The ordinance shall identify standardized inventory methodologies and mapping requirements. A stream classification system shall be identified to distinguish between different stream types (based on hydrology, vegetation, and slope, etc.) and thus allow application of standard setbacks to different stream types. The ordinance shall identify specific setbacks relative to the following rivers and creeks so they can be implemented in the Area Plans: Salinas, Carmel River, Arroyo Seco, Pajaro River, Nacimiento, San Antonio, Gabilan Creek, and Toro Creek. The ordinance may identify specific setbacks for other creeks or may apply generic setbacks based on the stream classification developed for the ordinance. The Stream Setback Ordinance shall apply to all discretionary development within the County and to conversion of previously uncultivated agricultural land (as defined in the General Policy Glossary) on normal soil slopes over 15% or on highly erodible soils on slopes over 10%.</p>	<p>In order to preserve riparian habitat and reduce sediment and other water quality impacts of new development, the county shall develop and adopt a county-wide Stream Setback Ordinance. The ordinance shall establish minimum standards for the avoidance and setbacks for new development relative to streams. The ordinance shall identify standardized inventory methodologies and mapping requirements. A stream classification system shall be identified to distinguish between different stream types (based on hydrology, vegetation, and slope, etc.) and thus allow application of standard setbacks to different stream types. The ordinance shall identify specific setbacks relative to the following rivers and creeks so they can be implemented in the Area Plans: Salinas, Carmel River, Arroyo Seco, Pajaro River, Nacimiento, San Antonio, Gabilan Creek, and Toro Creek. The ordinance may identify specific setbacks for other creeks or may apply generic setbacks based on the stream classification developed for the ordinance. The ordinance shall identify appropriate uses within the setback area that would not cause removal of riparian habitat or compromise water quality of the relevant stream.</p>	<p>Edits to clarify the purpose of the ordinance.</p>
<p>BIO-2.2</p> <p>The County shall prepare, adopt and implement a program that allows project to mitigate the loss of oak woodlands. The program</p>	<p>The Stream Setback Ordinance shall apply to all discretionary development within the County and to conversion of previously uncultivated agricultural land (as defined in the General Policy Glossary) on normal soil slopes over 15% or on highly erodible soils on slopes over 10%.</p> <p>The County shall prepare, adopt and implement a program that allows project to mitigate the loss of oak woodlands. The</p>	<p>Edits to make consistent with State Program requirements.</p>

	<p>would include ratios for replacement, payment of fees to mitigate the loss or direct replacement for the loss of oak woodlands and monitoring for compliance. The program would identify criteria for suitable donor sites. Mitigation for the loss of oak tree woodlands may be either on-site or off-site. The program would allow payment to either a local fund established by the County. Until such time as the County program is implemented, payment of a fee may be made to the State Oak Woodlands Conservation Program. Replacement of oak woodlands shall be on a minimum 1:1 ratio.</p>	<p>program would include ratios for replacement, payment of fees to mitigate the loss or direct replacement for the loss of oak woodlands and monitoring for compliance. The program would identify criteria for suitable donor sites. Mitigation for the loss of oak tree woodlands may be either on-site or off-site. The program would allow payment to either a local fund established by the County or a state fund. Until such time as the County program is implemented, payment of a fee may be made to the state Oak Woodlands Conservation Fund (OWCF) but funds shall be returned to Monterey County in the form of purchased local oak woodlands. Replacement of oak woodlands shall be on a minimum 1:1 ratio and shall be equivalent in acreage and ecological function to the oak resources affected.</p>	
BIO-2.3	<p>Public Services Policies PS-3.3 and PS-3.4 establish the criteria for proof of a long-term water supply and for evaluation and approval of new wells. The following criteria shall be added to these policies:</p> <ul style="list-style-type: none"> <li>■ Policy PS-3.3.i.—Effects on instream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead.</li> <li>■ Policy PS-3.4.g.—Effects on instream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead.</li> </ul>	<p>NO CHANGE</p>	
BIO-3.1	<p>The County shall require discretionary projects to retain movement corridors of adequate size and habitat quality to allow for continued wildlife use based on the needs of the species occupying the habitat. The County shall consider the need for wildlife movement in designing and expanding major roadways and public infrastructure projects to provide movement opportunities for terrestrial wildlife and to ensure that existing stream channels and riparian corridors continue to provide for wildlife movement and access.</p>	<p>NO CHANGE</p>	
BIO-3.2	<p>Vegetation removed in the course of development will be removed only during the nonbreeding season (generally September 16 to January 31). Occupied nests of migratory birds, including raptors, will be avoided during this period. The county shall consult, or require the developer to consult, with a qualified biologist prior to any site preparation or construction work in order to (1) determine whether work is proposed during nesting season for migratory birds, (2) determine whether site vegetation is suitable to nesting</p>	<p>Occupied nests of migratory birds and raptors shall not be disturbed during the breeding season (generally February to September 15). The county shall consult, or require the developer to consult, with a qualified biologist prior to any site preparation or construction work in order to (1) determine whether work is proposed during nesting season for migratory birds or raptors, (2) determine whether site vegetation is suitable to nesting migratory birds or raptors, (3) identify any regulatory</p>	<p>This mitigation is intended to be consistent with the Migratory Bird Treaty Act. Revisions are proposed to be consistent with that State law.</p>

