

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No: 10 – 290

Resolution of the Monterey County Board of Supervisors)
 Certifying the Final Environmental Impact Report)
 (SCH#2007121001) and adopting the associated Findings of)
 Fact, a Statement of Overriding Considerations, and Mitigation)
 Monitoring and Reporting Program for the 2010 Monterey)
 County General Plan.)

RECITALS

WHEREAS,

A. Pursuant to and in compliance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq. ("CEQA") and Title 14 of the California Code of Regulations, Section 15000 et seq. ("CEQA Guidelines"), the County of Monterey prepared a Program Environmental Impact Report ("EIR") for the 2010 Monterey County General Plan ("2010 General Plan" or "Project") to analyze its environmental effects. The County of Monterey ("County") is the CEQA lead agency for the Project.

B. Throughout the development and environmental review of the Project, various names have been used to refer to the plan under review, including "General Plan Update 5 (GPU5)," "2007 General Plan," "2008 General Plan," and "2010 Draft Monterey County General Plan," "2010 General Plan," and "2010 Monterey County General Plan." All of these terms describe the General Plan update that is the subject of this resolution.

C. The 2010 General Plan provides a comprehensive update of the 1982 Monterey County General Plan and its related Area Plans for the inland unincorporated area of the County. Pursuant to Government Code section 65300, each city and county must adopt "a comprehensive, long term general plan for the physical development of the county and city." In 1982, the Board of Supervisors adopted a comprehensive update of the General Plan and subsequently adopted Area Plans for specific geographic areas of the County within the unincorporated area of the County. The 2010 General Plan updates the 1982 General Plan and Area Plans for the inland unincorporated area of the County, except for the Housing Element and the Castroville Community Plan. The 2010 General Plan includes the mandatory Land Use Element, Circulation Element, Conservation and Open Space Element (including the mandatory Conservation and Open Space elements), Safety Element (including the mandatory Noise Element and also addressing flooding and other hazards), and Public Services Element (addressing water, wastewater treatment, and other services) and includes two optional elements, the Agriculture Element and Economic Development Element. In addition, the 2010 General Plan includes and updates the area plans for specific geographic inland areas of the County, including the Cachagua, Central Salinas Valley, Greater Monterey Peninsula (including the inland portion of the Del Monte Forest), Greater Salinas, North County – Inland, South County, and Toro Area Plans, the Carmel Valley Master Plan, and the Fort Ord Master Plan. The 2010

General Plan also includes an Agricultural and Winery Corridor Plan (AWCP) to provide development policies for agricultural and winery related uses within specific areas of the County. The only portions of the 1982 General Plan and Area Plans which will not be amended or replaced by the 2010 General Plan for the unincorporated inland area of the County are the 2009 Housing Element and the Castroville Community Plan. The 2009-2014 Housing Element was adopted by the Board of Supervisors on June 15, 2010 and certified by the state Department of Housing and Community Development on August 18, 2010. The 2010 General Plan does not amend that Housing Element. The 2010 General Plan also does not amend the Castroville Community Plan, which was adopted by the Board of Supervisors as part of the North County Area Plan (inland) on April 10, 2007.

D. Pursuant to the California Coastal Act (Public Resources Code §30000 et seq.), the County has adopted a Local Coastal Program ("LCP"), certified by the California Coastal Commission, for that portion of the County that lies within the coastal zone. The 2010 General Plan will not apply in the coastal zone and does not amend the County's Local Coastal Program. To the extent the Local Coastal Program relies on the 1982 General Plan, adoption of the 2010 General Plan does not rescind the 1982 General Plan as applied in the coastal zone.

E. The 2010 General Plan is the culmination of more than a decade of effort to prepare a comprehensive update of the 1982 General Plan and is also known as "GPU5," as it is the County's fifth effort at drafting a comprehensive update of the 1982 General Plan. The draft of the 2010 General Plan, then entitled "draft 2007 Monterey County General Plan," was released to the public on December 21, 2007, and was updated in September and December 2008 with text and map corrections as well as revisions to correspond to state law requirements.

F. As lead agency under CEQA, the County issued a Notice of Preparation ("NOP") of a Draft EIR for the draft 2007 Monterey County General Plan. The NOP was submitted to the State Clearinghouse (SCH No. 2007121001), all responsible and trustee agencies, and interested groups and individuals on December 3, 2007 for a 34-day review period ending on January 5, 2008. Availability of the NOP was advertised through certified, direct mailing to federal agencies (including the military), state agencies, regional agencies, local agencies (including cities and counties, local districts, school districts, water agencies), other special districts and agencies, as well as private groups and individuals requesting notification. The County also posted the NOP on its website and published it in the following local newspapers: the Monterey County Herald, Watsonville Register-Pajaronian, South County News, and Salinas Californian.

G. The County held an EIR scoping meeting on December 12, 2007 to provide information about the General Plan, the potential environmental impacts and the CEQA review process, as well as a schedule for General Plan adoption and implementation. Members of the public and other interested parties had the opportunity to ask questions and provide their input as to the scope and content of the environmental information to be addressed in the EIR.

H. On September 5, 2008, the County published the Draft EIR for the Monterey County 2007 General Plan (SCH # 2007121001) and distributed it to the State Clearinghouse of the Governor's Office of Planning and Research as well as responsible and trustee agencies, citizen groups, and individuals for a public review period initially scheduled for September 5,

2008 through October 20, 2008. A Notice of Completion ("NOC") and Notice of Availability ("NOA") of the DEIR were prepared, published, and distributed, as required by CEQA Guidelines Sections 15085 and 15087. On September 8, 2008, the County added Appendix C (traffic data) to the DEIR because it had been inadvertently omitted from the draft released on September 5, 2008. The County then issued an amended Notice of Availability and recommenced the comment period on September 13, 2008, with close of the public review period scheduled for October 28, 2008; the County then extended this period. The public raised concern over the form of citations to the reference documents and availability of reference documents. On December 6, 2008, the County published a revised list of citations and references and other corrections to the Draft EIR ("December 2008 errata"). The County issued a new NOC and NOA and began a second public review period on December 16, 2008, which ended on February 2, 2009. The Draft EIR with the December 2008 errata was submitted to the State Clearinghouse for circulation to state agencies for their review. Copies of the DEIR were available for public review during normal business hours at the County Planning Department in Salinas. Copies of the draft General Plan and DEIR were also available for review at libraries in Monterey County, in the County Permit Centers, and on the County's website. The County distributed notices and documents based on a distribution list ("General Plan Distribution List") that included 9 federal agencies, 13 state agencies, six regional agencies, 12 cities within Monterey County, five neighboring counties, 10 local water agencies, seven local Native American groups, 25 local districts, 16 fire districts, and 19 libraries within Monterey County. Notices and documents were also posted locally with the County Clerk and on the County website as well as published in newspapers of general circulation, including the Salinas Californian, Watsonville Register-Pajaronian, South County News, and Monterey County Herald. In total, the public review period on the Draft EIR was approximately 147 days.

I. The County received numerous letters on the Draft EIR during and after the close of the public comment period ending on February 2, 2009, totaling almost 1,100 pages.

J. On September 10, 2008, during the initial comment period on the DEIR, the Planning Commission held a workshop to receive a presentation from staff on GPU 5, errata to the draft General Plan, and mitigation measures proposed by the DEIR. Following the close of the public comment period on the DEIR, the Planning Commission held a duly noticed public hearing on February 11 and 25, 2009 to receive a staff report and public testimony. At Planning Commission workshops held on May 27, June 10, July 8, and July 29, 2009, Monterey County staff presented possible changes to the draft General Plan policies and Draft EIR mitigation measures in response to comments received on the DEIR.

K. In response to issues raised by comments on the draft EIR and in the consultation with cities, and further guided by Planning Commission discussion at workshops and hearings, staff refined the text of some of the mitigation measures and made other clarifications and clerical corrections to the text and figures (graphics) of GPU5. On or about March 8, 2010, staff released to the public GPU5 as revised to incorporate the errata, corrections, clarifications, revisions, and proposed mitigation measures and updated the title to the "2010 draft Monterey County General Plan."

L. The County prepared a Final EIR for the 2010 draft Monterey County General

Plan (SCH #2007121001) and released the Final EIR for public review on or about March 21, 2010. The March 2010 Final EIR included: the 2007 Monterey County General Plan Draft EIR, Volumes 1 and 2, dated September 2008; the December 2008 errata; all comment letters received on the DEIR during the public comment period and late letters received prior to release of the Final EIR in March 2010; a list of persons, organizations, and public agencies commenting on the Draft EIR; the County's written responses to all significant environmental points raised in the comments; changes to the text of the DEIR made in response to comments; the March 8, 2010 proposed draft General Plan showing the incorporation of proposed mitigation measures as policy and other corrections and clarifications; updated list of references cited in the DEIR and March 2010 Final EIR; and technical supporting data ("Monterey County General Plan Final Environmental Impact Report, dated March 2010" or "March 2010 FEIR"). The County prepared and circulated a Notice of Availability of the FEIR on March 21, 2010 to all commenters and any person who filed a written request, as well as the General Plan Distribution List. The March 2010 FEIR was made available for public review at the Monterey County RMA-Planning Department (Salinas and Marina offices); Steinbeck Library (City of Salinas); and County libraries and for purchase upon request, and the FEIR was posted on the County's website. In addition, copies of the FEIR were sent to all cities within Monterey County as well as public agencies that submitted comments on the DEIR, including but not limited to U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, California Coastal Commission, California Department of Toxic Substances Control, California Public Utilities Commission, the Department of Transportation (CalTrans), Association of Monterey Bay Area Governments, Monterey Bay Unified Air Pollution Control District, Monterey Regional Waste Management District, the Transportation Agency of Monterey County, Monterey Local Agency Formation Commission, County of San Benito, Monterey County Cities (12), Pajaro Valley WMA, Monterey-Salinas Transit.

M. The Planning Commission conducted a public workshop on the draft 2010 General Plan and Final EIR on March 31, 2010.

N. Subsequently, pursuant to Government Code section 65353, the Planning Commission held a duly noticed public hearing on the Final EIR and 2010 draft General Plan beginning on April 14, 2010 and continuing on April 28, 2010, May 12, 2010, May 26, 2010, June 9, 2010, June 30, 2010, July 14, 2010, July 21, 2010, July 28, 2010, and August 11, 2010. Notice of the April 14, 2010 hearing was published as 1/8-page display ads in the Salinas Californian and Monterey County Herald on March 20 and March 21, 2010 (respectively), at least 10 days prior to the hearing. Notice of the hearing was also provided on the County webpage for the General Plan. At the hearing on April 14 and at the hearing on each of the above dates listed until the close of the hearing on August 11, 2010, the Planning Commission continued the hearing to the following date certain. At each of the hearings, the Planning Commission considered the 2010 draft General Plan and March 2010 FEIR, discussed possible revisions to the draft General Plan, took public testimony, and considered all testimony, written and oral.

O. The Planning Commission reviewed and considered the Final EIR, including the mitigation measures and alternatives identified therein. The mitigation measures identified in both EIR are generally set forth in the form of new policies to be incorporated into the General

Plan or modifications to policies already in the General Plan. The 2010 draft General Plan before the Planning Commission included policies added by and/or modified by the feasible mitigation measures identified in the EIR.

P. On August 11, 2010, following the conclusion of the public hearing before the Planning Commission, the Planning Commission adopted a resolution containing its written recommendations to the Board of Supervisors on the draft General Plan (Planning Commission Resolution No. 10-021) and also approved a letter of transmittal. The Planning Commission recommended that the Board certify the FEIR and approve the 2010 draft General Plan subject to the recommendations and modifications of the Planning Commission. The 2010 draft General Plan and the FEIR were accordingly transmitted to the Board for consideration.

Q. Pursuant to Government Code section 65355, the Final Environmental Impact Report (SCH#2007121001) for the Monterey County General Plan and the 2010 Monterey County General Plan came on for a duly noticed public hearing before the Monterey County Board of Supervisors beginning on August 31, 2010 and continuing on September 14, 21, and 28, and October 12 and 26, 2010. During the public hearing on the Final EIR and the 2010 General Plan, the Board heard presentations on the 2010 draft General Plan and FEIR, heard testimony from the public, and deliberated on the content of the 2010 draft General Plan and FEIR. Notice of the August 31, 2010 hearing was published as 1/8-page display ads in the Salinas Californian and Monterey County Herald on August 18, 2010, at least 10 days prior to the hearing. Notice of the hearing was also provided on the County webpage for the General Plan. At the hearing on August 31 and at the hearing on each of the above dates listed until the close of the hearing on October 26, 2010, the Board of Supervisors continued the hearing to the following date certain.

R. Following the March publication of the Final EIR and in the course of the Planning Commission and Board of Supervisors' hearings on the EIR and 2010 General Plan, the County received approximately 100 comment letters from members of the public. On or about September 20, 2010, the County published "Supplemental Materials to the Final EIR," including a revised Executive Summary of the EIR, which incorporated the Planning Commission's recommended revisions to the mitigation measures and addressed issues raised in comments and letters since the March 2010 release of the Final EIR. On October 15, 2010, the County published "Revised Supplemental Materials to the Final EIR," including a further revised Executive Summary to reflect the current form of the mitigation measures per the Board's direction and updating the Supplemental Materials to respond to comments received during the Board's hearings. These revisions merely clarify and amplify and make insignificant modifications to the EIR. They do not provide significant or substantial new information, and the term "supplemental" was used for the public's convenience, not as that term is used in CEQA.

S. The Final EIR, dated October 2010, consists of: the complete contents of the March 2010 Final EIR, as set forth above, and the "Revised Supplemental Materials to the Final EIR," dated October 15, 2010, as corrected by errata presented on October 26, 2010. A full and complete copy of the Final EIR is on file with the Clerk of the Board, available at the Monterey County Resource Management Agency-Planning Department, and incorporated herein by

reference.

T. The County provided written responses to all agencies and members of the public commenting on the Draft EIR at least ten days prior to certification of the EIR in compliance with CEQA Guidelines section 15088(b).

U. Consistent with CEQA Guidelines §15126.4(a)(2) and as further described in the Findings of Fact which are attached to this Resolution as *Exhibit EIR1*, feasible mitigation measures proposed in the EIR are incorporated into the 2010 General Plan as policy or are included in the Mitigation Monitoring and Reporting Program which is attached hereto as *Exhibit EIR3*.

V. The Board has reviewed and considered the Final EIR and the 2010 draft General Plan. The Board has considered all comments on the Draft and Final EIR, oral and written, including comments from other responsible agencies and the public, testimony before the Board of Supervisors during all public workshops and hearings, all recommendations of the Planning Commission, and the administrative record as a whole.

W. The County has prepared Findings of Fact in compliance with Public Resources Code Sections 21081 and 21081.5 and CEQA Guidelines Section 15091 for every significant impact of the 2010 General Plan identified in the EIR and for each alternative evaluated in the EIR, including an explanation of the rationale for each finding. The Findings of Fact are set forth in *Exhibit EIR1*, which is attached hereto and hereby incorporated by reference.

X. Because the 2010 General Plan will have significant and unavoidable impacts, the County has prepared a Statement of Overriding Considerations in compliance with Public Resources Code Sections 21081 and CEQA Guidelines Section 15093, which finds that specific economic, legal, social, technological or other benefits of the 2010 General Plan outweigh the significant and unavoidable impacts identified in the EIR. The Statement of Overriding Considerations is set forth in *Exhibit EIR2* and hereby incorporated by reference.

Y. The County has prepared a Mitigation Monitoring and Reporting Program in compliance with Public Resources Code Sections 21081.6 and CEQA Guidelines Section 15097 to ensure compliance with the mitigation measures identified in the EIR during project implementation and operation. The Mitigation Monitoring and Reporting Program is attached hereto as *Exhibit EIR3* and incorporated herein by reference.

Z. Pursuant to Title 14, Section 753.5 of the California Code of Regulations and in consideration of the record as a whole, the General Plan will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends as defined under sections 711.2 and 711.4 of the Fish and Game Code, and is therefore required to pay a filing fee to the Department of Fish and Game.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTEREY, AS FOLLOWS:

1. The foregoing recitals and findings are true and correct.

2. The Board of Supervisors hereby certifies with respect to the Final EIR dated October 2010, which is on file with the Clerk of the Board and incorporated herein by reference, that (a) the Final EIR has been completed in compliance with CEQA; (b) the Final EIR was presented to the Board of Supervisors who reviewed and considered the information contained in the Final EIR prior to approving the 2010 Monterey County General Plan; and (c) the Final EIR reflects the County of Monterey's independent judgment and analysis.
3. The Board hereby adopts the Findings of Fact attached to this Resolution as *Exhibit EIR1* and incorporated herein by reference.
4. The Board hereby adopts the Statement of Overriding Considerations attached to this Resolution as *Exhibit EIR2* and incorporated herein by reference.
5. The Board hereby adopts the Mitigation Monitoring and Reporting Program attached to this Resolution as *Exhibit EIR3* and incorporated herein by reference.

PASSED AND ADOPTED on this 26th day of October, 2010, upon motion of Supervisor Calcagno, seconded by Supervisor Potter, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Potter
NOES: Parker
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 75 for the meeting on October 26, 2010.

Dated: November 22, 2010

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

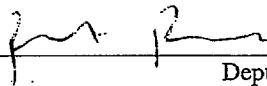
By  Deputy

EXHIBIT EIR1

CEQA Findings of Fact

Regarding the Final Program Environmental Impact Report (EIR) for the
Monterey County General Plan Project
State Clearinghouse No. 2007121001

I. Project Background

I.1 Project Description Summary

The project consists of a comprehensive update of the 1982 Monterey County General Plan and its related Area Plans for the inland unincorporated area of the County. The County of Monterey ("County"), a political subdivision of the State of California, is located on the central California coast and is bounded by the Pacific Ocean to the west, Santa Cruz County to the north, San Benito, Fresno and Kings Counties to the east, and San Luis Obispo County to the south.

The General Plan update will serve as a "blueprint" for growth; that is, it establishes the general pattern of land use and adopts goals and policies to guide the County in future land use decision-making for the unincorporated inland area of the County. The goals and policies established by the General Plan address a range of related topics, including, but not limited to: establishing a development pattern centered on cities, Community Areas, and Rural Centers; providing infrastructure to serve new development concurrently with that development; conserving sensitive natural areas; conserving agriculture and the agricultural economy; addressing groundwater overdraft and water supply issues by establishing policies for new wells and restricting development in most areas until a long-term sustainable water supply can be shown to be available; and protecting public health and safety. The Monterey County General Plan was last comprehensively updated in 1982, although it has been amended numerous times over the past 28 years.

The 2010 General Plan includes the mandatory Land Use Element, Circulation Element, Conservation and Open Space Element (including the mandatory Conservation and Open Space elements), Safety Element (including the mandatory Noise Element and also addressing flooding and other hazards), and Public Services Element (addressing water, wastewater treatment, and other services) and includes two optional elements, the Agriculture Element and Economic Development Element. The 2009-2014 Housing Element, which was adopted June 15, 2010 for the 2009 through 2014 planning period, is not part of the current General Plan update. The 2010 General Plan includes area specific policies for the following areas: Cachagua Area Plan, Central Salinas Valley Area Plan, Greater Monterey Peninsula Area Plan, Carmel Valley Master Plan, Greater Salinas Area Plan, North County Area Plan, South County Area Plan, Toro Area Plan, and Fort Ord Master Plan. The General Plan also includes a new Agricultural and Winery Corridor Plan (AWCP) that affects three planning areas. The Castroville Community Plan, which was adopted by the Board of Supervisors as part of the North County Area Plan (inland) on April 10, 2007, remains in place and is not amended by the 2010 General Plan.

The General Plan update is described in detail in Section 3, "Project Description," of the EIR and Master Response 1 (Changes to the General Plan) in the FEIR. In brief, the 2010 General Plan largely maintains existing land use patterns and concepts established by the previous 1982 General Plan, with an emphasis on directing future urbanization to the cities and designated unincorporated Community Areas and Rural Centers. The 2010 General Plan will not apply in the coastal zone and does not amend the County's separately adopted and certified Local Coastal Program.

Throughout the development and environmental review of the General Plan update, it has been referred to by various names, including "General Plan Update 5 (GPU5)," "2007 General Plan," "2008 General 2010 General Plan

Plan,” “2010 draft Monterey County General Plan,” “2010 Monterey County General Plan,” and “2010 General Plan.” All of these terms describe the General Plan update that is the subject of these findings.

The following Table F-1 provides a brief summary of the key components of the General Plan update.

Table F-1. Key Components of the General Plan Update

Issue Area	2010 General Plan
Elements	Land Use, Circulation, Conservation and Open Space, Safety, Public Services, Agriculture, Economic Development, and Area and Master Plans
Area Plans	North County, Greater Salinas, Central Salinas Valley, Greater Monterey Peninsula, Toro, Cachagua, and South County
Master Plans	Carmel Valley and Fort Ord
Community Areas	Boronda, Castroville, Chualar, Fort Ord, and Pajaro
Rural Centers	Bradley, Lockwood, Pine Canyon, Pleyto, River Road, San Ardo, and San Lucas
Affordable Housing Overlay	Three areas where development of high-density, affordable housing is promoted: Mid-Carmel Valley; Highway 68/Monterey Peninsula Airport; and Reservation Road/ Highway 68. Community Areas prior to adoption of a Community Plan and Rural Centers prior to the adoption of a Capital Improvement and Financing Plan are designated as affordable housing overlay districts (AHOs).
Special Treatment Areas	Identifies 18 lots or groups of lots within the Area Plans where unique conditions warrant special studies and policies.
Services	Establishes goals and policies requiring the provision of services concurrently with new development in Community Areas, Rural Centers, and for subdivisions
Water Resources	Establishes goals and policies for water conservation, restrains development without a long-term sustainable water supply, restricts water well development, and minimizes additional overdraft and seawater intrusion
Routine and Ongoing Agriculture	Requires County to establish a list of “routine and ongoing” agricultural activities that will be exempt from selected policies of the 2010 General Plan, excepting activities that create significant soil erosion impacts or violate adopted water quality standards
Agricultural and Winery Corridor Plan	Establishes goals and policies supporting future development of up to 10 full-scale and 40 artisan wineries and related tourist-serving uses along Central/Arroyo Seco/River Road, Metz Road, and Jolon Road

I.2 Project Objectives

The complexity of the General Plan, with its interacting goals and policies, requires that it meet all of the following objectives in order to be effective.

- Provide direction for growth that supports continued viability of agricultural production and preserves as much of the County’s scenic and environmental resources as possible.
- Provide decision makers, County staff, and the public with an updated General Plan that reflects the existing physical conditions and constraints in the County and provides a range of comprehensive policies to guide future development based upon those conditions and constraints.
- Modify existing land use designations to patterns that accommodate the most recent population growth, housing, and employment projections in an orderly manner that minimizes environmental impacts as feasible while meeting the County’s obligations under California Planning Law to provide housing for all income levels.
- Direct new development to Community Areas and Rural Centers to facilitate the efficient provision of infrastructure and services while reducing the impacts of population growth, additional housing, and employment opportunities on agriculture, water supplies, and environmental resources.

EXHIBIT EIR1

CEQA Findings of Fact

- Establish policies that will conserve limited water supplies for current and projected future uses, including urban, rural, and agricultural uses.
- Establish new comprehensive policies and modify existing policies in the 1982 General Plan that reflect the latest legal, statutory, scientific, and technical changes and advances.
- Consider advice, concerns, and suggestions regarding future growth and development from all segments of the County population and, to the extent feasible, address these issues through new or modified goals, policies, or land use concepts.
- Support the continued viability of the agricultural industry by allowing routine and ongoing agricultural uses to proceed subject to standard regulations.
- Establish the Agricultural and Winery Corridor Plan (AWCP) to facilitate the development of wineries along a corridor in the central and southern Salinas Valley to achieve a balance between the wine-grape production and wine processing capacity within the County.

The objectives of the AWCP are to:

- Achieve a balance between the wine grape production and wine processing capacity within Monterey County;
- Enhance the wine industry's marketing of Monterey County appellation that includes connection between Monterey County's agricultural and tourism industries; and
- Encourage planned growth of the wine industry in Monterey County.

II. Environmental Review Process and the EIR

On September 5, 2008, the County published the Draft EIR ("DEIR") for the Monterey County 2007 General Plan (SCH # 2007121001) and distributed it to the State Clearinghouse as well as responsible and trustee agencies, citizen groups, and individuals for a public review period beginning September 5, 2010. A Notice of Completion ("NOC") and Notice of Availability ("NOA") of the DEIR were prepared, published, and distributed, as required by CEQA Guidelines Sections 15085 and 15087. Because DEIR Appendix C (traffic data) had been inadvertently omitted from the first publication of the DEIR, a new NOC and NOA were distributed, and the public comment period recommenced on September 13, 2008 and was scheduled to end on October 28, 2008; the County then extended this period. On December 6, 2008, the County published an updated list of citations and references and other corrections to the Draft EIR, specifically: a revised Section 11 (Citation/References) of the DEIR; updates to citations in the DEIR text (this citation errata was mistakenly labeled December 2007, but was actually prepared and published in December 2008); a revised reference list for Appendix B of the DEIR; and correction of typographical errors in three General Plan maps that have corresponding maps in the DEIR (the "December 2008 errata"). The County issued a new NOC and NOA and began a second public review period on December 16, 2008, which ended on February 2, 2009.

The County received numerous comment letters on the Draft EIR, totaling almost 1,100 pages, during the public comment period ending on February 2, 2009. The County also received a number of letters on the Draft EIR after the close of the public comment period prior to releasing the FEIR to the public. The County Planning Commission held workshops on the draft General Plan and Draft EIR during and after the close of the comment period, including workshops on September 10, 2008, and February 11, February 25, May 27, June 10, July 8, and July 29, 2009.

The County published a Final EIR on or about March 21, 2010. The March 2010 FEIR included: the 2007 Monterey County General Plan Draft EIR, Volumes 1 and 2, dated September 2008; the December 2008 errata; all comment letters received on the DEIR during the public comment period and late letters received prior to release of the FEIR in March 2010; a list of persons, organizations, and public agencies commenting on the Draft EIR; the County's written responses to all significant environmental points raised in the comments; changes to the text of the DEIR made in response to comments; the March 8, 2010 proposed draft General Plan showing the incorporation of proposed mitigation measures as policy and other revisions and clarifications, all of which were analyzed in the March 2010 Final EIR; updated list of references cited in the DEIR and FEIR; and technical supporting data. The County prepared and circulated a Notice of Availability of the FEIR on March 21, 2010.

On March 31, 2010, following release of the Final EIR, the County Planning Commission held a workshop on the Final EIR and draft General Plan. The Planning Commission then held a duly noticed public hearing on the Final EIR and 2010 draft General Plan beginning on April 14, 2010 and continuing on April 28, May 12, May 26, June 9, June 30, July 14, July 21, July 28, and August 11, 2010. On August 11, 2010, the Planning Commission adopted a resolution containing its written recommendations to the Board of Supervisors on the draft General Plan (Planning Commission Resolution No. 10-021) and also approved a letter of transmittal. The Planning Commission recommended: that the Board of Supervisors adopt the 2010 draft Monterey County General Plan with certain modifications recommended by the Planning Commission, leaving the text of one policy and one definition to be developed by the Board; that the Board certify that the Final EIR for the 2010 Monterey County General Plan has been completed in compliance with CEQA and that the final EIR reflects the County's independent judgment and analysis; that the Board make all findings required by CEQA prior to the adoption of the 2010 Monterey County General Plan; that the Board balance the economic, legal, social, technological, or other benefits of the 2010 Monterey County General Plan against its unavoidable risks, and adopt a statement of overriding considerations prior to adopting the Plan; and that the Board adopt a Mitigation Monitoring and Reporting Plan.

The Monterey County Board of Supervisors held a duly noticed public hearing on the Final EIR and draft 2010 General Plan beginning on August 31, 2010 and continuing on September 14, September 21, September 28, October 12, and October 26, 2010.

Following the March publication of the Final EIR, the County received approximately 100 additional comment letters from members of the public in the course of the Planning Commission and Board of Supervisors' hearings on the EIR and 2010 General Plan. On or about September 20, 2010, the County published a revised Executive Summary of the EIR and "Supplemental Materials to the Final EIR" which incorporated the Planning Commission's recommended revisions to the mitigation measures and addressed issues raised in comments and letters since the March 2010 release of the Final EIR. On October 15, 2010, the County published "Revised Supplemental Materials to the Final EIR," updating the Executive Summary and updating the September 2010 Supplemental Materials to reflect the current form of the mitigation measures per the Board's direction and to clarify certain issues in response to comments received during the Board's hearings. These revisions merely clarified and amplified the analysis in the EIR in response to public comments; these materials did not include substantial new information, and the term "supplemental" was used for the public's convenience, not as that term is used in CEQA.

The Final EIR, dated October 2010, consists of: the complete contents of the March 2010 Final EIR, as set forth above, and the "Revised Supplemental Materials to the Final EIR" dated October 15, 2010, as corrected by errata presented on October 26, 2010.

EXHIBIT EIR1

CEQA Findings of Fact

III. Environmental Impacts and Findings

Pursuant to Public Resources Code § 21081 and CEQA Guidelines §15091, no public agency shall approve or carry out a project for which a final EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings with respect to each significant impact:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

The Board of Supervisors of Monterey County (Board of Supervisors) has made one or more of these specific written findings regarding each significant impact associated with the Project. Those findings are presented below, along with a presentation of facts in support of the findings.

Where the following findings use the term "EIR," that should be understood to mean the Final EIR prepared for the General Plan update. Accordingly, it includes all revisions made to the Draft EIR and the March 2010 Final EIR.

III.1 Environmental Impacts Found to be Less Than Significant

Based on the impacts analysis in the EIR, the Board of Supervisors hereby determines that the Project will have no impact or less than significant impacts for several resource areas as summarized in the table below. This section does not include those impacts that are less than significant as a result of mitigation. The rationale for the conclusion that no significant impact would occur in each of the resource areas in the table is based on the discussion of these impacts in the detailed impact analyses in Section 4.0 of the EIR, as revised in the Final EIR.

Table F-2. Impacts Found to be Less Than Significant

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
Land Use	Implementation of the 2007 General Plan would potentially result in the physical division of established communities. (LU-1)	<p>The 2007 General Plan and Area Plan policies summarized here establish comprehensive measures to avoid or minimize adverse impacts of the physical division of an established community.</p> <p><i>Land Use Element</i></p> <p>A number of the Land Use Element Policies between LU-1.1 and LU-1.20 (city-centered growth) discourage the division of established communities and the introduction of incompatible land uses. Policy LU-1.2 discourages premature and scattered development. Policy LU-1.4 designates growth areas only when an adequate level of services and public facilities exist, thereby discouraging discontinuous development. Policy LU-1.5 provides that land uses be designated to achieve compatibility with adjacent uses. Policy LU-1.7 encourages clustering of residential development to those portions of the property which are most suitable for development. Policy LU-1.9 promotes infill of vacant non-agricultural lands in existing developed areas, and requires infill development to be compatible with surrounding land use and development. Policy LU-1.19 designates Community Areas, Rural Centers and Affordable Housing Overlay districts as the top priority for development in the unincorporated areas of the county. Outside of those areas, a Development Evaluation System (DES) shall be established to provide systematic, consistent, predictable, and quantitative methods for decision-makers to evaluate developments.</p> <p>Policies LU-2.15 through LU-2.18 encourage new urbanization to occur within the incorporated cities, rather than in the surrounding county area. Policies LU-2.21 through LU-2.29 provide that urbanization within the county will be limited to the Community Areas (first priority) and Rural Centers (second priority). The AHO policies will encourage higher density development in selected areas near existing development. Policies LU-2.27 through LU-2.33 prioritize maintaining a village character while allowing greater intensity development in some areas. The General Plan also includes supplemental policies specific to the Area Plans to ensure that new development is compatible with existing developments, neighborhoods, and land uses. These include North County Area Plan Policy NC-2.1, Greater Salinas Area Plan Policies GS-1.1 through GS-1.12, Central Salinas Valley Plan Policies CSV-1.3 through CSV-1.6, Greater Monterey Peninsula Area Plan Policies GMP-1.6 through GMP-1.9, Carmel Valley Master Plan Policies CV-1.22 through CV-1.26, Toro Area Plan Policy C-1.4 and T-1.2, Cachagua Area Plan Policies CACH-1.1, 1.3, and 1.5, South County Area Plan Policies SC-1.1 and 1.2.</p> <p>The AWCP specifically outlines the planned and orderly development of wineries in specific areas of the Salinas Valley. In so doing, the AWCP specifically discourages the division of an established community by winery development within the Salinas development. Although the AWCP includes portions of the <i>Toro, Central Salinas Valley, and South County Area Plans</i>, the AWCP would not facilitate the division of an established community within the defined corridor.</p>	DEIR, Section 4.1.4.3

¹¹ Certain policies described in these findings have been modified and revised and/or renumbered since release of the Draft EIR. The rationale set forth in this column demonstrates that modified policies are equivalent or more effective at ensuring this impact remains less than significant. The policy numbers identified here reflect the policies as adopted by the Board of Supervisors.

