

ATTACHMENT C
DRAFT ADDENDUM NO. 3 TO
CERTIFIED FINAL EIR

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Addendum No. 3 to Final Environmental Impact Report # 07-01, SCH#2007121001 Pursuant to California Environmental Quality Act Guidelines Article 11, Section 15164 and Addendum No. 1

1. Introduction

On October 26, 2010, by Resolution Nos.10-291 and 13-028, the Monterey County Board of Supervisors adopted the 2010 Monterey County General Plan (“General Plan”), certified the Final Environmental Impact Report #07-01, SCH #2007121001 (“FEIR), and adopted findings, a Statement of Overriding Considerations and a Mitigation, Monitoring and Reporting Program and. As part of litigation settlements regarding the adoption of the General Plan and certification of the FEIR, amendments to General Plan Policies PS. 3-1 (relating to long term sustainable water supply), OS-3.5 (relating to Agriculture and the conversion of uncultivated land on slopes greater than 25%), OS-3.1 (relating to Best Management Practices regarding erosion control), OS-3.9 (relating to a program to address cumulative hydrologic impact of the conversion of hillside rangeland to cultivated croplands), OS-5.16 (relating to biological report requirements), OS-5.24 (relating to wildlife corridor/linkages and the addition of an illustrative wildlife corridor map to the 2010 General Plan); the Agricultural Winery Corridor Plan and the Glossary are being considered. The proposed amendments are set forth and discussed in Exhibits A & B to the staff report for this matter.

This technical addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines (“Guidelines”) to make minor technical changes to the project analyzed in the FEIR. None of the conditions described in the Guidelines Section 15162 or 15163, calling for preparation of a subsequent EIR or supplement to an EIR, have occurred.

2. Scope and Purpose of this Addendum

This Addendum No. 3 describes whether any changes or additions are necessary to the FEIR as a result of the proposed amendments to the General Plan, or if any of the conditions described in Guidelines Section 15162 exist. Please see the attached memorandum from ICF International, incorporated herein by reference, that assesses the potential environmental impact from the adoption of the proposed amendments, and whether any changes to the FEIR are required.

3. Conclusion

As the ICF memorandum discloses, the proposed changes to the General Plan Policies, Agricultural Winery Corridor Plan and Glossary will not result in additional impacts or increases in the severity of impacts; the identification of feasible mitigation measures or alternatives that were previously identified as infeasible; or the identification of considerably different mitigation measures or alternatives than those disclosed or discussed in the FEIR. None of the conditions described in Guidelines Section 15162, requiring a Subsequent EIR, therefore exist. This Addendum No. 3 is considered sufficient because it discloses the proposed amendments to the Monterey County 2010 General Plan, and provides an analysis regarding the lack of environmental impacts. The proposed amendments clarify, strengthen, and assure implementation of policies adopted in the 2010 General Plan that are intended to avoid or minimize significant impacts and/or the contribution of the 2010 General Plan to existing significant cumulative impacts. Accordingly, the adoption and timely compliance with each proposed amendment is necessary mitigation that is required to avoid or minimize significant impacts caused by the 2010 General Plan or to render impacts caused by the 2010 General Plan less than a considerable contribution to a significant cumulative impact.

FEIR #07-01 has been included as an attachment to the staff report and is available on the County's web site at

http://www.co.monterey.ca.us/planning/gpu/GPU_2007/FEIR_Information/FEIR_Information.htm



**ATTORNEY-CLIENT PRIVILEGE
PRELIMINARY/WORK IN PROGRESS**

TO: Les Girard, Monterey County Counsel's Office

FROM: Rich Walter, ICF International

CC: Terry Rivasplata, ICF International

DATE: February 13, 2015

RE: Potential Changes to Monterey County General Plan Policies PS-3.1, OS-3.1, OS-3.5, OS-3.9, OS-5.16, OS-5.24, and the Agricultural Winery Corridor Plan

This memorandum presents ICF's review of the potential CEQA implications of potential changes to certain Monterey County 2010 General Plan policies. Our review is limited to the potential for changes in environmental impacts due to policy changes relevant to the impacts disclosed in the certified EIR for the 2010 General Plan. Our review is based on our understanding of CEQA, the General Plan and the General Plan EIR (GPEIR). Our review does not constitute legal advice.