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	<p>migratory birds, (3) identify any regulatory requirements for setbacks or other avoidance measures for migratory birds which could nest on the site, and (4) establish project-specific requirements for setbacks, lock-out periods, or other methods of avoidance of nesting birds. The county shall require the development to follow the recommendations of the biologist.</p>	<p>requirements for setbacks or other avoidance measures for migratory birds and raptors which could nest on the site, and (4) establish project-specific requirements for setbacks, lock-out periods, or other methods of avoidance of disruption of nesting birds. The county shall require the development to follow the recommendations of the biologist. This measure may be implemented in one of two ways: (1) preconstruction survey shall be conducted to identify active nests and if found, adequate buffers shall be provided to avoid active nest disruption until after they young have fledged; or (2) vegetation removal can be conducted during the non-breeding season (generally September 16 to January 31)</p> <p>See Exhibit B</p>	<p>This policy is intended to provide guidance to what type of permit/review is required and when. Issues have been raised as the ecological impacts from grading on steep slopes such as erosion and sediment. Setting a maximum standard would result in steeper areas of land retaining native vegetation that could reduce some of the potential biological impacts that have been identified. Exhibit B includes new language to be considered.</p>
OS-3.5	SLOPES		
OS-4.1	<p>Federal and State designated native marine and fresh water species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant shall be protected. Species designated in Area Plans shall also be protected.</p>	<p>Federal and State listed native marine and fresh water species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant shall be protected. Species designated in Area Plans shall also be protected.</p>	
GOAL OS-5	<p><b>CONSERVE DESIGNATED CRITICAL HABITATS FOR LISTED PLANT AND ANIMAL SPECIES DESIGNATED AS FEDERAL OR STATE THREATENED OR ENDANGERED SPECIES AND CRITICAL HABITATS DESIGNATED IN AREA PLANS.</b></p> <p>The extent and acreages of the designated critical habitat of Federal and State listed threatened or endangered plants or wildlife species shall be inventoried to the extent feasible and mapped in GIS. Conservation of these threatened and endangered plants shall be promoted.</p>	<p><b>CONSERVE LISTED SPECIES, CRITICAL HABITAT AND SPECIES PROTECTED IN AREA PLANS. AVOID, MINIMIZE AND MITIGATE SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES.</b></p>	<p>Change proposed to reflect revisions made to policies in this section.</p>
OS-5.1	<p>The extent and acreages of the potentially suitable habitat for special status plant and wildlife species shall be inventoried to the extent feasible and mapped in GIS. Conservation of special status species shall be promoted as provided in the Area Plans.</p>	<p>The extent and acreages of critical habitat shall be inventoried to the extent feasible and mapped in GIS. Conservation of listed species shall be promoted.</p>	
OS-5.2	<p>Development shall be carefully planned to provide for the conservation and maintenance of designated critical habitat of plant and animal species listed by federal agencies as threatened or</p>	<p>The extent and acreages of the potentially suitable habitat for listed species shall be inventoried to the extent feasible and mapped in GIS. Conservation of species shall be promoted as provided in the Area Plans.</p> <p>Development shall be carefully planned to provide for the conservation and maintenance of critical habitat.</p>	/
OS-5.3			