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>The primary goal of the Land Use Element of the Fort Ord Master Plan is to promote the orderly, well-planned, and balanced development to ensure educational, housing and economic opportunities as well as environmental protection. Therefore, the development policies outlined in the Fort Ord Master Plan would not promote the physical division of the former Fort Ord military base, or any surrounding community.</p> <p>There are no planned infrastructure projects included in the 2007 General Plan that would divide established communities. The Transportation Agency of Monterey County (TAMC) fee program projects and county capacity enhancement projects listed in Section 4.6, Transportation, would result in changes to specific existing roads and highways by widening or adding turn lanes to selected roads, replacing at-grade road crossings with interchanges, modifying existing interchanges, and installing traffic signals. In accordance with standard practice, pedestrian crossings would be provided at all intersections. Because these are limited to existing roads, they will not physically divide any communities to a substantially greater extent than they are already divided by the road.</p>	DEIR, Section 4.1.4.3
	<p>Implementation of the 2007 General Plan would potentially result in conflicts with an adopted land use plan, general plan, specific plan, local coastal program, or zoning ordinance adopted for the purpose of avoiding or mitigating an environmental effect. (LU-2)</p>	<p>A General Plan is by definition a comprehensive long-range planning document that serves as the blueprint for future growth in a particular jurisdiction. The goals and policies of the 2007 General Plan Land Use Element and those of the Area Plans are internally consistent. Therefore, the General Plan will be internally consistent. The 2007 General Plan Land Use Element and Area Plans would form the basis for preparing the plans for the Community Areas and Rural Centers. As a result, one can reasonably assume that those future land use plans will be consistent with one another and with the General Plan. In addition, the 2007 General Plan does not amend the County Local Coastal Program, and is consistent with it, LAFCO policies, and the County Growth Management Policy.</p>	DEIR, Section 4.1.4.3
	<p>General Plan implementation would potentially conflict with an existing adopted habitat conservation or natural community conservation plan. (LU-3)</p>	<p>According to the U.S. Fish and Wildlife Service, there are several habitat conservation plans (HCPs) approved in Monterey County for individual projects. These include the Post Ranch Inn HCP in Big Sur (approved 2006), the Sarment Property HCP in Carmel Highlands (approved 2007), and the Wildcat Line LP HCP in Carmel Highlands (approved 2001). All of these are located in the coastal zone and would not be affected by the 2007 General Plan. Within the area of the County affected by the General Plan update, the Fort Ord Habitat Management Plan (HMP) has been adopted to coordinate protections of special status species on the former base. Because the requirements of the Fort Ord HMP are thoroughly integrated into the Fort Ord Master Plan, it is not anticipated that implementation of the Fort Ord Master Plan would conflict with the implementation of the Fort Ord HMP.</p>	DEIR, Section 4.1.4.3; FEIR, Master Response 8
		<p><i>Conservation and Open Space Element</i></p> <p>The General Plan itself has a number of policies that encourage the conservation of habitat, although it is not an HCP or NCCP. Policy OS-1.7 (transfer of development rights) establishes a voluntary, transfer of development rights (TDR) program to direct development away from areas with unique visual or natural features, critical habitat, or prime agricultural soils. Policy OS-1.8 (clustering) calls for programs to encourage clustering development in rural and agricultural areas to reduce impacts to critical habitat areas, and would assist with implementation of the requirements of an existing or proposed HCP/NCCP within the County. Policy OS-4.1 (species protection) states that Federal and State listed native marine and fresh water species or subspecies of a bird, mammal, fish, amphibian,</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>reptile, or plant shall be protected. Species designated in Area Plans shall also be protected. This policy would not conflict with an existing or proposed HCP/NCCP within the County Policy OS-5.1 requires inventory and mapping of critical habitat in GIS to the extent feasible, and promotes the conservation of listed species. Policy OS-5.2 similarly requires inventory and mapping of potentially suitable habitat for listed species, and promotes conservation of species as provided under the Area Plans. Policy OS-5.3 requires the conservation and maintenance of critical habitat in the planning of new development. Policy OS-5.4 provides that new development shall avoid, minimize, and mitigate impacts to listed species and critical habitat to the extent feasible. Policy OS-5.12 (DFG Consultation) states that the CDFG shall be consulted and appropriate measures shall be taken to protect Areas of Special Biological Significance (ASBS). This policy would assist with implementation of the requirements of an existing or proposed HCP/NCCP within the County. Policy OS-5.13 (preservation) encourages efforts to obtain and preserve natural areas of particular biologic, scientific, or educational interest and restrict incompatible uses from encroaching upon them shall be encouraged. This policy is compatible with implementation of an existing or proposed HCP/NCCP within the County. Policy OS-5.16 (biological surveys) requires a biological study for discretionary development projects with 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 and requires the County to enact an ordinance establishing minimum standards for a biological study, and provides that feasible measures to reduce significant impacts to a less than significant level shall be adopted as conditions of approval. This policy would not conflict with implementation of the requirements of an existing or proposed HCP/NCCP within the County. Policy OS-5.17 provides that the County shall prepare, adopt, and implement a program that allows projects to mitigate the loss of critical habitat and outlines the concerns to be addressed in that program. Policy OS-5.18 (permitting requirements) requires that all applicable federal and state permitting requirements shall be met, including all mitigation measures for development of jurisdictional areas and associated riparian habitats, prior to disturbing any federal or state jurisdictional areas. Therefore, this policy would assist with implementation of the requirements of an existing or proposed HCP/NCCP within the County.</p> <p>Although not necessary to reduce this less than significant impact, mitigation measures developed to reduce or avoid other significant impacts would also reduce this impact. These mitigation measures have been incorporated into the following General Plan policies:</p> <p>Policy OS-5.19 requires the preparation of a conservation strategy for the San Joaquin kit fox in the southern Salinas Valley. This will be prepared in concert with the U.S. Fish and Wildlife Service, California Department of Fish and Game, and cities in the Salinas Valley, which will avoid conflicts. Until adoption of the conservation strategy, habitat loss due to discretionary project shall be mitigated on a project-by-project basis. Policy OS-5.19 includes the measures set forth in Mitigation Measure BIO-1.2.</p> <p>Policy OS-5.21 requires the County to examine, at five year intervals, the degree to which identified growth thresholds are reached, and provides that when actual growth is within 10% of the growth projected in the General Plan EIR for 2030, the County will cooperatively prepare a conservation strategy for those areas containing substantial suitable habitat for those plant and wildlife species that</p>	

EXHIBIT EIR1 CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
Agricultural Resources	Implementation of the 2007 General Plan could result in conflicts with existing zoning for agricultural use or Williamson Act contracts. (AG-2)	<p>are protected under CEQA. Policy OS-5.21 includes the measures set forth in Mitigation Measure BIO-1.5.</p> <p>Policy OS-5.22 requires the County to adopt a stream setback ordinance that will protect riparian habitat and conserve the value of rivers and streams as wildlife corridors along rivers and streams. Policy OS-5.22 includes the measures set forth in Mitigation Measure BIO-2.1.</p> <p>Policy OS-5.23 requires the County to adopt and implement a program that will reduce the impact of development on oak woodland and provide for replacement habitat. Policy OS-5.22 includes the measure set forth in Mitigation Measure BIO-2.2.</p> <p>Policy OS-5.24 requires 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. Policy OS-5.24 includes the measures set forth in Mitigation Measure BIO-3.1.</p> <p>This impact is not the same as the conversion of agricultural land. Conflict with existing zoning or a Williamson Act contract would occur if the 2007 General Plan would allow incompatible uses on agriculturally zoned or contracted lands. Allowing compatible uses on Williamson Act lands would not result in a conflict, nor would the termination of Williamson Act contracts in accordance with the procedures for termination set out in the Williamson Act.</p> <p>Implementation of the 2007 General Plan and Area Plan policies would ensure that conversion of Williamson Act farmland to nonagricultural uses is minimized to the greatest extent possible through the use of land use concepts such as city-centered growth (Policies LU-2.15 through LU-2.20), clustered development (Policies LU-1.1 through LU-1.9), and programs that promote the conservation of farmland, including Williamson Act farmland (Policies under Goal AG-1, as modified by the Board of Supervisors for clarity). Any termination of Williamson Act contracts would be undertaken consistently with the provisions of the Act. Impacts would be less than significant through 2030 and through full buildout.</p> <p>The county does not allow non-compatible uses within lands under Williamson Act contract. Contract cancellations are rarely approved by Monterey County, and then only in strict adherence to Williamson Act findings requirements and recognizing the role of the Department of Conservation in overseeing cancellations of Farmland Security Zones. The eventual termination of contracts as cities begin to annex the land within their Spheres of Influence will also occur in accordance with statute. Williamson Act contracts (including Farmland Security Zones) are the premiere tax incentive for the preservation of agricultural lands, and are thus the primary target for Agricultural Element Policy AG-1.5 (encourages the use of tax and economic incentives to enhance the competitive capabilities of farms and ranches in order to promote long-term conservation, enhancement, and expansion of viable agricultural lands). This policy would encourage owners to continue agricultural uses and Williamson Act contracts on their property.</p> <p><i>Area Plans:</i></p>	DEIR, Section 4.2.5.3; FEIR, Chapter 4, Section 4.2

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p><i>North County Area Plan</i> Policy NC-6.1 would allow more secure tax benefits for farmland and grazing, which would encourage the conservation of those uses by the owners. Policy AG-1.4 provides that viable agricultural land uses will be conserved, enhanced, and expanded through land use designations and encouragement of large lot agricultural zoning, and establishes agriculture as the top land use priority for guiding further economic development on agricultural lands (this helps protect the economic viability of Williamson Act contracted lands).</p> <p><i>Agricultural Winery Corridor Plan (AWCP)</i> The Board of Supervisors has modified the AWCP to require traffic impact studies and biological studies under some circumstances. These modifications do not affect the analysis of potential conflicts with Williamson Act contracted lands. AWCP development proposals on Williamson Act properties would not include uses that are inconsistent with the Williamson Act. Certain types of facilities allowed under the AWCP, such as wineries, tasting rooms, and restaurants and bed-and-breakfasts, would require prior approval of a conditional use permit before they may be allowed within an agricultural area. Because they are not considered "compatible uses" under the County's Williamson Act program, these uses would not be allowed on Williamson Act-contracted land. Based on the County's past strict interpretation of contract cancellation requirements and Department of Conservation oversight, contract cancellations to allow these uses are unlikely to be proposed on contracted lands and, if proposed, would not be approved. The AWCP allows creation of 5-acre parcels. However, because the Williamson Act limits the size of contracted parcels to 10 acres, no contracted land would be subdivided into such small parcels.</p>	
Water Resources	Residential, commercial, industrial, and public uses consistent with the 2007 General Plan would introduce additional nonpoint source pollutants to downstream surface waters, substantially degrading water quality. (WR-1)	<p>The 2007 General Plan policies summarized below establish comprehensive measures to avoid or minimize adverse impacts on surface water quality from nonpoint sources. The Conservation and Open Space, Safety, and Public Services Elements of the General Plan contain specific goals and policies addressing water quality issues related to land use to avoid or minimize nonpoint source pollution.</p> <p><i>Conservation and Open Space Element</i> Goal OS-3 (soil conservation and water quality) outlines measures to prevent soil erosion in order to conserve soils and enhance water quality.</p> <p>Policy OS-3.1 requires development and enforcement of Best Management Practices (BMPs) to prevent and repair erosion damage.</p> <p>Policy OS-3.2 requires that existing special district, state, and federal soil conservation and restoration programs be supported. In addition, voluntary restoration projects initiated by landholders, or stakeholder groups including all affected landowners, will be encouraged.</p> <p>Policy OS-3.3 establishes criteria for hydrology studies to evaluate and address geologic and hydrologic constraints and hazards conditions associated with increased runoff from new development and changes in land use designations. These studies evaluate geologic and hydrologic constraints such as slope and soil instability, erosion hazards, drainage, water quality, and stream stability problems created by increased stormwater runoff for new development and changes in land use designations.</p> <p>Policy OS-3.4 requires that those areas where slopes pose severe constraints for development be</p>	DEIR, Section 4.3.4.2; FEIR, Master Response 9

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>mapped in the County's GIS system, and maps should be updated every five years. This data will allow the siting and design of development on steep slope areas to avoid or minimize nonpoint source water quality impacts.</p> <p>Policy OS-3.5 regulates non-agricultural and agricultural development on steep slopes (slopes in excess of twenty five percent (25 %). This policy requires discretionary permits for development on steep slopes, with limited exceptions, to reduce water quality impacts. The permit process established by this policy for non-agricultural development will require adequate special erosion control and construction techniques, evaluation of building site alternatives that better meet the goals and policies of the general plan, identification of development and design techniques for erosion control slope stabilization and drainage, minimization of development in areas where potential unstable slopes, soil and geologic conditions or sewage disposal pose substantial risk to public health or safety. The permit process established by this policy for agricultural conversion on steep slopes requires a discretionary permit that evaluates possible alternatives that better meet the goals and policies of the general plan, identifies development and design techniques for erosion control, slope stabilization drainage and construction techniques, and minimizes development in areas where potentially unstable slopes, soil and geologic conditions, or sewage disposal pose substantial risk to public health or safety. Ministerial permits for agricultural conversion of lands that have not been cultivated for the previous 30 years on slopes between 15-24%, and on such lands on slopes between 10-15% on highly erodible soils under OS-3.5 will require preparation of an erosion control plan that addresses slope stabilization, and drainage and flood hazards.</p> <p>Policy OS-3.6 limits densities and steep slopes, and encourages clustering, to avoid or minimize nonpoint source water quality impacts.</p> <p>Policy OS-3.7 (coordinated resources management planning [CRMP]) encourages the voluntary preparation and implementation of a CRMP in watersheds that have state-designated impaired water bodies.</p> <p>Policy OS-3.8 calls for the County to cooperate with appropriate federal, state, and local agencies to provide public education/outreach and technical assistance programs regarding erosion and sediment control, efficient water use, water conservation and re-use, and groundwater management. This cooperative effort shall be coordinated with Monterey County Water Resources Agency (MCWRA).</p> <p>Policy OS-3.9 requires the County to develop a program that would address the potential cumulative hydrologic impacts of the conversion of hillside rangeland areas to cultivated croplands. This program shall be designed to address offsite soil erosion, increased runoff-related stream stability impacts, and/or potential violation of adopted water quality standards. The County shall convene a committee comprised of County staff, technical experts, and stakeholders to develop the program, including implementation recommendations.</p> <p>Goal OS-4 establishes the protection and conservation of coastal, marine, and river environments (as applied in areas not in the coastal zone).</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>Policy OS-4.2 mandates that direct and indirect discharges of harmful substances into marine waters, rivers, or streams shall not exceed state or federal standards.</p> <p><i>Safety Element</i></p> <p>Policy S-1.2 requires that the County develop and maintain a Geologic Constraints and Hazards Database in the County GIS. The GIS will be used to identify areas containing hazards and constraints that could potentially impact the type or level of development allowed in these areas. Maps maintained as part of the GIS include: Steep Slope Constraints, Coastal Erosion, Moderate and High Erosion Hazards, and Highly Erodible Soils. This database will allow the siting and design of development to avoid or minimize nonpoint source water quality impacts</p> <p>Policy S-3.2 requires that BMPs be incorporated into all new development to protect surface water and groundwater quality.</p> <p>Policy S-3.6 requires that the County conduct an inventory of areas where there is a high probability of accelerated erosion, sedimentation, and/or chemical pollution. This inventory shall be maintained as part of the County's GIS mapping database and used when analyzing development projects.</p> <p><i>Public Services Element</i></p> <p>Policy PS-2.6 calls for a Hydrologic Resources Constraints and Hazards Database to be developed and maintained in the County GIS. The GIS shall be used to identify areas containing hazards and constraints that could potentially impact the type or level of development allowed in these areas. Maps maintained as part of the GIS would include: impaired water bodies on the State Water Resources Control Board 303d list; important groundwater recharge areas, 100-year flood hazards, hard rock areas with constrained groundwater, areas unsuitable to accommodate an on-site wastewater treatment system, contaminated groundwater plumes and impacted contaminated soil and groundwater sites, and saltwater intrusion.</p> <p>Policy PS-2.7 states that, as part of an overall conservation strategy and to improve water quality, Area Plans may include incentive programs that encourage owners to voluntarily take cultivated lands on slopes with highly erosive soils out of production.</p> <p>Several Area Plan supplemental policies also support water quality protection related to residential, commercial, industrial, and public use development.</p> <p><i>North County Area Plan</i></p> <p>Policy NC-5.3 states that cooperative soil conservation, water quality protection, and resource restoration programs within watershed basins shared with neighboring counties shall be pursued.</p> <p><i>Greater Salinas Area Plan</i></p> <p>Policy GS-1.5 (Salinas River corridor) permits development of commercial land uses near Highway 68 and the Salinas River only if they will not further deteriorate Salinas River water quality. In addition, where feasible, these projects should also enhance the riparian habitat along the Salinas River. Policy GS-1.8 (Spreckels development) permits development of land near the town of Spreckels designated as industrial to also be developed as agricultural-related commercial uses. However, such agriculturally related development must not deteriorate water quality in the Salinas River or area groundwater. Policy GS-3.1 (erosion) mandates that all vegetation on land exceeding</p>	

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>25% slope, particularly chaparral and broad leaf evergreen, should remain undisturbed to minimize erosion and retain important visual amenities.</p> <p><i>Central Salinas Valley Area Plan</i> Policy CSV-1.2 (development plans) stipulates that all recreation and visitor-serving commercial land uses shall require a use permit. If such uses are on a 10-acre or greater parcel, a comprehensive development plan that addresses hydrology, water quantity and quality, sewage disposal, fire safety, access, drainage, soils, and geology shall be required.</p> <p><i>Carmel Valley Master Plan</i> Policy CV-2.9 (slope development) prohibits roads crossing slopes steeper than 30% unless factors of erosion can be mitigated. Policy CV-5.6 (containment) requires containment structures or other measures to control the runoff of pollutants from commercial areas or other sites where chemical storage or accidental chemical spillage is possible.</p> <p><i>South County Area Plan</i> Policy SC-5.2 establishes that cooperative soil conservation, water quality protection, and resource restoration programs within watershed basins shared with neighboring counties shall be pursued.</p> <p><i>Fort Ord Master Plan</i> Hydrology and Water Quality Objective C mandates the control of nonpoint and point water pollution sources to protect the adopted beneficial uses of water. Hydrology and Water Quality Policy C-1 (water quality programs) requires the County to comply with all current mandated water quality programs and to establish new local programs, such as Program C-1.4, as follows: Program C-1.4 (water quality monitoring program) requires development of a surface- and groundwater water quality monitoring program. Policy C-2 (onsite drainage systems) requires all new development to demonstrate that onsite drainage systems are designed to capture and filter urban pollution to the maximum extent feasible. Biological Resources Policies A-5, A-8, and B-2 of the <i>Fort Ord Master Plan</i> require new development near habitat management areas (including the Frog Pond Natural Area) and other wetland areas to incorporate measures to protect these areas from water quality impacts.</p> <p>Although not necessary to reduce this less than significant impact, mitigation measures developed to reduce or avoid other significant impacts would also reduce this impact. These mitigation measures have been incorporated into the following General Plan policies:</p> <p>Policy S-3.9 requires the County to minimize urban runoff by requiring all future development within urban and suburban areas to implement stormwater BMPs as approved in the Monterey Regional Storm Water Management Program which are designed to incorporate Low Impact Development techniques. BMPs may include, but are not limited to, grassy swales, rain gardens, bioretention cells, and tree box filters. BMPs shall preserve as much native vegetation as feasible possible on the project site. Policy S-3.9 includes the measures set forth in Mitigation Measure PS-1.</p>	
	Land uses and development consistent with the 2007 General Plan would result in increased soil	The 2007 General Plan policies summarized below establish comprehensive measures to avoid or minimize adverse impacts on surface water quality from erosion and sedimentation. The	DEIR, Section 4.3.4.2; FEIR,

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	<p>erosion and sedimentation during construction activities, substantially degrading water quality in downstream waterways. (WR-2)</p>	<p>Conservation and Open Space, Safety, and Public Services Elements of the General Plan contain specific goals and policies to avoid or minimize construction-related erosion and sedimentation.</p> <p><i>Conservation and Open Space Element</i> Goal OS-3 and Policies OS-3.1 through OS-3.9 described above, will avoid or minimize construction erosion.</p> <p><i>Safety Element</i> Policy S-3.2 (groundwater and surface water quality and BMPs) states that Best Management Practices to protect groundwater and surface water quality shall be incorporated into all development.</p> <p>Policy S-3.6 requires development of a geologic constraints and hazards database in the County's GIS, including maps of erosion and sedimentation problem areas.</p> <p>Policy S-3.7 (stormwater, erosion, and flood hazards) states that the Monterey County Water Resources Agency shall prepare a Flood Criteria or Drainage Design Manual that established flood plain management policies, drainage standards and criteria, stormwater detention, and erosion control and stormwater quality protection measures in order to prevent significant impacts from flooding and ensure that development does not increase flooding risk over present conditions. The manual will include, as appropriate, hydrologic and hydraulic analysis procedures, procedures to assess stream geomorphology and stability, potential development impacts on streams, and design guidelines for channel design, including biotechnical bank stabilization. Until the Drainage Design Manual is prepared, the County shall continue to apply existing policies and ordinances to manage floodplains or minimize flood risk, erosion control and water quality impacts.</p> <p>Several Area Plan supplemental policies support water quality protection related to construction impacts on soil erosion and sedimentation, including the following: Policies CSV-1.1 and CSV-1.2 in the Central Salinas Valley Area Plan require certain recreation and commercial land use development projects to complete development plans to address soil stability and water quality.</p> <p><i>Carmel Valley Master Plan</i> Policy CV-4.1 (erosion, construction, and stormwater runoff) includes limitations on developable area to reduce potential erosion or rapid runoff. Policy CV-3.4 includes requirements for minimizing grading, cutting, and filling for hillside development; and Policy CV-1.20 requires design review of new development to consider erosion and grading. Policy CV-3.4 includes requirements for minimizing grading, cutting, and filling for hillside development; and Policy CV-1.20 requires design review of new development to consider erosion and grading.</p> <p><i>Toro Area Plan</i> Policy T-4.1 prohibits land uses that may contribute to siltation of Toro Creek.</p> <p><i>Cachagua Area Plan</i> Policy CACH-4.1 requires design of commercial mining and timber resource production operations to protect against additional erosion and sedimentation.</p> <p>Several policies in the <i>Fort Ord Master Plan</i> address erosion protection. Soils and Geology Policy A-</p>	<p>Master Response 9</p>

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>1 requires the use of the NRCS soil survey of Monterey County to determine soil suitability for particular land uses (where more specific site information is unavailable). Soils and Geology Policy A-2 requires developers to prepare and implement erosion control and landscape plans, at a minimum meeting the requirements of SWPPPs required by the State Water Board; programs under this policy require the County to provide lists of erosion control measures by soil type, recommended native plant species for erosion control, and engineering/design techniques addressing Fort Ord soil limitations. Soils and Geology Policy A-3 requires the County to ensure implementation of developer erosion control measures through site monitoring. Soils and Geology Policy A-4 requires the County to continue to enforce the Uniform Building Code to minimize erosion and slope instability problems, and Soils and Geology Policy A-5 requires developers to prepare geotechnical reports in areas with slope and soil limitations. Soils and Geology Policy A-6 requires erosion control measures for development on slopes greater than 25%, with the County mapping areas with slope constraints and designating areas with extreme slope constraints for open space uses if adequate erosion control design measures cannot be implemented. In addition, Hydrology and Water Quality Policy C-4 requires the County to help prevent waterway siltation through developing BMPs for property owners near waterways. Finally, Biological Resources Policies A-4 and A-5 require erosion control measures to protect certain habitat areas.</p> <p>Although not necessary to reduce this less than significant impact, mitigation measures developed to reduce or avoid other significant impacts would also reduce this impact. These mitigation measures have been incorporated into the following General Plan policies:</p> <p>Policy S-3.9 requires the County to develop a program that would address the potential cumulative hydrologic impacts of the conversion of hillside rangeland areas to cultivated croplands. This program shall be designed to address offsite soil erosion, increased runoff-related stream stability impacts, and/or potential violation of adopted water quality standards. The County shall convene a committee comprised of County staff, technical experts, and stakeholders to develop the program, including implementation recommendations. Policy S-3.9 includes the measures set forth in Mitigation Measure PS-1.</p>	
<p>Agricultural and resource development (i.e., limited timber harvesting and mineral resources extraction) land uses consistent with the 2007 General Plan would increase sediment and nutrients in downstream waterways and violate water quality standards. (WR-3)</p>	<p>The regulations of the Central Coast Regional Water Quality Control Board (CCRWQCB), County ordinances, and the General Plan policies ensure this impact is less-than-significant by controlling the release of sediment from agricultural, timber harvesting, and mineral resources extraction, and limiting the potential for erosion by protecting the integrity of the banks of the County's major rivers and streams. These requirements regulate the activities for the express purpose of avoiding erosion and the release of sediment to County waterways.</p> <p>CCRWQCB Regulations The CCRWQCB's conditional agricultural waiver program will restrict, among other things, runoff, erosion, and release of sediments from agricultural lands. The effectiveness of this program is documented in detail in Section 4.3, Water Resources, of the Draft EIR and pp. 2-173 and 2-174 of the Final EIR. As of late July, 2010, the CCRWQCB was considering adoption of a revised and further improved conditional waiver program; this revised program is expected to be adopted in 2011 and will be in place during General Plan implementation. The revised program will contain additional provisions reducing erosion and sedimentation from agricultural practices. As stated in the</p>	<p>DEIR, Section 4.3.4.2; FEIR, Master Response 9</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p><i>Preliminary Draft Staff Report for Agricultural Order</i> (CCRWQCB, February 1, 2010, p.19), the success of the initial efforts to implement the conditional waiver program "is significant," although the desired water quality outcomes achievement is uncertain and unmeasured. To address these concerns, the <i>Preliminary Draft Staff Report</i> recommends that to demonstrate compliance with the revised agricultural order, dischargers must, among other things:</p> <ul style="list-style-type: none"> • Develop and implement a farm plan that includes management practices with certain conditions and specifications • Eliminate non-storm water discharges, or use source control or treatment so that these discharges meet water quality standards • Demonstrate through water quality monitoring, that individual discharges do not exceed a turbidity target of 25 NTUs • Demonstrate through water quality monitoring that receiving water is trending toward water quality standards protecting beneficial uses, or is being maintained at existing levels for high quality water • That the farm operation supports a functional riparian ecosystem and associated beneficial uses. <p>The existing Agricultural Waiver has been given an interim extension and will remain in place until the revised agricultural order takes effect.</p> <p>As required by Monterey County Code Chapter 16.16.040, all development proposals for five parcels or more must ensure that the flood discharge exiting the development after construction is equal to or less than the flood discharge at the location prior to development. Title 19, the subdivision ordinance, includes a requirement for a discussion of how stormwater drainage caused by a proposed project's impervious surfaces will be controlled. The Carmel River setback requirements under Chapter 21.64.130 would avoid erosion along the Carmel River. The MCWRA typically reviews potential increased stormwater runoff and enforces a "no net increase in runoff" policy associated with its review of discretionary development proposals, as well as in its lead role in administering the NPDES Phase II stormwater regulations. The NPDES program establishes regulations that will be followed during construction activities. It requires preparation of a SWPPP to minimize erosion. This will ensure that construction will not begin a cycle of erosion by damaging streambanks or other sensitive areas.</p> <p><i>Conservation and Open Space Element</i></p> <p>Policy OS-2.5 requires that the County inventory, assess, and characterize the location and condition of identified pre-SMARA abandoned gold, mercury and coal mines and implement such measures as may be necessary to ensure that such mines do not contribute to a significant risk to public health or safety or non-compliance with water quality standards and criteria, including standards and criteria for erosion and sedimentation.</p> <p>Policy OS-3.5, as discussed above, requires discretionary permits for conversions of uncultivated land on slopes greater than 25% to cultivated agricultural uses. The discretionary permit will impose conditions to protect water quality, including reducing erosion and sedimentation. Ministerial permits for agricultural conversion of lands that have not been cultivated for the previous 30 years on slopes between 15-24%, and on such lands on slopes between 10-15% on highly erodible soils under OS-3.5 will require preparation of an erosion control plan.</p>	

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ⁷	Reference
		<p>Under Policy OS-3.8, requires the County to cooperate with appropriate regional, state and federal agencies to provide public education/outreach and technical assistance programs on erosion and sediment control, efficient water use, water conservation and re-use, and groundwater management. This cooperative effort will be lead by the Monterey County Water Resources Agency.</p> <p>Policy OS-3.9 requires the County to adopt a program, within 5 years of approval of the General Plan, to address the potential cumulative hydrologic impacts of the conversion of hillside rangeland areas to cultivated croplands. The program will focus on off-site soil erosion, increased runoff-related stream stability impacts, and/or potential violation of adopted water quality standards.</p> <p>Policy OS-5.7 requires proposals for harvesting commercially valuable timber or as part of a Timberland Conversion Project to include provisions for erosion control (as is required by the State Forest Practices Act and Forest Rules).</p> <p><i>Agriculture Element</i></p> <p>Goal AG-3 states that the intent of its policies is to assure that the county's land use policies do not inappropriately limit or constrain "routine and ongoing agricultural activities." At the same time, routine and ongoing agricultural activities are subject to Policies OS-3.5 and OS-3.9, protecting water quality.</p> <p>Policy AG-5.1 requires the County to promote soil conservation programs that reduce soil erosion and increase soil productivity.</p> <p>Policy AG-5.2 requires the County to promote policies and programs to protect and enhance surface water and groundwater resources, including policies and programs that limit sedimentation of surface and groundwater resources.</p> <p><i>Safety Element</i></p> <p>Safety Element Policy S-3.1 (flood hazards and stormwater) limits post-development, offsite peak flow drainage from the area being developed to not be greater than pre-development peak flow drainage. Onsite improvements or other methods for stormwater detention shall be required to maintain post-development, offsite, peak flows at no greater than predevelopment levels, where appropriate, as determined by the Monterey County Water Resources Agency.</p> <p>Safety Element Policy S-3.2 (groundwater and surface water quality and BMPs) states that Best Management Practices to protect groundwater and surface water quality shall be incorporated into all development.</p> <p>Safety Element Policy S-3.3 (stormwater and new development) establishes that drainage facilities to mitigate the post-development peak flow impact of new development shall be installed concurrent with new development.</p> <p>Safety Element Policy S-3.6 (flood hazards, erosion, and GIS) requires that an inventory of areas where there is a high probability of accelerated erosion, sedimentation, and/or chemical pollution shall be maintained as part of the County's GIS mapping database.</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p><i>Public Services Element</i> Policy PS-2.7 allows Area Plans to include incentive programs to take cultivated lands on slopes with highly erosive soils out of production voluntarily.</p> <p><i>Area Plans</i> <i>Carmel Valley Master Plan</i> Carmel Valley Master Plan Policy CV-6.2 also helps to mitigate water quality impacts associated with erosion by discouraging agricultural development on slopes greater than 25%.</p> <p><i>Cachagua Area Plan</i> Policy CACH-4.1 in the Cachagua Area Plan addresses potential sedimentation impacts related to mining or commercial timber production.</p> <p><i>North County Area Plan</i> Policies NC-3.9 and NC-3.10 prohibit new development on slopes in excess of 25% with highly erodible soils that drain into the watersheds of Elkhorn and Moro Cojo Sloughs, including the conversion of uncultivated land for agricultural purposes.</p> <p>Policy NC-3.11 commits the County to develop (by December 31, 2011) best management practices for agricultural operations in the North County planning area to control erosion and off-site runoff from all agricultural land. These best management practices are to be incorporated into all ministerial permits issued pursuant to Policy OS-3.5.</p> <p><i>Community Plan Policies</i> <i>Fort Ord Master Plan</i> Soils and Geology Policy B-1 requires identification and protection of valuable mineral resources in Fort Ord. Soils and Geology Policy B-3 requires the preparation of mining and reclamation plans prior to granting permits for mineral extraction operations, with a requirement for the County to develop a list of issues to be mitigated in these plans—including erosion control, protection of water quality, waste disposal, and reclamation.</p> <p>Hydrology and Water Quality Program C-1.1 (coastal/marine and nonpoint source water pollution) establishes that the County shall comply with the nonpoint pollution control plan developed by the California Coastal Commission and the SWRCB, pursuant to Section 6217 of the Federal Coastal Zone Management Act Reauthorization Amendments of 1990, if any stormwater is discharged into the ocean.</p> <p>Hydrology and Water Quality Program C-1.2 (nonpoint source water pollution) ensures that the County shall comply with the General Industrial Storm Water Permit adopted by the SWRCB in November 1991 that requires all storm drain outfalls classified as industrial to apply for a permit for discharge.</p> <p>Hydrology and Water Quality Program C-1.5 (BMPs and new development) establishes that the County shall adopt and enforce a hazardous substance control ordinance that requires that hazardous substance control plans be prepared and implemented for construction activities involving</p>	

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	Land uses and development consistent with the 2007 General Plan would result in sewer- and septic-related water quality impacts, including those associated with reuse of treated water and	<p>the handling, storing, transport, or disposal of hazardous waste materials.</p> <p>Biological Resources Program A-5.3 (stormwater drainage plans) requires that the County shall require stormwater drainage plans for all developments adjacent to the habitat management areas to incorporate measures for minimizing the potential for erosion in the habitat management areas due to stormwater runoff.</p> <p><i>Forestry Regulations</i> Timber harvesting is primarily addressed at the state level through the Timber Harvesting Program (THP) review program. Policy OS-5.7 requires proposals for commercial timber harvesting (and proposals to convert commercial timberland to another use) to include the filing of a timber harvest plan (or conversion plan) that contains provisions for erosion control. Monterey County has special rules for timber harvesting operations under the California Forest Practice Rules enacted by the California Department of Forestry and Fire Protection. These include limits on the construction of new roads, restrictions on harvesting in the Big Sur area, and maintenance of erosion control structures. The THP review process under the Forest Practices Rules is designed to protect water quality and stream stability, in part through the oversight of the Central Coast RWQCB. As a result, timber harvesting activities consistent with the 2007 General Plan would not be expected to degrade water quality.</p> <p><i>Mining Regulations</i> Mining activities are regulated in Monterey County by the County's surface mining ordinance (Monterey County Code Chapter 16.04) and by the state Surface Mining and Reclamation Act (SMARA). Nearly all proposed mining activities require evaluation of the adequacy of project-specific soil erosion control and mine reclamation plans. Sediment and erosion control plans are an important element of the CEQA review and mine permit process. Therefore, project-specific and cumulative adverse changes to water quality resulting from mining activities are generally considered to be adequately addressed through the existing County ordinance, through the CEQA review process, and by Office of Mine Reclamation staff at the state level.</p> <p>Although not necessary to reduce this less than significant impact, mitigation measures developed to reduce or avoid other significant impacts would also reduce this impact. These mitigation measures have been incorporated into the following General Plan policies:</p> <p>Policy OS-5.22 requires enactment of a stream setback ordinance to preserve riparian habitat, conserve the value of streams and rivers as wildlife corridors and reduce sediment and other water quality impacts of new development, including conversion of lands uncultivated for the previous 30 years on normal soil slopes over 15% or on highly erodible soils on slopes over 10%. Policy OS-5.22 includes the measures set forth in Mitigation Measure BIO-2.1.</p> <p>The 2007 General Plan policies summarized below establish comprehensive measures to avoid or minimize adverse water quality impacts from wastewater disposal from erosion and sedimentation. The Public Services Element of the General Plan contains specific goals and policies that avoid or minimize construction-related erosion and sedimentation.</p>	DEIR, Section 4.3.4.2; FEIR, Master Response 9

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	<p>migration of septic tank leachfield wastewater effluent to groundwater that would violate water quality standards. (WR-8 through 2030 and through 2092)</p>	<p><i>Public Services Element</i></p> <p>Policy PS-2.6 includes mapping of areas with limitations for on-site wastewater treatment systems via a GIS-based Hydrologic Resources Constraints and Hazards Database. This data shall be used in development project analysis.</p> <p>Policy PS-4.1 requires that new development shall assure that adequate wastewater treatment facilities are completed concurrent with new development.</p> <p>Policy PS-4.2 requires that developers shall construct or contribute their fair share to the funding of new or expanded wastewater treatment facilities needed to serve their development.</p> <p>Policy PS-4.3 provides that the County shall pursue all available public and private financing sources and techniques to fund wastewater treatment facilities shall be pursued.</p> <p>Policy PS-4.4 encourages groundwater recharge through the use of reclaimed wastewater, not including primary treated wastewater, in accordance with federal, state, and local laws, regulations and ordinances.</p> <p>Policy PS-4.5 ensures that new development proposed in the service area of existing wastewater collection, treatment and disposal facilities shall seek service from those facilities unless it is clearly demonstrated that the connection to the existing facility is not feasible.</p> <p>Policy PS-4.6 requires that new independent wastewater treatment facilities shall not be allowed unless it is clearly demonstrated that connection to a regional facility is not feasible. Policies PS-4.5 and PS-4.6 work in concert to discourage the use of individual wastewater disposal systems when a community system is available. This reduces the potential impacts from failing individual disposal systems.</p> <p>Policy PS-4.7 requires development of water quality criteria for new wastewater treatment facilities, including long-term capability to operate the system in an acceptable manner, professional qualifications of the staff, and long-term financial stability. This policy expresses the County's preference for wastewater systems owned and operated by public service providers rather than private entities, which reduces the potential for the eventual failure of the system.</p> <p>Policy PS-4.8 requires development of several criteria for individual sewage disposal systems to protect water quality when new lots are being created and where connection to a wastewater treatment facility is not feasible. These include: minimum lot size, location of wells, soils testing, areas for backup and repair of leaching systems, existing groundwater conditions, and effect of recharge on existing groundwater.</p> <p>Policy PS-4.9 ensures that the adequate provision of new or expanded wastewater treatment facilities that meet RWQCB waste discharge requirements shall be assured to the satisfaction of the County and RWQCB prior to the approval of new residential subdivision maps or zone changes.</p> <p>Policy PS-4.10 allows alternative wastewater treatment systems to be considered for repairs to existing systems and new systems on existing lots of record. Approval by the Director of</p>	

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>Environmental Health is required, and the design and operation of the alternative on-site systems must conform to regulatory requirements of the Central Coast Regional Water Quality Control Board (RWQCB). This provides regulatory oversight of alternative systems to ensure that they will meet discharge requirements. Policy PS-4.11 encourages all new wastewater treatment facilities to use tertiary treatment standards to minimize water quality impacts.</p> <p>Policy PS-4.12 states that the County Health Department, Environmental Health Bureau, shall develop On-site Wastewater Management Plans (OWMP) for areas with high concentrations of development that are served primarily by individual sewage systems in El Toro, Prunedale, Carmel Highlands, and Carmel Valley. Wastewater treatment and disposal for community areas and rural centers shall be through the consolidation of services into regional or subregional facilities. Subdivisions shall be required to consolidate wastewater collection, treatment, and disposal systems, connecting to existing systems where feasible. The County shall not allow the use of package plants when connection to a regional facility is feasible. These requirements will lessen the impacts of existing individual sewage systems in these areas, while also encouraging connections to regional facilities when feasible.</p> <p>Several Area Plans include policies that specifically address wastewater and water quality issues.</p> <p><i>Greater Salinas Area Plan</i> Policy GS-1.1 requires that the Butterfly Village Special Treatment Area (STA) include drainage ponds and wastewater facilities.</p> <p><i>Central Salinas Valley Area Plan</i> Policy CSV-5.2 requires any recreation and visitor-serving commercial development to meet minimum Central Coast Basin Plan standards where on-site wastewater treatment systems are proposed.</p> <p><i>Carmel Valley Master Plan</i> Policy CV-5.5 requires completion of geologic and soil investigations for development projects using onsite wastewater treatment systems, as well as overall review in accordance with standards of the Carmel Valley Wastewater Study, County code and Central Coast Basin Plan. Policy CV-1.8 requires clustered development to be consistent with the Carmel Valley Wastewater Study by limiting development to five units or less on a minimum of 5 acres of land.</p> <p><i>Toro Area Plan</i> Policy T-5.1 encourages development in areas that can be served by wastewater treatment facilities to ensure adequate wastewater treatment. <i>Fort Ord Master Plan</i> Hydrology and Water Quality Policy C-5 requires the County to support all actions necessary to ensure that sewage treatment facilities comply with Central Coast RWQCB WDRs, and Policy C-7 requires all development plans to verify adequate wastewater treatment capacity.</p> <p>Although not necessary to reduce this less than significant impact, mitigation measures developed to reduce or avoid other significant impacts would also reduce this impact. These mitigation measures</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	<p>Land uses and development consistent with the 2007 General Plan would result in an increase in the number of private wells in unincorporated inland areas of the county. Approval of wells in these areas would result in well interference impacts. (WR-9 through 2030 and through 2092)</p>	<p>have been incorporated into the following General Plan policies:</p> <p>Policy OS-5.22 requires enactment of a stream setback ordinance to preserve riparian habitat, conserve the value of streams and rivers as wildlife corridors and reduce sediment and other water quality impacts of new development, including conversion of lands uncultivated for the previous 30 years on normal soil slopes over 15% or on highly erodible soils on slopes over 10%. The ordinance will reduce sediment and other water quality impacts of new development. Policy OS-5.22 includes the measures set forth in Mitigation Measure BIO-2.1.</p> <p>In addition to the general groundwater supply policies discussed under Impact WR-6 intended to protect groundwater supplies, the 2007 General Plan contains the following goals and policies specifically addressing well competition. The 2007 General Plan policies summarized below establish comprehensive measures to avoid or minimize adverse well interference impacts of new wells. The Public Services Elements of the General Plan contain specific goals and policies avoid or minimize construction-related erosion and sedimentation.</p> <p><i>Public Services Element</i></p> <p>Policy PS-3.1 requires a long-term sustainable water supply, both in quality and quantity, to serve development for which a discretionary permit is required, with limited exceptions for existing lots, development related to agriculture, and development within Zone 2C.</p> <p>Policy PS-3.2 (which was identified as Policy PS-3.3 in the Draft EIR and the March 2010 version of the Final EIR) requires the County to develop by ordinance specific criteria for a long-term water supply and adequate water supply system. These criteria will include consideration of the effect on wells in the immediate vicinity, including recovery rates.</p> <p>Policy PS-3.3 (which was identified as Policy PS-3.4 in the Draft EIR and the March 2010 version of the Final EIR) further requires that the County develop new criteria for the evaluation and approval of all new wells, including production rate, recovery ability, effects on nearby wells, and existing groundwater conditions.</p> <p>Policy PS-3.4 (which was identified as Policy PS-3.5 in the Draft EIR and the March 2010 version of the Final EIR) requires an assessment of impacts on adjacent wells and in-stream flows for new high-capacity urban and agricultural wells with the potential to affect existing adjacent domestic or water system wells. Where the assessment shows the potential for significant adverse well interference, the County shall require that the proposed well site be relocated or otherwise mitigated to avoid significant well interference.</p> <p><i>Area Plans</i> <i>Fort Ord Master Plan</i></p> <p>Hydrology and Water Quality Program C-3.5 (groundwater wells) states that the County shall carry out all actions necessary to ensure that the installation of water supply wells comply with the State of California Water Well Standards and well standards established by the Monterey County Health Bureau.</p> <p>Although not necessary to reduce this less than significant impact, mitigation measures developed to reduce or avoid other significant impacts would also reduce this impact. These mitigation measures have been incorporated into the following General Plan policies:</p>	<p>DEIR, Section 4.3.4.2; FEIR, Master Response 4</p>