The key conclusions for each policy are presented below in underline.

Policy PS-3.1 - Potential Changes

Revisions to PS-3.1 include more detailed requirements for the County to make findings that Zone 2C has a long-term sustainable water supply (LTWS) out to 2030 that will not cause groundwater elevations to decline further or seawater to intrude further inland by 2030. The revisions also limit the rebuttable presumption (that there is a LTWS in Zone 2C) to uses consistent with the 2010 General Plan as amended through October 1, 2014. If the new requirements are not met, then there would be no presumption that there is a LTWS in Zone 2C and individual projects would need to demonstrate that they have a LTWS separate from the findings in the GPEIR.

The GPEIR found that there was a LTWS for development within Zone 2C through 2030. Existing Policy PS-3.1 established an assurance mechanism requiring study of water supply conditions every 5 years to make sure that the GPEIR findings about water supply impacts for 2030 remained appropriate over time. The proposed revisions would establish additional procedural requirements of how the County is required to provide assurances that the GPEIR findings remain correct and appropriate. The expansion of the assurance mechanism procedural requirements would not change the GPEIR findings and would only be more precise in how the assurances are made over time and thus would not result in new impacts to water supply not disclosed in the GPEIR.

Policy OS-3.1 - Potential Changes

The proposed revisions would change Policy OS- 3.1 to also require prevention and remediation of other effects of erosion such as sedimentation and water quality. The original policy required the County to prevent and repair erosion damage. One could argue that prevention and repair of erosion damage would already require prevention and remediation of other effects of erosion such as sedimentation and water quality. If anything, the revisions to the policy would require a greater amount of environmental protection – not simply repair, but also remediation - than the original language. As a result, the proposed revisions would not result in any new or substantially more severe impacts related to erosion, sedimentation or water quality compared to that disclosed in the GPEIR.

Policy OS- 3.5 - Potential Changes

The approved 2010 General Plan did not have a slope percentage limit on agricultural conversions but required a discretionary permit for conversions over 25 percent with specific conditions concerning alternative analysis, certain development design techniques, and minimization of development in unstable areas or where sewage disposal risks exist.

The proposed revisions would prohibit agricultural conversions on slopes over 25 percent except in the AWCP and Cachagua areas. In these areas only, agricultural conversions would be allowed on slopes up to 35 percent, subject to a use permit and the original policy requirements on alternatives, design techniques, and unstable slopes/sewage disposal constraints. In addition, the revisions would require the development design techniques to be included in an Agricultural Management Plan incorporating the BMPs in Policy OS-3.1, and the Program pursuant to OS-3.9. In addition, conversion permits would be limited to 100 acres per year, 15 acres per permit per year, and that conversions must be contiguous to already cultivated land.

These proposed revisions would be more restrictive on agricultural conversions than the original policy, by limiting agricultural conversions above 25% except in the two plan areas and by limiting conversions in the two plan areas to 35% slope or less.

The GPEIR estimated that there would be approximately 10,253 acres of conversion by 2030 and possibly 39,148 acres by 2092 based on historic trends. The GPEIR (in text and in Table AG-1) described that the most likely areas of agricultural conversions in the near to medium term (to at least 2030 and likely for several decades beyond 2030) are on land on which agriculture is allowed, with suitable soils, with access to water (especially in Zone 2C), with slopes less than 25%, but that some conversions could occur on more steep slopes during this period. A total of 21,375 acres within Zone 2C was identified as the most likely initial area of agricultural conversions which is more than double the estimate amount of conversion by 2030 and would likely accommodate potential conversions for several decades beyond 2030 (at the historic trend pace) but not all the GPEIR-identified potential conversion by 2092.