<p>OS-5.4</p> <p>endangered. Development shall avoid impacts to State and federally listed plant and animal species and designated critical habitat for federally listed species. Measures may include but are not limited to:</p> <ol style="list-style-type: none"> <li>clustering lots for development to avoid designated critical habitat areas,</li> <li>dedications of permanent conservation easements; or</li> <li>other appropriate means.</li> </ol> <p>Where new development cannot avoid critical habitat, consultation with United States Fish and Wildlife Services (USFWS) may be required and impacts may be mitigated by expanding the resource elsewhere on-site or within close proximity off-site. Final mitigation requirements would be determined by USEFWS.</p> <p>The California Department of Fish and Game shall be consulted and appropriate measures shall be taken to protect Areas of Special Biological Significance (ASBS) for State and federally listed species.</p>	<p>Development shall avoid, minimize, and mitigate impacts to listed species and critical habitat to the extent feasible. Measures may include but are not limited to:</p> <ol style="list-style-type: none"> <li>clustering lots for development to avoid critical habitat areas,</li> <li>dedications of permanent conservation easements; or</li> <li>other appropriate means.</li> </ol> <p>If development may affect listed species, consultation with United States Fish and Wildlife Services (USFWS) and California Department of Fish and Game (CDFG) may be required and impacts may be mitigated by expanding the resource elsewhere on-site or within close proximity off-site. Final mitigation requirements would be determined as required by law.</p> <p>The CDFG shall be consulted and appropriate measures shall be taken to protect Areas of Special Biological Significance (ASBS) for listed species.</p>	<p>Clarify policy.</p>
<p>OS-5.12</p> <p>Any development project that could potentially disturb a special status species or its critical habitat identified by the County requiring analysis or identified for protection under an adopted Area Plan shall be required to conduct a biological survey of the site. Based on the findings of this report, additional focused surveys for certain species may be required. This report, and any mitigation measures recommended in the report, shall be used as a basis for CEQA documentation for the project except if the County, in the exercise of its independent judgment, requires additional analysis. If sensitive biological resources are found on the site, the project biologist shall recommend measures necessary to reduce impacts to a less than significant level. All feasible measures shall be incorporated as conditions of approval in any permit issued. An ordinance establishing minimum standards for a biological report shall be enacted.</p>	<p>A biological study shall be required for any development project requiring a discretionary permit and having the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of an endangered, rare, or threatened species.</p> <p>An ordinance establishing minimum standards for a biological study and biological surveys shall be enacted. A biological study shall include a field reconnaissance performed at the appropriate time of the year to determine whether a project may have a significant impact on biological resources. Based on the results of the biological study, biological surveys may be necessary to identify, describe, and delineate biological resources.</p> <p>Feasible measures to reduce significant impacts to a less than significant level shall be adopted as conditions of approval.</p>	<p>See mitigation measure BIO-1.3.</p>
<p>GLOSSARY</p> <p><b>SPECIAL STATUS SPECIES</b> means those species that are listed as:</p> <ol style="list-style-type: none"> <li>Threatened or endangered pursuant to the federal Endangered Species Act of 1973 as amended, or</li> <li>Rare, Threatened, or Endangered pursuant to the California Endangered Species Act.</li> </ol>	<p><b>DELETE</b></p>	<p>Term deleted for consistency with proposed revisions.</p>



AWCP-3.3

This Section includes a list of uses that can be permitted with a ministerial permit for properties within the designated Agricultural and Winery Corridor. These uses are subject to the General Regulations established in Section 3.1 and Development Standards established in Section 3.5 of this Agricultural Winery Corridor Plan. Projects deemed consistent within the criteria and conditions of the AWCP and Zoning District Overlay would require no additional zoning review. However, County and Uniform Building Code requirements still apply relative to those activities that would require a grading and building permit. More intensive uses or uses not otherwise consistent with the AWCP and/or Williamson Act provisions may require the issuance of discretionary permits such as Administrative Permits. Development of the wine industry outside of the corridor requires a discretionary permit with separate environmental analysis (See Section 4.3).