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	Land use and development consistent with the 2007 General Plan would result in alterations to existing drainage patterns. Such changes would increase erosion, both in overland flow paths and in drainage swales and creeks. (WR-10)	<p><i>Carmel Valley Master Plan</i> Policy CV-3.20 requires a discretionary permit for new wells in the Carmel Valley alluvial aquifer. All new wells shall be required to fully offset any increase in extractions from this aquifer. These requirements shall be maintained until such a time that the Coastal Water project (or its equivalent) results in elimination of all Cal-Arm withdrawals in excess of its legal rights. Policy CV-3.20 includes the measures set forth in Mitigation Measure BIO-2.3.</p> <p><i>North County Area Plan</i> Policy NC-3.8 requires a discretionary permit for all new wells in fractured rock or hard rock areas in the in order to provide for case by case review of potential water quality and overdraft concerns. This requirement shall be maintained until such a time that a water supply project or projects are completed that addresses existing water quality and water supply issues in fractured rock or hard rock areas. Policy NC-3.8 includes the measures set forth in Mitigation Measure BIO-2.3.</p> <p>The regulations of the Central Coast RWQCB, County ordinances, and the General Plan policies will ensure this impact remains less-than-significant by controlling the release of sediment from agricultural, timber harvesting, and mineral resources extraction, and limiting the potential for erosion by protecting the integrity of the banks of the County's major rivers and streams. These requirements regulate the activities for the express purpose of avoiding erosion and the release of sediment to County waterways.</p> <p>See the discussion of Impact WR-3 above for details regarding the CCRWQCB program, and additional discussion of County ordinances and the policies of the General Plan. The following will discuss additional erosion control requirements that are applicable to development.</p> <p><i>County Regulations</i> Monterey County Ordinance Code Chapter 16.12 (erosion control ordinance) provides that prior to permit issuance for building, grading, or land clearing, an erosion control plan indicating proposed methods for the control of runoff, erosion, and sediment movement shall be submitted and approved to the County. Erosion control plans may also be required for other types of applications where erosion can reasonably be expected to occur. The erosion control plan may be incorporated into other required plans, provided it is identified as such. For major development proposals (including subdivisions of five or more parcels), the erosion control plan shall be prepared by a registered civil engineer, professional forester, landscape architect, registered geologist, certified engineering geologist, or approved erosion control specialist.</p> <p>The National Pollutant Discharge Elimination System (NPDES) program establishes regulations that will be followed during construction activities. It requires preparation of a Stormwater Pollution Prevention Plan (SWPPP) to minimize erosion for individual development projects (subject to review by the CCRWQCB). The program also establishes standards to be met by the County through Phase II stormwater regulations. This will ensure that construction will not begin a cycle of erosion by damaging streambanks or other sensitive areas. Monterey County Ordinance Code Chapter 16.14 (Monterey County Stormwater Ordinance) establishes local regulations for the minimization of erosion and the release of sediment to stormwater, consistent with NPDES requirements. The</p>	DEIR, Section 4.3.4.2; FEIR, Master Response 9

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>Monterey County Water Resources Agency typically reviews potential increased stormwater runoff and enforces a "no net increase in runoff" policy associated with its review of discretionary development proposals, as well as in its lead role in administering the NPDES Phase II stormwater regulations.</p> <p>Monterey County Ordinance Code Chapter 16.16 (floodplain ordinance) requires that all development proposals for five parcels or more must ensure that the flood discharge exiting the development after construction is equal to or less than the flood discharge at the location prior to development.</p> <p>County Ordinance Code Title 19, the Monterey County subdivision ordinance, includes a requirement for controlling stormwater drainage caused by a proposed project's impervious surfaces.</p> <p>The Carmel River setback requirements under Ordinance Code Chapter 21.64.130 would avoid erosion along the Carmel River.</p> <p><i>Conservation and Open Space Element</i></p> <p>Policy OS-3.1 commits the County to establishing and enforcing Best Management Practices (BMPs) to prevent and repair erosion damage. In addition, Policy OS-3.3 requires the County to establish criteria for studies to evaluate and address, through appropriate designs and BMPs, geologic and hydrologic constraints and hazards conditions, such as slope and soil instability, moderate and high erosion hazards, and drainage, water quality, and stream stability problems created by increased stormwater runoff, for new development and changes in land use designations. These policies will reduce or avoid erosion through project design and routine BMPs.</p> <p>Policy OS-3.4 establishes that those areas where slopes pose severe constraints for development shall be mapped in the County's GIS. The information shall be updated at least every 5 years.</p> <p>Policy OS-3.5, discussed above, regulates non-agricultural development and agricultural conversion on slopes in excess of 25%, unless specified findings can be made and a discretionary permit granted. Development on slopes greater than 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 to minimize the potential for erosion.</p> <p>OS-3.5 also restricts conversions of uncultivated land on slopes greater than 25% to cultivated agricultural uses, unless specified findings can be made and a discretionary permit granted. The discretionary permit will impose conditions to protect water quality, including reducing erosion and sedimentation. Ministerial permits for agricultural conversion of lands that have not been cultivated for the previous 30 years on slopes between 15-24%, and on lands on slopes between 10-15% on highly erodible soils under OS-3.5 will require preparation of an erosion control plan that addresses slope stabilization, and drainage and flood hazards.</p> <p>Pursuant to policy OS-3.8, the County shall cooperate with appropriate regional, state and federal agencies to provide public education/outreach and technical assistance programs on erosion and sediment control, efficient water use, water conservation and re-use, and groundwater management. This cooperative effort shall be centered through the Monterey County Water Resources Agency.</p>	

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p><i>Safety Element</i></p> <p>Policy S-1.2 establishes the County's GIS Geologic Constraints and Hazards Database. This will collect information about steep slopes and erosion potential (as further provided in Policy S-3.6), map it, and make it readily available to decision-makers considering site-specific permits. This will improve the County's ability to place conditions on discretionary permits to ensure that erosion is minimized.</p> <p>Policy S-1.6 provides that new development shall not be permitted in areas of known geologic or seismic hazards unless measures recommended by a California certified engineering geologist or geotechnical engineer are implemented to reduce the hazard to an acceptable level. This includes areas of high erosion potential and potential for coastal erosion.</p> <p>Policy S-1.7 requires preparation of site-specific reports addressing geologic hazard and geotechnical conditions (by qualified engineers) as part of the planning phase and review of discretionary development entitlements and as part of review of ministerial permits in accordance with the California Building Standards Code. This will also reduce the potential for erosion during both construction and operation. Policy S-3.1 states that post-development, off-site peak flow drainage from the area being developed shall not be greater than pre-development peak flow drainage. On-site improvements or other methods for storm water detention shall be required to maintain post-development, off-site, peak flows at no greater than pre-development levels, where appropriate, as determined by the Monterey County Water Resources Agency.</p> <p>Policy S-3.1 requires that post-development, offsite peak flow drainage not be greater than pre-development conditions. Onsite improvements or other methods for stormwater detention shall be required to maintain post-development, offsite, peak flows at predevelopment levels.</p> <p>Policy S-3.3 provides that drainage facilities to mitigate the post-development peak flow impact of new development shall be installed concurrent with new development.</p> <p>Policy S-3.5 provides that Runoff Performance Standards that result in an array of site planning and design techniques to reduce storm flows plus capture and recharge runoff shall be developed and implemented, where appropriate, as determined by the Monterey County Water Resources Agency.</p> <p>Policy S-3.6 requires an inventory of areas where there is a high probability of accelerated erosion, sedimentation, and/or chemical pollution shall be maintained as part of the County's GIS mapping database.</p> <p>Policy S-3.7 states that the Monterey County Water Resources Agency shall prepare a Flood Criteria or Drainage Design Manual that establishes floodplain management policies, drainage standards and criteria, stormwater detention, and erosion control and stormwater quality protection measures in order to prevent significant impacts from flooding and ensure that development does not increase flooding risk over present conditions. The manual shall include, as appropriate, hydrologic and hydraulic analysis procedures, procedures to assess stream geomorphology and stability, potential development impacts on streams, and design guidelines for channel design, including biotechnical bank stabilization. Until the Drainage Design Manual is prepared, the County shall continue to apply</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>existing policies and ordinances to manage floodplains and minimize flood risk, erosion control, and water quality impacts.</p> <p><i>Public Services Element</i></p> <p>The Adequate Public Facilities and Services requirements established under Policies PS 1.1 through 1.6 include standards for stormwater and drainage. A net increase of harmful runoff, including runoff carrying sediment resulting from erosion, is prohibited. The drainage plan required in Community Areas and Rural Centers addresses erosion control consistent with Ordinance Code Chapter 16.14.</p> <p>Policy PS-2.6 establishes the County's GIS Hydrologic Resources Constraints and Hazards Database. Among its data sets will be impaired water bodies on the State Water Resources Control Board 303d (Clean Water Act) list. As above, this will inform decision-makers of the severity of potential erosion hazard and reduce the potential for issuing discretionary permits that don't adequately address the issue.</p> <p><i>Area Plans</i></p> <p><i>North County Area Plan</i></p> <p>Policies NC-3.9 and NC-3.10 prohibit new development on slopes in excess of 25% with highly erodible soils that drain into the watersheds of Elkhorn and Moro Cojo Sloughs, including the conversion of uncultivated land for agricultural purposes.</p> <p>Policy NC-3.11 commits the County to develop (by December 31, 2011) best management practices for agricultural operations in the North County planning area to control erosion and off-site runoff from all agricultural land. These best management practices are to be incorporated into all ministerial permits issued pursuant to Policy OS-3.5.</p> <p><i>Greater Salinas Area Plan</i></p> <p>Greater Salinas Area Plan Policy GS-3.1 (erosion) states that all vegetation on land exceeding 25% slope, particularly chaparral and broad leaf evergreen, should remain undisturbed to minimize erosion and retain important visual amenities.</p> <p><i>Central Salinas Valley Area Plan</i></p> <p>Policies CSV-1.3 and CSV-5.3 include provisions to mitigate runoff impacts on agricultural operations. Policy CSV-1.3 also applies in the Greater Salinas Area Plan as Policy GS-1.2. Central Salinas Valley Area Plan Policies CSV-1.1 and CSV-1.2 require comprehensive development plans for certain recreation and commercial land use projects to address drainage.</p> <p>Policy CSV-5.1 (groundwater recharge, riparian habitat, flood hazards, Arroyo Seco River, and Salinas River) ensures that development shall be designed to maintain groundwater recharge capabilities on the property. To protect and maintain areas for groundwater recharge, preservation of riparian habitats, and flood flow capacity, the main channels of the Arroyo Seco and Salinas Rivers shall not be encroached on by development.</p> <p>Policy CSV-5.2 requires recreation and visitor-serving commercial development to prove that excessive runoff with erosion potential will not be produced (as determined by the WRA).</p> <p><i>Carmel Valley Master Plan</i></p>	

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>Policy CV-2.9 (erosion and construction) states that no roads should cross slopes steeper than 30% unless factors of erosion and visible scarring can be mitigated.</p> <p>Policy CV-3.8 (Carmel River, erosion, and riparian) ensures that development shall be sited to protect riparian vegetation, minimize erosion, and preserve the visual aspects of the Carmel River. In places where the riparian vegetation no longer exists, it should be planted to a width of 150 feet from the river bank, or the face of adjacent bluffs, whichever is less. Density may be transferred from this area to other areas within a lot.</p> <p>Policy CV-3.9 (riparian vegetation) establishes that willow cover along the banks and bed of the Carmel River shall be maintained in a natural state for erosion control. Constructing levees, altering the course of the river, or dredging the river shall only be allowed by permit from the Monterey Peninsula Water Management District or Monterey County.</p> <p>Policy CV-4.1 in the Carmel Valley Master Plan protects against rapid runoff or erosion impacts by requiring that vegetation be maintained on specified slope and soil combination areas. Carmel Valley Master Plan Policy CV-4.2 requires establishment of a subbasin or valley-wide drainage maintenance program that also would incorporate erosion control mitigation measures.</p> <p><u>Cachagua Area Plan</u> Policy CACH-3.7 (riparian vegetation and fisheries) requires that new development shall be sited to protect riparian vegetation and threatened fish species, minimize erosion, and preserve the visual aspects of the Carmel and Arroyo Seco Rivers. Private property owners are encouraged to preserve the Carmel River in its natural state, to prevent erosion and protect fishery habitat. Fishery habitats located above the Los Padres and San Clemente Dams shall be maintained in a productive state accessible to fish populations, especially steelhead.</p> <p>Policies CACH-3.5 and CACH-4.1 require commercial mining and timber production to include drainage mitigation measures.</p> <p><u>South County Area Plan</u> Policy SC-5.3 (new development and flood hazards) establishes that new development may not encroach on the main channels and associated floodways of the Nacimiento, San Antonio, and Salinas Rivers in order to conserve groundwater recharge, preserve riparian habitats, and protect flood flow capacity. Policy SC-5.4 includes provisions to mitigate development-related stormwater runoff impacts on agricultural operations.</p> <p><u>Community Area Policies</u> <u>Fort Ord Master Plan</u> In addition to Fort Ord Master Plan Soils and Geology policies previously discussed for erosion control (see Impact WR-2), Fort Ord Master Plan Hydrology and Water Quality Policies A-1 and A-2 incorporate stormwater runoff minimization measures for new development. These measures include programs requiring the County to develop site drainage design and stormwater infiltration BMPs; to adopt and enforce a stormwater detention plan for all new development; to prepare, adopt, and enforce a master drainage plan for the area; and to develop a stream-gauging program for creeks in</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>the eastern part of the former Fort Ord.</p> <p>Soils and Geology Program A-6.2 (erosion and slope limitation) explains that the County shall designate areas with extreme slope limitations for open space or similar use if adequate erosion control measures and engineering and design techniques cannot be implemented.</p> <p>Hydrology and Water Quality Policy C-4 (erosion and siltation) calls for the County to prevent siltation of waterways, to the extent feasible. Hydrology and Water Quality Program C-4.1 (erosion, siltation and agency coordination) requires that the County, in consultation with the Natural Resources Conservation Service, develop a program that will provide, to owners of property near waterways and other appropriate entities, information concerning vegetation preservation and other best management practices that would prevent siltation of waterways in or downstream of the former Fort Ord.</p> <p>Biological Resources Program A-5.3 (stormwater drainage plans) states that the County shall require stormwater drainage plans for all developments adjacent to the habitat management areas to incorporate measures for minimizing the potential for erosion in the habitat management areas due to stormwater runoff.</p> <p>Although not necessary to reduce this less than significant impact, mitigation measures developed to reduce or avoid other significant impacts would also reduce this impact. These mitigation measures have been incorporated into the following General Plan policies:</p> <p>Policy OS-5.22 requires enactment of a stream setback ordinance to preserve riparian habitat, conserve the value of streams and rivers as wildlife corridors and reduce sediment and other water quality impacts of new development, including conversion of lands uncultivated for the previous 30 years on normal soil slopes over 15% or on highly erodible soils on slopes over 10%. The ordinance will reduce sediment and other water quality impacts of new development. Policy OS-5.22 includes the measures set forth in Mitigation Measure BIO-2.1.</p>	
	<p>Land uses and development consistent with the 2007 General Plan would result in increases in storm water runoff and peak discharge. Existing storm drain systems, including urban creeks and rivers, may be incapable of accommodating increased flows, potentially resulting in increased onsite or offsite flooding. (WR-11 through 2030 and 2092)</p>	<p>The 2007 General Plan policies summarized below establish comprehensive measures to avoid or minimize increased on-site or off-site flooding. The Safety Element of the General Plan contains specific goals and policies to avoid or minimize on-site and off-site flooding.</p> <p>The existing County floodplain management ordinance (Chapter 16.16 of the Monterey County code) and the MCWRA's drainage review practices currently address drainage and flooding issues as part of both discretionary and, occasionally, ministerial projects. New development is prohibited within floodplains unless it meets the requirements of the County floodplain ordinance and can show that it will not adversely affect the flow within the floodplain.</p> <p><i>Safety Element</i> Policy S-3.1 requires that post-development, offsite peak flow drainage not be greater than predevelopment conditions. Onsite improvements or other methods for stormwater detention will be required to maintain post-development, offsite, peak flows at predevelopment levels.</p>	<p>DEIR, Section 4.3.4.2</p>

EXHIBIT EIR I

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>Policy S-3.3 requires the installation of drainage facilities to mitigate peak flow impacts concurrent with new development.</p> <p>Policy S-3.4 (flood hazards) requires that a County Flood Management Program that helps reduce flood risks shall be established consistent with FEMA requirements at a minimum. The program will consider both structural and non-structural solutions to address flooding.</p> <p>Policy S-3.5 requires the MCWRA to develop and implement runoff performance standards for site planning and to design techniques that would reduce storm flows and capture runoff for groundwater recharge.</p> <p>Policy S-3.7 requires the MCWRA to prepare a flood criteria or drainage design manual establishing floodplain management policies, drainage standards and criteria, stormwater detention, and erosion control and stormwater quality protection measures. Policy S-3.8 (flood hazards [mapping]) establishes that, to assist planners in determining potential inundation hazards for existing and future development, the County shall coordinate the periodic review, completion, and filing (with appropriate state and County Offices of Emergency Services) of inundation maps for all dams and levees whose failure could cause loss of life or personal injury within Monterey County. Where inundation maps indicate dam or levee failure could cause loss of life or property or personal injury, the corresponding responsible party shall investigate levee or dam stability and management, identifying emergency alert, evacuation, rehabilitation, and maintenance needs as appropriate.</p> <p>Policies discussed previously under Impacts WR-1, WR-2, and WR-3 providing for water quality and stormwater pollution controls would also reduce the rate of surface water runoff and potential downstream drainage and flooding problems.</p> <p>Several Area Plan policies will also reduce this impact.</p> <p><i>Greater Salinas Area Plan</i></p> <p>Policy GS-1.2 (Drainage Management Plan) refers to Policy CSV-1.3, which states that in the Spence/Potter/Encinal Road Special Treatment Area subdivision of land shall be approved only under certain conditions including that a Drainage Management Plan to mitigate runoff to adjoining farmlands must be prepared for the entire Special Treatment Area. Policy GS-1.7 (Drainage Management Plan) refers to Policy CSV-1.4, which ensures that in the Spence/Potter/Encinal Road Study Area prior to new development, a drainage management plan to mitigate runoff to adjoining farmlands for the entire study area must be completed. Policy GS-1.10 (Drainage Management Plan) establishes that in the Natividad/Rogge Road Special Treatment Area subdivision of land shall be approved only under three conditions, one of which is that a drainage management plan to mitigate runoff to adjoining farmlands is prepared for the entire special treatment area. Policy GS-5.1 (Gabilan Creek, riparian corridor, flood hazard) calls for portions of Gabilan Creek to be evaluated for a linear park as defined by the County's Parkland Classification System at such time when the County can support another regional park. Until such time, Gabilan Creek is to be allowed its natural flood capacity through required setbacks conforming to the 100 year flood plain and kept free from urban encroachment by residential development through required dedication of land in the floodplain</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>corridor.</p> <p><i>Central Salinas Valley Area Plan</i> Policy CSV-5.1 (groundwater recharge, riparian habitat, flood hazards, Arroyo Seco River, Salinas River) ensures that development shall be designed to maintain groundwater recharge capabilities on the property. To protect and maintain areas for groundwater recharge, preservation of riparian habitats, and flood flow capacity, the main channels of the Arroyo Seco River and the Salinas River shall not be encroached on by development. Policy CSV-5.2 (a. groundwater recharge, b. new development, c. floodways, d. new development, groundwater quality/quantity, e. septic, f. stormwater, erosion) states that recreation and visitor-serving commercial uses shall only be allowed if it can be proven that, among other things, floodways associated with the main channels of either the Arroyo Seco or Salinas Rivers will not be encroached on by development because of the necessity to protect and maintain these areas for groundwater recharge, preservation of riparian habitats, and flood flow capacity as determined by the Water Resources Agency.</p> <p><i>South County Area Plan</i> Policy SC-4.1 (flood hazards) identifies that channelization or realignment work on the Salinas River shall not be permitted without an assessment by the Monterey County Water Resources Agency that such work will not increase the flood hazard downstream. Policy SC-5.3 (new development and flood hazards) establishes that new development may not encroach on the main channels and associated floodways of the Nacimiento, San Antonio, and Salinas Rivers in order to conserve groundwater recharge, preserve riparian habitats, and protect flood flow capacity. Policy SC-5.4 states that stormwater facilities in new urban development shall be designed to mitigate impacts on agricultural lands located downstream.</p> <p><i>Fort Ord Master Plan</i> Hydrology and Water Quality Program A- 1.3 states that the County shall prepare, adopt, and enforce a Master Drainage Plan to assess the existing natural and man-made drainage facilities, recommend area-wide improvements based on the approved Reuse Plan, and develop plans for control of stormwater runoff from future development. Such plans for control of stormwater runoff shall consider or minimize any potential for groundwater degradation and provide for the long-term monitoring and maintenance of all stormwater retention ponds.</p> <p>Hydrology and Water Quality Program A-2.1 (flood hazards) establishes that the County shall implement a stream-gauging program for creeks in the eastern part of the former Fort Ord if proposals are submitted for development in that area. The gauging program should be partially or entirely funded by development fees. This program would provide information about potential flood hazards from these creeks.</p> <p>Biological Resources Program A-8.1 establishes that the County shall prohibit the direct discharge of stormwater or other drainage from new impervious surfaces created by development of the Office Park parcel into the ephemeral drainage in the natural area expansion (NAE) parcel. No increase in the rate of flow of stormwater runoff beyond pre-development background levels will be allowed. Stormwater runoff from developed areas in excess of background quantities shall be managed on site through the use of basins, percolation wells, pits, infiltration galleries, or any other technical or engineering methods that are appropriate to accomplish these requirements. Indirect sub-surface discharge is acceptable. These stormwater management requirements will be used for development</p>	

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>on Polygon 31b (in the Reuse Plan).</p> <p>Although not necessary to reduce this less than significant impact, mitigation measures developed to reduce or avoid other significant impacts would also reduce this impact. These mitigation measures have been incorporated into the following General Plan policies:</p> <p>Policy S-3.9 (stormwater best management practices) requires the County to minimize urban runoff by requiring all future development within urban and suburban areas to implement Best Management Practices (BMPs) as approved in the Monterey Regional Storm Water Management Program, which are designed to implement low impact development techniques. Policy S-3.9 includes the measures set forth in Mitigation Measure PS-1.</p>	
	<p>Land uses and development consistent with the 2007 General Plan would allow continued development in 100-year flood hazard areas. (WR-12 to 2030)</p>	<p>The 2007 General Plan generally would restrict new development and redevelopment within Community Areas, within Rural Centers, and on legal lots of record located within unincorporated areas designated by FEMA as flood hazard areas, consistent with the County floodplain management ordinance and the Code of Federal Regulations for the National Flood Insurance Program (NFIP). Pursuant to the ordinances, any new development would be required to either build outside the flood hazard areas or to elevate new structures above the anticipated flood depth. In addition, the 2007 General Plan would provide policies to mitigate the potential consequences of such development by means of appropriate siting and design criteria to protect both proposed structures and existing structures downstream.</p> <p>Monterey County Code Chapter 16.16 requires residential structures built within flood hazard areas to be elevated at least 1 foot above the elevation of the 100-year flood level to protect these structures from flood damage. Monterey County and FEMA federal floodplain management guidelines and regulations allow placement of fill within the floodway fringe to raise building pads above the 100-year flood level. New nonresidential buildings must either meet this criterion or provide an alternate method of flood proofing that is certified by a registered engineer and approved by the MCWRA.</p> <p><i>Conservation and Open Space Element</i></p> <p>Policy OS-3.5 erosion control plans required in the ministerial permit process for some agricultural conversions on slopes less than 25 percent shall address flood hazards.</p> <p><i>Safety Element</i></p> <p>Policies S-2.1 through S-2.12 seek to reduce floodplain development and minimize the flood risk of such development through land use planning, the Community Plan process, consultation with the MCWRA, determination of mitigation measures prior to the approval of development, consideration of alternative project designs, compliance with NFIP guidelines, and discretionary permitting.</p> <p>Policy S-3.4 requires the establishment of a County flood management program to reduce flood risks through structural and nonstructural solutions.</p> <p>Policy S-3.7 requires the MCWRA to prepare a flood criteria or drainage design manual that</p>	<p>DEIR, Section 4.3.4.2</p>

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	<p>The placement of land uses and structures within Special Flood Hazard Areas would impede or redirect flood flows, resulting in secondary downstream flood damage, including bank failure. (WR-13 to 2030)</p>	<p>establishes floodplain management policies, drainage standards and criteria, stormwater detention, and erosion control and stormwater quality protection measures in order to prevent significant impacts from flooding and ensure that development does not increase flooding risk over present conditions.</p> <p><i>Public Services Element</i> Information gathered in the County's GIS under Policy PS-2.6 would identify those properties subject to flood risk, helping to avoid flood hazards from new development.</p> <p><u>Area Plans</u> <i>Greater Salinas Area Plan</i> Policy GS-5.1 specifically mentions 100-year flood hazard areas in requiring conformity to 100-year floodplain setback compliance for Gabilan Creek.</p> <p><i>Fort Ord Master Plan</i> Fire, Flood, and Emergency Management Policy B-1 requires the County to identify and restrict construction in 100-year-flood-prone areas in the former Fort Ord, especially in the Salinas River Bluffs area.</p> <p>Although not necessary to reduce this less than significant impact, mitigation measures developed to reduce or avoid other significant impacts would also reduce this impact. These mitigation measures have been incorporated into the following General Plan policies:</p> <p>Policy S-3.9 provides that in order to minimize urban runoff affecting water quality, the County shall require all future development within urban and suburban areas to implement Best Management Practices (BMPs) as approved in the Monterey Regional Storm Water Management Program which are designed to incorporate Low Impact Development techniques. BMPs may include, but are not limited to, grassy swales, rain gardens, bio-retention cells, and tree box filters. BMPs should preserve as much native vegetation as feasible possible on the project site. These BMPs filter sediment and other pollutants that may be carried in runoff so that the volume of off-site runoff is minimized and any erosive sediments are contained on-site. Policy S-3.9 includes the measures set forth in Mitigation Measure PS-1.</p>	<p>DEIR, Section 4.3.4.2</p>
		<p>The discussion under Impact WR-12 of flood protection regulations and General Plan policies applies here as well. Discussion of Area Plan policies related to flood protection, discussed for Impacts WR-10 and WR-11, also applies to this impact. Particularly pertinent to ensuring that the risk of impediment or redirection of flood flows is minimized are the County's existing floodplain ordinance (Monterey County Code Chapter 16.16), Policies S-2.1 through S-2.12, Policy S-3.4, Policy S-3.7, Policy GS-5.1, Fort Ord Master Plan Fire, Flood, and Emergency Management Policy B-1.</p> <p>Further, it may be assumed that federal and state regulatory requirements would be at least as stringent as they are today. In particular, information gathered in the County's GIS under Policy PS-2.6 would identify those properties subject to flood risk, helping to avoid flood hazards from new development by ensuring that development permits respect the floodplain policies and ordinance. Federal regulations, including the locally administered NFIP floodplain ordinance, have grown increasingly stringent since catastrophic flooding occurred in the Midwest in the 1990s, particularly</p>	

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	Potential failure of levees or dams would expose people and structures to inundation and result in the loss of property, increased risk, injury, or death. (WR-14 to 2030)	<p>with regard to assessing flood risk. The County has a flood management ordinance that meets the requirements of the NFIP. Assuming that this trend continues, with most development centered around population centers, General Plan policies and regulations would be effective in avoiding flood hazard related to new development. Development on individual lots would presumably be subject to the same or more stringent regulations than today through the 2030 planning horizon.</p> <p>Specific requirements with respect to most non-federal dam designs and operations are established by the California Division of Safety of Dams (DSOD) and are administered by the County. California Water Code Section 6000, et seq. and 23 CCR 301, et seq. establish the authority and responsibility of the DSOD, including periodic safety inspections of dams; completion of studies that predict the flood zones created by sudden dam failure; and development of emergency response plans in the advent of pending dam failure, including a program for emergency warning and evacuation prepared by the Monterey County Office of Emergency Services (MCOES). The contingency plans are updated every two years and submitted to the Governor's Office of Emergency Services for review and comment. Incorporated cities are responsible for developing contingency plans for state-designated dams affecting incorporated areas. The County is responsible for developing emergency plans for state-designated dams affecting unincorporated areas. As a result of these requirements, the water level in San Clemente Dam has been drawn down by order of DSOD to prevent its potential failure. Levees and floodwalls that are constructed as part of U.S. Army Corps of Engineers or U.S. Department of Agriculture flood control projects, or by local city or flood control district programs administered jointly by the MCWMA, also are required to undergo periodic inspections for safety and performance as part of routine maintenance plans. Such plans are completed as elements of project design and operational planning. Levee and floodwall assessment also typically is completed as part of a FEMA flood insurance study, including floodplain-mapping updates.</p> <p><i>Safety Element</i> Policy S-3.8 establishes that, to assist planners in determining potential inundation hazards for existing and future development, the County shall coordinate the periodic review, completion, and filing (with appropriate State and County Offices of Emergency Services) of inundation maps for all dams and levees whose failure could cause loss of life or personal injury within Monterey County. Where inundation maps indicate dam or levee failure could cause loss of life or property or personal injury, the corresponding responsible party shall investigate levee or dam stability and management, identifying emergency alert, evacuation, rehabilitation, and maintenance needs as appropriate.</p> <p><i>Area Plan Policies</i> Cachagua Area Plan Cachagua Area Plan Policy CACH-4.2 specifically addresses dam failure by prohibiting construction unless the risk of loss of life or property damage is low.</p>	DEIR Section 4.3.4.2
	Water Resources – Surface water quality (CUM-2)	<p>The growth of the cities and those county areas identified for urbanization would increase the potential for new point sources, expanded point sources (such as wastewater treatment plants), and urban runoff. Rural and agricultural activities can similarly contribute contaminants from runoff. As discussed in Section 4.3, Water Resources, of the EIR, the SWRCB has listed numerous waterways within the county as "impaired waterways" under Section 303(d) of the Clean Water Act. Discharges to impaired waterways are regulated under the Central Coast RWQCB's Basin Plan, which includes TMDLs for the impaired waterways. Over time, the Central Coast RWQCB will adopt TMDLs for all</p>	DEIR, Section 4.3.3; revised Policy OS-3.5; FEIR, Master Response 9

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>impaired waterways in the County. In turn, county and city regulations will be required to limit discharges to the limits set by the TMDLs. This will ensure that new development under the General Plan does not contribute to the existing point sources.</p> <p>The CCRWQCB's conditional agricultural waiver program is preventing sediment-laced runoff from agricultural lands. These regulations are or will be in addition to the County's existing grading (Monterey Code Chapter 16.08), slope development (Chapter 21.66), and erosion control (Code Chapter 16.12) ordinances which serve the same purpose.</p> <p>As described above, the 2007 General Plan will impose additional requirements on development that will reduce the release of contaminants to surface waters, including the following:</p> <p>Policies OS-3.5 and OS-3.6: require slope development regulations to be adopted, with the objective of limiting erosion and sedimentation, which will restrict and regulate development on steep slopes.</p> <p>Policy S-3.8: requires the county to provide public education/outreach and technical assistance programs on erosion and sediment control.</p> <p>Policy OS-3.9: will establish a program that will address the potential cumulative hydrologic impacts of the conversion of hillside rangeland areas to cultivated croplands.</p> <p>Policy OS-5.7, as well as state and County regulations on timber harvesting will also limit potential discharges to streams from forestry activities</p> <p>Additional General Plan policies limiting discharges are discussed under Impacts WR-1 and WR-2.</p>	
Geology, Soils, and Seismicity	<p>Implementation of the 2007 General Plan could expose persons and property to fault rupture hazards. (GEO-1 through 2030 and 2092)</p>	<p>The 2007 General Plan and Area Plan policies summarized below set forth comprehensive measures to avoid or minimize adverse fault rupture impacts.</p> <p><i>Safety Element</i></p> <p>Policies S-1.1, S-1.2, S-1.4, S-1.5, and S-1.8 consider fault rupture hazards, restrict development in mapped hazard areas, and enforce the A-P Act in order to direct future growth away from areas of potential fault rupture such as Alquist-Prilo Earthquake Fault Zones for the purpose of avoiding or minimizing geologic hazards. Policies S-1.3, S-1.6, and S-1.7 establish conditions/standards for geotechnical studies that would help to avoid fault rupture hazard exposure risks in future development by implementing geotechnical study recommendations.</p> <p><i>Fort Ord Master Plan</i></p> <p>Supplemental policies in the Fort Ord Master Plan address fault rupture hazards. Seismic and Geologic Hazards Policies A-1 and A-2 (County develop standards for minimizing seismic risk and use development review process) would help to avoid fault rupture hazard exposure risks with future development by implementing standards and geotechnical study recommendations. Seismic and Geologic Hazards Policy A-3 (County identify areas of high seismic risk) would help to avoid fault rupture hazard by restricting new development in such high seismic risk areas.</p> <p>The 2007 General Plan policies summarized below establish comprehensive measures to avoid or</p>	<p>DEIR, Section 4.4.4.3</p>
	<p>Land uses and development consistent with the</p>		<p>DEIR, Section</p>

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
<p>2007 General Plan could expose people or structures to substantial adverse seismic effects, including the risk of loss, injury, or death involving strong seismic ground shaking. (GEO-2 through 2030 and through 2092)</p>	<p>Land uses and development consistent with the 2007 General Plan could expose property and structures to the damaging effects of ground subsidence hazards. This kind of geologic hazard can be seismically triggered (e.g., liquefaction), caused by seasonal saturation of the soils and rock materials, or related to grading activities. (GEO-3)</p>	<p>minimize adverse ground shaking impacts.</p> <p><i>Safety Element</i></p> <p>Policies S-1.1, S-1.2, S-1.5, and S-1.8 restrict siting of land uses in identified hazard areas and limit approval of development that does not consider geologic hazards and thereby direct future growth away from areas of high seismic ground shaking for the purpose of avoiding or minimizing geologic hazards. Policies S-1.3 and S-1.7 establish conditions/standards for geotechnical studies that would help to avoid ground shaking hazard exposure risks with future development through implementation of geotechnical study recommendations.</p> <p>In addition, new construction (including winery structures containing wine barrels) in Monterey County is required to comply with California Building Code (CBC) Zone 4 seismic building criteria standards. These standards are designed to reduce ground shaking risks to acceptable levels by making new structures more resistant to seismic shaking damage, and contain construction requirements that minimize the potential for loss of life in case of an earthquake.</p> <p>The 2007 General Plan policies summarized below, in addition to County regulations, set forth comprehensive measures to avoid or minimize adverse liquefaction impacts.</p> <p><i>Safety Element</i></p> <p>Policies S-1.1, S-1.2, S-1.5, S-1.6, and S-1.8 restrict siting of land uses in identified hazard areas and limit approval of development that does not consider geologic hazards and thereby direct future growth away from areas of high liquefaction risk for the purpose of avoiding or minimizing geologic hazards. Policies S-1.3 and S-1.7 establish conditions/standards for geotechnical studies that would help to avoid liquefaction hazard exposure risks with future development through implementation of geotechnical study recommendations.</p>	<p>4.4.4.3</p>
		<p><i>County Ordinance</i></p> <p>Chapter 16.08 of the Monterey County Code requires that grading permit applications include soils engineering and engineering geology reports that provide "recommendations for grading procedures and design criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading" (Section 16.08.110). Standard geotechnical engineering procedures and soil testing, proper design, and quality control over construction can identify and mitigate liquefiable soils during site development. Modern soil engineering practices have improved substantially due to increased knowledge of soil types, their strengths, and groundwater conditions, as well as through the proper design and construction of fills and foundations. By using the best, most up-to-date standards, potential hazards related to subsidence and settlement damage—including liquefaction—can be reduced to levels that are generally considered acceptable. Thus, this requirement will identify problem soils and require mitigation when they are present. In addition, all new development would be built to CBC Zone 4 seismic building criteria standards, designed to reduce liquefaction risks to acceptable levels. Development in accordance with the 2007 General Plan and enforcement of the CBC would ensure that impacts related to potential liquefaction would be less than significant.</p>	<p>DEIR, Section 4.4.4.3</p>