The proposed revisions would lower the amount of agricultural conversions on steep slopes. Out to 2030, the total amount of agricultural conversions with the proposed revisions is not expected to be substantially lower than analyzed in the GPEIR due to the availability of suitable lands on slopes less than 25 percent, but in certain local areas, conversions could be somewhat less due to the proposed slope restrictions. The GPEIR described that the pressure for conversions on steeper slopes could be greater at some point beyond 2030 presuming that the more near-term agricultural conversions are likely to mostly occur on slopes under 25 percent (where there are usually more suitable soils) especially in Zone 2C. Depending on long-term agricultural trends in the decades after 2030, the proposed revisions may also result in potentially less conversions overall than identified in the GP EIR with the greater restrictions on conversions on steep slopes. At some point when agricultural conversions have used the suitable lands in Zone 2C, then further agricultural conversions may depend on water availability on suitable lands outside Zone 2C where water supplies are more limited. If the extent of agricultural conversions is less than expected in the GPEIR, then the proposed policy would have less conversion-related impacts on biological resources, erosion, water supply and water quality. At any rate, the proposed revisions would not result in a greater amount of agricultural conversions than disclosed in the EIR. As such, the proposed revision would not result in new significant impacts or substantially more severe environmental impacts compared to what is disclosed in the GPEIR.

The proposed revisions would also require that only lands cultivated and irrigated on slopes over 25% that as of December 16, 2014 were permitted or otherwise allowed could continue to be cultivated and irrigated and that conversion without a permit would be considered a public nuisance subject to County enforcement. The County would also be required to prepare maps of all new cultivated slopes over 25% and 35% and all new permitted cultivation areas on slopes over 25%. These revisions are procedural in nature and should not result in any new significant or substantially more severe environmental impacts than disclosed in the GPEIR.

The original policy included a ministerial permit process. The proposed revisions would exclude conversion on slopes between 15% and 25% in the North County Area Plan and the Cachagua Area Plan from the ministerial permit process and instead require a use permit and an Agricultural Management Plan. The proposed revisions also include language about not approving new use permits under this policy until ordinances implementing OS-5.16, OS-5.22, and OS-5.24 and related mapping and amendments are adopted. These revisions are procedural in nature and should not result in any new significant or substantially more severe environmental impacts than disclosed in the GPEIR. If anything, these changes might result in lower environmental impacts by requiring a discretionary permit in additional areas.

Policy OS- 3.9 - Potential Changes

The proposed revisions would only clarify the intent of the original policy language to address the potential cumulative hydrologic impacts of hillside agricultural conversions concerning erosion,

stream stability and water quality. As a result these revisions would not result in new significant impacts nor substantially more severe impacts than disclosed in the GPEIR.

Policy OS- 5.16 and OS-5.24 - Potential Changes

The proposed revisions to Policy OS-5.16 would require the biological study for discretionary projects with the potential to affect special-status species to also delineate wildlife corridor/linkages if the project is in the vicinity of a new Figure OS-1 showing general wildlife corridor/linkages (Figure OS-1 is also a revision). The proposed revisions to Policy OS-5.16 would also require the associated ordinance to include design guidelines for development within identified wildlife corridors and linkages. These revisions would require an increased amount of attention to potential discretionary project impacts on wildlife corridors/linkages including additional attention to feasible design guidelines and mitigation measures for potential significant impacts to wildlife corridors/linkages.

The proposed revisions to Policy OS-5.24 would add requirements for a corridor survey if a discretionary project was in the vicinity of the new Figure OS-1 or the biological study done in compliance with the revised Policy OS-5.16 indicates a wildlife corridor or linkage exists in the vicinity of the project. The corridor survey will be required to include mitigation recommendations per the ordinance required under Policy OS-5.16 to *"retain a corridor/linkage of adequate size and quality to preserve the continued free movement of all wildlife occupying the habitat and using the corridor/linkage."* The proposed revisions to Policy OS-5.24 also require the use of wildlife friendly fencing to the extent allowed by law. The proposed revisions to Policy OS-5.24 would also require the County to engage a qualified wildlife consultant to make recommendations relative to the ordinances for OS-5.16 (Biological Study), OS-5.22 (Stream Setback Ordinance), and OS-5.24 (Wildlife Corridors) and the conservation strategy under OS-5.21 (Conservation Strategy) with regard to wildlife corridor/linkage issues and those recommendations shall be used for implementing these policy requirements with the final ordinance language the result of a collaborative process of the consultant and County staff. Finally, the proposed revisions to Policy OS-5.24 would establish interim procedures until the ordinance required by Policy OS-5.16 is adopted in terms of discretionary projects and wildlife corridor/linkages.