This Section includes a list of uses that can be permitted with a ministerial permit for properties within the designated Agricultural and Winery Corridor. These uses are subject to the General Regulations established in Section 3.1 and Development Standards established in Section 3.5 of this Agricultural Winery Corridor Plan. Projects deemed consistent within the criteria and conditions of the AWCP and Zoning District Overlay would require no additional zoning review. However, County and Uniform Building Code requirements still apply relative to those activities that would require a grading and building permit. More intensive uses or uses not otherwise consistent with the AWCP and/or Williamson Act provisions may require the issuance of discretionary permits such as Administrative Permits.

A biological study (as defined in Policy OS-5-16) shall be required for permanent facilities with the potential to affect biological resources. If the biological study indicates a potential for a significant impact on a biological resource, then an administrative permit shall be required.

Development of the wine industry outside of the corridor requires a discretionary permit with separate environmental analysis (See Section 4.3).

The proposed change makes the AWCP consistent with the GP policies where/when a biological study will be required for new development.

**EXHIBIT B**  
**SLOPE POLICIES**  
PC, 7/8/09

**1982 GP/ZONING**

**GENERAL PLAN**

- 3.2.2 Lands having a prevailing slope above 30% shall require adequate special erosion control and construction techniques.
- 26.1.10 The County shall prohibit development on slopes greater than 30%. It is the general policy of the County to require dedication of scenic easement on a slope of 30% or greater. Upon application, an exception to allow development on slopes of 30% or greater may be granted at a noticed public hearing by the approving authority for discretionary permits or by the Planning Commission for building and grading permits. The exception may be granted if one or both of the following findings are made, based upon substantial evidence:
- A) there is no alternative which would allow development to occur on slopes of less than 30%; or,
  - B) the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans and Land Use Plans, and all applicable master plans.

**CACHAGUA**

- 35.1.4 (C) Conversion of historically uncultivated lands to farmlands on parcels having an average cross slope of between 15% to 30% shall require a use permit. Approval of the use permit shall follow the submission of an adequate agricultural management plan. The plan should include an analysis of soils; erosion potential and control; water demand and availability; proposed methods of water conservation and water quality protection; preservation of important vegetation and wildlife habitats; numbers and species of trees to be removed; crop rotation schedules; and such other means appropriate to ensure the long term viability of agriculture on the parcel.

**CVMP**

- 26.1.10.1 (CV) The County shall prohibit development on slopes greater than 30%. It is the general policy of the County to require dedication of scenic easement on slope greater than 30%. Exception may be made for development which can further the goals, and policies of this Plan.

**CENTRAL SALINAS VALLEY**

- 35.1.4 (CSV) Conversion of historically uncultivated lands to farmlands on parcels having an average cross slope of 15% - 25% shall require a use permit. Approval of the use permit shall follow the submission of an adequate agricultural management plan.

**EXHIBIT B**  
**SLOPE POLICIES**  
PC, 7/8/09

The plan should include an analysis of soils; erosion potential and control; water demand and availability; proposed methods of water conservation and water quality protection; preservation of important vegetation and wildlife habitats; crop rotation schedules; and such other means appropriate to ensure the long-term viability of agriculture on the parcel.

**GMP**

- 7.1.4 (GMP) Redwood forest and chaparral habitat on land exceeding 30 percent slope should remain undisturbed due to potential erosion impacts and loss of visual amenities.

**NORTH COUNTY**

- 35.1.4 (NC) Conversion of uncultivated lands to crop lands on lands having a slope of 15% or greater shall require a use permit. Approval of the use permit shall follow the submission of an adequate management plan. These plans should include analysis of soils, erosion potential and control, water demand and availability, proposed methods of water conservation and water quality protection, protection of important vegetation and wildlife habitats, rotation schedules, and such other means appropriate to ensure the long-term viability of agriculture on that parcel.