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	<p>Land uses and development consistent with the 2007 General Plan could expose people and structures to substantial damaging effects of landslides, including the risk of loss, injury, or death from downslope earth movement that may be slow or rapidly occurring. This kind of geologic hazard is commonly caused by earthquakes, seasonal saturation of soils and rock, erosion, or grading activities. (GEO-4 through 2030 and through 2092)</p>	<p>The following 2007 General Plan and Area Plan policies, in addition to County regulations, provide comprehensive measures to avoid or minimize slope instability and landslide impacts.</p> <p><i>Safety Element</i></p> <p>Policies S-1.1, S-1.2, S-1.5, S-1.6, and S-1.8 restrict siting of land uses in identified hazard areas and limit approval of development that does not consider geologic hazards and thereby direct future growth away from areas of high landslide risk for the purpose of avoiding or minimizing geologic hazards. Policies S-1.3 and S-1.7 establish conditions/standards for geotechnical studies and would help to avoid landslide hazard exposure risks with future development through implementation of geotechnical study recommendations.</p> <p><i>Conservation and Open Space Element</i></p> <p>Policies OS-1.3 through OS-1.6 restrict ridgeline development. These would reduce the potential for slope instability resulting from construction and the risks to homes and persons that would otherwise be built on ridgelines.</p> <p>The following Area Plan policies address potential impacts from unstable slopes and landslides.</p> <p><i>North County Area Plan</i></p> <p>Policy NC-1.3 encourages preservation of large acreages in higher elevations and on steeper slopes, which would help to avoid landslide hazard exposure risks with future development by directing larger swaths of growth to occur at lower elevations and on flatter terrain.</p> <p><i>Greater Seimas Area Plan</i></p> <p>Policy GS-3.1 promotes preservation of land exceeding 25% slope and thereby would help to avoid landslide hazard exposure risks with future development by directing growth away from areas with greater than 25% slope.</p> <p><i>Greater Monterey Peninsula Area Plan</i></p> <p>Policy GMP-4.1 encourages preservation of redwood forest and chaparral habitat exceeding 25% slope and thereby would help to avoid landslide hazard exposure risks with future development by directing growth away from areas with greater than 25% slope.</p> <p><i>Carmel Valley Master Plan</i></p> <p>Policy CV-3.4 promotes sensitive siting and landscaping on hillsides and natural landforms altered by cutting, filling, grading, or vegetation removal, which would help to avoid landslide hazard exposure risks with future development by directing careful growth on altered landforms and hillsides.</p> <p><i>Toro Area Plan</i></p> <p>Policy T-3.6 encourages preservation of large acreages in higher elevations and on steeper slopes and would thereby help to avoid landslide hazard exposure risks with future development by directing larger swaths of growth to occur at lower elevations and on flatter terrain.</p> <p><i>Cachagua Area Plan</i></p> <p>Policy CACH-3.2 promotes sensitive siting and landscaping on hillsides and natural landforms altered by cutting, filling, grading, or vegetation removal, which would help to avoid landslide hazard exposure risks with future development by directing careful growth on altered landforms and hillsides.</p>	<p>DEIR, Section 4.4.4.3</p>

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	<p>Land uses and development consistent with the 2007 General Plan could expose property improvements to potential adverse effects from expansive soils. Expansive soils can damage improvements, especially structures such as residential buildings, small commercial buildings, and pavements. (GEO-6 through 2030 and through 2092)</p>	<p>The following 2007 General Plan and Area Plan policies, in addition to County regulations, provide comprehensive measures to avoid or minimize expansive soil impacts.</p> <p><i>Safety Element</i> Policies S-1.1, S-1.2, S-1.5, and S-1.8 restrict siting of land uses in identified hazard areas and limit approval of development that does not consider geologic hazards and thereby direct future growth away from areas of expansive soil risk for the purpose of avoiding or minimizing geologic hazards. Policies S-1.3 and S-1.7 establish conditions/standards for geotechnical studies that would help to avoid unstable geologic unit and expansive soil hazard exposure risks with future development through implementation of geotechnical study recommendations.</p> <p>No new structures would be permitted without development of a site-specific soil sampling and laboratory soils testing report and adherence to the recommendations outlined therein, such as the proper subsoil preparation, drainage, and foundation design for constructing on more unstable soils. According to the 2007 California Building Code (CBC), foundations for structures resting on expansive soils require special design consideration. CBC seismic building criteria standards are designed to reduce expansive soil and unstable geologic unit risks to acceptable levels. The CBC is periodically updated; the 2010 update to the CBC will go into effect in 2011. In addition, the Monterey County Grading Ordinance (Chapter 16.08 of the County Code) requires special treatment for grading sites with difficult soils. All of these provisions limit the potential for development to occur without design features to mitigate the risk. Development in accordance with the 2007 General Plan and enforcement of the CBC and Monterey County Grading Ordinance would ensure that impacts related to potential expansive soils would be less than significant.</p>	<p>DEIR, Section 4.4.4.3</p>
<p>Construction of septic tanks or alternative wastewater disposal systems on soils incapable of adequately supporting such systems could damage improvements and adversely affect groundwater resources. (GEO-7 through 2030 and through 2092)</p>	<p>The following 2007 General Plan and Area Plan policies provide comprehensive measures to avoid or minimize the impacts of onsite wastewater treatment on constrained soils.</p> <p><i>Public Services Element</i> Policies PS-4.1, PS-4.2, PS-4.3, and PS-4.5 promoting the use of wastewater collection and treatment systems for new development would help avoid the adverse impacts of impaired surface and groundwater quality that could potentially occur with installation of onsite wastewater treatment systems by deterring the use of such systems.</p> <p>Policy PS-4.8 requires the County to establish sewage disposal system criteria that would direct future development to comply with criteria such as minimum lot size, location of wells, the capacity of the system, and other factors related to soil suitability in order to minimize risks to groundwater resources.</p> <p>Policy PS-4.9 ensures that the adequate provision of new or expanded wastewater treatment facilities that meet RWQCB waste discharge requirements shall be assured to the satisfaction of the County and RWQCB prior to the approval of new residential subdivision maps or zone changes.</p> <p>Policy PS-4.10 allows consideration of alternative, onsite wastewater systems for repairs to existing systems on existing lots of record, and approval at the discretion of the Director of Environmental Health. The design and operation of these systems must conform to Monterey County Code 15.20</p>	<p>DEIR, Section 4.4.4.3; FEIR, Master Response 9</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>and the Central Coast Basin Plan.</p> <p>The following supplemental <i>Area Plan</i> policies address impacts related to on-site septic systems.</p> <p><i>Carmel Valley Master Plan</i> Policy CV-5.5 requiring geologic and soils surveys for development projects that include an on-site wastewater treatment system would help to ensure that future development would not contaminate the groundwater aquifer through implementation of geologic and soil survey recommendations. This policy would specifically require review for proper siting and design for development on existing lots of record, in accordance with the standards of the Monterey County Code 15.20 the Central Coast Basin Plan and the Carmel Valley Wastewater Study.</p> <p><i>Central Salinas Area Plan</i> Policy CSV-5.2 requires recreation and visitor-serving commercial use septic systems to meet RWQCB Basin Plan requirements, which would help to minimize potential impairment of groundwater quality from septic systems through implementation of RWQCB Basin Plan measures related to septic systems.</p>	DEIR, Section 4.4.4.3
	<p>Land use activities and development consistent with the 2007 General Plan could expose persons and property to tsunami, seiche, or mudflow hazards. (GEO-8 through 2030 and through 2092)</p>	<p>The probability of seiche and mudflow are low in Monterey County. Portions of the coast could be subject to inundation in the case of a tsunami. However, this risk has been identified in the certified Local Coastal Program (LCP), and protective policies have been put in place to minimize risk to new development. The General Plan update would not change tsunami or seiche hazards over existing levels. Mudflows have occurred in recent geologic time in the coastal areas near Big Sur, which contain numerous steep slopes. In general, the areas with the greatest possibility of mudflow are not populated. Mudflows are extremely rare outside of that area, particularly in the inland portions of the County that are the subject of the General Plan update. Nonetheless, there is a remote possibility that mudflows could inundate inland areas where significant slopes are located. However, in terms of mudflow, no development would be permitted on slopes greater than 25% except as may be approved under future consideration consistent with Policy OS-3.5 (setting forth the County's policy on regulation of activity on slopes). In addition, new development would be required to meet all applicable standards of the CBC and the County Grading Ordinance, both of which include standards related to slope stability. Therefore, adherence to 2007 General Plan policies, County ordinance, and the CBC would ensure that no additional exposure to mudflow hazards would be created.</p>	
Mineral Resources	<p>Implementation of the 2007 General Plan would potentially result in the loss of availability of known mineral resources of value to the region and the residents of the state. (MIN-1 through 2030 and through 2092)</p>	<p>The following 2007 General Plan and Area Plan policies provide comprehensive measures to avoid or minimize the loss of availability of known mineral resources of value to the region and the residents of the state.</p> <p><i>Conservation and Open Space Element</i> Policy OS-2.1 states that potentially significant mineral deposits and existing mining operations identified through the State Division of Mines and Geology, including idle and reserve properties, shall be protected from on-site and off-site land uses that would be incompatible with mineral extraction activities. Policy OS-2.2 requires mineral extraction operations to adhere to sound conservation practices consistent with the Surface Mining and Reclamation Act (SMARA) and other applicable standards, including County Code Chapter 16.04. Adequate financial security shall be required to insure reclamation of the extraction site to a condition consistent with the surrounding natural landscape and environmental setting.</p>	DEIR, Section 4.5.4.2; Monterey County Zoning Ordinance

EXHIBIT EIRI

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>Policy OS-2.3 supports efforts to conserve raw mineral resources through recycling.</p> <p>Policy OS-2.4 incorporates the use of GIS mapping to maintain up-to-date records on the locations of valuable mineral deposits in the county.</p> <p>Policy OS-2.5 requires the County to inventory, assess, and characterize the location and condition of identified pre-SMARA abandoned gold, mercury and coal mines and implement such measures as may be necessary to ensure that such mines do not contribute to a significant risk to public health or safety or non-compliance with water quality standards and criteria.</p> <p>Mineral resources are potentially found in only portions of the unincorporated County. The pertinent areas are discussed below.</p> <p><i>Central Salinas Valley Area</i> Numerous oil wells are present within the Central Salinas Valley Area Plan on the westside of the valley in the between Greenfield and King City. The Central Salinas Valley Area Plan does not contain any specific land use compatibility policies related to oil field sites, or their protection. However, these oil wells are located in areas predominantly under agricultural production or grazing. Agriculture is generally compatible with oil and gas production, and continued agriculture production or grazing in these areas is not expected to impact oil production.</p> <p><i>North County Area</i> Although the Area Plan does not have specific policies to protect mineral resources, the North County General Plan Land Use Map depicts two existing sites designated as Mineral Extraction. These sites would remain under this designation with implementation of the 2007 General Plan. Therefore, there would be no loss of availability of a locally-important mineral resource site delineated on a local land use plan.</p> <p><i>Toro Area</i> Although the Area Plan does not have specific policies to protect mineral resources, the Toro Area Plan Land Use Map (Exhibit 3.10) depicts one existing site designated as Mineral Extraction. This site would remain under this designation with implementation of the 2007 General Plan. Therefore, there would be no loss of availability of a locally-important mineral resource site delineated on a local land use plan.</p> <p><i>South County Area</i> The South County General Plan Land Use Map identifies several existing sites designated as Mineral Extraction sites, including the San Ardo oil fields. These sites would remain under this designation with implementation of the 2007 General Plan. Therefore, there would be no loss of availability of a locally-important mineral resource site delineated on a local land use plan.</p> <p><i>Agricultural Winery Corridor</i> Implementation of the 2007 General Plan would not result in the loss of availability of known mineral resources within the AWCP because there are no known mineral resources of value designated by the State Geologist in this area.</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	Implementation of the 2007 General Plan would	<p>As shown on Exhibit 4.5.1 of the DEIR, numerous oil wells are present within the AWCP throughout the Jolon Road corridor, as well as the River Road/Arroyo Seco/Central Avenue corridor. The AWCP does not contain any specific land use compatibility policies related to oil field sites, or their protection. Agricultural zoning is generally compatible with oil and gas production; the Farmland, Rural Grazing, Permanent Grazing, and Resource Conservation zones allow oil and gas exploration and recovery with approval of a conditional use permit. Therefore, implementation of the AWCP is not expected to adversely affect the continued operation of these existing oil wells, or any future oil wells.</p> <p><i>Fort Ord Master Plan</i></p> <p>As shown in Exhibit 4.5.1 of the EIR, a small area in the southwest portion of the Fort Ord Master Plan is designated MRZ-2 by the State Geologist. The MRZ-2 designation applies to areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood exists of their presence.</p> <p>There are several compatibility policies related to the development of mineral resource sites or the protection of mineral resource sites in the Fort Ord Master Plan Conservation Element. Objective B of the Conservation Element provides for mineral extraction and reclamation activities that are consistent with the surrounding natural landscape, proposed future land uses, and soil conservation practices. Soils and Geology Policy B-1 (mineral resources classification) states the County shall identify areas of highly valuable mineral resources within the former Fort Ord area based on the State of California Division of Mines and Geology's mineral resources "classification-designation" system, and provide for the protection of these areas. Soils and Geology Program B-1.1 (mineral resource designation) states that if the County determines that valuable mineral resources warranting protection are contained within the former Fort Ord, the County shall designate these areas in a mineral resource or similar land use category that would afford them protection. In addition, this area shall also be zoned in a district consistent with this designation. Soils and Geology Program B-1.2 (property title) requires the County to record a notice identifying the presence of valuable mineral resources on property titles in the affected mineral resource protection areas. This notifies prospective buyers of the presence of minerals. Soils and Geology Policy B-2 (land use compatibility) states that the County shall protect designated mineral resource protection areas from incompatible land uses. Soils and Geology Program B-2.1 (zoning compatibility) states that, if so provided, the County shall specify in its mineral resource protection-zoning district those uses that are deemed compatible with mining activities.</p> <p>Soils and Geology Policy B-3 (reclamation plans) states that prior to granting permits for operation, the County shall require that mining and reclamation plans be prepared for all proposed mineral extraction operations. Soils and Geology Program B-3.1 (reclamation requirements) states that the County shall develop and make available a list of issues to be considered and mitigated in mining and reclamation plans, including but not limited to, the following: buffering, dust control, protection of water quality, noise impacts, access, waste disposal, security and reclamation.</p> <p>Soils and Geology Policy B-4 (reclamation bonds) states that the County shall require the posting of bonds for new mining permits if it determines that such a measure is needed to guarantee the timely and faithful performance of mining and reclamation plans.</p>	DEIR, Section
		The 2007 General Plan and Area Plan policies discussed above under Impact MIN-1 provide	

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
<p>Transportation</p>	<p>potentially result in the loss of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. (MIN-2 through 2030 and through 2092)</p> <p>Development allowed under the 2007 General Plan would cause direct impacts on County roadways which would cause roadways to fall below the acceptable LOS standard D. (TRAN-1A)</p>	<p>comprehensive measures to avoid or minimize the loss of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. See the discussion of Impact MIN-1, above.</p> <p>The following 2007 General Plan and Area Plan policies provide comprehensive measures to avoid or minimize direct impacts on County roadways that would result in a less than acceptable LOS.</p> <p><i>Public Services Element</i></p> <p>Goal PS-1 and its related policies intend to set out Adequate Public Facilities and Services (APFS) requirements for new development to ensure that infrastructure (including roads) is funded and that it is available concurrently with project development. For example, Policy PS-1.1 establishes the APFS requirements. Policy PS-1.2 requires the County to develop and adopt Capital Improvement and Financing Plans (CIFPs) and implementing ordinances within 18 months from the adoption of the County Traffic Impact Fee (Policy C-1.2). CIFPs for Community Areas shall be completed concurrent with the Community Plan. CIFPs for Rural Centers shall be completed prior to the approval of new development.</p> <p><i>Circulation Element</i></p> <p>Policy C-1.1 establishes the acceptable LOS standards for County roads and intersections. Policy C-1.2 establishes the program to meet the standard for the acceptable LOS noted in Policy C-1.1 and describes the general financing policy. Policy C-1.3 provides for concurrency of improvements for Tier 1, Tier 2, and Tier 3 development projects. Policy C-1.4 provides that notwithstanding Policy C-1.3, projects that are found to result in reducing a County road below the acceptable LOS standard shall not be allowed to proceed unless the construction of the development and its associated improvements are phased in a manner that will maintain the acceptable LOS for all affected County roads. Where the LOS of a County road impacted by a specific project currently operates below LOS D and is listed on the CIFP as a high priority, Policy C-1.3 shall apply. Where the LOS of a County road impacted by a specific project currently operates below LOS D and is not listed on the CIFP as a high priority, development shall mitigate project impacts concurrently.</p> <p>Policies C-2.1, C-2.2, and C-2.7 require land uses to be located with access to transportation facilities and for those facilities to expedite access to the development. Policies C-3.5, C-4.3, C-4.5, and C-4.9 require development to design public facilities to accommodate pedestrians, bicycles, and transit thus reducing the impacts caused by automobile traffic.</p> <p><i>Land Use Element</i></p> <p>Policies LU-1.4 and LU-1.7 allow development to occur only when adequate transportation facilities exist and to encourage phasing and clustering of development to provide for adequate long-range planning of infrastructure.</p> <p>The Area Plans contain a number of policies related to project-specific localized impacts. The Area Plan policies and mitigations would supplement those contained in the Area Plans, consistent with the 2007 General Plan.</p>	<p>4.5.4.2; Monterey County Zoning Ordinance</p> <p>DEIR, Section 4.6.3.5; FEIR, Master Responses 5 and 6</p>

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p><i>Carmel Valley Master Plan</i> Policy CV-2.17 (which was identified as CV-2.18 in the Draft EIR and the March 2010 version of the Final EIR) establishes a program of regular traffic monitoring and evaluation, establishes acceptable LOS standards, and provides for mitigation of projects. This includes examining every 5 years the extent to which traffic levels may exceed projections and precipitate a general plan amendment to adjust the unit caps.</p> <p><i>North County Area Plan</i> Policy NC 1.1 requires new commercial development to minimize its traffic impacts through mitigation.</p> <p><i>Greater Salinas Area Plan</i> Policy GS 1.7 requires new development in the Spence/Potter/Encinal Road Area to study and mitigate its impact on highway access and road capacity. Central Salinas Valley Area Plan Policy 1.4 requires new development in the Spence/Potter/Encinal Road Area to study and mitigate its impact on highway access and road capacity.</p> <p>New development is required to prepare a project-level traffic study or a project-level CEQA analysis. Impacts to roadway LOS or project access would be identified in these studies and development would be fully responsible for the implementation of mitigation measures or would be responsible for its fair-share of the mitigation depending on the extent of the impact and the development's contribution to the impact. If a roadway already falls below the County's LOS standard, then the development is required to mitigate its impact so that the measure of performance (e.g., volume to capacity ratio, peak hour average delay, etc.) of the roadway does not degrade beyond the level without the development.</p> <p>Although not necessary to reduce this less than significant impact, mitigation measures developed to reduce or avoid other significant impacts would also reduce this impact. These mitigation measures have been incorporated into the following General Plan policies:</p> <p>Policy C-1.12 provides that the County Traffic Impact Fee Program and CIFP shall include roadway segments within the AWCP that exceed LOS standards. Improvement of these segments would be funded through a combination of project-specific mitigation for individual developments, and through a Capital Improvement and Financing Plan fair-share funding mechanism established for the Agricultural and Winery Corridor by the County Public Works Department. In order to minimize indirect impacts due to road widening, this policy identifies specific methods to increase capacity without widening these rural roads. Until such time as the County Traffic Impact Fee Program and CIFP for the AWCP are adopted, all new development in the AWCP will be required to prepare a Traffic Impact Analysis (TIA) regardless of the level of CEQA analysis conducted for the Project to mitigate its impacts. Policy C-1.12 includes the measures set forth in Mitigation Measure TRANS-5A.</p> <p>Policy CV-2.18 (which was identified as CV-2.19 in the March 2010 version of the Final EIR) requires the County to adopt a Carmel Valley Traffic Improvement Program (CVTIP) to evaluate traffic conditions on Carmel Valley Road and identify improvements necessary to maintain the LOS standard. The County will refine the specific scope of projects to be funded under the CVTIP and establish a fee program to fund the projects. Policy CV-2.18 includes the measures set forth in Mitigation Measure TRAN-2B.</p>	

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	<p>Growth in land uses allowed under the 2007 General Plan would increase demand for air travel at the County's four airports or increase development within the approach and departure pattern of airports. (TRAN-1C)</p>	<p>The 2007 General Plan policies summarized below set forth measures to avoid or minimize impacts of air traffic.</p> <p><i>Circulation Element</i> Policies 7.1 through 7.5 promote safe, efficient air facilities. They provide for appropriate land uses around air facilities in order to mitigate noise and safety impacts on land use. The policies also provide for control of the impact of private air facilities on agricultural land use and surrounding areas.</p> <p><i>Area Plans</i> The Area Plan policies and mitigations would supplement those contained in the General Plan, consistent with the 2007 General Plan.</p> <p><i>Greater Monterey Peninsula Area Plan</i> Policies 2.8 and 4.2 require that development under the runway approaches of the Monterey Peninsula and Marina Municipal Airports be low intensity and not interfere with airport operations. It encourages adoption of noise and land use compatibility standards.</p> <p><i>Cachagua Area Plan</i> Policy 2.3 requires private airstrips to obtain a use permit to ensure that they do not negatively impact neighboring areas or flight paths from existing airports.</p> <p>The 2007 General Plan policies summarized below set forth measures to avoid or minimize potential impacts of non-standard roadway design or incompatible land uses.</p>	<p>DEIR, Section 4.6.3.5</p>
	<p>Growth in land uses allowed under the 2007 General Plan could result in non-standard or hazardous designs or land uses that are incompatible with public facilities and adjoining land uses. (TRAN-1D)</p>	<p><i>Circulation Element</i> These policies provide for safety of the transportation network by requiring safety standards, providing for protection against incompatible land uses, and designing or expanding new roads to current standards. Policy C-1.1 establishes the acceptable LOS standards for County roads and intersections. Policy C-1.2 establishes the program to meet the standard for the acceptable LOS noted in Policy C-1.1 and describes the general financing policy.</p> <p>Policy 2.3 requires the use of safety standards established by transportation-related agencies to guide new development and transportation improvements. Policy 4.2 ensures that new roads and internal circulation roads are constructed to County standards. Policy 4.8 maintains the County's roadway safety programs that identify and improve hazardous or non-standard roadway designs.</p> <p>Policy 2.2 protects existing and proposed public transportation facilities from the encroachment of incompatible land uses that would create unsafe development access or traffic conditions, or disallows uses that generate incompatible types of traffic from accessing major streets (e.g., farm equipment accessing major arterial roadways). Policy 7.1 prohibits any land use activities that would interfere with safe operations of aircraft, such as multi-story buildings within flight paths. Policies 7.2 and 7.4 ensures that proposed land uses in the vicinity of public airports are compatible with the airport comprehensive land use plan, and Policy 7.5 requires regulation of private airfields so that they do not impact agricultural lands, existing airport operations, public facilities, or neighboring areas. Policy 9.1 requires land uses in the vicinity of harbors to be compatible with commercial and</p>	<p>DEIR, Section 4.6.3.5</p>

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>recreational harbor operations.</p> <p><i>Agricultural Element</i> Policy 6.1 encourages and supports improvement of regional transportation systems to support the needs of the agricultural industry (including safety design features).</p> <p><i>Safety Element</i> Policy 4.9 requires that roadways be constructed and maintained in accordance with Monterey County Code or the California Fire Code, which establishes minimum clear widths to accommodate fire fighting apparatus, large freight vehicles, and emergency service providers.</p> <p>The <i>Area Plans</i> contain a number of policies related to non-standard design or incompatible land uses. The Area Plan policies would supplement those contained in the 2007 General Plan.</p> <p><i>Carmel Valley Master Plan</i> Policies CV-2.10 and CV-2.11 encourage improvements to existing roadways, such as shoulder improvements on sharp curves on Esquiline Road. They also provide for channelization and tapers at access points on Carmel Valley Road for safety improvements.</p> <p><i>Toro Area Plan</i> Policy 2.7 limits new direct access points for single family residences along Highway 68, and limits them along other routes in the planning area in order to mitigate the impact of incompatible land use access onto major traffic corridors.</p> <p><i>Cachagua Area Plan</i> Policy 2.1 requires the signing and marking of roadways to alert all users to unusual or dangerous conditions.</p> <p><i>Agricultural Winery Corridor Plan</i> Section 3.7, Design Criteria, requires access to facilities where the general public is allowed to meet safe sight distance standards.</p> <p>Although not necessary to reduce this less than significant impact, mitigation measures developed to reduce or avoid other significant impacts would also reduce this impact. These mitigation measures have been incorporated into the following General Plan policies:</p> <p>Policy C-1.12 provides that the County TIF Program and CIPF shall include roadway segments within the AWCP that exceed LOS standards. Improvements would be consistent with modern design and safety standards. Policy C-1.12 includes the measures set forth in Mitigation Measure TRANS 5A.</p> <p>CV-2.18 requires the County to adopt a Carmel Valley Traffic Improvement Program to evaluate traffic conditions on Carmel Valley Road and identify improvements necessary to maintain the LOS standard. These will include safety and design considerations. Policy CV-2.18 includes the measures set forth in Mitigation Measure TRAN-2B.</p>	DEIR, Section 4.6.3.5
	Development allowed under the 2007 General Plan could potentially conflict with adopted		

EXHIBIT EIRI

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	<p>policies, plans, or programs supporting alternative transportation or generate pedestrian, bicycle, or transit travel demand that would not be accommodated by current pedestrian facilities, bicycle development plans, or long-range transit plans. (TRAN-1F)</p>	<p>infrastructure and compact, mixed-use development.</p> <p><i>Circulation Element</i></p> <p>Many of the policies in this element encourage shifts to alternate modes of travel (e.g., Policies C-2.1, C-2.2, C-2.5, C-3.5, and C-4.3). Some policies require infrastructure and site design that supports transportation choice. Policy C-2.7 requires that new development be located and designed with convenient access and efficient transportation for all intended users, and where possible consider alternative transportation modes. This policy ensures that new development provides multimodal facilities so that walking, bicycling and transit are viable options.</p> <p>Policy C-4.4, which considers abandonment of County roads for public uses of the rights-of-way, such as bikeways, or horseback riding and hiking trails. Policy C-4.5 requires that new public local and collector roads be designed to discourage through auto traffic and provide for bicycle and pedestrian traffic within the right-of-way. Policy C-4.7 requires, where appropriate and sufficient public right-of-way is available, that bicycle paths shall be separated from major roads and highways and be provided between adjacent communities. Policy C-4.9 requires the County to monitor key County-maintained roadways, intersections, bikeways, and pedestrian facilities to observe and analyze the functioning of these roadways, as well as to identify capacity and safety concerns. This policy is important in ensuring adequate multimodal facilities. Providing public transportation service is outside the County's authority, but the provision of infrastructure and facilities, and transit-supportive land use patterns are established by the County through its development policies. Policies C-6.1, C-6.2, C-6.5, C-6.7, C-6.8, and C-6.9 provide support and encouragement for public transportation services. Policy C-6.3 supports the concentration of new development along major transportation corridors and near incorporated cities to make transit services to these areas more feasible. Policy C-6.6 requires transit and bus parking facilities at major hotels, motels, convention centers, other tourist-serving areas and events.</p> <p>Policy C-8.1 makes protection of future rail transportation a high priority. This policy would protect existing railroad right-of-way and support acquisition of railroad corridors for inter-city service. Policy C-8.3 supports the planning and implementation of passenger rail, light rail, or bus rapid transit service to urban centers, and Policy C-8.4 supports and encourages transit-oriented development around existing and future rail, light rail, or bus rapid transit stations.</p> <p>Policy C-9.1 requires the County to coordinate with TAMC and all appropriate private and public interests and agencies to develop an integrated, comprehensive bicycle plan. Policy C-9.2 (previously identified as Policy C-10.3 the Draft EIR and the March 2010 version of the Final EIR) requires consideration of bike routes in the construction or expansion of roadways within major transportation corridors. Policies C-9.3 through C-9.6 (previously identified as Policies C-10.4 through C-10.7 the Draft EIR and the March 2010 version of the Final EIR) support bicycle transportation through multimodal and inter-modal integration, and for visitor serving areas.</p> <p><i>Land Use Element</i></p> <p>Policies LU-1.2 and LU-1.3, encourage managing growth in unincorporated areas and discouraging scattered development to minimize the duration of trips, which also supports alternative modes of transportation. Policies LU-1.4 and 1 LU-1.7 requires development to occur only when adequate</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>transportation facilities exist and to encourage phasing and clustering of development to provide for adequate long-range planning of infrastructure, including pedestrian, bicycle and transit facilities. Policies LU-2.15, LU-2.17, and LU-2.21 encourage directing growth to urban and community areas, which better supports transit use. These policies also encourage mixed-use development, which generates fewer vehicle trips by clustering uses together.</p> <p><i>Conservation and Open Space Element</i></p> <p>Policies OS-10.2 and OS-10.5 encourages alternative modes of travel and encourage mixed land uses to reduce vehicular travel and minimize negative impact on LOS. Policy OS-10.10 establishes sustainable land use strategies that will include alternative modes and mixed uses for development within Community Areas and Rural Centers. Policy OS-10.10 includes the measures set forth in Mitigation Measures AQ-3, AQ-4, and AQ-7.</p> <p>The <i>Area Plans</i> contain policies related to alternative modes of travel and associated supportive land uses.</p> <p><i>Greater Monterey Peninsula Area Plan</i></p> <p>Policies GMP-2.7 and GMP-2.9 encourage new development to incorporate designs and location for transit and bicycle and pedestrian connections and for new or expanded arterials or highways to accommodate separated bicycle paths.</p> <p><i>Carmel Valley Master Plan</i></p> <p>Policies CV-2.1 through CV-2.5, and CV-2.14 promote alternative modes of transportation by requiring new development and new facilities to provide for transit stops, bicycle and pedestrian infrastructure.</p> <p><i>Toro Area Plan</i></p> <p>Policies T-2.3, T-2.4, T-2.6, T-2.9, and T-2.10 provide for additional transit, bicycle and pedestrian infrastructure along new facilities and in new development. Policy 2.10 encourages a study to determine how to increase access to public transit in specific areas.</p> <p><i>Cachagua Area Plan</i></p> <p>Policy CACH-2.1 promotes the safety of bicyclists and pedestrians by providing appropriate paving markings.</p> <p>Mitigation Measures AQ-3, AQ-4, and AQ-7 include revisions made since release of the Draft EIR. The list above includes policies that have been modified by the incorporation of mitigation measures. Although not necessary to reduce this less than significant impact, these mitigation measures, which were developed to reduce or avoid other significant impacts, would also reduce this impact.</p> <p>The 2007 General Plan contains policies that avoid or minimize the project's cumulative impact with other development to the year 2030 on County roadways. The policies discussed for the project-specific impact on County roadways (Impact TRAN-1A) are applicable to reduce this cumulative impact. See the discussion of Impact TRAN-1A, above. The General Plan and associated Area Plan policies discussed above, particularly those relating to CIPFs and TIFs, provide that new development will be required to avoid a cumulative contribution to deterioration of LOS standards.</p> <p>The 2007 General Plan contains policies that avoid or minimize the project's cumulative impact with</p>	<p>DEIR, Section 4.6.3.5; FEIR, Master Responses 5 and 6</p> <p>DEIR, Section</p>
	<p>Development allowed under the 2007 General Plan cumulatively with other development to the year 2030 would cause direct impacts on County roadways which would cause roadways to fall below the acceptable LOS standard D. (TRAN-2A)</p>		
	<p>Growth in land uses allowed under the 2007</p>		

EXHIBIT EIR1 CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
<p>General Plan, cumulatively with development in incorporated cities and adjacent counties, would increase demand for air travel at the County's four airports or increase development within the approach and departure pattern of airports. (TRAN-2C)</p>	<p>Buildout of the 2007 General Plan would increase demand for air travel at the County's four airports or increase development within the approach and departure pattern of airports. (TRAN-3C)</p>	<p>other development on County airports. The policies discussed for the project-specific impact on County airports (Impact TRAN-1C) are applicable to reduce this cumulative impact. See the discussion of Impact TRAN-1C, above.</p>	<p>4.6.3.5</p>
<p>Growth in land uses allowed under the 2007 General Plan, cumulatively with development in incorporated cities and adjacent counties, could result in non-standard or hazardous designs or land uses that are incompatible with public facilities and adjoining land uses. (TRAN-2D)</p>	<p>Buildout of the 2007 General Plan would result in non-standard or hazardous designs or land uses that are incompatible with public facilities and adjoining land uses. (TRAN-3D)</p>	<p>The 2007 General Plan contains policies that avoid or minimize the project's cumulative impact with other development on adjoining land uses. The policies discussed for the project-specific impact on adjoining land uses (Impact TRAN-1D) are applicable to reduce this cumulative impact. See the discussion for Impact TRAN-1D, above. The General Plan and associated Area Plan policies discussed above, particularly those relating to CIPs and TIFs, provide that new development will be required to avoid a cumulative contribution to non-standard or hazardous design by requiring all new development to meet modern standards.</p>	<p>DEIR, Section 4.6.3.5</p>
<p>Development allowed under the 2007 General Plan, cumulatively with development in incorporated cities and adjacent counties, could potentially conflict with adopted policies, plans, or programs supporting alternative transportation or generate pedestrian, bicycle, or transit travel demand that would not be accommodated by current pedestrian facilities, bicycle development plans, or long-range transit plans. (TRAN-2F)</p>	<p>Buildout of the 2007 General Plan would cause project-specific impacts on County roadways which would cause roadways to fall below the acceptable LOS standard D. (TRAN-3A)</p>	<p>The 2007 General Plan contains policies that avoid or minimize the project's cumulative impact with other development on alternative transportation. The policies discussed for the project-specific impact on alternative transportation (Impact TRAN-1F) are applicable to reduce this cumulative impact. See the discussion for Impact TRAN-1F, above.</p>	<p>DEIR, Section 4.6.3.5</p>
<p>Buildout of the 2007 General Plan would cause project-specific impacts on County roadways which would cause roadways to fall below the acceptable LOS standard D. (TRAN-3A)</p>	<p>Buildout of the 2007 General Plan would cause project-specific impacts on County roadways which would cause roadways to fall below the acceptable LOS standard D. (TRAN-3A)</p>	<p>The 2007 General Plan contains policies that avoid or minimize the project's impact on County roadways through buildout of the General Plan. The policies discussed for the year 2030 project-specific impact on County roadways (Impact TRAN-1A) are applicable to reduce this impact. See the discussion for Impact TRAN-1A, above.</p>	<p>DEIR, Section 4.6.3.5; FEIR, Master Responses 5 and 6</p>
<p>Buildout of the 2007 General Plan would increase demand for air travel at the County's four airports or increase development within the approach and departure pattern of airports. (TRAN-3C)</p>	<p>Buildout of the 2007 General Plan would result in non-standard or hazardous designs or land uses that are incompatible with public facilities and adjoining land uses. (TRAN-3D)</p>	<p>The 2007 General Plan contains policies that avoid or minimize the project's impact on County airports through buildout of the General Plan. The policies discussed for the year 2030 project-specific impact on County airports (Impact TRAN-1C) are applicable to reduce this impact. See the discussion for Impact TRAN-1C, above.</p>	<p>DEIR, Section 4.6.3.5</p>
<p>Buildout of the 2007 General Plan would result in non-standard or hazardous designs or land uses that are incompatible with public facilities and adjoining land uses. (TRAN-3D)</p>	<p>Buildout of the 2007 General Plan would conflict with adopted policies, plans, or programs supporting alternative transportation or generate pedestrian, bicycle, or transit travel demand that would not be accommodated by current pedestrian facilities, bicycle development plans, or long-range transit plans. (TRAN-3F)</p>	<p>The 2007 General Plan contains policies that avoid or minimize the project's impact on adjoining land uses through buildout of the General Plan. The policies discussed for the year 2030 project-specific impact on adjoining land uses (Impact TRAN-1D) are applicable to reduce this impact. See the discussion for Impact TRAN-1D, above.</p>	<p>DEIR, Section 4.6.3.5</p>
<p>Buildout of the 2007 General Plan would conflict with adopted policies, plans, or programs supporting alternative transportation or generate pedestrian, bicycle, or transit travel demand that would not be accommodated by current pedestrian facilities, bicycle development plans, or long-range transit plans. (TRAN-3F)</p>	<p>Buildout of the 2007 General Plan would conflict with adopted policies, plans, or programs supporting alternative transportation or generate pedestrian, bicycle, or transit travel demand that would not be accommodated by current pedestrian facilities, bicycle development plans, or long-range transit plans. (TRAN-3F)</p>	<p>The 2007 General Plan contains policies that avoid or minimize the project's impact on alternative transportation through buildout of the General Plan. The policies discussed for the year 2030 project-specific impact on alternative transportation (Impact TRAN-1F) are applicable to reduce this impact. See the discussion for Impact TRAN-1F, above.</p>	<p>DEIR, Section 4.6.3.5</p>

