

**EXHIBIT C**  
**SLOPE OPTIONS TO CONSIDER**  
PC, 7/14/10

**GENERAL PLAN POLICY OS-3.5**

**The following is the version of Policy OS-3.5 that was distributed in the draft 2010 General Plan and as modified by staff in the June 2010 working draft:**

- OS-3.5      The County shall regulate activity on slopes to reduce impacts to water quality and biological resources:
- 1)      Non-Agricultural.
    - a)      Development on slopes in excess of twenty five percent (25%) shall be prohibited except as stated below; however, such development may be allowed pursuant to a discretionary permit if one or both of the following findings are made, based upon substantial evidence:
      1.      there is no alternative which would allow development to occur on slopes of less than 25%;
      2.      the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans, and all applicable master plans.
    - b)      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-2.6*) Hazard Databases shall require adequate special erosion control and construction techniques and the discretionary permit shall:
      1.      evaluate possible building site alternatives that better meet the goals and policies of the general plan;
      2.      identify development and design techniques for erosion control, slope stabilization, visual mitigation, drainage, and construction techniques; and
      3.      minimize development in areas where potentially unstable slopes, soil and geologic conditions, or sewage disposal pose substantial risk to public health or safety.
    - c)      Where proposed development impacting slopes in excess of twenty five percent (25%) does not exceed ten percent (10%), or 500 square feet of the total development footprint (whichever is less), a discretionary permit shall not be required.
    - d)      It is the general policy of the County to require dedication of a scenic easement on a slope exceeding twenty five percent (25%).
  - 2)      Agricultural. Conversion for agricultural purposes of previously uncultivated lands containing slopes exceeding fifteen percent (15%) but not exceeding twenty five percent (25%) shall require a discretionary permit. Conversion of such lands containing slopes exceeding ten percent (10%) but not exceeding fifteen percent (15%) shall require a discretionary permit where the lands to be converted contain highly

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erodible soils. Conversion of previously uncultivated lands shall be prohibited where the slope exceeds twenty five percent (25%) except as noted below; however, such conversion may occur pursuant to a discretionary permit where the area(s) containing slopes exceeding twenty five percent (25%) meets all of the following criteria:

- a) does not exceed ten percent (10%) of the total area to be converted;
- b) does not contain a slope in excess of fifty percent (50%);
- c) is designated for Farmland, Permanent Grazing, or Rural Grazing land use;
- d) will be planted to a permanent crop such as trees or vines, and,
- e) is situated in the interior of the parcel(s) in which the permit is sought.

Approval of discretionary permits for these purposes shall follow the submission of an adequate management plan. Such plans should address appropriate measures to ensure the long term viability of agriculture on that parcel, and include an analysis of soils, erosion potential and control, water demand and availability, proposed methods of water conservation and water quality protection, and protection of important vegetation and wildlife habitats.

For lands designated Rural Density Residential and Low Density Residential (LDR) there shall be no cultivation of any lands exceeding 25%.

**Staff had been working on proposed modifications to OS-3.5 in response to the comments from the Planning Commission and was considering proposing two options, each reflecting the different perspectives expressed by the Commission. However, we recently received a proposal that has been developed by several Commissioners that we believe the Commission may want to consider as it is responsive to several of the core issues that had been raised by the Commission during your discussion. This draft policy is included below:**

<u>OS-3.5</u>	<u>New development or new conversion of uncultivated land to cultivated agricultural use on slopes greater than 25% shall require a discretionary permit.</u> <u>1. The discretionary permit shall:</u> <u>a) Evaluate possible alternatives that better meet the goals and policies of the general plan.</u> <u>b) Identify development and design techniques for erosion control, slope stabilization, visual mitigation, drainage, and construction techniques.</u> <u>c) Minimize development in areas where potentially unstable slopes, soil and geologic conditions, or sewage disposal pose substantial risk to public health or safety.</u> <u>2. 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. The permit</u>
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processes shall be designed to require that an erosion control plan be development and implemented that addresses slope stabilization, and drainage and flood hazards.

Staff will be prepared to respond to any questions the Commission might have with respect to this compromise proposal or present the options developed by staff. Staff finds that CV-6.2 would be consistent with the proposed OS-3.5, so no change is proposed.

**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.

Staff received an inquiry if the timeframe for previously uncultivated lands could be increased to more reflect the current condition of having no timeframe. Staff has determined that the Commission could consider increasing the timeframe to 30 years within the context of the EIR analysis.

**GLOSSARY**

**CULTIVATED** means to prepare or use the land for crops through the tillage of soil or planting of vines or trees. Cultivation includes periods of fallow rotation that are part of an agricultural production system.

**PREVIOUSLY UNCULTIVATED LANDS** means those areas that have not been cultivated during the past 20 years.

**PREVIOUSLY UNCULTIVATED LANDS** are those lands that have not been cultivated during the preceding 30 years as determined by the Agricultural Commissioner.

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**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. The plan should include an analysis of soils; erosion potential and control; water

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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)