The existing Policy OS-5.24 already required the County to 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 proposed revisions to Policy OS-5.16 and OS-5.24 provide more detailed requirements of how the County is to proceed in including requirements concerning wildlife movement corridors/linkages, but do not change the intent of the original policy language which is to allow for "continued wildlife use based on the needs of the species occupying the habitat." If anything, the additional detailed requirements and procedures will result in a higher level of care when considering wildlife corridor/linkages related to discretionary projects which could lower the level of impacts to identified wildlife corridor/linkages and to biological resources overall. Since the original GPEIR analysis already presumed that the County

would fully implement Policy OS-5.24, the additional surety provided by the proposed revisions would not change the conclusions in the GPEIR in regard to impacts to biological resources. Furthermore, since the original GPEIR analysis already presumed full implementation of Policy OS-5.24, the proposed revisions would not result in additional impacts to other resource areas beyond that disclosed in the GPEIR (including to land use or agriculture, for example), as the revisions are designed to make sure that the intent of the original Policy OS-5.24 is fully realized but do not change that intent and thus would not change the assumed environmental outcome in the GPEIR. As a result these revisions would not result in new significant impacts nor substantially more severe impacts than disclosed in the GPEIR.

Agricultural Winery Corridor Plan (AWCP), 3.1 General Regulations - Potential Changes

The proposed revisions would delete stand-alone restaurants and inns as allowed facilities under the AWCP. This would limit the type of development allowed in the AWCP, which if anything would result in less development and less associated environmental impacts, such as traffic and groundwater use. As a result these revisions would not result in new significant impacts nor substantially more severe impacts than disclosed in the GPEIR.

Agricultural Winery Corridor Plan, 3.2 Allowed Uses - Potential Changes

The proposed revisions would eliminate winery-adjunct uses within the AWCP. This would limit the type of development allowed in the AWCP, which if anything would result in less development and less associated environmental impacts. As a result, these revisions would not result in new significant impacts nor substantially more severe impacts than disclosed in the GPEIR.

Agricultural Winery Corridor Plan, 3.4, Permitted Uses, Administrative Permit Required - Potential Changes

The proposed revisions would delete stand-alone restaurants and inns as allowed facilities under the AWCP. This would limit the type of development allowed in the AWCP, which if anything would result in less development and less associated environmental impacts. As a result, these revisions would not result in new significant impacts nor substantially more severe impacts than disclosed in the GPEIR.

Agricultural Winery Corridor Plan, 3.5 Development Standards - Potential Changes

The proposed revisions would further limit the amount of subdivision of "Small" Lots that are smaller than the zoning minimum parcel size, but 5 acres or larger. The revisions would limit the use of the exception to once per property whereas the existing policy could be interpreted to allow for serial small lot creation. In addition, the proposed revisions would limit the overall amount of small lots within each segment of the AWCP to the number of wineries and/or tasting rooms allowed for that segment. The proposed revisions would only clarify the intent of the original

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policy language. As a result these revisions would not result in new significant impacts nor substantially more severe impacts than disclosed in the GPEIR.

Agricultural Winery Corridor Plan, Glossary - Potential Changes

The proposed revisions would delete the definitions of “agricultural land uses” and “winery, adjunct uses” because with the revisions to other parts of the AWCP, these definitions are not used anywhere in the amended AWCP. This would have no effect on environmental impacts. As a result these revisions would not result in new significant impacts nor substantially more severe impacts than disclosed in the GPEIR.