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	<p>Buildout of the 2007 General Plan cumulatively with development in incorporated cities and adjacent counties would cause project-specific impacts on County roadways which would cause roadways to fall below the acceptable LOS standard D. (TRAN-4A)</p> <p>Buildout of the 2007 General Plan, cumulatively with development in incorporated cities and adjacent counties, would increase demand for air travel at the County's four airports or increase development within the approach and departure pattern of airports. (TRAN-4C)</p> <p>Growth in land uses allowed under the 2007 General Plan, cumulatively with development in incorporated cities and adjacent counties, would result in non-standard or hazardous designs or land uses that are incompatible with public facilities and adjoining land uses. (TRAN-4D)</p> <p>Buildout of the 2007 General Plan, cumulatively with development in incorporated cities and adjacent counties, would conflict with adopted policies, plans, or programs supporting alternative transportation or generate pedestrian, bicycle, or transit travel demand that would not be accommodated by current pedestrian facilities, bicycle development plans, or long-range transit plans. (TRAN-4F)</p>	<p>The 2007 General Plan contains policies that avoid or minimize the project's cumulative impact with other development on County roadways through buildout of the General Plan. The policies discussed for the project-specific impact on County roadways (Impact TRAN-1A) are applicable to reduce this cumulative impact. See the discussion for Impact TRAN-1A, above.</p> <p>The 2007 General Plan contains policies that avoid or minimize the project's cumulative impact with other development on County airports through buildout of the General Plan. The policies discussed for the project-specific impact on County airports (Impact TRAN-1C) are applicable to reduce this cumulative impact. See the discussion for Impact TRAN-1C, above.</p> <p>The 2007 General Plan contains policies that avoid or minimize the project's cumulative impact with other development on adjoining land uses through buildout of the General Plan. The policies discussed for the project-specific impact on adjoining land uses (Impact TRAN-1D) are applicable to reduce this cumulative impact. See the discussion for Impact TRAN-1D, above.</p> <p>The 2007 General Plan contains policies that avoid or minimize the project's cumulative impact with other development on alternative transportation through buildout of the General Plan. The policies discussed for the project-specific impact on County roadways (Impact TRAN-1F) are applicable to reduce this cumulative impact. See the discussion for Impact TRAN-1F, above.</p>	<p>DEIR, Section 4.6.3.5; FEIR, Master Responses 5 and 6</p> <p>DEIR, Section 4.6.3.5</p> <p>DEIR, Section 4.6.3.5</p> <p>DEIR, Section 4.6.3.5</p>
Air Quality	<p>Buildout of the 2007 General Plan would conflict with applicable Air Quality Management Plans and Standards. (AQ-1)</p>	<p>The 2007 General Plan contains policies to avoid conflicts with Air Quality Management Plans and Standards.</p> <p><i>Conservation and Open Space Element</i></p> <p>Goal OS-10 provides for the protection and enhancement of Monterey County's air quality without constraining routine and ongoing agricultural activities. Policies OS-10.1 through OS-10.5 implement measures that encourage land use and transit strategies to reduce air pollution. Policies OS-10.6 (support for MBUAPCD air pollution control strategies, air quality monitoring, and enforcement activities), and OS-10.9 (future development required to implement applicable MBUAPCD daily emissions control measures) support this goal and reduce air quality impacts by standardizing air quality measures in the County. Policy OS-10.9 includes the measures set forth in Mitigation Measures AQ-1 and AQ-2. Under Policy OS-10.10, the design of future development within Community Areas and Rural Centers will incorporate sustainable land use strategies that will have the co-benefit of reducing emissions from automobile travel by reducing automobile trips within those developments. Policy OS-10.10 includes the measures set forth in Mitigation Measures AQ-3, AQ-4, and AQ-7. Although not necessary to reduce this less than significant impact, Mitigation Measures AQ-1, AQ-2, AQ-3, AQ-4, and AQ-7, which were developed to reduce or avoid other significant impacts, would also reduce this impact.</p>	<p>DEIR, Section 4.7.4.2; Urban Land Institute 2008 <i>Growing Cooler</i></p>

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	<p>Future traffic growth would cause increases in CO levels along County roadways. (AQ-5)</p>	<p>Some of the Area Plans also contain policies that implement measures that will reduce the potential for conflict with air quality plans and standards.</p> <p><i>North County Area Plan</i> Policy NC-1.2 (mushroom operations) reduces air quality impacts by requiring new development to install environmental control methods for air quality.</p> <p><i>Central Salinas Valley Area Plan</i> Policy CSV-3.2 (development of renewable energy sources) encourages the development and utilization of renewable energy sources such as solar, wind power generation, and biomass technologies in the Central Salinas Valley. This policy would help reduce air quality impacts by supporting nonpolluting energy sources.</p> <p><i>Greater Monterey Peninsula Area Plan</i> Policy GMP-2.7 would help reduce air quality impacts by encouraging new development to incorporate alternate modes of transportation (buses, bicycles, walking).</p> <p><i>Carmel Valley Master Plan</i> Policy CV-2.1 emphasizes the use of public transit and stresses the importance of pedestrian access in the village, which would allow for reduced air quality impacts through reduction of traffic.</p> <p><i>Toro Area Plan</i> Policies T-2.9 and T-2.10 (circulation) would reduce air quality impacts by encouraging new development to incorporate designs to allow for alternate modes of transportation, and also by encouraging increased accessibility for residents to mass transit. Population growth under the 2007 General Plan is consistent with the growth projected in the Monterey Bay Unified APCD's 2008 Air Quality Management Plan. The air quality analysis and traffic modeling in the DEIR and the 2008 AQMP were based on the same AMBAG population and travel forecasts.</p> <p>The 2007 General Plan and Area Plan goals and policies establish comprehensive measures to avoid or minimize adverse impacts on air quality.</p> <p><i>Conservation and Open Space Element</i> Goal OS-10 provides for the protection and enhancement of Monterey County's air quality without constraining routine and ongoing agricultural activities. Policies OS-10.2, OS-10.4, OS-10.5, OS-10.9, and OS-10.11 all encourage mass transit or alternate modes of transportation, which would help alleviate congestion and delay, both of which lead to CO concentrations. These policies would, therefore, result in a reduction of air quality impacts from CO concentrations. Policy OS-10.9 includes the measures set forth in Mitigation Measure AQ-1 and AQ-2. Policy OS-10.11 includes the measures set forth in Mitigation Measures CC-1a and CC-5.</p> <p>Under Policy OS-10.10, the design of future development within Community Areas and Rural Centers will incorporate sustainable land use strategies that will have the co-benefit of reducing emissions from automobile travel by reducing automobile trips within those developments. Policy OS-10.10 includes the measures set forth in Mitigation Measures AQ-3, AQ-4, and AQ-7.</p>	<p>DEIR, Section 4.7.4.2; Urban Land Institute 2008 <i>Growing Cooler</i></p>

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>Although not necessary to reduce this less than significant impact, Mitigation Measures CC-1a and CC-5, AQ-1, AQ-2, AQ-3, AQ-4, and AQ-7, which were developed to reduce or avoid other significant impacts, would also reduce this impact.</p> <p><i>Area Plans</i> <i>North County Area Plan</i> Policy NC-1.2 reduces air quality impacts by requiring new development at mushroom operations to install environmental control methods for air quality.</p> <p><i>Central Salinas Valley Area Plan</i> Policy CSV-3.2 encourages the development and utilization of renewable energy sources such as solar, wind power generation, and biomass technologies in the Central Salinas Valley. This policy would help reduce air quality impacts by supporting non-polluting energy sources.</p> <p><i>Greater Monterey Peninsula Area Plan</i> Policy GMP-2.7 would help reduce air quality impacts by encouraging new development to incorporate alternate modes of transportation (i.e., buses, bicycles, walking).</p> <p><i>Carmel Valley Master Plan</i> Policy CV-2.1 emphasizes the use of public transit, and stresses the importance of pedestrian access in the village, which would allow for reduced air quality impacts through reduction of traffic.</p> <p><i>Toro Area Plan</i> Policies T-2.9 and T-2.10 would reduce air quality impacts by encouraging new development to incorporate designs to allow for alternate modes of transportation, and also by encouraging increased accessibility for residents to mass transit.</p> <p>As shown in Table 4.7-8 of the EIR, CO levels would not exceed MBUAPCD thresholds under the buildout of the 2007 General Plan. Although the 2007 General Plan will cause an increase in VMT, the marked increase in system efficiency would offset the relatively minor VMT increase.</p> <p>The comparison of 2030 development conditions under the General Plan update to 2030 conditions if the General Plan update were not adopted indicates that implementation of the General Plan update would not increase traffic noise by more than 3 dB along any of the roadway segments evaluated. Accordingly, implementation of the 2007 General Plan is not predicted to result in the exposure of noise sensitive land uses (i.e., persons) to substantial increases in noise.</p> <p>The 2007 General Plan and Area Plan policies establish comprehensive measures to avoid or minimize adverse impacts from traffic noise.</p> <p><i>Safety Element</i> Policy S-7.1 limits new noise-sensitive land uses to areas where existing and projected noise levels are "acceptable" as defined by the County. A graphic interpretation of acceptable noise levels is presented in Policy S-7.1, Table S-2 (labeled Figure 2) of the EIR. It also states that a Community Noise Ordinance will be established consistent with the associated table that addresses the following:</p> <ul style="list-style-type: none"> • Capacity-related roadway improvement projects. • Construction-related noise impacts on adjacent land uses. 	DEIR, Section 4.8.5.2
Noise	Future development activities associated with the 2007 General Plan would result in exposure of noise sensitive land uses (i.e., persons) to traffic noise in excess of County noise standards, or substantial increases in traffic noise. (N-1)		

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<ul style="list-style-type: none"> • New residential land uses exposed to aircraft operations at any airport or air base. • Site planning and project design techniques to achieve acceptable noise levels such as: building orientation, setbacks, earthen berms, and building construction practices. The use of masonry sound walls for noise control in rural areas shall be discouraged. • Design elements necessary to mitigate significant adverse noise impacts on surrounding land uses. • Impulse noise. • Existing railroad locations & noise levels. <p>Policy S-7.2 requires that proposed development incorporate design elements necessary to minimize noise impacts on surrounding land uses and to reduce noise in indoor spaces to an acceptable level.</p> <p>Policy S-7.3 states that development may occur in areas identified as "normally unacceptable" provided that effective measures are taken to reduce both indoor and outdoor noise levels to acceptable levels.</p> <p>Policy S-7.6 states that an acoustical analysis shall be part of the environmental review process for projects when noise-sensitive receptors are proposed in areas exposed to existing or projected noise levels that are "normally unacceptable" as defined by the County.</p> <p>Policy S-7.7 states that all proposed discretionary residential projects that are within roadway noise contours of 60 dB CNEL or greater will include a finding of consistency with the provisions of the Noise Hazards section of the Safety Element. If roadway noise exceeds the 60 dB CNEL within the project site, a project-specific noise impact analysis will be required and mitigation identified. Implementation of the Safety Element policies summarized above would limit the exposure of noise-sensitive land uses to traffic noise associated with the implementation of the 2007 General Plan and reduce this to a less-than-significant level.</p> <p><i>Fort Ord Master Plan</i></p> <p>The Noise Element contains objectives and policies for controlling noise in the Fort Ord Planning Area. Objective A of the Noise Element ensures that the application of land use compatibility criteria for noise, and enforcement of noise regulations are consistent throughout the Fort Ord Planning Area. Objective B of the Noise Element ensures that noise environments are appropriate for and compatible with existing and proposed land uses based on noise guidelines provided in the Noise Element.</p> <p>Noise Program A-1.1 of Noise Policy A-1 establishes land use compatibility criteria for exterior community noise. Program B-1.1 of Noise Policy B-1 states that the County will develop a program to identify developed areas that are adversely affected by noise impacts and implement measures to reduce these impacts by constructing noise barriers and limiting hours of operation of noise sources. Noise Policy B-3 requires that acoustical studies be conducted for all new development that could be exposed to noise above the normally acceptable range as defined by the County to ensure that existing and proposed land uses will not be adversely affected. Noise Policy B-4 requires enforcement of state noise insulation standards and requires that interior sound levels of 45 dB Ldn</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>be achieved for all new multi-family dwellings, condominiums, hotels, and motels. Noise Policy B-5 states that noise barriers be provided for new development to ensure that noise guidelines are met and that interior noise levels be reduced to 45 dB Ldn if site planning or architectural layout of buildings is not feasible for compliance with noise guidelines. Noise Policies B-6 (ambient noise/single-family), B-7 (ambient noise/industrial), and B-8 (ambient noise/institutional) place limits on increases in noise allowed by new development.</p> <p>Implementation of the noise objectives and policies described above would limit the exposure of noise-sensitive land uses to traffic noise associated with the 2007 General Plan and reduce this to a less-than-significant level.</p> <p>Buildout of the 2007 General Plan through 2032 would result in new urban development in undeveloped areas of the county beyond 2030 levels. Table 4.8-3 of the EIR summarizes traffic noise modeling results for buildout conditions and compares buildout conditions to existing conditions and 2030 cumulative conditions. Overall traffic volumes across the county are forecast to be about 45% greater than volumes under 2030 conditions. This generally corresponds to a 1 to 2 dB increase in traffic noise. The areas that would be affected by new development include the Community Areas and Rural Centers due to the anticipated intensification of land uses in these areas. The 2007 General Plan and Fort Ord Master Plan policies summarized above would limit the exposure of existing and planned noise-sensitive land uses to traffic noise and comply with County land use compatibility guidelines for traffic noise.</p>	DEIR, Section 4.8.5.2
	Development activities associated with implementation of the 2007 General Plan would result in exposure of persons to excessive ground-borne vibration. (N-2)	<p>The 2007 General Plan policies establish comprehensive measures to avoid or minimize adverse ground-borne vibration impacts.</p> <p><i>Safety Element</i> Policy S-7.8 states that all discretionary projects proposing to use heavy construction equipment that has the potential to create vibrations that could cause structural damage to adjacent structures within 100 feet would be required to submit a pre-construction vibration study prior to the approval of a building permit. Specified measures and monitoring identified to reduce impacts would be incorporated into construction contracts. Implementation of this policy would limit ground-borne vibration to acceptable levels for all new discretionary projects.</p>	DEIR, Section 4.8.5.2
	Implementation of the 2007 General Plan would create temporary, short-term noise impacts during associated construction activities. (N-3)	<p>The 2007 General Plan policies establish comprehensive measures to avoid or minimize short-term noise impacts during construction.</p> <p><i>Safety Element</i> Policy S-7.9 limits construction noise levels and the hours that construction can occur within 500 feet of noise-sensitive land uses. It also identifies specific measures that can be used to reduce construction noise, such as constructing temporary noise barriers and using quieter construction equipment.</p> <p>Policy S-7.10 identifies standard noise protection measures that must be incorporated into all construction contracts. These measures include the following: 1) allowing construction only during times allowed by ordinance/code unless such limits are waived for public convenience 2) requiring all construction equipment to have mufflers and 3) requiring lay-down yards and semi-stationary equipment such as pumps or generators to be located as far from noise-sensitive land uses as practicable.</p>	DEIR, Section 4.8.5.2

EXHIBIT EIR1 CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	<p>Implementation of the 2007 General Plan would potentially expose people residing or working near an airport to excessive noise levels. (N-4)</p>	<p>Implementation of these Safety Element policies would reduce temporary construction noise to a less-than-significant level.</p> <p>The 2007 General Plan policies establish comprehensive measures to avoid or minimize airport noise impacts on new development.</p> <p><i>Safety Element</i> Policy S-7.1 limits new noise-sensitive land uses to areas where existing and projected noise level are "acceptable" as defined by the County. It also states that a Community Noise Ordinance will be established consistent with the table that addresses new residential land uses exposed to aircraft operations at any airport or airbase.</p> <p>Policy S-7.3 states that development may occur in areas identified as "normally unacceptable" provided that effective measures are taken to reduce both the indoor and outdoor noise levels to acceptable levels.</p> <p>Policy S-7.6 states that an acoustical analysis will be part of the environmental review process for projects when noise-sensitive receptors are proposed in areas exposed to existing or projected noise levels that are "normally unacceptable" as defined by the County.</p> <p><i>Area Plan and Community Policies</i> <i>Greater Monterey Peninsula Area Plan</i> Policy GMP-4.2 states that development in the vicinity of the Monterey Peninsula Airport and the Marina Municipal Airport should be sited, designed, and/or constructed to minimize noise hazards from aircraft and other sources and that the County should adopt the Airport Noise Control and Land Use Compatibility (ANCLUC) standards for the areas in the vicinity of the Monterey Peninsula Airport. Implementation of these policies would limit the exposure of new noise-sensitive land uses to aircraft noise within the Greater Monterey Peninsula Area.</p> <p><i>Fort Ord Master Plan</i> Noise Program A-1.1 of Noise Policy A-1 establishes land use compatibility criteria for exterior community noise.</p> <p>Program B-1.1 of Noise Policy B-1 states that the County will develop a program to identify developed areas that experience adverse impacts from excessive noise levels and implement measures to reduce these impacts by constructing barriers and limiting hours of operation of noise sources.</p> <p>Noise Policy B-3 requires that acoustical studies be conducted for all new development that could be exposed to noise above the "normally acceptable" range as defined by the County to ensure that existing and proposed use will not be adversely affected.</p> <p>Noise Policy B-4 requires enforcement of state noise insulation standards and requires that interior sound levels of 45 dB L_{dn} be achieved for new multi-family dwellings, condominium, hotel, and motel</p>	<p>DEIR, Section 4.8.5.2</p>

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	<p>Implementation of the 2007 General Plan would expose people residing or working near industrial/agricultural land uses and recreational venues to excessive noise levels. (N-5)</p>	<p>uses.</p> <p>Noise Policy B-5 states that noise barriers will be provided for new development to ensure that noise guidelines are met and that interior noise levels will be reduced to 45 dB L_{dn} if site planning or architectural layout of buildings is not feasible for compliance with noise guidelines.</p> <p>Noise Policies B-6 (ambient noise/single-family), B-7 (ambient noise/industrial), and B-8 (ambient noise/institutional) place limits on increases in noise allowed by new development. Implementation of these policies will limit exposure of noise-sensitive land uses to noise.</p> <p><i>State Law</i> Additionally, State Airport Land Use Commission law (Public Utilities Code Section 21670 et seq.) and Federal Aviation Administration Part 77 regulations place additional restrictions on developments in the vicinity of airports that limit placement of noise-sensitive land uses in the vicinity of airports. Future adoption of the update to the Monterey County Airport Land Use Compatibility Plan (Comprehensive Land Use Plan) by the Airport Land Use Commission will ensure that new development near any of the county's four airports is not subject to excessive noise levels.</p> <p>The 2007 General Plan policies establish comprehensive measures to avoid or minimize industrial noise impacts on new development.</p> <p><i>Safety Element</i> Policy S-7.1 limits new noise-sensitive land uses to areas where existing and projected noise level are "acceptable" as defined by the County.</p> <p>Policy S-7.2 states that proposed development shall incorporate design elements necessary to minimize noise impacts on surrounding land uses and reduce noise in indoor spaces to an acceptable level.</p> <p>Policy S-7.3 states that development may occur in areas identified as "normally unacceptable" provided that effective measures to reduce both the indoor and outdoor noise levels to acceptable levels are taken.</p> <p>Policy S-7.4 states that new noise generators may be allowed in areas where projected noise levels are "conditionally acceptable" only after a detailed analysis of the noise reduction requirements is made, and necessary noise mitigation features are included in project design.</p> <p>Policy S-7.5 states that new noise generators should generally be discouraged in areas identified as "normally acceptable." Where such new noise generators are permitted, mitigation to reduce both the indoor and outdoor noise levels would be required.</p> <p>Policy S-7.6 states that an acoustical analysis shall be part of the environmental review process for projects when noise-sensitive receptors are proposed in areas exposed to existing or projected noise levels that are "normally unacceptable" as defined by the County.</p> <p><i>Area Plans</i> <i>North County Area Plan</i> Policy NC-1.1 states that proposed commercial development shall be designed to minimize noise</p>	<p>DEIR, Section 4.8.5.2</p>

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>impacts on the surrounding area to the greatest extent feasible. Policy NC-1.2 states that potential noise impacts from industrial and commercial facilities shall be minimized to the maximum extent feasible and that installation of environmental control methods for noise impact brought by regulatory agencies will require review and approval by the Director of Planning and Building Inspection. Implementation of these policies would limit noise produced by new commercial and industrial noise sources. Implementation of these policies would also limit the exposure of noise-sensitive land uses to noise from industrial and commercial facilities within this planning area.</p> <p><i>Carmel Valley Master Plan</i></p> <p>Policy CV-1.14 limits service centers in Carmel Valley to urbanized areas such as the mouth of the Valley, Carmel Valley Village or mid-Valley area and states that these sites shall be designed to result in low noise impact on surrounding uses. Implementation of this policy would limit the exposure of noise-sensitive land uses to noise from these facilities within this planning area.</p> <p><i>Cachagua Area Plan</i></p> <p>Policy CACH-1.1 states that provision should be made for service centers in Cachagua to result in low noise impact on surrounding uses. Policy CACH-3.2 states that stronger ambient noise abatement requirements should be considered in this planning area. Policy CACH-3.5 states that mining or commercial timber or other resource production operations that include methods to control noise impacts may be considered in the planning area. Implementation of these policies would limit exposure of noise-sensitive land use to noise from these facilities and operations within this planning area.</p> <p><i>Fort Ord Master Plan</i></p> <p>Noise Program A-1.1 of Noise Policy A-1 establishes land use compatibility criteria for exterior community noise. Program A-1.2 of Policy A-1 states that the County will adopt a noise ordinance to control noise from non-transportation sources and construction.</p> <p>Program B-1.1 of Noise Policy B-1 states that the County will develop a program to identify developed areas that are adversely affected by excessive noise levels, and implement measures to reduce these impacts by constructing noise barriers and limiting hours of operation of noise sources.</p> <p>Noise Policy B-3 requires that acoustical studies be conducted for all new development that could be exposed to noise above the "normally acceptable" range as defined by the County to ensure that existing and proposed use will not be adversely affected.</p> <p>Noise Policy B-4 requires enforcement of state noise insulation standards and requires that interior sound levels of 45 dB L_{dn} be achieved for new multi-family dwellings, condominium, hotel, and motel uses.</p> <p>Noise Policy B-5 states that noise barriers be provided for new development to ensure that noise guidelines are met and that interior noise level be reduced to 45 dB L_{dn} if site planning or architectural layout of buildings is not feasible for compliance with noise guidelines.</p> <p>Noise Policies B-6 (ambient/single-family), B-7 (ambient noise/industrial), and B-8 (ambient</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>noise/institutional) place limits on increases in noise allowed by new development. Implementation of these policies would limit exposure of noise-sensitive receptors within the Fort Ord Master Plan area.</p> <p><i>Agricultural Wine Corridor Plan</i></p> <p>Development Standard 3.5F (noise standards) states that all winery structures and outdoor uses will comply with the County's adopted Noise Codes. Development Standard 3.6 E (development conditions) states that agencies are authorized to attach such conditions as deemed necessary to protect the health, safety, and general welfare of the community and the persons attending special winery related events. These conditions include specific limits on outdoor amplified music. Implementation of these development standards would limit the exposure of noise-sensitive land uses to noise from wineries within the AWCP corridor.</p>	
	Noise (CUM-8)	<p>As discussed in Chapter 4.8, Noise, of the EIR, there are a number of measures that can be taken to attenuate noise impacts to meet county standards. These measures apply equally in attenuating cumulative impacts. The 2007 General Plan includes a number of policies that will avoid or minimize these increases and make individual projects' contribution to the impact less than significant. They include, but are not limited to, the following:</p> <p><i>Safety Element</i></p> <p>Policy S-7.1: See discussion under Impact N-1, N-2, N-3, N-4, and N-5 above.</p> <p>Policy S-7.2: See discussion under Impact N-1, N-2, N-3, N-4, and N-5 above.</p> <p>Policy S-7.4: See discussion under Impact N-1, N-2, N-3, N-4, and N-5 above.</p> <p>Policy S-7.5: See discussion under Impact N-1, N-2, N-3, N-4, and N-5 above.</p> <p>Policy S-7.6: See discussion under Impact N-1, N-2, N-3, N-4, and N-5 above.</p> <p>Policy S-7.7: See discussion under Impact N-1, N-2, N-3, N-4, and N-5 above.</p>	DEIR, Sections 4.8.5.2 and 6.4.3.6
Biological Resources	Potential loss of protected trees (BIO-4 through 2030 and through 2092)	<p>The 2007 General Plan emphasizes compact city-centered growth in and near existing urbanized areas. In addition, it makes provision for the conservation of critical habitat that will have the co-benefit of protecting trees within that habitat. The policies summarized below are examples of the General Plan's commitment to preserve significant natural areas or minimize adverse biological impacts, including conflicts with tree preservation policies.</p> <p><i>Land Use Element</i></p> <p>Policy LU-1.4: Growth areas shall be designated only where an adequate level of services and facilities such as water, sewerage, fire and police protection, transportation, and schools exists or can be assured concurrent with growth and development. Phasing of development shall be required as necessary in growth areas in order to provide a basis for long-range services and facilities planning.</p> <p>Policy LU-1.7: Clustering of residential development to those portions of the property which are most suitable for development and where appropriate infrastructure to support that development exists or can be provided shall be strongly encouraged. Lot line adjustments among four lots or fewer, or the re-subdivision of more than four contiguous lots of record that do not increase the total number of lots, may be allowed pursuant to this policy without requirement of a general plan amendment.</p>	DEIR, Section 4.9.5.4; FEIR, Chapter 4, Section 4.9; FEIR, Master Response 8.

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>Policy LU-1.8: Voluntary reduction or limitation of development potential in the rural and agricultural areas through dedication of scenic or conservation easements, Transfer of Development Rights (TDR), and other appropriate techniques shall be encouraged. The Transfer of Development Credit (TDC) program in the Big Sur Land Use Plan is a separate program to address development within the critical watershed. A TDR Program shall be established to provide a systematic, consistent, predictable, and quantitative method for decision-makers to evaluate receiver sites in areas of the unincorporated County with priority for locations within Community Areas and Rural Centers. The program shall include a mechanism to quantitatively evaluate development in light of the policies of the General Plan and the implementing regulations, resources and infrastructure, and the overall quality of the development. Evaluation criteria shall include but are not limited to resource management and environmental impacts and potential mitigation.</p> <p>LU-1.9: Infill of vacant non-agricultural lands in existing developed areas and new development within designated urban service areas are a priority. Infill development shall be compatible with surrounding land use and development.</p> <p>LU-1.19: Community Areas, Rural Centers and Affordable Housing Overlay districts are the top priority for development in the unincorporated areas of the County. Outside of those areas, a Development Evaluation System shall be established to provide a systematic, consistent, predictable, and quantitative method for decision-makers to evaluate developments of five or more lots or units and developments of equivalent or greater traffic, water, or wastewater intensity. The system shall be a pass-fail system and shall include a mechanism to quantitatively evaluate development in light of the policies of the General Plan and the implementing regulations, resources and infrastructure, and the overall quality of the development. Evaluation criteria shall include but are not limited to:</p> <ul style="list-style-type: none"> • Resource management • Proximity to a city, Community Area, or Rural Center • Environmental Impacts and Potential Mitigation <p>LU-2.18: In cooperation with the cities and LAFCO:</p> <ol style="list-style-type: none"> a. Spheres of influence to represent the probable 20-year growth area around each city shall be designated as an Urban Reserve (UR) overlay within this general plan. b. Any city annexation request or request for a change in the city's boundaries or sphere of influence may be supported if it is found to be consistent with County General Plan policies, including: <ol style="list-style-type: none"> 1. Directing City growth away from the highest quality farmlands. 2. Providing adequate buffers (see Policy AG-1.2) along developing agricultural-urban interfaces. 3. Mitigating impacts to County infrastructure. <p>Requests inconsistent with County General Plan policies may be opposed.</p> <p><i>Conservation and Open Space Element</i></p> <p>Policy OS-5.1: 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. Policy OS-5.2: The extent and acreages of the potentially suitable habitat for listed species shall be inventoried to the extent</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>feasible and mapped in GIS. Conservation of species shall be promoted as provided in the Area Plans. Policy OS-5.3: Development shall be carefully planned to provide for the conservation and maintenance of critical habitat.</p> <p>Policy OS-5.4: 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: clustering lots for development to avoid critical habitat areas, dedications of permanent conservation easements; or other appropriate means.</p> <p>If development may affect listed species, consultation with United States Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) may be required and impacts may be mitigated by expanding the resource elsewhere onsite or within close proximity off-site. Final mitigation requirements would be determined by USFWS as required by law.</p> <p>Policy OS-5.5: Landowners and developers shall be encouraged to preserve the integrity of existing terrain and native vegetation in visually sensitive areas such as hillsides, ridges, and watersheds. Routine and Ongoing Agricultural Activities shall be exempt from this policy.</p> <p>OS-5.9: Tree removal that requires a permit shall be established by Area Plans.</p> <p>OS-5.10: Requires the establishment of regulations for tree removal, including Timberland Conversion, to be maintained by ordinance implementing Area Plan policies that address the following:</p> <ol style="list-style-type: none"> a. Criteria when a permit is required including: <ol style="list-style-type: none"> 1. number of trees, 2. minimum size of tree, 3. Post Timberland conversion land-use b. How size is measured for each protected species of tree, and what constitutes a landmark tree depending on the rate of growth for that species. c. Hazardous trees d. Pest and disease abatement e. Replacement criteria f. Ensure minimal removal <p>Policy OS-5.11: Promotes conservation of large, continuous expanses of native trees and vegetation shall be promoted as the most suitable habitat for maintaining abundant and diverse wildlife.</p> <p>Policy OS-5.17 requires the County to prepare, adopt, and implement a program that allows projects to mitigate the loss of critical habitat and to undertake five-year reviews of growth to determine the need to revise general plan policies. Until such time as the program has been established, projects shall mitigate the loss of critical habitat on an individual basis in consultation with responsible state and/or federal regulatory agencies.</p> <p>Policy OS-5.21 implements the measures set forth in Mitigation Measure BIO-1.5.</p> <p><i>Area Plans</i> <i>Cachagua Area Plan</i></p>	

EXHIBIT EIRI

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>Policy CACH-3.4 discourages the removal of healthy, native oak, madrone, and redwood trees and requires adoption of an ordinance describing the procedures under which they are allowed to be removed. The ordinance will include provisions for fire prevention, permit requirements, exceptions, and tree replacement criteria. Policy CACH-3.6 promotes cooperation with the United States Forest Service and private property owners to ensure that Santa Lucia fir are protected.</p> <p><i>Carmel Valley Master Plan</i> Policy CV-3.11 discourages removal of healthy, native oak and madrone trees and requires a permit for the removal of any of these trees with a trunk diameter in excess of six inches at breast height. Trees removed must be replaced at a 1:1 ratio using nursery-grown trees of the same species that are a minimum of one gallon in size. The policy includes penalties for tree removal that occurs without a permit.</p> <p><i>Fort Ord Master Plan</i> Policy C-2 requires the County to encourage the preservation and enhancement of native oak woodland elements in the natural and built environments.</p> <p><i>Greater Monterey Peninsula Area Plan</i> Policy GMP-3.5 discourages the destruction of healthy, native oak, Monterey pine, and redwood trees and requires adoption of an ordinance describing the procedures under which they are allowed to be removed. The ordinance will include provisions for fire prevention, permit requirements, exceptions, and tree replacement criteria.</p> <p><i>North County Plan</i> Policy NC-3.4 discourages removal of healthy, native oak and madrone trees and requires adoption of an ordinance describing the procedures under which they are allowed to be removed. The ordinance will include provisions for fire prevention, permit requirements, exceptions, and tree replacement criteria.</p> <p><i>Toro Area Plan</i> Policy T-3.7 discourages the removal of healthy native oak trees and adoption of an ordinance describing the procedures under which they may be allowed to be removed. The ordinance will include provisions for fire prevention, permit requirements, exceptions, and tree replacement criteria.</p> <p>Although not necessary to reduce this less than significant impact, mitigation measures developed to reduce or avoid other significant impacts would also reduce this impact. These mitigation measures have been incorporated into the following General Plan policies:</p> <p>Policy OS-5.21 implements the measures set forth in Mitigation Measure BIO-1.5.</p> <p>Policy OS-5.22. In order to preserve riparian habitat, conserve the value of streams and rivers as wildlife corridors and reduce sediment and other water quality impacts of new development, the county shall develop and adopt a Stream Setback Ordinance. The ordinance shall establish a stream classification system and minimum standards for the avoidance and setbacks for new development relative to streams. This policy is described in the table of mitigation measures adopted with these</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>findings. Policy OS-5.22 implements the measures set forth in Mitigation Measure BIO-2.1.</p> <p>Policies OS-5.21 and OS-5.22 will protect habitat and, in that way, protect the oak woodlands that make up a large segment of the county's habitats.</p> <p>Policy OS-5.23: The County shall prepare, adopt and implement a program that allows projects to mitigate the loss of oak woodlands, while also taking into consideration wildfire prevention/protection. Consistent with California Public Resources Code Section 21083.4, the program shall identify a combination of the following mitigation alternatives: ratios for replacement,</p> <ul style="list-style-type: none"> a) payment of fees to mitigate the loss or direct replacement for the loss of oak woodlands and monitoring for compliance; and b) conservation easements. <p>The program shall identify criteria for suitable donor sites. Mitigation for the loss of oak woodlands may be either on-site or off-site. The program shall allow payment of fees to either a local fund established by the County or a state fund. Until such time as the County program is implemented consistent with Public Resources Code Section 21083.4(b), projects shall pay a fee to the state Oak Woodlands Conservation Fund (OWCF). Replacement of oak woodlands shall provide for equivalent acreage and ecological value at a minimum of 1:1 ratio. The program shall prioritize the conservation of oak woodlands that are within known wildlife corridors as a high priority. The oak woodlands mitigation program shall be adopted within 5 years of adoption of the General Plan. Policy OS-5.23 includes the measures set forth in Mitigation Measure BIO-2.2.</p> <p>Wildfire prevention, in the context of Policy OS-5.23, refers to "fire safe" activities intended to protect residences from the risk of wildfire. This typically involves clearing of brush and understorey and creating a low fuel zone within 100 feet of residences. Any removal of oak trees would be subject to the mitigation described above.</p>	
	<p>Potential inconsistency with adopted conservation plan (BIO-5.1)</p>	<p>There are several HCPs in effect within Monterey County for individual projects. These include the Post Ranch Inn HCP in Big Sur (approved 2006), the Sarment Property HCP in Carmel Highlands (approved 2007), and the Wildcat Line LP HCP in Carmel Highlands (approved 2001). All of these are located in the coastal zone and would not be affected by the 2007 General Plan.</p> <p>Within the area of the County affected by the General Plan update, the Fort Ord HMP has been adopted to coordinate protections of special status species on the former base. The requirements of the Fort Ord HMP are thoroughly integrated into the Fort Ord Master Plan and they are consistent with one another.</p> <p>Although no mitigation is required, the following policies incorporating Mitigation Measures BIO-1.2 and BIO-1.5 are noted for information purposes only:</p> <p>Policy OS-5.19 will require the preparation of a conservation strategy for the San Joaquin kit fox in the southern Salinas Valley. The conservation strategy will be developed and implemented in coordination with appropriate state or federal agencies after adoption of the General Plan update, which will avoid conflicts between the General Plan and the future strategy.</p> <p>Policy OS-5.21 will require the cooperative development of a conservation strategy for CEQA-protected species as development reaches the projected 2030 level. The conservation strategy will</p>	<p>DEIR, Sections 4.9.5.4 and 4.1.4.3; FEIR, Chapter 4, Section 4.9; FEIR, Master Response 8.</p>

EXHIBIT EIRI

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
Cultural Resources	Development under the 2007 General Plan could result in damage or destruction of paleontological resources. (CUL-3)	<p>be developed and implemented after adoption of the General Plan update, and with full knowledge of the General Plan and other policies, which will avoid conflicts between the General Plan and the future strategy. Policy OS-5.21 includes the measures set forth in Mitigation Measure BIO-1.5.</p> <p>Although not necessary to reduce this less than significant impact, these mitigation measures, which were developed to reduce or avoid other significant impacts, would also reduce this impact.</p> <p>The 2007 General Plan contains several policies, summarized below, that will avoid or minimize significant effects on paleontological resources.</p> <p><i>Conservation and Open Space Element</i></p> <p>Policies OS-7.1 and OS-7.2 establish procedures to identify and map paleontological resources, by requiring complete paleontological reviews and consultation with academic professionals. Implementation of these policies will ensure that potentially significant paleontological resources are not destroyed as a result of activities related to new development. Policies OS-7.3 and OS-7.4 (survey sensitive areas) require field surveys for paleontological resources in sensitive areas prior to approval of development. This requirement will ensure that unknown paleontological resources are protected from destruction due to future development activities. Policy OS-7.5 (development away from paleontological resources) stipulates that policies and procedures encourage avoidance or clustering of new development away from these resources, thus avoiding impacts on sensitive paleontological resources.</p>	DEIR, Section 4.10.3.7
Public Services	Buildout of the 2007 General Plan could damage or destroy burial sites. (CUL-4)	<p>The 2007 General Plan contains several policies that will avoid or minimize significant effects on burial sites.</p> <p><i>Conservation and Open Space Element</i></p> <p>Policies OS-8.1 and OS-8.2 (identification and protection of burial sites) establish procedures to identify and protect burial sites with assistance from the local Native American representatives and the NABC, and stipulate that information on location and significance of burial sites be included in the environmental review process. Policy OS-8.3 (development at known burial sites) states that proposed development at sites where known burials or human cemeteries are located is prohibited until compliance with appropriate regulations and agencies have been completed. Policy OS-8.4 (development away from burial sites) stipulates that policies and procedures encourage avoidance or clustering of new development away from burial sites, thus avoiding impacts on sensitive burial sites. Policy OS-8.5 (improve public recognition of the county's cultural heritage) states that a Native Californian Advisory Panel shall be established to aid public recognition of the county's cultural heritage, thus ensuring the protection of burial sites during future development efforts. Policies OS-8.6 and OS-8.7 (Native American consultation) require consultation with tribal representatives to identify potential burial sites and other significant tribal resources for all future General Plan Amendments, Master Plans, and Specific Plans. Implementation of the above policies prevents damage or destruction of burial sites potentially caused by future development.</p> <p>Public Resources Code Section 5097.98 provides that when burials must be removed, the remains will be treated with dignity and the most likely descendant will select the preferred method of disposition.</p> <p>The 2007 General Plan proposes a number of policies, summarized below, that will avoid or minimize</p>	DEIR, Section 4.10.3.7 and Public Resources Code Section 5097.98