**ZONING CODE (TITLE 21)**

**USES ALLOWED, USE PERMIT REQUIRED IN EACH CASE. (F, RG, PG zones)**

- A. Conversion of uncultivated land to cultivated agricultural use on land with 15% - 25% slopes (North County Area Plan, Central Salinas Valley Area Plan, Cachagua Area Plan, only)

**EXHIBIT B**  
**SLOPE POLICIES**  
PC, 7/8/09

**DRAFT 2007 GENERAL PLAN (GPU5)**

**GENERAL PLAN**

OS-3.5

The County shall prohibit development on slopes greater than 30%. It is the general policy of the County to require dedication of scenic easement on a slope of 30% or greater. Upon application, an exception to allow development on slopes of 30% or greater may be granted at a noticed public hearing by the approving authority for discretionary permits or by the Planning Commission for building and grading permits. The exception may be granted if one or both of the following findings are made, based upon substantial evidence:

- A) there is no alternative which would allow development to occur on slopes of less than 30%; or,
- B) the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans and Land Use Plans, and all applicable master plans.

A permit process will be established as follows:

1. A discretionary permit process for development on slopes greater than 25-percent (25%) or that contain geologic hazards and constraints shown on the County's GIS Geologic (*Policy S-1.2*) or Hydrologic (*Policy PS-2.7*) Hazard Databases shall be established. The process shall be designed to:
  - a. evaluate possible building site alternatives that better meet the goals and policies of the general plan.
  - b. identify development and design techniques for erosion control, slope stabilization, visual mitigation, drainage, and construction techniques.
  - c. minimize development in areas where potentially unstable slopes, soil and geologic conditions, or sewage disposal pose substantial risk to public health or safety.
2. The County shall develop and implement an Agricultural Permit process for the conversion, for agricultural purposes, of previously uncultivated lands on slopes in excess of 25-percent (25%). An Agricultural Permit shall recognize unique grading criteria for agricultural purposes and the process shall include criteria when a discretionary permit is required. Projects that are subject to a State Agricultural Waiver Program, Agricultural Registration Program, or other similar program that regulates irrigation of agricultural land on steep slopes or projects where only a small portion of the affected area has slopes in conflict with this policy shall be allowed with a ministerial permit that requires compliance with the criteria developed for the following resource areas:
  - a. Water Quality/Water Supply
  - b. Biological Resources
  - c. Cultural Resources
  - d. Erosion Control

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- e. Drainage
  - f. Flood Hazards
3. A ministerial permit process shall be developed and implemented for proposed development, including for purposes of this policy conversion of previously uncultivated lands, on slopes between 15- and 24-percent (15-24%), and 10- to 15-percent (10-15%) on highly erodible soils.
  4. The permit processes shall be designed to require that an erosion control plan be developed and implemented that addresses slope stabilization, and drainage and flood hazards.
  5. All Routine and Ongoing Agricultural Activities, except for conversion of previously uncultivated lands as described in this policy above, are exempt from the above permit requirements.

**CVMP**

CV-6.4 In Carmel Valley, conversion for agricultural purposes of previously uncultivated lands on slopes in excess of 25 percent (25%) shall be prohibited.

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**PROPOSED MODIFICATION TO GPU5**

1. **Suggested modifications to the slope/grading policy pertaining in response to comments raised in connection with impacts to biological species. This policy also addresses impacts from erosion: (there are two options below)**