Resource and Utilities	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	in the 2007 General Plan may result in the need for new or expanded fire facilities. (PSU-1)	<p>significant effects on fire facilities by ensuring that new or expanded fire facilities would be provided concurrently with anticipated growth.</p> <p><i>Public Services Element</i> Policies PS-1.1 through PS-1.6 establish general standards for the provision of public facilities concurrently with future growth. Furthermore, these policies direct growth where adequate facilities currently exist, seek to achieve acceptable level of service standards through improvements funded by fair share impact fees and planned capital improvements. These policies would decrease the impact of future growth by requiring that fire stations be developed concurrently with future developments and that fire stations provide an Adequate Public Facility and Services (APFS) that meets or exceeds the required amount by the development.</p> <p><i>Safety Element</i> Policies S-4.1 through S-4.33 address potential impacts from fire hazards, as discussed in more detail below under Impact HAZ-3. The policies include educational awareness and participation about fire hazards, establish a minimum roadway access for fire vehicles, and require new developments to provide fire suppression systems, such as fire breaks, fire-retardant building materials, and automatic fire sprinkler systems. Furthermore, these policies would create a design review process by county planning and fire officials to address project design, landscaping, and building standards. The policies described above would decrease accidental fires through educational awareness of the public. The above described policies would also prevent small fires from enlarging by establishing roadway access for fire vehicles and requiring new developments to provide fire suppressant systems. In addition, the design review process would further decrease fires from occurring by ensuring the project design, landscaping and building standards and other fire-protection related issues are addressed. Policies S-6.1 through S-6.8 set forth emergency preparedness policies to ensure that fire protection agencies would have adequate resources to meet the demands of the buildout population. These resources includes, adequate emergency centers and brochures that specify the levels of emergency levels available throughout the county be developed. Policy S-6.6 prohibits development in areas that cannot be reached by emergency vehicles within the county standards.</p> <p>Two Area Plans provide additional area-specific fire protection policies.</p> <p><i>Greater Salinas Area Plan</i> Policy GS-1.1 requires that future development within the Butterfly Village portion of the Rancho San Juan Special Treatment Area provide adequate public services, including fire protection.</p> <p><i>Cachagua Area Plan</i> Policy CACH-4.3 encourages the formation of a fire district in this area to assist and ensure that a minimum level of fire protection is available to residents within the area plan boundaries.</p> <p>The 2007 General Plan proposes a number of policies, summarized below that will minimize or avoid significant effects on Sheriff's facilities by ensuring that new or expanded Sheriff's facilities would be provided concurrently with anticipated growth.</p>	4.11.3
	Development and land use activities contemplated in the 2007 General Plan may result in the need for new or expanded Sheriff's facilities. (PSU-2)	<p><i>Public Services Element</i> Policies PS-1.1 through PS-1.6 would establish general standards for the provision of adequate public facilities. These policies would decrease the impact on sheriff facilities by requiring that future</p>	DEIR, Section 4.11.3

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	<p>Development and land use activities contemplated in the 2007 General Plan may result in the need for new or expanded school facilities. (PSU-3)</p>	<p>developments be developed concurrently with future sheriff stations. According to the policies, future sheriff stations must provide an Adequate Public Facility and Services (APFS) that meets or exceeds the required amount by the development. The development of new sheriff facilities concurrently with development would decrease the impact by providing an APFS. PS-1.4 would require payment of a fair share of the cost of providing the APFS to serve the development. PS-1.5 requires improvements to be installed concurrently with new development. New development projects would be assessed impact fees to finance capital improvements for Sheriff's facilities. Payment of these fees would ensure that adequate facilities are provided concurrently with growth.</p> <p><i>Safety Element</i></p> <p>Policies S-6.1 through S-6.8 set forth emergency preparedness policies to ensure that the Sheriff's Office would have adequate resources to meet the demands of the 2030 population. Policies S-6.1 through S-6.8 would decrease impact on sheriff stations by ensuring that stations have the adequate resources in an emergency situation, which include emergency centers, information on the levels of emergency provided and prohibiting development in areas that cannot be reached by emergency vehicles.</p> <p>The 2007 General Plan establishes a number of policies, summarized below, that will minimize or avoid significant effects on schools facilities by encouraging new or expanded public school facilities to be provided concurrently with future growth.</p> <p><i>Public Services Element</i></p> <p>Policies PS-1.1 through PS-1.6 set forth general standards for the provision of adequate public facilities. The implementation of Public Services Element Policies PS-1.1 through PS-1.6 would decrease the impact on public schools by requiring that public education facilities be developed concurrently to the development. These new public education facilities would also be required to meet or exceed the required amount by the proposed development. Public Services Element Policies PS-7.1 through PS-7.4, and Policy 7.8 identify specific standards for the provision of educational facilities. These policies address planning and consultation among county officials and the affected school districts to decide on a site that is in or near the areas of development. In addition, these policies also require financial support to be provided for the acquisition of future public school facilities to the affected district and for the developed public school facilities to serve as multi-purpose facilities for the community. In addition, new development projects will be assessed impact fees in accordance with SB 50 to finance capital improvements for public school facilities by the affected school district. Payment of these fees would contribute to the financing of adequate facilities concurrently with growth, in addition to state funding and local school district construction bonds.</p> <p>Government Code section 65995(h), as amended by Senate Bill 50 in 1998, provides that "payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to section 17260 of the Education Code" in the amount specified by statute is "hereby deemed to be full and complete mitigation of the impacts of any legislative ... act, ...involving, but not limited to, the planning, use, or development of real property." Government Code Section 65996 provides that, notwithstanding CEQA, section 65996 provides "the exclusive methods of considering and mitigating impacts on school facilities that occur or might occur as a result of any legislative or adjudicative act, or both, involving, but not limited to the planning, use, or development of real property..." such as adoption or</p>	<p>DEIR, Section 4.114.3 and Government Code Section 65995</p>

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	Development and land use activities contemplated in the 2007 General Plan may result in the need for new or expanded library facilities. (PSU-4)	<p>amendment of a general plan. In enacting these provisions, the Legislature declared its intent to occupy the field and preempt local regulation in regard to mitigation of the impacts of land use approvals on the need for school facilities. (Government Code Section 65995(e).) Per proposed policy PS-7.8 of the 2007 General Plan, development is conditioned on payment of the fees required by Government Code Section 65996. No additional mitigation is required to conclude that the impact is mitigated to less than significant.</p> <p>Buildout will result in the need for new schools. Since the adoption of Government Code Section 65995, California voters have consistently passed the necessary state bond measures to maintain SB 50's effectiveness. There is no reason to expect this support to change. As a result, future payment of school fees will continue to mitigate school impacts under the terms of Section 65995.</p> <p>The 2007 General Plan proposes a number of policies, summarized below, that will minimize or avoid significant effects on library facilities by ensuring that new or expanded library facilities would be provided concurrently with future growth.</p> <p><i>Public Services Element</i> Policies PS-1.1 through PS-1.6 set forth general standards for the provision of adequate public facilities. Policies PS-1.1 through PS-1.6 would decrease the impact on libraries by requiring library facilities be developed concurrently with development and that the new or expanded facilities exceeds or meets the required services required by the new development. Policies PS-10.1 through PS-10.5 set forth policies that address funding for additional library services and accessibility by future residents. Policies PS-10.1 through PS-10.5 would decrease the impact by pursuing additional funding from the state and private contributions to ensure additional library services are provided.</p> <p><i>Area Plan</i> <i>Greater Salinas Area Plan</i> Policy GS-1.1 provides for a small library within the Butterfly Village Special Treatment Area (STA).</p>	DEIR, Section 4.11.3
	Development and land use activities contemplated in the 2007 General Plan may result in the need for new or expanded public health facilities. (PSU-5)	<p>The 2007 General Plan proposes a number of policies, summarized below, that will minimize or avoid significant effects on public health facilities by ensuring that new or expanded public health facilities would be provided concurrently with future growth.</p> <p><i>Public Services Element</i> Public Services Element Policies PS-1.1 through PS-1.6 set forth general standards for the provision of adequate public facilities, which would decrease the impact by requiring APFS be provided to future developments. Public Services Element Policies PS-8.1 and PS-8.2 promote a full range of health care programs for county residents and the establishment of needed health care services in areas with high population concentrations. The establishment of health care facilities in areas with high population and promotion of health care programs would decrease the impact by expanding the services. Policy PS-8.4 requires nurse staffing be provided at levels that meet the health needs of the County's rural residents. This policy would also decrease the impact of the development by requiring the appropriate nurse staffing be provided.</p> <p><i>Area Plan</i> <i>Greater Salinas Area Plan</i> Policy GS-1.1 provides for a 20,000 square foot Community Health and Wellness Center that offers a variety of health, fitness, and nutrition uses within the Butterfly Village STA.</p>	DEIR, Section 4.11.3

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	<p>Development and land use activities contemplated in the 2007 General Plan may create additional demands for wastewater collection and treatment, resulting in a need for new or expanded wastewater treatment facilities. (PSU-6)</p>	<p>The 2007 General Plan proposes a number of policies, summarized below, that will minimize or avoid significant effects on wastewater treatment facilities by ensuring that wastewater facilities would be provided concurrently with future growth.</p> <p><i>Public Services Element</i></p> <p>Policies PS-1.1 through PS-1.6 contain general standards for the provision of adequate public facilities. The policies under Goal PS-1 will require that new development projects in Community Areas and Rural Centers either provide or finance wastewater collection and treatment capital improvements. Such improvements would ensure that adequate facilities are provided concurrently with urban growth and that wastewater discharge complies with established water quality standards.</p> <p>Policies PS-4.1 through PS-4.8 set forth wastewater treatment policies. These policies address wastewater treatment facilities services, private and public funding, groundwater recharge with secondary or higher treatment reclaimed water, treatment criteria for future wastewater facilities, and septic disposal tanks. These policies create standards for wastewater treatment that would further minimize wastewater impacts on the environment. Moreover, policies under Goal PS-4 require developers to contribute their fair share to the funding of future expansions or construction of new wastewater treatment facilities and require that facilities be installed concurrently with development.</p> <p>Policy PS-4.7 provides that the County will develop criteria for assessing new wastewater treatment facilities and the adequacy of existing facilities to be used for new development. The criteria will include an assessment of the technical, managerial, and financial capability of the wastewater treatment provider, including long-term capability to operate the system in an acceptable manner, professional qualifications of the staff, and long-term financial stability.</p> <p>Several Area Plans offer additional policies addressing wastewater.</p> <p><i>Greater Salinas Area Plan</i></p> <p>Policy GS-1.1 requires that future development within the Butterfly Village portion of the Rancho San Juan Special Treatment Area provide adequate infrastructure, including for wastewater.</p> <p><i>Carmel Valley Master Plan</i></p> <p>Policy CV-1.8 requires that cluster development be consistent with wastewater application rates of the Carmel Valley Wastewater Study, which generally would require clustering of five units or less on a minimum of 5 acres of land.</p> <p><i>Toro Area Plan</i></p> <p>Policy T-5.1 encourages higher densities in areas where wastewater treatment facilities can be made available.</p>	<p>DEIR, Section 4.11.3</p>
	<p>Development and land use activities contemplated in the 2007 General Plan may result in a need for new solid waste facilities or non-compliance with waste diversion requirements. (PSU-8 to 2030)</p>	<p>The 2007 General Plan establishes a number of policies, summarized below, that will minimize or avoid impacts on solid waste facilities by ensuring that solid waste services would be provided concurrently with future growth to the 2030 planning horizon.</p> <p><i>Public Services Element</i></p>	<p>DEIR, Section 4.11.3</p>

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
Hazardous and Hazardous Materials	New development in accordance with the 2007 General Plan would expose persons to hazardous materials from routine use, transport, or disposal of hazardous materials or the release of hazardous materials. (HAZ-1)	<p>Policies PS-1.1 through PS-1.6 provide general standards for the provision of adequate public services. As previously discussed, policies under PS-1 would require the concurrent development of solid waste facilities along with development. Furthermore, the new or expanded facilities must provide an amount that meets or exceeds that of the development.</p> <p>Policies PS-5.1 through PS-5.4 set forth policies that address recycling programs that will reduce waste, increase recycle material, promote the recycle of construction debris and new disposal sites.</p> <p>Policies PS-6.2 through PS-6.4 address the location of future solid waste disposal sites and require that future facilities be located in a way that is compatible with surrounding uses and protected from encroachment by incompatible uses. Policies PS 6.1 and PS 6.5 address the development of future efficient diversion programs and waste handling facilities that are in accordance with State-required diversion and recycling goals.</p> <p>Although not necessary to reduce this less than significant impact, mitigation measures developed to reduce or avoid other significant impacts would also reduce this impact. These mitigation measures have been incorporated into the following General Plan policies:</p> <p>Under Policy PS-5.5, the County will promote waste diversion and recycling and waste energy recovery as follows:</p> <ul style="list-style-type: none"> • The County shall adopt a 75% waste diversion goal. • The County shall support the extension of the types of recycling services offered (e.g., to include food and green waste recycling). • The County shall support waste conversion and methane recovery in local landfills to generate electricity. • The County shall support and require the installation of anaerobic digesters or equivalent technology for and wastewater treatment facilities. <p>Policy PS-5.5 includes the measures set forth in Mitigation Measure CC-4.</p> <p>Under Policy PS-5.6, the County will review its Solid Waste Management Plan on a 5-year basis and institute policies and programs as necessary to exceed the wastewater reduction requirements of the California Integrated Waste Management Act. The County will adopt requirements for wineries to undertake individual or joint composting programs to reduce the volume of their wastewater. The policies under Goal PS-6 would decrease potential social impacts that would arise from the location of a future solid waste facility. Policy PS-5.6 includes the measures set forth in Mitigation Measure PS-2.</p> <p>The 2007 General Plan establishes policies to avoid or minimize adverse impacts from exposure effects from routine use, transport, and disposal of hazardous materials.</p> <p><i>Safety Element</i></p> <p>Policy S-5.2 provides that the Monterey County Operational Area Emergency Operations Plan shall include general procedures to implement the nationwide National Incident Management System (NIMS), statewide Standardized Emergency Management System (SEMS), activate and operate the Operational Area Emergency Operations Center (EOC), coordinate responders, and implement other tactical response measures.</p>	DEIR Section 4.14.5.3

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
	<p>The 2007 General Plan would establish new land uses that would potentially create aviation safety hazards. (HAZ-2)</p>	<p><i>Fort Ord Master Plan</i> Hazardous and Toxic Materials Safety Policy A-1 (Record of Decision reporting) ensures that the County monitors and reports to the public all progress made on the RA-ROD (Record of Decision). Hazardous and Toxic Materials Safety Policy B-1 (RA-ROD implementation) states that the County shall monitor implementation procedures of the RA-ROD and work cooperatively with the U.S. Army and all contractors to ensure safe and effective removal and disposal of hazardous materials, ensure compliance with all applicable regulations and hazardous materials, and provide for the protection of the public during remediation activities. Hazardous and Toxic Materials Safety Policy B-2 (RA-ROD implementation at Fort Ord) requires that the County monitor implementation procedures of the RA-ROD and work cooperatively with the U.S. Army and all contractors and future users/operators of landfill or hazardous materials storage sites at the former base. Fort Hazardous and Toxic Materials Safety Policy C-1 (hazardous material management and disposal plans) ensures that the County requires hazardous material management and disposal plans for any future projects involving the use of hazardous materials. Federal and state statutes and regulations discussed in Section 4.14 of the DEIR govern the transport, handling, storage, and disposal of hazardous wastes. These include the DTSC's hazardous waste tracking authority, the Environmental Health Bureau's Certified Unified Program Authority under state law (covering use, storage, and disposal) and local response agencies such as the ERT, are in place to reduce potential exposure to hazardous materials, their routine transport, and potential spills. Future land uses anticipated by the 2007 General Plan would be subject to these requirements.</p> <p>The 2007 General Plan establishes policies to avoid or minimize potential aviation hazards. <i>Circulation Element</i> Policies C-7.1 through C-7.4 requires that new development avoids creating any aviation hazards. Policy C-7.1 (airport land use compatibility) ensures that land use activities that interfere with the safe operation of aircraft shall be prohibited. Policy C-7.2 (mitigation for safety and noise impacts near airports) requires that land uses in areas that may be impacted by airport operations be compatible with those operations and incorporate measures to mitigate potential safety and noise impacts on those uses. Policy C-7.3 (safe operation of airports) ensures that measures to provide for the continued safe operation of airports shall be implemented. Policy C-7.4 (land use compatibility with airport plans) states that land uses in the vicinity of public airports shall be consistent and compatible with the airport comprehensive land use plans. Policy C-7.5 (control of private airstrips and agricultural landing fields) requires that private airstrips and agricultural landing fields shall be controlled to ensure they:</p> <ol style="list-style-type: none"> a. do not permanently preclude cultivation of prime farmlands or farmlands of statewide importance; b. are outside of flight paths to and from existing airports; c. do not impact or limit public roadways and facilities; and d. do not provide a hazard or annoyance for neighboring areas. <p>In addition, <i>Area Plan</i> supplemental policies address aviation hazards.</p> <p><i>Greater Salinas Area Plan</i> The Jefferson STA within this Area Plan was revised to conform to ALUC recommendations in order to avoid conflicts with the Marina Airport.</p>	<p>DEIR Section 4.14.5.3</p>

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p><i>Greater Monterey Peninsula Area Plan</i> Policy GMP-2.8 (development by area airports) requires that development directly beneath runway approaches of the Monterey Peninsula Airport and Marina Municipal Airport shall:</p> <ol style="list-style-type: none"> be of low intensity, not generate electrical interference to radio communication between pilots and the air traffic control tower, not contain sources of glare which would blind or confuse pilots, and be required to grant aviation easements to the Monterey Peninsula Airport District or other appropriate entity as a condition of development approval. <p>Policy GMP-4.2 (land use compatibility around the Greater Monterey Peninsula Airport and promotion of planning practices that are consistent with the Airport Land Use Plan) provides for reduction of aviation hazards by ensuring compatible land uses and consistency with the Airport Land Use Plan.</p> <p><i>Cachagua Area Plan</i> Policy CACH-2.3 (permitting of airports and airstrips and compatibility with surrounding land uses) reduces aviation hazards by requiring airport and airstrip permits to be compatible with land uses.</p>	DEIR Section 4.14.5.3
	New development in accordance with the 2007 General Plan would increase exposure to wildland fires. (HAZ-3)	<p>The 2007 General Plan establishes policies to avoid or minimize adverse impacts from increased exposure to wildland fires by ensuring that new fire facilities would be provided concurrently with anticipated growth, thereby keeping the risk of fires to an acceptable level.</p> <p><i>Public Services Element</i> Policies PS-1.1 through PS-1.6 establish general standards for the provision of public facilities concurrently with future growth, which minimize impacts to emergency response and evacuation from new development. These include the establishment of Adequate Public Facilities and Services concurrent with development projects and the levy of fair share impact fees for planned capital improvements. Only those new developments that have or can provide adequate concurrent public services and facilities will be approved, pursuant to these policies.</p> <p><i>Safety Element</i> Policies S-4.1 through S-4.33 address potential impacts from fire hazards. Policies S-4.1, S-4.2, and S-4.3 require promotion of educational awareness and participation between fire protection agencies and the general public about fire hazards. In particular, Policy S-4.2 requires that the County encourage and support fire protection agencies to provide communities they serve with educational materials on local fire hazards and how each community can be protected. This information should be continually available at the local fire station, local library, and other convenient locations and media. Policy S-4.3 states that the County shall encourage and support educational programs including but not limited to bilingual programs on fire safety by school districts in cooperation with fire protection agencies including Monterey County Office of Education (MCOE) and a nationally recognized fire safety education program county-wide. These outreach programs would decrease potential wildland fires through education and cooperation.</p> <p>Policies S-4.4 through S-4.7 set out a framework for analyzing, identifying, and mapping wildland fire hazards. In particular, Policy S-4.4 requires that detailed scientific analysis of fire hazards in the County shall be provided periodically. Policy S-4.5 ensures that the wildland fire hazard severity map should be updated periodically as more precise information becomes available. Policy S-4.6 requires</p>	

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>structural and other non-wildland fire risks within wildland urban interface areas be identified and maintained as a layer in the County's GIS in cooperation with fire officials and updated periodically. Policy S-4.7 requires that the County and authorities having jurisdiction develop and maintain a procedure to inform potential developers of the requirements for development in high and very high fire hazard areas. These policies call for avoiding significant wildfire areas thus reducing potential impacts.</p> <p>Policies S-4.8, S-4.9, S-4.10, S-4.16, S-4.17, S-4.18, and S-4.19 establish minimum roadway access, entry, and maintenance standards to ensure access for fire vehicles, thereby reducing potential impacts from wildland fires. Policy S-4.9 states that roadways will be constructed and maintained in accordance with Monterey County Code Chapter 18.56 or the California Fire Code, as they may be updated from time to time, as determined by the fire authority having jurisdiction. Policy S-4.10 allows the County to require the creation of road maintenance agreements for all new private subdivision roads. Policy S-4.16 requires that new and reconstructed bridges be constructed in accordance with Monterey County Code Chapter 18.56 and the California Fire Code as amended. Policy S-4.17 states that drainage details for the road or driveway shall conform to current engineering practices, including erosion control Best Management Practices. Policy S-4.18 ensures that all access roads and driveways be maintained by the responsible parties to ensure the fire department safe and expedient passage at all times. Policy S-4.19 requires that gates on emergency access roadways be constructed in accordance with Monterey County Code and the California Fire Code.</p> <p>Policies S-4.11, S-4.12, S-4.13, S-4.14, S-4.15, S-4.20, and S-4.21 require new developments to provide fire suppression systems such as firebreaks, fire-retardant building materials, automatic fire sprinkler systems, or water storage tanks, and institute a review process whereby fire protection agencies can comment on development plans. Policy S-4.11 states that the County shall require all new development to be provided with automatic fire protection systems (such as fire breaks, fire-retardant building materials, automatic fire sprinkler systems, and/or water storage tanks) approved by the fire jurisdiction. Policy S-4.12 ensures that the County shall require all modifications, additions, and remodeling of existing development exceeding thresholds adopted by the fire jurisdictions to be provided with automatic fire protection systems (such as fire breaks, fire-retardant building materials, automatic fire sprinkler systems, fire detection and alarm systems), water storage tanks and/or a Fuel Modification Zone plan as required by the fire jurisdiction. Policy S-4.13 states that the County shall require all new development to have adequate water available for fire suppression. The water system shall comply with Monterey County Code Chapter 18.56, NFPA Standard 1142, or other nationally recognized standard. The fire authority having jurisdiction and the County Department of Planning and Building Inspection, and all other regulatory agencies shall determine the adequacy and location of water supply and/or storage to be provided. Policy S-4.14 requires that water systems built, extended or modified to serve a new land use or a change in land use or an intensification of land use shall be designed to meet peak daily demand and recommended fire flow. Policy S-4.15 ensures that all new development shall be required to annex into the appropriate fire district. Where no fire district exists, project applicants shall provide verification from the most appropriate local fire authority of the fire protection services that exist. Project approvals shall require a condition for and a deed restriction notifying the property owner of the level of service available and acceptance of associated risks to life and property. Where annexations are mandated,</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>the County shall negotiate a tax share agreement with the affected fire protection district. Policy S-4.20 allows for a reduction of fire hazard risks to an acceptable level by regulating the type, density, location, and/or design and construction of development. Policy S-4.21 requires all permits for residential, commercial, and industrial structural development (not including accessory uses) to incorporate requirements of the fire authority having jurisdiction. This ensures that there will be proper infrastructure at new developments to reduce potential impacts from wildland fires.</p> <p>Policies S-4.22 and S-4.23 provide that new developments must comply with applicable building and fire codes. Specifically, Policy S-4.22 states that every building, structure and/or development shall be constructed to meet the minimum requirements specified in the current adopted state building code, state fire code, Monterey County Code Chapter 18.56 and other nationally recognized standards. Policy S-4.23 requires the County to adopt the Fire Code document adopted by the State of California and appropriate amendments. This will allow for proper design at new developments to reduce potential impacts from wildland fires.</p> <p>Policies S-4.24 and S-4.25 provides that new development must follow County-prescribed standards to enable emergency response vehicles to locate buildings more readily and reduce wildland fire impacts. In particular, Policy S-4.24 states that property addresses shall be required to be posted in accordance with Monterey County Code Chapter 18.56. Policy S-4.25 requires address issuance and street naming should be coordinated between the incorporated cities and the County in accordance with Monterey County Codes to avoid duplication or confusion to public safety agencies.</p> <p>Policies S-4.27 through S-4.29 require creation of a design review process by County planning officials, applicants, and fire agency officials to address project design, landscaping, building standards, and other fire protection-related issues. Policy S-4.27 requires the County to continue to review the procedure for proposed development, including minor and major subdivisions, and provide for an optional pre-submittal meeting between the project applicant, planning staff, and fire officials. Policy S-4.28 states that the County shall provide a list of acceptable fire-resistant plants suited to each of the County's various micro-climates in accordance with Policy OS-5.14 to avoid invasive species. This list should be developed with the cooperation of the County and fire authorities having jurisdiction, and made available at the Monterey County Planning Department. Policy S-4.29 assures that successive uses of individual buildings which require new permits for a new use comply with appropriate building standards.</p> <p>Policies S-4.26, S-4.31, S-4.32, and S-4.33 describe fire protection design standards for utilities, swimming pools, and fuel modification zones that will allow for reduction of wildland fire impacts through maximized fire protection design of new development. Policy S-4.26 (fire hazards from utilities) states that when public facilities and aboveground utilities are located in very high or extreme fire hazard areas, special precautions shall be taken to mitigate the risks from wildfire and to ensure uninterrupted operation. Policy S-4.30 establishes that new swimming pools may be required to be plumbed to allow connection to firefighting equipment, if requested by the local fire jurisdiction. Policy S-4.31 ensures that a zone that can inhibit the spread of wildland fire shall be required of new development in fire hazard areas. Such zones should consider irrigated greenbelts, streets, and/or Fuel Modification Zones in addition to other suitable methods that may be used to protect development. The County shall not preclude or discourage a landowner from modifying fuel within the Fuel Modification Zone, or accept any open space easement or other easement over land within a Fuel Modification Zone that would have that effect. Policy S-4.32 states that property owners in</p>	

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
<p>Development under the 2007 General Plan would establish new land uses that would interfere with the implementation of an emergency response or evacuation plan. (HAZ-4)</p>	<p>high and very high fire hazard areas shall prepare an overall Fuel Modification Zone plan in conjunction with permits for new structures, subject to approval and to be performed in conjunction with the CDFPP and/or other fire protection agencies in compliance with State Law. Policy S-4 establishes that where new developments are required to provide for fuel modification zones, the cost of such construction shall be borne by the developer. Future maintenance of such fuel modification zones shall be in accordance with the fire defense standards adopted by the State of California.</p> <p><i>Area and Master Plans</i></p> <p><i>Cachagua Area Plan</i></p> <p>Policy CACH-4.3 (encourages the formation of a fire district in this area to assist and ensure that a minimum level of fire protection is available to residents in the area plan boundaries) reduces potential wildland fire hazards by establishing and maintaining wildland fire protection in the Cachagua Area Plan vicinity.</p> <p><i>Fort Ord Master Plan</i></p> <p>Program B-2.4 (fire buffer) requires that the County shall designate a fire-resistant buffer between BLM lands and residential land use.</p> <p>Program A-4.6 (wildfire protection measures) ensures that the County require the following measures of development in the residential lands adjacent to the habitat corridor to protect structures from wildfires and minimize the potential for erosion in the corridor:</p> <ul style="list-style-type: none"> • No structure shall be constructed immediately along the boundary of the residential area and the habitat corridor. • A non-flammable surface (parking lots, green belt) shall be constructed where development in the residential area abuts the natural lands. • Stormwater runoff and other drainage from the residential area shall be directed away from the habitat corridor. <p>The 2007 General Plan establishes policies to avoid or minimize adverse impacts on emergency response or evacuation plans by ensuring that anticipated growth does not impair emergency response.</p> <p><i>Public Services Element</i></p> <p>As discussed above, Policies PS-1.1 (establishment of Adequate Public Facilities and Services (APFS)), PS-1.2 (County shall develop and adopt Capital Improvement and Financing Plans (CIFPs) and implementing ordinances), PS-1.3 (developments must have APFS for discretionary application approval), PS-1.4 (requirement of APFS fair share payments by new development), PS-1.5 (concurrent installment of improvements with new development construction), and PS-1.6 (requirement for developments to have adequate public facilities services and facilities for approval) establish general standards for the provision of public facilities concurrently with future growth. These minimize impacts to emergency response and evacuation from new development.</p> <p><i>Safety Element</i></p> <p>Policies S-5.1 (implementing emergency plans), S-5.2 (requirements for the Monterey County</p>	<p>DEIR Section 4.14.5.3</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>Operational Area Emergency Operations Plan (MCOA/EOP), S-5.3 (maintenance and update of coordinated Emergency Response Plans), S-5.4 (training program requirements), S-5.5 (enhancement of emergency preparation), and S-5.6 (enhancement of inter-jurisdictional coordination) encourage interagency cooperation between emergency responders and public safety providers, particularly in terms of training and developing emergency response, management, and evacuation plans, which will allow for better organization and response when emergency aid is needed. Policy S-5.5 states that emergency preparation shall be enhanced by:</p> <ol style="list-style-type: none"> a. Continuing to improve preparedness programs and utilizing the best practices to increase public awareness, educate and organize the public to respond appropriately to disasters, in addition to public safety and emergency service providers. b. Providing emergency and disaster related information to the public as events occur and coordination with utility providers during disaster events. c. Maintaining an ongoing program to train building and safety personnel in risk assessment and ensure that County building codes keep current with state requirements. <p>Policy S-5.6 requires inter-jurisdictional coordination be enhanced by maintaining agreements with local, state and federal agencies to provide coordinated emergency response. The Monterey County Operational Area Emergency Plan shall be maintained and enhanced in consultation with all applicable agencies. Policy S-5.7 (maintaining GIS mapping of hazards) states that the County shall maintain current mapping and Geographic Information System (GIS) databases on the location of hazards within Monterey County, and shall develop programs for sharing of information with other jurisdictions and provide appropriate access to databases for emergency public service providers to improve delivery of public safety services. This policy enables the County to be aware of hazards in the planning area to avoid such hazards and respond to emergencies in those areas more efficiently. Policy S-5.8 requires that emergency services in all areas of the County shall continue to be improved. Priority for those improvements shall be given to the areas of greatest need. Policy S-5.9 establishes that emergency roadway connections may be developed where distance to through streets is excessive, or where a second means of emergency ingress or egress is critical. New residential development of three units or more shall provide more than one access route for emergency response and evacuation unless exempted by the Fire jurisdiction. Such protection requirements shall be consistent with adopted fire safety standards.</p> <p>Policy S-5.10 requires that critical facilities under County jurisdiction shall be located, designed, and operated in a manner that maximizes their ability to remain functional in a disaster event.</p> <p>Policy S-5.11 states that a Development Impact Ordinance to obtain and maintain an acceptable level of emergency services shall be enacted so that new development, to the extent permitted under State law, shall provide its fair share of funding for public facilities and equipment concurrent with the development. The funds collected under this ordinance shall be designated for the establishment of the public safety facilities serving the new development either by a newly established public safety jurisdiction or by the existing public safety jurisdiction into which the development exists or is annexed.</p> <p>Policy S-5.12 requires that new roads, bridges, and utility lines be designed and constructed in accordance with applicable seismic safety standards. Policy S-5.13 establishes that utilities serving new development should be sited and constructed to minimize the risks from hazards to the greatest extent feasible. Policies S-5.14 (designation of potential evacuation routes) and S-5.15 (designation</p>	

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>of Tsunami Evacuation Routes) establish emergency evacuation route procedures, which will enable the public to safely escape danger in case of emergency.</p> <p>Policy S-5.14 states that all public thoroughfares, private roads, and deeded emergency accesses shall be considered potential evacuation routes. The Monterey County Coordinated Emergency Response Plans shall provide basic information on the evacuation routes for specific areas. The routes listed in <i>Table S-1</i> of the General Plan as well as any other route deemed appropriate to the situation may be considered "Pre-designated Emergency Evacuation Routes" and may be employed during tactical situations at the discretion of the Monterey County Sheriff and/or the Incident Commander. Policy S-5.15 defines Tsunami Evacuation Routes as any route in an incorporated or unincorporated area leading inland away from the coastline to elevations twenty feet or higher.</p> <p>Policy S-5.16 provides that inventories of at-risk structures and buildings, including unreinforced masonry buildings, shall be developed by the County to the extent feasible. Measures to abate potentially dangerous buildings through retrofitting or demolition shall be identified and encouraged.</p> <p>Policies S-6.1 (emergency service availability consideration), S-6.2 (emergency service priority based on highest population), S-6.3 (establishment of Development Impact Ordinance for protection coverage and emergency services facilities), S-6.4 (Community Area development based on emergency response time), S-6.5 (fire and ambulance service-level goals), and S-6.6 (development of informational brochures regarding level of fire and ambulance service) establish specific performance standards such as staffing ratios and response times so that the County's emergency response systems are always adequate. Policy S-6.1 requires that the availability of sheriff, ambulance and fire services and personnel shall be considered prior to approving the creation of new lots or the intensification of use on an existing lot, pursuant to <i>Table PS-1</i> (Public Services Element). Policy S-6.2 establishes that the provision of services shall be prioritized to give the highest priority to areas where the highest concentrations of people reside. Policy S-6.3 requires that a Development Impact Ordinance shall be established to provide adequate protection coverage and emergency services (sheriff, fire, etc) facilities consistent with State law and the standards in <i>Table PS-1</i> (Public Services Element).</p> <p>Policy S-6.4 states that establishment of new or expansion of existing Community Areas shall not be allowed in areas where emergency response times exceed the standards in <i>Table PS-1</i> (Public Services Element).</p> <p>Policy S-6.5 establishes service level goals for fire and ambulance/emergency service as:</p> <ul style="list-style-type: none"> a. 8 minutes or less, 90% of the time in urban areas and Community Areas; b. 12 minutes or less, 90% of the time in suburban areas and Rural Centers; c. 45 minutes or less, 90% of the time in rural areas (areas outside of a. or b.). <p>Policy S-6.7 (address marking requirements) ensures that public safety measures including sequential house numbering, non-repetitive street naming, standardized lettering of house numbers in subdivision design, lighting, and park designs that allow for adequate view from streets shall be included in the design and construction of new development. This policy will allow emergency response vehicles to access emergency locations more efficiently.</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
Aesthetics, Light, and Glare	Implementation of the 2007 General Plan would result in a substantial adverse effects on scenic vistas. (AES-1)	<p><i>Area Plan</i> <i>Carmel Valley Master Plan</i> Policy CV-4.4, (emergency access) states that the County shall require emergency road connections as necessary to provide controlled emergency access as determined by appropriate emergency service agencies (Fire Department, OES). The County shall coordinate with the emergency service agencies to periodically update the list of such connections.</p> <p>The 2007 General Plan and Area Plan policies summarized here, in addition to Monterey County regulations, establish comprehensive measures to avoid or minimize adverse impacts on scenic vistas.</p> <p><i>Land Use Element</i> Policies LU-1.1 through LU-1.9 and LU-2.2 help to limit development of greenfields and natural areas which might be a part of scenic vistas and help to direct future growth away from scenic areas that would be most impacted by urban development. These policies discourage urban development outside of the incorporated cities, except within identified Community Areas and Rural Centers. As many of the scenic vistas in the county occur in unincorporated areas, these policies serve to limit development in visually valuable areas and conserve scenic lands thereby reducing the potential for impacts to scenic vistas in these areas. Policy LU-1.1 requires that the type, location, timing, and intensity of growth in the unincorporated area be managed; LU-1.2 discourages premature and scattered development; LU-1.3 stipulates that balanced development of the county be assured through designating adequate land for a range of future land uses; LU-1.4 limits growth to areas where an adequate level of services and facilities exists or can be assured concurrent with growth and development; LU-1.5 requires that land uses be designated to achieve compatibility with adjacent uses; LU-1.6 requires the development of review process for development siting, design, and landscaping; LU-1.7 allows for clustering of residential development to those portions of the property most suitable for development; LU-1.8 encourages voluntary reduction or limitation of development potential in the rural and agricultural areas through dedication of scenic or conservation easements, transfer of development rights, and other appropriate techniques; LU-1.9 prioritizes infill of vacant non-agricultural lands in existing developed areas and new development within designated urban service areas; and LU-2.2 restricts residential development in areas that are unsuited for more intensive development due to the need to protect natural resources. These policies are intended to ensure that growth in the unincorporated county would occur in a planned fashion and would be compatible with existing land uses. Policy LU 1.10 would help to avoid visual clutter with future development and protect scenic vistas by limiting off-site advertising signs.</p> <p><i>Conservation and Open Space Element</i> Policies OS-1.1 through OS-1.12 contain measures designed to preserve and protect the county's scenic resources and help direct future growth away from scenic areas that would be most impacted by urban development. Policies OS-1.1 encouraging the restriction of development in visually sensitive areas; OS-1.2 providing that development in visually sensitive areas is subordinate to area's natural features; OS-1.3 restricting ridge development in order to preserve county's scenic resources; OS-1.4 providing for the development of criteria to guide design and construction on ridgelines where exceptions are made in accordance with policy OS-1.3; OS-1.5 stating that new subdivisions must avoid ridgelines; OS-1.6 providing that ridgelines in specific plan areas must follow guidelines set out by specific plans; OS-1.7 requiring establishment of a voluntary transfer of development rights program to direct development away from areas with unique visual or natural</p>	DEIR Section 4.14.6.3

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>features; OS-1.8 establishing development clustering programs to reduce impacts to visually sensitive areas; OS-1.9 encouraging development that protects and enhances county's scenic qualities; OS-1.10 providing for the establishment of a trails program through the Area Plans; OS-1.11 providing for GIS mapping for all lands with visually sensitive resources and corridors; and OS-1.12 requiring mitigation of significant disruption of views from scenic routes reduce the potential for impacts to scenic vistas by protecting the county's scenic areas from development and encouraging preservation of these visually valuable areas. Policy OS-3.5 establishes requirements for ordinances to restrict extensive development of steep hillsides, thereby protecting scenic vistas of and from those ridgelines.</p> <p><i>Agricultural Element</i></p> <p>Policy AG-1.1 prohibits land uses that would interfere with routine and ongoing agricultural operations on viable farmlands; AG-1.2 establishes a regulatory framework allowing for the use of agricultural buffers to protect existing agricultural operations; AG-1.3 limits the subdivision of Important Farmland and land designated as Farmlands, Permanent Grazing, or Rural Grazing; AG-1.4 requires that viable agricultural land uses on Important Farmland be conserved, enhanced, and expanded through agricultural land use designations and encouragement of large-lot agricultural zoning; AG-1.5 encourages the use of tax and economic incentives for farms and ranches; AG-1.6 allows farm worker housing in areas designated for agricultural land use, under certain conditions; AG-1.7 encourages the clustering of residential uses accessory to the agricultural use of the land in locations that will have minimal impact on the most productive land; AG-1.8 requires that discretionary development projects on agricultural lands be reviewed by the County's Agricultural Advisory Committee; AG-1.9 allowing agricultural operations to be protected from nuisance claims; AG-1.11 stipulating that permits for agricultural activities be integrated with applicable Resource Conservation District permit coordination (streamlining) programs; and AG-1.12 providing for the County to establish a program to mitigate the loss of Important Farmland when a proposed change of land use designation would result in the loss of Important Farmland (as mapped by the California Department of Conservation), including annexation of agricultural land to an incorporated area, together set forth general measures to promote the long-term protection and conservation of existing productive agricultural lands. Further, the policies ensure that surrounding uses are compatible with agricultural land uses. Implementation of these policies would promote protection of the scenic vistas associated with agricultural production. Policies AG-2.1 through AG-2.4 and AG-2.9 would also ensure that this impact remains below the level of significance.</p> <p><i>Area Plans</i></p> <p><i>North County Area Plan</i> Policies NC-1.2 (mushroom operations/scenic quality), NC-1.3 (steep slopes/elevations and preservation), NC-3.1 (Scenic Highways and Visual Sensitivity Map and public views), NC-3.2 (Carpenteria Road) and NC-3.3 (native vegetation and conservation) require new development to avoid adverse aesthetic impacts in areas of high visual sensitivity.</p> <p><i>Greater Salinas Area Plan</i></p> <p>Policies GS-1.1 (Butterfly Village and design requirements), GS-1.4 (Speckels/harmonious development), GS-15 (Highway 68/Salinas River and screening), (Harrison Road/Highway 101 and screening), GS-3.1 (vegetation and slopes of 25%), GS-3.2 (native plants and screening), and GS-3.3 (trees and Speckels Blvd) require new development to avoid adverse aesthetic impacts by being</p>	

Resource	Impact Evaluation Category	Reference
<p>Rationale for No Impact or Less than Significant Impacts¹</p> <p>harmonious with existing developments and design requirements, utilize plants and trees to soften visual impacts of new development and protect vegetation on slopes of more than 25%.</p> <p><i>Central Salinas Valley Area Plan</i> Policy CSV-3.1 (Scenic Highways and Visual Sensitivity Map and public views) requires that new development not disrupt public views in areas designated as sensitive or highly sensitive.</p> <p><i>Greater Monterey Peninsula Area Plan</i> Policy GMP-1.1 regulates location, height, and design of development which will help preserve the scenic corridor along Highway 68 and west of Laureles Grade. Policy GMP-1.4 requires open space buffers in order to protect scenic resources. Policy GMP-1.5 encourages open space/low intensity uses in order to maintain areas of high visual sensitivity. Policy GMP-3.1 promotes public/private efforts to restore the scenic beauty of visually impacted areas which will help expand the possibilities of successfully protecting these areas. Policy GMP-3.2 requires site design for development that will reduce the impact on scenic vistas. Policy GMP-3.3 protects scenic vistas by stipulating that new development not disrupt public views in certain areas and promotes open space of highly sensitive areas on the Visual Sensitivity Map. Policy GMP-3.4 stipulates that plant materials be used to screen or soften the visual impact of new development. Policy GMP-4.1 preserves land with certain vegetation/trees exceeding 25% slope which helps to avoid the loss of visual amenities.</p> <p><i>Carmel Valley Master Plan</i> Policy CV-1.8 requires clustered development which helps to protect visible open space in sensitive visual areas. CV-1.19 requires that mines or quarries be screened from public view which will help preserve scenic vistas. CV-1.20 ensures visual compatibility with the character of Carmel Valley and immediate surrounding areas. CV-1.21 stipulates height limits and large trees for commercial developments which will help screen these developments from scenic vistas. CV-2.9 prohibits roads that cross slopes steeper than 30% unless visible scarring can be mitigated. CV-3.2 requires that public vista areas be provided and improved. Policy CV-3.3 prohibits new development from blocking views of the Carmel River or the distant hills. CV-3.4 requires that the alteration of hillsides and landforms be minimized which will help preserve the natural setting. CV-3.5 requires that signs not block views, cause visual clutter, or detract from the natural beauty. CV-3.18 requires that new aboveground transmission facilities be and follow the least visible route which will help to preserve scenic vistas.</p> <p><i>Toro Area Plan</i> Policies T-1.5 (subdivisions designed outside of watershed), Policy T-1.6 (transfer development rights), Policy 3.1 (Visual Sensitivity Map), Policy T-3.2 (site design), Policy T-3.3 (County and State scenic routes), and Policy T-3.6 (preservation of higher elevations/steep slopes) require new development to avoid adverse aesthetic impacts by maintaining viewsheds, offering mechanisms such as transfer development rights, encouraging site design and location sensitive to scenic vistas, and the preservation of areas that could be included in scenic vistas.</p> <p><i>Cachagua Area Plan</i> Policies CACH-3.1 (Cachagua Visual Sensitivity and Scenic Routes Map), CACH-3.3 (hillsides and natural landforms), CACH-3.5 (resource production operations and mitigation), CACH-3.7 (Carmel and Arroyo Seco Rivers) require new development to avoid adverse aesthetic impacts by not allowing development to disrupt public views, limiting the alteration of hillsides and natural landforms,</p>		

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
<p>Implementation of the 2007 General Plan could result in the degradation of scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. (AES-2)</p>	<p>requiring mitigation of visual impacts from resource production operations, and preserving the visual aspects of the Carmel/Arroyo Seco Rivers.</p> <p><i>South County Area Plan</i> Policy SC-1.2 encourages clustered development in all areas where development is permitted in order to make the most efficient use of land and to preserve agricultural land and open space.</p> <p><i>Fort Ord Master Plan</i> Recreation Policy B-1 and Program E-2.3 (landfill design review), Policy D-1 (park facilities and scenic vistas), Program B-1.3 (design guidelines and bluffs), and Program B-1.4 (design guidelines for areas surrounding Fort Ord in County jurisdiction) require development to avoid adverse aesthetic impacts by reviewing the design of the landfill so that it becomes a visual asset for Fort Ord, locating and designing park facilities to provide scenic vistas, implement design guidelines for development on bluffs and Fort Ord.</p> <p><i>County Codes</i> <i>Grading Ordinance</i> Chapter 16.08 of the Monterey County Code regulates grading activities greater than 100 cubic yards and over 2 feet in height. Submittal requirements for a grading permit issued by the County building official include site plans, existing and proposed contour changes, an estimate of the volume of earth to be moved, and soils or geotechnical reports (or both). Projects involving grading activities over 5,000 cubic yards must be prepared by a civil engineer, and geotechnical reports may be required also. Grading is not allowed to cause degradation of a waterway, and erosion control measures are required. Grading within 50 feet of a watercourse or within 200 feet of a river is regulated in the County Code Chapter 16.16 (Floodplain Ordinance). The County building official has regulatory authority over grading activities, although the MCWRA also enforces drainage regulations. These regulations act to restrict development on slopes and thereby reduce the potential effect of such development.</p> <p>The 2007 General Plan and Area Plan policies summarized here, in addition to Monterey County regulations, establish comprehensive measures to avoid or minimize adverse impacts on scenic resources.</p> <p><i>Land Use Element</i> See the discussion under impact AES-1.</p> <p><i>Conservation and Open Space Element</i> See the discussion under Impact AES-1. In addition, Policy OS-5.11 promotes conservation of large, continuous expanses of native trees and vegetation as the most suitable habitat for maintaining abundant and diverse wildlife.</p> <p><i>Public Services Element</i> Policies PS 12.1–12.17 support the protection and preservation of historic properties and buildings located within the county. These policies establish processes and implementation measures to assist in the identification, designation, and preservation of historic properties. In addition, the policies</p>	<p>DEIR Section 4.14.6.3</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>provide for tax incentives and other financial mechanisms to aid in the protection and management of historic structures.</p> <p><i>Area Plans</i> <i>North County Area Plan</i> Policy NC-2.2 (protection of Old Stage Road) calls for the preservation of the historical value of Old Stage Road, which will ensure that the road maintains its historic integrity in spite of new development. Policy NC-3.1 (public views and Scenic Highways and Visual Sensitivity Map) and Policy NC-3.2 (protection of slopes) help to protect scenic resources on the on the Scenic Highways and Visual Sensitivity Map and along the southern approach to Aromas. Policy NC-3.4 discourages removal of healthy, native oak and madrone trees and requires adoption of an ordinance establishing a permit process. Ordinance considerations will include fire protection, permit requirements, replacement criteria, and exceptions. Policy NC-3.6 (North County Historic Sites) lists sites to be considered for inclusion in a historical resources zoning district, which will encourage protection of such sites from destruction caused by future development.</p> <p><i>Greater Salinas Area Plan</i> Policy 1.4 provides that future development projects in Spreckels be harmonious with the surrounding historic character and be reviewed by the Historic Resource Review Board. Policy GS-2.3 will incorporate sound deflection berms with appropriate landscaping which will help maintain scenic resources along the Highway 101 bypass. Policy GS-2.4 will maintain scenic resources by requiring all new developments along Old Stage Road in the Greater Salinas Area Plan to be subject to design approval. Policy GS-3.3 promotes preservation of the walnut trees along Spreckels Boulevard and encourages the use of private fund-raising efforts for tree maintenance. Implementation of these policies will help protect the town of Spreckels from possible destruction caused by future development.</p> <p><i>Greater Monterey Peninsula Area Plan</i> Policy GMP-1.1 (overlays and other appropriate zoning designations), Policy GMP-2.6 (State Scenic Highway/County Scenic Route designations), and Policy GMP-3.3 (visually "sensitive" and "highly sensitive" areas generally visible from designated Scenic Highways), provide a variety of methods including zoning designations, easement dedications and restrictions of developments that help to protect scenic resources along scenic highways. GMP-3.5 discourages the destruction of native oak, Monterey pine, and redwood trees and requires the County to adopt an ordinance providing a procedure for such removals. Ordinance considerations will include fire protection, permit requirements, replacement criteria, and exceptions.</p> <p><i>Carmel Valley Master Plan</i> Policy CV-1.9 (clustered development), Policy CV-2.16 (undergrounding utility lines), and Policy CV-3.1 (setbacks along Carmel Valley Road) help to improve scenic vistas through less clutter of utility lines and increased open space. Policy CV-3.11 discourages removal of healthy, native oak and madrone trees and requires a permit for the removal of any of these trees with a trunk diameter in excess of six inches at breast height. Trees removed must be replaced at a 1:1 ratio using nursery-grown trees of the same species that are a minimum of one gallon in size. The policy includes penalties for tree removal that occurs without a permit. Policy CV-3.13 (designation and protection of historic resources) stipulates that future development in Carmel Valley preserve the integrity of historical sites. Implementation of this policy will aid in preventing the damage or destruction of</p>	

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>historic resources potentially caused by future development.</p> <p><i>Toro Area Plan</i> Policy T-2.8 (County Scenic Route designations), Policy T-3.3 (scenic routes designated as critical viewshed), and Policy T-3.4 (undergrounding utility lines) improve scenic vistas by pursuing County Scenic Route designations, increasing the number of scenic routes as critical viewsheds and through less clutter of utility lines. Policy T-3.7 discourages the removal of healthy oak trees and requires the County to adopt an ordinance providing a procedure for such removals. Ordinance considerations will include fire protection, permit requirements, replacement criteria, and exceptions.</p> <p><i>Cachagua Area Plan</i> Policy CACH-2.2 encourages the County to pursue additional scenic route designations. CACH-3.4 discourages the removal of healthy, native oak, madrone, and redwood trees and requires the County to adopt an ordinance providing a procedure for such removals. Ordinance considerations will include fire protection, permit requirements, replacement criteria, and exceptions. Policy CACH-3.6 promotes cooperation with the United States Forest Service and private property owners to ensure that Santa Lucia fir are protected.</p> <p><i>Agricultural Winery Corridor Plan</i> Highway 66 is the only officially designated state scenic highway that could be affected by the AWCP. The intersection of Highway 68 and River Road in the Las Palmas area is at the very northern end of the AWCP boundaries and is contemplated to be enhanced with a treatment identifying it as a gateway to the River Road winery corridor. This treatment would consist of a sign that identifies entry into the corridor and may be coordinated with a visitor center to provide other amenities such as kiosks. The treatment would be designed to be visually appealing and would be consistent with Highway 66's designation as an officially designated state scenic highway in this area.</p> <p>The AWCP recognized that "important visual elements such as native trees, ridgelines, frontal slopes, and scenic road corridors are especially critical to give the Corridor its identity." In addition, to maintain the current rural character, road improvements should be limited to enhancing the scenic corridor and promoting safe circulation. Also, the AWCP has established design criteria that have been established with the intent to design the wineries to achieve continuity and establish a larger visual context that creates a sense of place and seeks to encourage creativity while creating an overall vision for the AWCP that is keeping with the existing rural character.</p> <p>The AWCP is a component of the 2007 General Plan and is consistent with its proposed goals and policies including those that pertain to protection of scenic vistas. These policies are summarized under Impact AES-1. All wineries and tasting rooms that would be developed in accordance with the AWCP would be required to comply with the applicable design policies and ordinances. Therefore, views from scenic vistas of the Salinas Valley would not be compromised by implementation of the AWCP.</p> <p><i>Fort Ord Master Plan</i> Commercial Land Use Policy F-1 and Institutional Land Use Policy D-1 (regional urban design guidelines) protect scenic resources along scenic highways through requiring the County of Monterey</p>	

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
Population and Housing	Buildout of the 2007 General Plan would result in the displacement of existing housing units, necessitating the construction of new housing elsewhere. (POP-2)	<p>to support FORA in the preparation of regional urban design guidelines, including a scenic corridor design overlay area. Policy C-2 requires the County to encourage the preservation and enhancement of native oak woodland elements in the natural and built environments.</p> <p>The 2007 General Plan and Area Plan policies establish comprehensive measures to avoid or minimize adverse impacts on existing housing.</p> <p>Approximately 31.4% of the population growth in the unincorporated county contemplated by the 2007 General Plan would occur in the five Community Areas, all of which contain existing dwelling units. The Boronda, Casiroville, Fort Ord, and Pajaro Community Areas are located in county redevelopment areas. Future growth in these Community Areas is anticipated to include development of underutilized properties within the redevelopment area as well as urbanization of existing, vacant, agricultural land adjoining the existing urbanized communities. Future growth in the Chualar Community Area would primarily occur on agricultural land, thereby limiting the possibility that existing dwelling units would be displaced by 2007 General Plan buildout activities.</p> <p><i>Housing Element</i></p> <p>The Housing Element adopted by the County June 15, 2010 provides policies for the preservation of existing housing elements, as well as the avoidance of demolition when possible. Policies H-1.1 and H-1.2 commit the County to rehabilitating or providing rehabilitation assistance for existing housing where possible in order to improve living conditions without demolishing dwellings. Policy H-1.7 encourages the preservation of existing housing stock. Policy H-1.8 commits the County to working with property owners and nonprofit housing providers to preserve lower income housing at risk of converting to market rate. Policy H-2.1 commits the County to plan new residential development to ensure a range of housing types, prices, and sizes are available to meet the varied needs of Monterey County households, including housing for seniors, people with disabilities, homeless, large households, and farm workers. Policy H-2.8 requires the County to review its Inclusionary Housing Ordinance periodically to ensure that the Ordinance responds to market conditions, with the objective of continuing to meet the County's affordable housing goals. The Housing Element identifies a number of ongoing County programs that implement these policies, including, but not limited to, the Inclusionary Zoning Ordinance and the activities of the County Redevelopment Agency.</p> <p><i>Land Use Element</i></p> <p>Policy LU-2.13 (County must establish a program for retaining affordable housing units within redevelopment project areas (Boronda, Casiroville, Fort Ord, and Pajaro are specifically listed), as well as Community Areas and Rural Centers prior to adoption of their plans and AHOs) sets out specific requirements for long-term affordability of rental and owner-occupied units that would be made available under the program. The policy would reduce potential impacts from existing housing displacement by encouraging the retention of existing affordable housing units.</p> <p>Policy LU-2.14 (Affordable Housing Ordinance requires 25% of all new housing units affordable to very low-, low-, moderate-, and workforce-income households) establishes the specific percentages to be provided for each type of affordable unit. This policy would effectively ensure that a portion of low- or moderate-income housing that would be lost if its site was developed for above-moderate income housing would be replaced and would reduce potential displacement impacts for persons or families who must be relocated. Any redevelopment activities undertaken by the County of Monterey that result in the displacement of housing, such as might occur in the Boronda, Casiroville, and Pajaro Community Areas, would be subject to the California Relocation Law. This would require</p>	DEIR Section 4.15.4.2; Monterey County (June 15, 2010) 2009-2014 Housing Element

EXHIBIT EIR1

CEQA Findings of Fact

Resource	Impact Evaluation Category	Rationale for No Impact or Less than Significant Impacts ¹	Reference
		<p>replacement housing to be made available at comparable costs to any displaced residents. The redevelopment agency is not allowed to displace a person or family until the replacement housing units are available and ready for occupancy. This law reduces displacement impacts for persons or families who must be relocated due to new development.</p> <p>Monterey County's existing inclusionary housing program requires that at least 20% of new homes be price-restricted so that they will be sold or rented at below market rates to qualified households. The inclusionary housing program would effectively replace a portion of low- or moderate-income housing that would be lost if its site was developed for above-moderate income housing and would reduce potential displacement impacts for persons or families who must be relocated.</p>	
	<p>Buildout of the 2007 General Plan would result in the displacement of persons, necessitating the construction of new housing elsewhere. (POP-3)</p>	<p>The 2009-2014 Housing Element notes that Monterey County's overall vacancy rate is very low, based on 2000 Census information. Displacement of residents by development and redevelopment activities contemplated by the 2007 General Plan would be mitigated by the policies and implementation programs of the Housing Element discussed in Impact POP-2, above.</p> <p><i>Land Use Element</i></p> <p>Policy LU-2.13 requires the County to establish a program for retaining affordable housing units within redevelopment project areas (Boronda, Castroville, Fort Ord, and Pajaro are specifically listed), as well as Community Areas and Rural Centers prior to adoption of their plans and AHOs. Moreover, any development or redevelopment activity that would result in the displacement of persons would be required to comply with California Relocation Law requirements.</p>	<p>DEIR Section 4.15.4.2; Monterey County (June 15, 2010) 2009-2014 Housing Element</p>

III.2 Significant Environmental Impacts That Have Been Reduced to a Less than Significant Level

The Board of Supervisors hereby finds that the following environmental impacts can and will be mitigated to below a level of significance based upon the General Plan policies and existing law and regulation in conjunction with implementation of the mitigation measures. The mitigation measures have been incorporated into the General Plan, as further described below. These findings are based on the discussion of impacts in the detailed resource area impact analyses in Section 4.0 of the EIR, the pertinent discussions in the final EIR, and the cumulative impacts discussed in Section 6 of the EIR. An explanation of the rationale for each finding is presented below.

Impact GEO-5: Erosion from activities and land uses consistent with the 2007 General Plan could result in erosion hazards.

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated impact.

Summary of Rationale: As discussed in Section 4.4 of the EIR (Geology, Soils and Seismicity) and the Final EIR, including Master Response 9 (Water Quality), a number of General Plan policies and existing laws and regulations will substantially reduce the potential for significant erosion to occur from development on individual lots of record and new hillside agricultural cultivation, but not to a less-than-significant level because they do not adequately provide sufficient reduction of erosion from lands adjoining rivers and streams. Implementation of Mitigation Measure BIO-2.1, as modified and incorporated into the General Plan by the Board of Supervisors, will reduce this impact to a less-than-significant level because it will protect streams from further sedimentation through a stream setback ordinance that will protect streambanks and adjacent riparian areas.

Discussion: Existing state regulations and General Plan policies that reduce the Project's impacts on erosion hazards include the following:

Central Coast RWQCB Regulations

The CCRWQCB's conditional agricultural waiver program will restrict, among other things, runoff, erosion, and release of sediments from agricultural lands. The effectiveness of this program is documented in detail in Section 4.3, Water Resources, of the Draft EIR and in the revisions to the erosion discussion found in Chapter 4 (Revisions to the Text of the DEIR) of the Final EIR. As of late July, 2010, the CCRWQCB was considering adoption of a revised and further improved conditional waiver program; this revised program is expected to be adopted in 2011 and will be in place during General Plan implementation (CCRWQCB, July 8, 2010 staff report). The revised program will contain additional provisions reducing erosion and sedimentation from agricultural practices. As stated in the Preliminary Draft Staff Report for Agricultural Order (CCRWQCB, February 1, 2010, p.19), the success of the initial efforts to implement the conditional waiver program "is significant," although the desired water quality outcomes achievement is uncertain and unmeasured. To address these concerns, the Preliminary Draft Staff Report recommends that to demonstrate compliance with the revised agricultural order, dischargers must, among other things:

- Develop and implement a farm plan that includes management practices with certain conditions and specifications

- Eliminate non-storm water discharges, or use source control or treatment so that these discharges meet water quality standards
- Demonstrate through water quality monitoring, that individual discharges do not exceed a turbidity target of 25 NTUs
- Demonstrate through water quality monitoring that receiving water is trending toward water quality standards protecting beneficial uses, or is being maintained at existing levels for high quality water
- That the farm operation supports a functional riparian ecosystem and associated beneficial uses.

The existing agricultural waiver program has been given an interim extension and will remain in place until the revised agricultural order takes effect.

The National Pollutant Discharge Elimination System (NPDES) program establishes regulations that will be followed during construction activities. It requires preparation of a Stormwater Pollution Prevention Plan (SWPPP) to minimize erosion for individual development projects (subject to review by the CCRWQCB). The program also establishes standards to be met by the County through Phase II stormwater regulations. This will ensure that construction will not begin a cycle of erosion by damaging streambanks or other sensitive areas. Monterey County Ordinance Code Chapter 16.14 (Monterey County Stormwater Ordinance) establishes local regulations for the minimization of erosion and the release of sediment to stormwater, consistent with NPDES requirements. The Monterey County Water Resources Agency typically reviews potential increased stormwater runoff and enforces a “no net increase in runoff” policy associated with its review of discretionary development proposals, as well as in its lead role in administering the NPDES Phase II stormwater regulations.

Discharges to impaired waterways, which can include sediment resulting from erosion, are regulated under the Central Coast RWQCB’s Basin Plan, which includes Total Maximum Daily Loads (TMDLs) for the impaired waterways. At present, although the Central Coast RWQCB’s regulations have not been fully effective in mitigating existing levels of contaminants, this does not, imply that future regulations will not be effective over the term of the planning horizon (2030) and buildout (2092) under the General Plan. Over time, the Central Coast RWQCB continues to expand its list of impaired waterways (see Table 4.3-8 in Chapter 4 of the Final EIR), providing more comprehensive coverage, and will adopt TMDLs for all impaired waterways in the County by the deadlines noted in Table 4.3-8. In turn, county and city regulations will be required to limit discharges to the limits set by the TMDLs. As discussed in Section 4.3.3.2 of the draft EIR, state law mandates implementation of the TMDL requirements.

Conservation and Open Space Element

Policy OS-2.5 requires that the County inventory, assess, and characterize the location and condition of identified pre-SMARA abandoned gold, mercury and coal mines and implement such measures as may be necessary to ensure that such mines do not contribute to a significant risk to public health or safety or non-compliance with water quality standards and criteria, including standards and criteria for erosion and sedimentation.

Policy OS-3.1 commits the County to establishing and enforcing Best Management Practices (BMPs) to prevent and repair erosion damage. In addition, Policy OS-3.3 requires the County to establish criteria for studies to evaluate and address, through appropriate designs and BMPs, geologic and hydrologic constraints and hazards conditions, such as slope and soil instability, moderate and high erosion hazards, and drainage, water quality, and stream stability problems created by increased stormwater runoff, for

new development and changes in land use designations. These policies will reduce or avoid erosion through project design and routine BMPs.

Policy OS-3.5 provides that the County shall regulate activity on slopes to reduce impacts to water quality and biological resources as follows:

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 feasible 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 of uncultivated land to cultivated land on slopes greater than 25% shall require a discretionary permit.

- a) The discretionary permit shall:
 - 1. Evaluate possible 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.
 - 3. Minimize development in areas where potentially unstable slopes, soil and geologic conditions, or sewage disposal pose substantial risk to public health or safety.
- b) A ministerial permit process shall be developed and implemented for conversion of lands that have not been cultivated for the previous 30 years on slopes between 15 and 24 percent (15-24%), and on such lands on slopes between 10 and 15 percent (10-15%) on highly erodible soils. 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.

Under Policy OS-3.8, requires the County to cooperate with appropriate regional, state and federal agencies to provide public education/outreach and technical assistance programs on erosion and sediment control, efficient water use, water conservation and re-use, and groundwater management. This cooperative effort will be lead by the Monterey County Water Resources Agency.

Policy OS-3.9 requires the County to adopt a program, within 5 years of approval of the General Plan, to address the potential cumulative hydrologic impacts of the conversion of hillside rangeland areas to cultivated croplands. The program will focus on off-site soil erosion, increased runoff-related stream stability impacts, and/or potential violation of adopted water quality standards.

Policy OS-5.7 requires proposals for harvesting commercially valuable timber or as part of a Timberland Conversion Project to include provisions for erosion control (as is required by the State Forest Practices Act and Forest Rules).

Agriculture Element

Policy AG-5.1 requires the County to promote soil conservation programs that reduce soil erosion and increase soil productivity.

Policy AG-5.2 requires the County to promote policies and programs to protect and enhance surface water and groundwater resources, including policies and programs that limit sedimentation of surface and groundwater resources.

Safety Element

Policy S-1.1 provides that land uses shall be sited and measures applied to reduce the potential for loss of life, injury, property damage, and economic and social dislocations resulting from ground shaking, liquefaction, landslides, and other geologic hazards in the high and moderate hazard susceptibility areas. This includes areas of high erosion potential. Policy S-1.3 provides that site-specific geologic studies may be used to verify the presence or absence and extent of the hazard on the property proposed for new development and to identify mitigation measures for any development proposed. Per Policy S-1.6, this includes areas of high erosion potential. In conjunction with Policy S-1.2 requiring a GIS-based constraints database, these policies establish comprehensive oversight of development on erosive soils and the minimization of erosion from development.

Policy S-1.2 establishes the County's GIS Geologic Constraints and Hazards Database. This will collect information about steep slopes and erosion potential (as further provided in Policy S-3.6), map it, and make it readily available to decision-makers considering site-specific permits. This will improve the County's ability to place conditions on discretionary permits to ensure that erosion is minimized.

Policy S-1.6 provides that new development shall not be permitted in areas of known geologic or seismic hazards unless measures recommended by a California certified engineering geologist or geotechnical engineer are implemented to reduce the hazard to an acceptable level. This includes areas of high erosion potential and potential for coastal erosion.

Policy S-1.7 requires preparation of site-specific reports addressing geologic hazard and geotechnical conditions (by qualified engineers) as part of the planning phase and review of discretionary development entitlements and as part of review of ministerial permits in accordance with the California Building Standards Code. This will also reduce the potential for erosion during both construction and operation.

Policy S-1.8 provides that as part of the planning phase and review of discretionary development entitlements, and as part of review of ministerial permits in accordance with the California Building

Standards Code, new development may be approved only if it can be demonstrated that the site is physically suitable and the development will neither create nor significantly contribute to geologic instability or geologic hazards. In addition, Policy S-1.9 provides that a California licensed civil engineer or a California licensed landscape architect can recommend measures to reduce moderate and high erosion hazards in the form of an Erosion Control Plan.

Policy S-3.9 provides that in order to minimize urban runoff affecting water quality, the County shall require all future development within urban and suburban areas to implement Best Management Practices (BMPs) as approved in the Monterey Regional Storm Water Management Program which are designed to incorporate Low Impact Development techniques. BMPs may include, but are not limited to, grassy swales, rain gardens, bio-retention cells, and tree box filters. BMPs should preserve as much native vegetation as feasible possible on the project site. These BMPs filter sediment and other pollutants that may be carried in runoff so that the volume of off-site runoff is minimized and any erosive sediments are contained on-site. Policy S-3.9 was added by Mitigation Measure PS-1 which was developed to reduce other impacts. Although this policy is not required to mitigate this erosion impact as the primary focus of this policy is the filtration of urban pollutants, it will also help to minimize sedimentation of downstream areas.

Public Services Element

The Adequate Public Facilities and Services requirements established under Policies PS 1.1 through 1.6 include standards for stormwater and drainage. A net increase of harmful runoff, including runoff carrying sediment resulting from erosion, is prohibited. The drainage plan required in Community Areas and Rural Centers addresses erosion control consistent with Ordinance Code Chapter 16.14.

Policy PS-2.6 establishes the County's GIS Hydrologic Resources Constraints and Hazards Database. Among its data sets will be impaired water bodies on the State Water Resources Control Board 303(d) (Clean Water Act) list. As above, this will inform decision-makers of the severity of potential erosion hazard and reduce the potential for issuing discretionary permits that don't adequately address the issue.

Area Plan

North County Area Plan

Policies NC-3.9 and NC-3.10 provide that, notwithstanding Policy OS-3.5, development and agricultural conversion (of uncultivated land) on slopes in excess of 25% with highly erodible soils and that drain into the Elkhorn and Moro Cojo Sloughs is prohibited.

Policy NC-3.11 requires the County to adopt best management practices (BMPs) for all agricultural operations in the North County Planning Area to control erosion and off-site runoff. These BMPs will be incorporated into any ministerial permit issued pursuant to Policy OS-3.5. NC-3.11 establishes a deadline of December 31, 2011 for development of the BMPs.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Mitigation Measure: Mitigation Measure BIO-2.1, as modified by the Board of Supervisors, is feasible and has been incorporated into General Plan Policy OS-5.22 to mitigate significant effects on the environment from Impact GEO-5 to a less than significant level. The mitigation measure, in conjunction with the regulations and other General Plan policies discussed above, will reduce this impact to a less than significant level.

MM BIO-2.1: Stream Setback Ordinance. In order to preserve riparian habitat, conserve the value of streams and rivers as wildlife corridors and reduce sediment and other water quality impacts of new development, the county shall develop and adopt a 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 delineate appropriate uses within the setback area that shall not cause removal of riparian habitat, compromise identified riparian wildlife corridors, or compromise water quality of the relevant stream while also taking into consideration uses that serve health and safety purposes. The Stream Setback Ordinance shall apply to all discretionary development, County public projects, and to conversion of lands uncultivated for the previous 30 years, on normal soil slopes over 15% or on highly erodible soils on slopes over 10%. The stream setback ordinance shall be adopted within three (3) years of adoption of the General Plan.

This measure mitigates Impact GEO-5 because, in light of the regulatory environment and General Plan policies, it will substantially reduce the residual potential for erosion from lands adjoining the county's major rivers and streams.

MM BIO-2.1 includes revisions made since release of the DEIR. (See Table F-3 – Mitigation Measures.) Specifically, the revisions clarify that the stream setback ordinance will delineate appropriate uses within the setback area that shall not cause removal of riparian habitat, compromise identified riparian wildlife corridors, or compromise water quality of the relevant stream while also taking into consideration uses that serve health and safety purposes, and specify that the ordinance will apply to the conversion of lands uncultivated for the previous 30 years (rather than 20 years). The revisions also establish a three year timeframe for implementation. The measure, as revised, is equivalent in mitigating or avoiding the significant effects because:

- New uses that would serve health and safety purposes might include things such as flood control levees or wastewater treatment facilities (none of which are proposed as part of this project). The future ordinance will establish criteria for balancing consideration of riparian habitat, identified riparian wildlife corridors, and water quality of the relevant stream while taking into consideration uses that serve health and safety purposes.

Specifying that the ordinance will apply to the conversion of lands uncultivated for the previous 30 years (rather than 20 years) will not make a substantive difference in the amount of land to which this policy would apply because, in Monterey County, land that has historically been uncultivated for 20 years has likely also been uncultivated for 30 years. Monterey County supports extensive areas of agricultural production, few if any of which are left uncultivated for long periods of time.

The 30 year timeframe for implementation provides additional assurance that the measure will be implemented in a timely manner.

These changes to the mitigation measure will not themselves cause any potentially significant effect on the environment because they do not substantively change its application nor result in actions that would result in significant effects.

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included MM BIO-2.1 in the General Plan as Policy OS-5.22.

Impact TRAN-5A: *Growth in land uses allowed under the 2007 General Plan to the year 2030 would create adverse impacts to County roads within the Agricultural and Winery Corridor.*

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated impact.

Summary of Rationale: As discussed in Section 4.6 of the EIR (Transportation) and the Final EIR, including Master Responses 3 (Agricultural Growth and General Plan Agricultural Policies) and 6 (Traffic Mitigation) and revisions contained in Chapter 4 (Changes to the Text of the Draft EIR), implementation of General Plan policies will reduce this impact, but not to a less-than-significant level. Implementation of mitigation measure TRAN -5A, as modified and incorporated into the General Plan by the Board of Supervisors as Policy C-1.12, will mitigate this impact to less-than-significant by providing for road improvements necessary to ensure that LOS standards are maintained in light of future development within the Agricultural and Winery Corridor.

Discussion: The General Plan policies that reduce the Project's impacts on County roads within the Agricultural and Winery Corridor include the following:

Circulation Element

Several policies in this element together provide a comprehensive approach to programming and funding necessary road improvements. Policy C-1.1 establishes the acceptable LOS standards for County roads and intersections. Policy C-1.2 establishes a strategy for achieving the standard for the acceptable LOS noted in Policy C-1.1 and describes the general financing policy, including development of a Traffic Impact Fee (TIF) and Capital Improvement Financing Plans (CIFPs). Policy C-1.3 requires that circulation improvements that mitigate Traffic Tier 1 direct on-site and off-site project impacts shall be constructed concurrently with new development, and off-site circulation improvements that mitigate Traffic Tier 2 or Traffic Tier 3 impacts either shall be installed concurrently or a fair share impact fee shall be paid. Policy C-1.4 provides that notwithstanding Policy C-1.3, projects that are found to result in reducing a County road below the acceptable LOS standard shall not be allowed to proceed unless the construction of the development and its associated improvements are phased in a manner that will maintain the acceptable LOS for all affected County roads. Where the LOS of a County road impacted by a specific project currently operates below LOS D and is listed on the CIFP as a high priority, Policy C-1.3 will apply. Where the LOS of a County road impacted by a specific project currently operates below LOS D and is not listed on the CIFP as a high priority, development will mitigate project impacts concurrently.

Agricultural Winery Corridor Plan

Section 3.7 of the AWCP sets out design criteria for winery facility parking areas and access requiring that headlights do not interfere with traffic and driveways are located where sight lines are adequate. These will reduce the potential for accidents.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Mitigation Measure: Mitigation Measure TRAN-5A, as modified by the Board of Supervisors, is feasible and has been incorporated into the General Plan as Policy C-1.12, as discussed below, to mitigate significant effects on the environment from Impact TRAN-5A to a less than significant level. The mitigation measure, in conjunction with the other General Plan policies discussed above, will reduce this impact to a less than significant level.

MM TRAN-5A: The County Traffic Impact Fee Program and CIFP shall include roadway segments with the AWCP that exceed LOS standards. Improvement of these segments would be funded through a combination of project-specific mitigation for individual developments, and through a Capital Improvement and Financing Plan fair-share funding mechanism established for the Agricultural and Winery Corridor by the County Public Works Department. These improvements would be implemented when:

- 1) A proposed development's project-specific assessment identifies a direct impact to the facility in terms of either LOS or safety.
- 2) A proposed development gains access from an intersection within the segment.
- 3) A corridor-wide nexus study prepared for the required Capital Improvement and Financing Plan identifies the level of development that can occur before triggering the improvements.

To maintain the rural character of the area, there are no plans to widen these roadways to four lane facilities. Therefore, the capacity of these segments will be increased by:

- 1) Providing left turn lanes at intersections without left turn lanes and where the frequency of turning vehicles affects through vehicle movement; and/or
- 2) Increasing the width of the roadway shoulder at intersections to allow vehicles to pass turning vehicles; and/or
- 3) Constructing passing lanes as determined in the Capital Improvement and Financing Plan.

Until such time as the County Traffic Impact Fee Program and CIFP for the AWCP are adopted, all new development in the AWCP will be required to prepare a Traffic Impact Analysis (TIA) regardless of the level of CEQA analysis conducted for the Project. Project-specific (Tier 1) mitigation measures identified in the TIA will be required to be implemented concurrently. If a TIA identifies a Traffic Tier impact, the development will be required to make a "fair share" payment for that impact. For discretionary permits and approvals, Policies C-1.3 and C-1.4 shall apply. In addition, all projects are subject to payment of the TAMC Regional Development Impact Fee.

Mitigation measure TRAN-5A will reduce the Project's impacts on County roads within the Agricultural and Winery Corridor to a less than significant level by ensuring that road improvements will be planned and paid for through a Capital Improvement and Financing Plan (CIFP). The CIFP will identify needed road improvements and integrate fee-based road improvements with other sources of funding. The Traffic Impact Fee (TIF) Program will ensure that individual development projects pay their fair share of

the cost of improvements that relate to their traffic generation. In this way, the measure ensures that adopted LOS standards will be maintained.