**OPTION 1**

- OS-3.5 The County shall prohibit development on slopes greater than \_\_\_%. On all other slopes, the County shall regulate development as follows in order to protect ecological and aesthetic resources:
- A. Non-Agricultural Related Development. Where slopes will be disturbed for non-agricultural related development, the following permit and review process will apply:
1. Slopes up to 10%: No slope regulations.
  2. Slopes greater than 10% and up to 25%: A ministerial permit process shall be developed and implemented that includes submittal of soil data. If the submitted soil data shows the area to contain highly erodible soil and the slope is greater than 10 percent (10%), a discretionary permit shall be required as described below.
  3. Slopes greater than 25% and up to \_\_\_%, or that present Geologic or Hydrologic Hazards: A discretionary permit process shall be developed and implemented. The presence of a Geologic or Hydrologic Hazard shall be determined where reference to the County's GIS Geologic (*Policy S-1.2*) or Hydrologic (*Policy PS-2.7*) Hazard Databases show geologic hazards or constraints. A discretionary permit may be granted following a noticed public hearing by the approving authority for discretionary permits or by the Planning Commission for building and grading permits. The permit may be granted if one or both of the following findings are made, based upon substantial evidence:
    - a. The proposed development has been evaluated for possible development site alternatives and there are no alternatives that would allow development to occur on slopes of 25% or less; or
    - b. The proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans and Land Use Plans, and all applicable master plans.
  4. Slopes greater than \_\_\_%: It shall be the general policy of the County that, where development is otherwise permitted, dedication of conservation easement on slopes of \_\_\_% or greater shall be required.

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5. Design Criteria: The discretionary permit process described above shall be designed to identify development and design techniques for erosion control, slope stabilization, visual mitigation, drainage, and construction techniques including:
  - a. Avoidance of development within natural canyons, gullies and drainage courses that support native vegetation such as oaks, willows, and chaparral.
  - b. Minimization of development in areas where potentially unstable slopes, soil and geologic conditions, or sewage disposal pose substantial risk to public health or safety.

B. Agricultural Related Development. Where slopes will be disturbed for agricultural related development, the following permit and review process will apply:

1. Slopes up to 15%: No slope regulations except as provided below.
2. Slopes greater than 10% and up to 15% that contain highly erodible soils: A ministerial Agricultural Permit process shall be developed and implemented for conversion of previously uncultivated lands that contain highly erodible soils.
3. Slopes greater than 15% and up to 24%: The ministerial permit process described above shall apply.
4. Slopes greater than 25% and up to \_\_\_%: A discretionary Agricultural Permit process shall be developed and implemented for conversion of previously uncultivated lands.
5. Slopes greater than \_\_\_%: There shall be no new cultivation on slopes greater than \_\_\_%.
6. Agricultural Permit. An Agricultural Permit shall recognize unique grading criteria for agricultural purposes, and the process shall require compliance with the criteria developed for the following resource areas:
  - a. Water Quality/Water Supply
  - b. Biological Resources
  - c. Cultural Resources
  - d. Erosion Control
  - e. Drainage
  - f. Flood Hazards

Projects that are subject to a State Agricultural Waiver Program, Agricultural Registration Program, or other similar program that regulates irrigation of agricultural land on steep slopes, or projects where only a

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small portion of the affected area has slopes in conflict with this policy,  
shall be allowed with a ministerial permit.

- 7. Grazing activity: This policy does not apply to grazing activities.
- C. For purposes of this policy, slope shall be measured based on the average cross-slope of the area impacted.
- D. The permit processes established pursuant to this policy shall be designed to require that an erosion control plan be developed and implemented that addresses slope stabilization, and drainage and flood hazards.

**OPTION 2**

**Make the following changes only to OS-3.5**

The County shall prohibit development on slopes greater than 30%. It is the general policy of the County to require dedication of scenic easements on a slope of 30% or greater. Upon application, an exception to allow development on slopes of 30% or greater may be granted at a noticed public hearing by the approving authority for discretionary permits or by the Planning Commission for building and grading permits. The exception may be granted if one or both of the following findings are made, based upon substantial evidence:

- a) there is no alternative which would allow development to occur on slopes of less than 30%; or
- b) the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans and Land Use Plans, and all applicable master plans.

There will be no exception granted for projects on slopes greater than \_\_\_\_%. For purposes of this policy, slope shall be measured based on the average cross-slope of the area impacted and/or shall not exceed \_\_\_\_ acres in size.

- 2. ~~The County shall develop~~ **A discretionary** Agricultural Permit process for the conversion for agricultural purposes, of previously uncultivated lands on slopes in excess of 25% shall be developed.