TRAN-5A includes revisions made since release of the DEIR. (See Table F-3 – Mitigation Measures.) Specifically, it has been broadened to include all roadways that exceed LOS standards in the CIPF and the County TIF, not just the roadways specified in the original measure. The measure as revised is equivalent or more effective in mitigating or avoiding potential significant effects and will not itself cause any potentially significant effect on the environment because it broadens the intent of the original policy resulting in a more rigorous mitigation measure and clarifies the responsibility for road improvements and the method of payment. The revisions do not change the extent of road improvements that will potentially be necessary to serve the AWCP.

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included MM TRAN-5A in the General Plan as Policy C-1.12.

Impact TRAN-5B: Buildout of the 2007 General Plan would create adverse impacts to County roads within the Agricultural Winery Corridor.

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated impact.

Summary of Rationale: As discussed in Section 4.6 of the Draft EIR (Transportation) and in the Final EIR, including Master Responses 3 (Agricultural Growth and General Plan Agricultural Policies) and 6 (Traffic Mitigation) and revisions contained in Chapter 4 (Changes to the Text of the Draft EIR), implementation of General Plan policies will reduce this impact, but not to a less-than-significant level. Implementation of mitigation measure TRAN-5A, as modified and incorporated into the General Plan by the Board of Supervisors as Policy C-1.12, will reduce this impact to less-than-significant by providing for road improvements necessary to ensure that LOS standards are maintained in light of future development to buildout of the General Plan within the Agricultural and Winery Corridor.

Discussion: The General Plan policies that help reduce the Project's impacts on County roads within the Agricultural and Winery Corridor include the following:

See the discussion of Circulation Element Policies C-1.1 through C-1.4 and C-1.12 under Impact TRAN-5A above. These policies will be in effect for the term of the General Plan and will ensure that future projects provide for the road improvements necessary to avoid exceeding the County LOS standard.

Mitigation Measure: Mitigation Measure TRAN-5A, as modified by the Board of Supervisors, is feasible and has been incorporated into the General Plan as Policy C-1.12 to mitigate Impact TRAN-5B to a less than significant level. (For text of MM TRAN-5A, see finding for Impact TRAN-5A above and Table F-3 – Mitigation Measures.) The mitigation measure, in conjunction with the other General Plan policies discussed above, will reduce this impact to a less than significant level. Mitigation measure TRAN-5A will reduce the Project's buildout impacts on County roads within the AWCP to a less than significant level because it identifies the method, timing, and funding for roadway improvements to increase the capacity of roadway segments exceeding LOS standards. The road improvements required as part of mitigation measure TRAN-5A will ensure LOS standards are maintained.

Mitigation Measure TRAN-5A includes revisions made since release of the DEIR. (See Table F-3 – Mitigation Measures.) The measure as revised is equivalent or more effective in mitigating or avoiding potentially significant effects and will not itself cause any potentially significant effect on the environment for the reasons described under Impact TRAN-5A above.

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included MM TRAN-5A in the General Plan as Policy C-1.12.

Impact AQ-2: Generation of significant quantities of construction-related emissions would result in greater levels of air pollution.

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact.

Summary of Rationale: As discussed in Section 4.7 of the Draft EIR (Air Quality) and Final EIR Master Response 2 (Growth Assumptions Utilized in the General Plan), Chapter 3 (Responses to Comments) and Chapter 4 (Changes to the Text of the Draft EIR), the regulations of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and the policies in the General Plan will reduce this impact but not to a less-than-significant level. Implementation of mitigation measures AQ-1 and AQ-2, as modified and incorporated into the General Plan by the Board of Supervisors, will reduce this impact to a less-than-significant level by regulating construction-related emissions.

Discussion: Existing regulations and General Plan policies that reduce the Project's impacts include the following:

Air Pollution Control District Regulations

As described in the Regulatory Setting section of the EIR (section 4.7.3), the MBUAPCD has developed an extensive PM₁₀ mitigation program for construction activities. These include construction Best Management Practices to minimize PM₁₀ production. The MBUAPCD's CEQA guidelines state that regional impacts from ozone precursor emissions in equipment exhaust (NO_x and ROG) have been incorporated into the regional emissions budget. The regional emissions budget is part of the Air Quality Management Plan, which is based on a more conservative population and work force projection than assumed in the EIR (the Air Quality Management Plan relies on the same 2004 AMBAG growth projections as the EIR, except for calculating mobile emissions when it uses the 2008 AMBAG projections). The 2008 AMBAG projection used in portions of the Air Quality Management Plan anticipates less population and economic growth than the 2004 AMBAG projections. The result is that the EIR may overestimate the level of impact.

Conservation and Open Space Element

Policy OS-10.6 supports MBUAPCD air pollution control strategies, air quality monitoring, and enforcement activities. Policy OS-10.8 requires mitigation measures to control dust and emissions during construction, grading, quarrying, or surface mining operations to minimize asbestos exposure during various activities that may result in natural asbestos release. Policy OS-10.9 provides that the County shall require future development to implement applicable MBUAPCD control measures, including those for PM₁₀ and off-road mobile source and heavy equipment NO_x emissions.

Policy OS-10.14 provides that the County will require that construction contracts be given to those contractors who show evidence of the use of soot traps, ultra-low sulfur fuels, and other diesel engine emissions upgrades that reduce PM₁₀ emissions to less than 50% of the statewide PM₁₀ emissions average for comparable equipment. This standard will substantially reduce emissions from construction projects.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies as modified are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Mitigation Measure: Mitigation Measure AQ-1 and Mitigation Measure AQ-2 (which the FEIR combined into one measure), as modified by the Board of Supervisors, are feasible and have been incorporated into General Plan Policy OS-10.9 to mitigate significant effects from Impact AQ-2 to a less than significant level. The mitigation measures, in conjunction with the regulations and other General Plan policies discussed above, will reduce this impact to a less than significant level.

MM AQ-1 and AQ-2: The County of Monterey will update General Plan policy OS-10.9 as follows (language added by the mitigation measure is in italics):

OS-10.9 The County of Monterey shall require that future development implement applicable Monterey Bay Unified Air Pollution Control District control measures. Applicants for discretionary projects shall work with the Monterey Bay Unified Air Pollution Control District to incorporate feasible measures that assure that health-based standards for diesel particulate emissions are met. *The County of Monterey will require that future construction operate and implement MBUAPCD PM₁₀ control measures to ensure that construction-related PM₁₀ emissions do not exceed the MBUAPCD's daily threshold for PM₁₀. The County shall implement MBUAPCD measures to address off-road mobile source and heavy duty equipment emissions as conditions of approval for future development to ensure that construction-related NO_x emissions from non-typical construction equipment do not exceed the MBUAPCD's daily threshold for NO_x.*

This mitigation measure reduces Impact AQ-2 because, with the inclusion of the additional text, Policy OS-10.9 requires future development to implement applicable MBUAPCD daily threshold control measures and reduces air quality impacts by standardizing air quality measures in the County. The mitigation measures ensure that the air pollution control standards will be implemented on a project-by-project basis through the County permit process, even when the project would not require a separate permit from the MBUAPCD. Policy OS-10.9 as modified by the mitigation measures, together with the regulations of the MBUAPCD and the General Plan policies identified above, will reduce the Project's impacts from construction-related emissions to a less than significant level by limiting the emission contributions of individual projects through policy and regulation.

Mitigation Measures AQ-1 and AQ-2 include revisions made since release of the DEIR. (See Table F-3 – Mitigation Measures.) The measure, now combined and revised as shown above, is equivalent or more effective in mitigating or avoiding potentially significant effects and will not itself cause any potentially significant effect on the environment. The changes clarify that the MBUAPCD standards to be met are MBUAPCD's daily thresholds and delete references to specific numeric emissions thresholds. These changes improve the long-term effectiveness of the Mitigation Measure by clarifying that the standard is to be met on a daily basis and by requiring that future development comply with any revisions to the current thresholds that the MBUAPCD may adopt in the future.

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included MM AQ-1 and MM AQ-2 in the General Plan as Policy OS-10.9.

Impact AQ-4: *Buildout of the 2007 General Plan would expose sensitive receptors to increased diesel exhaust.*

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact.

Summary of Rationale: As discussed in Section 4.7 of the EIR (Air Quality) and the FEIR Master Response 2 (Growth Assumptions Utilized in the General Plan), Chapter 3 (Responses to Comments) and Chapter 4 (Changes to the Text of the Draft EIR), state and federal regulations and policies of the General Plan will reduce this impact but not to a less-than-significant level. Implementation of mitigation measures AQ-6 and AQ-7, as modified and incorporated into the General Plan by the Board of Supervisors, will mitigate this impact to less-than-significant by ensuring that the County will award its construction contracts to contractors who are committed to reducing their emissions and locating future development further from new sensitive land uses. State and federal regulations will substantially reduce the overall emissions from diesel powered vehicles over time, while the mitigation measures and General Plan policies will ensure that new development is not located in high traffic areas that typically have higher levels of diesel emissions.

Discussion: Regulations and General Plan policies that reduce this impact include the following:

Diesel Pollution Control Regulations²

State and federal regulations are substantially reducing diesel emissions from truck and bus fleets by tightening emissions standards for new trucks and requiring substantial reductions of emissions from existing fleets. This will reduce exposure at the source. Over the past decade, regulators have adopted stricter pollution controls for diesel trucks in order to reduce their emissions of hydrocarbons, oxides of nitrogen (NOx), and particulate matter (PM). For example, in 2001 the U.S. EPA enacted a Final Rule to reduce emission standards for 2007 and subsequent model year heavy-duty diesel engines (66 FR 5002, January 18, 2001). These emission standards represent a 90 percent reduction of NOx emissions, a 72 percent reduction of non-methane hydrocarbon emissions, and a 90 percent reduction of PM emissions compared to the 2004 model year emission standards.

Diesel engines typically have a long lifespan. In order to reduce emissions from existing engines, the California Air Resources Board adopted a regulation in December 2008 to significantly reduce emissions from diesel trucks and buses currently operating in California. The regulation is phased so that by January 1, 2023, all vehicles will be required to have a 2010 model year engine or equivalent. Vehicles covered by this regulation include on-road heavy-duty diesel fueled vehicles with a gross vehicle weight rating (GVWR) greater than 14,000 pounds, yard trucks with off-road certified engines, and diesel fueled shuttle vehicles of any GVWR. Out-of-state trucks and buses that operate in California are also subject to the regulation. Drayage trucks and private utility-owned vehicles will be subject to the regulation beginning January 1, 2021. The regulation requires fleets to install exhaust retrofits that capture pollutants before they are emitted to the air, and to accelerate vehicle replacements to those with cleaner engines. The regulation does not require any vehicles to be replaced until 2013, and allows the vehicles within a fleet to be replaced over a period of years.

The regulation also applies to diesel school buses. Owners must retire school buses manufactured before April 1, 1977, by January 1, 2012. Remaining school buses must have exhaust retrofits installed that capture pollutants before they are emitted to the air.

² References: Natural Resources Defense Council "Health Facts: Cleaning Up Diesel Trucks in California," June 2010; California Air Resources Board "Overview of Truck and Bus Regulation Reducing Emissions from Existing Diesel Vehicles," February 25, 2009; California Air Resources Board "Regulatory Advisory Number 415," March 2010; California Air Resources Board webpage "On-Road Heavy-Duty Diesel Engine Reduced Emission Standards," last reviewed [by the ARB] January 6, 2005 <www.arb.ca.gov/msprog/onroadhd/reducstd.htm>; California Air Resources Board webpage "Truck and Bus Regulation," last reviewed [by the ARB] July 12, 2010 <www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>

The Air Resources Board is currently (September 2010) holding workshops to get input on possible revisions to the regulation to provide greater compliance flexibility during the economic downturn. While this may include changes to the phasing schedule, the overall objective and final compliance date are expected to remain the same.

Funding assistance to diesel truck owners to meet this requirement is available from a number of State programs including the Carl Moyer Memorial Air Quality Standards Attainment Program, Loan Assistance for the California Equipment (PLACE) Program, and Air Quality Improvement Program. The Lower Emission School Bus Program offers funds to schools for converting diesel school buses.

Conservation and Open Space Element

Policy OS-10.9 provides that the County will require applicants for discretionary projects to work with the MBUAPCD to incorporate feasible measures that assure that the MBUAPCD's daily thresholds for diesel particulate emissions are met. This incorporates MM-AQ-1/AQ-2, as discussed above.

Policy OS-10.10 requires the County to consider sustainable land use strategies to reduce energy consumption, minimize greenhouse gas emissions, and foster healthier environments for people in the design of future development within Community Areas and Rural Centers.

Policy OS-10.15 requires the County to adopt a greenhouse gas Reduction Plan for County Operations within 12 months of adoption of the General Plan. Elements of the plan will reduce County diesel emissions through the use of low or zero-emission vehicles and equipment, and conversion of County vehicle fleets (as feasible) to Ultra Low-Emission vehicles, liquid propane gas fleet vehicles, or compressed natural gas fleet vehicles, any of which can substitute for diesel-powered vehicles.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Mitigation Measures: Mitigation Measure AQ-6 and Mitigation Measure AQ-7, as modified by the Board of Supervisors, are feasible and have been incorporated into General Plan policies OS-10.13 and OS-10.10, respectively, to mitigate significant effects from the above stated Impact to a less than significant level. The mitigation measures, in conjunction with the regulations and other General Plan policies discussed above, will reduce this impact to a less than significant level.

MM AQ-6: The County of Monterey shall require that construction contracts be given to those contractors who show evidence of the use of soot traps, ultra-low sulfur fuels, and other diesel engine emissions upgrades that reduce PM₁₀ emissions to less than 50% of the statewide PM₁₀ emissions average for comparable equipment.

MM AQ-7: The following language shall be included in General Plan policy OS-10.10:
Locate development of new sensitive land uses (schools, hospitals, facilities for the elderly) at least 500 feet from a freeway carrying more than 100,000 vehicles per day.

Mitigation Measure AQ-6 reduces the impact by ensuring that the County will award its construction contracts only to those contractors who commit to reducing their emissions on the jobs for which they are awarded contracts.

By adding the language suggested by MM AQ-7, Policy OS-10.10 incorporates the requirement that Community Areas and Rural Centers -- where a substantial portion of new development will occur -- are planned in a manner that minimizes exposure of sensitive receptors to high traffic areas that are likely to

have higher diesel emissions levels. The setback requirement is consistent with the recommendations of the California Air Resources Board April 2005 *Air Quality and Land Use Handbook: A Community Health Perspective*.

Mitigation Measure AQ-7 includes revisions made since release of the DEIR. (See Table F-3 – Mitigation Measures.) The measure as revised is equivalent or more effective in mitigating or avoiding potentially significant effects and will not itself cause any potentially significant effect on the environment because the revisions clarify and tighten the wording and do not make a substantive change.

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included MM AQ-6 in the General Plan as Policy OS-10.13. The Board of Supervisors has included MM AQ-7 in the General Plan as Policy OS-10.10.

Impact AQ-6: *Buildout of the 2007 General Plan would result in the emission of objectionable odors.*

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact.

Summary of Rationale: As discussed in Section 4.7 of the EIR (Air Quality) and in Chapter 4 (Changes to the Text of the Draft EIR) of the FEIR, General Plan policies and the air district regulations will reduce this impact relating to agricultural and landfills but not to a less-than-significant level. Implementation of mitigation measure AQ-8, as modified and incorporated into the General Plan by the Board of Supervisors, will mitigate this impact to less-than-significant.

Discussion: The MBUAPCD oversees odors and its air quality standards limit emissions of odor-causing substances. This will reduce exposure at the source. The General Plan policies will ensure that development is consistent with the most current requirements of the MBUAPCD. The regulation and General Plan policies that reduce Impact AQ-6 include the following:

Monterey Bay Unified Air Pollution Control District

The MBUAPCD's Rule 402 (Nuisances) prohibits "discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public; or which endanger the comfort, repose, health, or safety of any such persons or the public; or which cause, or have a natural tendency to cause, injury or damage to business or property." This rule applies to new wineries for the first three years of operation. Wineries over three years of age are exempt, provided that they have not created a nuisance during that time and "unless the facility substantially increases its activities or operations after which time a new three year clock begins during which time this exemption is not valid."

California Health and Safety Code Section 41700 states that no person can discharge air contaminants that cause injury, nuisance or annoyance to any considerable number of persons or the public, or discharge air contaminants that endanger the comfort, health or safety of such persons. This provides the authority for enforcement of the nuisance rule. The MBUAPCD may issue a Notice of Violation to any business that it finds is violating this prohibition or any other air quality requirement. When the MBUAPCD issues a Notice of Violation, the business is required to correct the violation and pay a fine to the MBUAPCD.

Open Space and Conservation Element

Policy OS-10.1 provides that land use policy and development decisions shall be consistent with the natural limitations of the County's air basins. Policy OS-10.6 provides that the County will support the MBUAPCD's air pollution control strategies, air quality monitoring, and enforcement activities.

Public Services Element

Policy PS-6.2 restricts new and expanded solid waste facilities to areas where potential environmental impacts can be mitigated and where the facilities will be compatible with surrounding land uses. This reduces the potential for future odor impacts on surrounding land uses. Under Policies PS-6.3 and PS-6.4, the County shall adopt an ordinance or development standards for land use development within 1,000 feet of an open or closed solid waste facility to protect public health. These also reduce the potential for future odor complaints.

Area Plans

North County Area Plan

Policy NC-1.2 (mushroom operations) reduces air quality impacts by requiring new development to install environmental control methods for air quality.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies as modified are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Mitigation Measure: Mitigation Measure AQ-8, as modified by the Board of Supervisors, is feasible and has been incorporated into the General Plan policy AG-4.5 to mitigate significant effects from the above stated impact to a less than significant level. The mitigation measure, in conjunction with the regulations and other General Plan policies discussed above, will reduce this impact to a less than significant level.

MM AQ-8: The following measures should be added as General Plan Policy AG-4.5:
AG-4.5. Wineries shall provide for the proper storage and disposal of pomace resulting from winery operations.

- To minimize odors resulting from the storage of pomace, all residue shall be removed from the site or spread in the vineyards as a soil amendment by the winery.
- To prevent complaints resulting from burning of pomace, burning of pomace as a disposal method shall be prohibited.
- All wineries shall incorporate best management practices and technologies to prevent fugitive emissions and odors from escaping the winery during production.

Mitigation Measure AQ-8 mitigates Impact AQ-6 by ensuring that winery operations limit their potential for odor production. Mitigation Measure AQ-8 includes revisions made since release of the DEIR. (See Table F-3 – Mitigation Measures) The measure as revised is equivalent or more effective in mitigating or avoiding potentially significant effects and will not itself cause any potentially significant effect on the environment because the revision only changed the location of the policy in the General Plan from OS 10.12 (in the Conservation and Open Space Element) to AG 4.5 (in the Agriculture Element), where it more logically belongs, without making a substantive change to the policy.

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included MM AQ-8 in the General Plan as Policy AG 4.5.

Impact BIO-1: Potential Adverse Impact on Special-Status Species [to 2030 Planning Horizon].

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact.

Summary of Rationale: As discussed in Section 4.9 of the draft EIR (Biological Resources), Master Response 8 (Biological Resources) in the FEIR, Chapter 3 (Responses to Comments) in the FEIR, and Chapter 4 (Revisions to the DEIR) in the FEIR, implementation of the General Plan through 2030 would result in the loss of approximately 1 percent of available natural habitat in the County overall to urban use and expanded agricultural use, much of which is habitat for one or more special-status species. Conversions of natural habitat areas to urban and expanded agricultural uses would be dispersed throughout the County. Implementation of the General Plan policies will reduce this impact but not to a less-than-significant level through 2030 due to the lack of policies to provide broader planning for sensitive species and communities, including landscape level planning for the San Joaquin kit fox. Mitigation Measure BIO-1.2, as modified and incorporated into the General Plan by the Board of Supervisors, reduces this impact to a less than significant level through 2030. Although proposed to mitigate other biological resource impacts, Mitigation Measures BIO-1.4, BIO-1.5, BIO-2.1, BIO-2.2, BIO-2.3, BIO-3.1, and BIO-3.2 as modified and incorporated into the General Plan by the Board of Supervisors, would also reduce this impact through 2030.

Discussion: The overall context for the impact is disclosed in the EIR. As noted in Table 4.9-7 in the FEIR, urban development is expected to result in conversion of approximately 17,000 (16,947) acres of habitat by buildout, which corresponds to less than 1% of natural habitat in the County (as noted in Table 4.9-1 in the DEIR). Routine and ongoing agricultural activity conducted within its current footprint would not result in new conversions of natural habitat. By 2030, it is expected that County will be less than 1/3 of the way to total buildout (see Table 3-9 in the FEIR, which indicates approximately 27 % buildout). Thus the amount of habitat conversions to 2030 (approximately 4,600 acres) would be less than 1/3 of the total noted above, and would be less than 0.3% of total natural habitat in the County. As noted in Table 4.9-8 in the FEIR, agricultural conversions are expected to result in conversion of 11,000 (11,185) acres of habitat by 2030, which corresponds to about 0.6% of natural habitat in the County (as noted in Table 4.9-1 in the DEIR). The areas of conversions for urban use would be concentrated in the Community Areas and Rural Centers; the areas of agricultural conversions would be spread out throughout the Salinas Valley, most likely occurring on the western and eastern slopes of the valley within Zone 2C of the Salinas Valley Water Project (which includes the Salinas Valley proper, the San Antonio River valley and the immediately adjacent slopes, as shown in Exhibit AG-1 to the EIR). Thus, by 2030, slightly less than 1 % of available natural habitat in the County could be converted to urban and agricultural uses and the area of urban conversion would be mostly concentrated in the focused growth areas and agricultural conversions would be dispersed throughout the Salinas Valley (and elsewhere).

Land Use element policies (i.e., LU-1.4, LU-1.7, LU-1.19, LU-1.20, LU-2.14--LU-2.32, etc.) concentrating much of the County's unincorporated growth within specific development areas will result in less habitat being used than under a more sprawling development pattern. The Conservation and Open Space Element policies identified below will result in improved identification, analysis, and protection of species and habitat over current practice, and provide for the regular assessment of the effectiveness of those policies.

In addition to the Conservation and Open Space Element policies focusing on listed species, Policy OS-5.16 will ensure that the potential effects on non-listed species and habitat from proposed development projects are analyzed and mitigation measures identified before action is taken on those proposals, and

that the County undertake a comprehensive conservation strategy for protecting those species. General Plan policies that reduce Impact BIO-1 include the following:

Land Use Element

The Land Use Element has a number of policies that will reduce the potential for impacts on special-status species by locating a substantial amount of the future development projected to occur in the unincorporated area in the Community Areas, Rural Centers, and AHOs. A compact development pattern centered on cities and these planning areas reduces the need to develop areas that are important to special-status wildlife and plants, as such species are defined in Section 4.9 of the draft EIR. Policy LU-1.2 discourages premature and scattered development. Policy LU-1.4 designates growth areas only when an adequate level of services and public facilities exist, thereby discouraging discontinuous development. Policy LU-1.7 encourages clustering of residential development to those portions of the property which are most suitable for development. Policy LU-1.9 promotes infill of vacant non-agricultural lands in existing developed areas, and requires infill development to be compatible with surrounding land use and development. Policy LU-1.19 designates Community Areas, Rural Centers and Affordable Housing Overlay districts as the top priority for development in the incorporated areas of the county and requires. Outside of those areas, this policy provides that a Development Evaluation System (DES) will be established to provide systematic, consistent, predictable, and quantitative methods for decision-makers to evaluate developments. The DES will consider resource management as well as environmental impact in scoring projects for potential approval. Policies LU-2.14 through LU-2.17 encourage new urbanization to occur within the incorporated cities, rather than in the surrounding county area. Policies LU-2.20 through LU-2.29 stipulate that urbanization within the county will be limited to the Community Areas (first priority) and Rural Centers (second priority).

Conservation and Open Space Element

Policy OS-3.5, as modified by the Board of Supervisors, establishes that the County will continue to regulate activity (both non-agricultural and agricultural) on slopes in order to “reduce impacts to water quality and biological resources.” Development on slopes in excess of 25 percent is limited to specific circumstances and only upon approval of a discretionary permit. The discretionary permit will be subject to CEQA review, ensuring that site- and project-specific analysis and feasible mitigation of potential impacts on biological resources will be required as part of the decision-making process. Conversion of uncultivated land on slopes in excess of 25 percent will require a discretionary permit which will require consideration of alternatives, erosion control and other matters. Discretionary development and agricultural conversions will be subject to project-level evaluations of biological resource impacts including impacts to special-status species and their habitats, and, where significant, adoption of feasible mitigation measures. OS-3.5 requires that conversion of land that has not been cultivated for the previous 30 years to agricultural cultivation on slopes between 15 and 24 percent or 10 and 15 percent on highly erodible soils will be subject to a ministerial permit. Further, one of the stated objectives of adopted Policy OS-3.5 is to reduce impacts to biological resources, so the ministerial permit process will be required to include such considerations.

Policy OS-3.5 includes revisions made since release of the Draft EIR. Please see Section VII of these Findings for additional information. Overall, the revised OS-3.5 is considered to result in a similar level of development and agricultural conversion on steep slopes and to result in a similar level of permit review and project-level requirements relative to special status species, as such species are defined in Section 4.9 of the Draft EIR, and biological resources in general. Thus, the revisions would provide a substantially similar level of protection for special status species as the proposed version of this policy evaluated in the Draft EIR, and would not result in new significant impacts or substantially more severe biological impacts.

Policies OS-4.1 through OS-4.3 establish measures to protect coastal, marine, and river resources. Policy OS-4.1 stipulates that Federal and state listed native marine fresh water plant and animal species be protected. Policy OS-4.2 requires that direct and indirect discharges of harmful substances into rivers or streams not exceed state or federal standards. Policy OS-4.3 stipulates that fresh water marshes, wetlands, sloughs, river and stream mouth areas, as well as all waterways that drain and have impact on state designated Areas of Special Biological Significance be protected, maintained and preserved in accordance with state and federal water quality regulations.

Policy OS-5.1 requires that the County inventory the extent and acreages of critical habitat for listed species to the extent feasible and mapped in GIS. This will ensure that the County's review of development projects will be informed of the existence of critical habitat and appropriate conservation measures included in any approval. Policy OS-5.2 requires that the County inventory and map in GIS, the extent and acreage of potentially suitable habitat for listed species to the extent feasible, and that conservation of species as provided in Area Plans shall be promoted. Policy OS-5.3 provides that development shall be carefully planned to provide for the conservation and maintenance of critical habitat. Policy OS-5.4 requires that new development avoid, minimize, and mitigate impacts to listed species and critical habitat to the extent feasible. These policies will minimize impacts on listed species.

Policy OS-5.5 states that landowners and developers shall be encouraged to preserve the integrity of existing terrain and native vegetation in visually sensitive areas such as hillsides, ridges, and watersheds. Preserving the integrity of these areas helps to retain their existing habitat value. Under Policy OS-5.11, the conservation of large, continuous expanses of native trees and vegetation shall be promoted as the most suitable habitat for maintaining abundant and diverse wildlife.

Policy OS-5.16 requires the preparation of a biological study 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 species³. The County will enact an ordinance establishing minimum standards for a biological study and biological surveys. A biological study shall include a field reconnaissance performed at the appropriate time of year. Based on the results of the biological study, biological surveys may be necessary to identify, describe, and delineate the habitats or species that are potentially impacted. Feasible measures to reduce significant impacts to a less than significant level shall be adopted as conditions of approval.

Policy OS-5.17 requires the County to prepare, adopt, and implement a program that allows projects to mitigate the loss of critical habitat. The program may include ratios, payment of fees, or some other mechanisms in consultation with responsible state and/or federal regulatory agencies. Until such time as the program has been established, projects shall mitigate the loss of critical habitat on an individual basis in consultation with responsible state and/or federal regulatory agencies.

North County Area Plan

Notwithstanding Policy OS-3.5, Policies NC-3.9 and NC-3.10 prohibit any development and agricultural conversions on slopes in excess of 25 percent on highly erodible soils where the land drains to Elkhorn and Moro Cojo Sloughs. Policy NC-3.11 requires the County to develop by December 31, 2011 best

³ This is the definition found in the "mandatory finding of significance" under CEQA Guidelines Section 15065. It covers more than those species that are federal- or state-listed under the respective Endangered Species Acts.

management practices to be incorporated into ministerial permits issued for agricultural conversions under Policy OS-3.5.

Carmel Valley Master Plan

Policy CV-3.7 provides that Areas of biological significance shall be identified and preserved as open space. When a parcel cannot be developed because of this policy, a low-density, clustered development (but no subdivision) may be approved on those portions of the land not biologically significant or on a portion of the land adjoining existing development so that the development will not diminish the visual quality of such parcels or upset the natural functioning of the ecosystem in which the parcel is located.

Fort Ord Master Plan

Within the area of the County affected by the General Plan update, the Fort Ord Habitat Management Plan (HMP) has been adopted to coordinate protections of special status species on the former base. The requirements of the Fort Ord HMP are thoroughly integrated into the Fort Ord Master Plan and will be applied to new Fort Ord Master Plan development projects.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Mitigation Measures: Mitigation Measure BIO-1.2, as modified by the Board of Supervisors, is feasible and is incorporated into the General Plan policies to mitigate Impact BIO-1 to a less than significant level until 2030. Given the overall scale of conversion of habitat by 2030 (approximately one percent of available natural habitat would be converted to urban uses and agricultural use), implementation of these mitigation measures, in conjunction with the other General Plan policies discussed above, will reduce this impact to a less than significant level.

MM BIO-1.2: Salinas Valley Conservation Strategy to preserve habitat for the San Joaquin kit fox in the Salinas Valley.

The County shall, in concert with the U.S. Fish and Wildlife Service, California Department of Fish and Game, 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 four (4) years of General Plan adoption. The conservation strategy funding program shall be developed and shall consider 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 as one of the options. The conservation 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.

Until the adoption of the conservation strategy, habitat loss due to discretionary projects shall be mitigated on a project-by-project basis.

Requiring mitigation measures MM BIO-1.2, in addition to the policies of the General Plan discussed above, will reduce the Project's impacts on special-status species to a less than significant level by requiring consideration of special-status species in the process of considering new development projects, identifying potential impacts on those species, and requiring mitigation of those impacts.

MM BIO-1.2 (incorporated into the General Plan as Policy OS-5.19) ensures that the San Joaquin kit fox, which range over an extensive area and therefore would be difficult to protect on a project-by-project level, are protected through an extensive and comprehensive conservation strategy. Given that this species is wide-ranging across the Salinas Valley and adjacent areas and thus could be affected by many different aspects of urban development and agricultural expansion, in order to mitigate impacts to this species throughout its range, Mitigation Measure BIO-1.2 requires the preparation of a conservation strategy for the San Joaquin kit fox. By preserving habitat for the San Joaquin kit fox, this measure will have a co-benefit for other special-status species that use the same habitat as the kit fox.

MM BIO-1.2 includes revisions made since release of the Draft EIR. (See Table F-3 – Mitigation Measures) The measure as revised is equivalent or more effective in mitigating or avoiding potentially significant effects and will not itself cause any potentially significant effect on the environment. The revisions to MM BIO-1.2 consist of substituting the term “conservation strategy” for “conservation plan” and specifying that until the strategy is adopted, habitat loss from discretionary projects will be addressed on a project-by-project basis. These revisions do not change the effectiveness of the mitigation with respect to Impact BIO-1 because the key provisions remain unchanged: establishment of a regional approach to San Joaquin kit fox protection after coordination with federal, state, and local agencies, including mitigation and a mitigation fee program.

Although not necessary to further reduce this impact, several other mitigation measures developed to reduce or avoid other significant biological resource impacts, would also reduce impacts to special status species. These mitigation measures are discussed under other resource impacts below, but their value to special status species is discussed here.

Policy OS-5.22 will implement MM BIO-2.1. (For the text of MM BIO-2.1, see Impact BIO-2, below) It protects riparian habitat areas, thereby retaining their existing value as habitat for special-status species. The policy commits the County to adoption of a Stream Setback Ordinance within three years of adoption of the General Plan in order to preserve riparian habitat, conserve the value of streams and rivers as wildlife corridors and reduce sediment and other water quality impacts of new development. In general, riparian areas provide habitat and movement corridors for wildlife, as well as shade for fish. Special-status species will benefit from the protection of these areas from incompatible uses. MM BIO-2.1 includes revisions made since the release of the Draft EIR. The revisions expand the protective reach of MM BIO-2.1 by adding “conserve the value of streams and rivers as wildlife corridors” as an objective of the ordinance. Policies OS-5.20 and OS-5.21 implement MM BIO-1.4 and BIO-1.5 respectively, and require the County to assess the effectiveness of its policies at five year intervals and make adjustments to protect species accordingly. (For the text of MM BIO-1.4 and BIO-1.5, see Impact BIO-3.1, below.)

Under Policy OS-5.20, the County will examine the degree to which thresholds predicted in the General Plan EIR for the timeframe 2006-2030 for increased population, residential construction, and commercial growth have been attained. If the examination indicates that actual growth is within 10% of the thresholds (10,015 new housing units; 500 acres new commercial development; 3,111 acres new industrial development, or 10,253 acres of land converted to agriculture), the County will initiate a General Plan Amendment process to consider the expansion of focused growth areas established by the 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 species and habitat addressed by Policy OS-5.16 due to continued urban growth. The new/expanded growth areas will 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 the species and habitat addressed by policy OS-5.16.

Pursuant to Policy OS-5.21, the County will examine the degree to which thresholds for increased population, residential construction, and commercial growth predicted in the General Plan EIR for the timeframe 2006-2030 have been attained. If the examination indicates that actual growth is within 10% of the growth projected in the General Plan EIR, the County will assess the vulnerability of currently non-listed species to become rare, threatened, or endangered due to projected development. The County will complete the preparation of a conservation strategy for those areas containing substantial suitable habitat for plant and wildlife species for which a biological report would be required under Policy OS-5.16. The County will invite the incorporated cities, the federal land agencies, Caltrans, and other stakeholders to participate in preparation of the strategy. The conservation strategy will 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 or their equivalent. This strategy will benefit special status species by further preservation of natural habitats and wildlife corridors.

Policy OS-5.23 implements MM BIO-2.2 and requires the County to adopt and implement a program within five years of adoption of the General Plan requiring new projects to mitigate the loss of oak woodlands, while taking into consideration wildfire prevention/protection. The program shall identify criteria for suitable donor sites. The program will benefit special status species that reside, forage, or otherwise move through oak woodlands. (For the text of MM BIO-2.2, see Impact BIO-2, below)

Policies PS-3.2, PS-3.3, 3.4 and CV-3.20 implement MM BIO-2.3, which requires consideration of the effects of water supply on the environment including on in-stream flows necessary to support riparian vegetation, wetlands, fish or other aquatic life, and the migration potential for steelhead, for the purpose of minimizing impacts on the environment and to those resources and species. By incorporating consideration of in-stream flows, water supply determinations will be made that are more protective of stream-dependent special status species. (For the text of MM BIO-2.3, see Impact BIO-2, below)

Policy OS-5.24 implements MM BIO-3.1 and provides that the County will 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. Preservation of wildlife corridors will benefit numerous special status species. (For the text of MM BIO-3.1, see Impact BIO-3.1, below)

Policy OS-5.25 implements MM BIO-3.2 and provides protection for statutorily protected migratory birds and raptors by prohibiting disturbance of occupied nests during the breeding season (generally February 1 to September 15). Protection of occupied nests from disruption will benefit special-status bird species. (For the text of MM BIO-3.2, see Impact BIO-3.2, below)

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included MM BIO-1.2 in the General Plan as Policy OS-5.19. The Board of Supervisors has also included the following Mitigation Measures in the General Plan: BIO-1.4 (Policy OS-5.20), BIO-1.5 (Policy OS-5.21), BIO-2.1 (Policy OS-5.19), BIO-2.2 (Policy OS-5.23), BIO-2.3 (Policies PS-3.2, PS-3.3, PS-3.4 and CV-3.20), BIO-3.1 (Policy OS-5.24) and BIO-3.2 (Policy OS-5.25).

Impact BIO-2: Potential Adverse Effects on Sensitive Riparian Habitat, Other Sensitive Natural Communities and on Federal and State Jurisdictional Waters and Wetlands [to 2030 Planning Horizon].

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact.

Summary of Rationale: As discussed in Sections 4.3 (Water Resources) and 4.9 of the EIR (Biological Resources) and the FEIR (see Master Response 8 (Biological Resources) and Chapter 4 (Changes to the Text of the Draft EIR), existing state and federal regulations, and General Plan policies will reduce this impact, but not to a less than significant level. Mitigation Measures BIO-2.1, BIO-2.2, and BIO-2.3, as modified and incorporated into the General Plan by the Board of Supervisors, will reduce this impact to a less-than-significant level through 2030.

Discussion: The General Plan policies will work in conjunction with comprehensive federal and state regulations and requirements, including the Federal Endangered Species Act, Section 404 of the Clean Water Act, the National Environmental Policy Act (which applies to federal permitting), the California Endangered Species Act, the Porter-Cologne Water Quality Control Act, Streambed Alteration Agreement regulations, and the California Environmental Quality Act (which applies to State and County permitting and land use decisions), as discussed more fully in the EIR. Taken together, these policies, statutes, and regulations establish a relatively comprehensive system of review, analysis, and protection (including mitigation of discretionary projects per Policy OS-5.16). However, absent additional mitigation, the General Plan would have lacked a systematic approach to the protection of stream/riparian areas, mitigation of oak woodland impacts, and to consideration of the effects of water supply development on instream resources. Mitigation measures identified in the DEIR will provide protections for these areas and resources, which, in combination with state and federal regulations and other General Plan policies will reduce impacts to less than significant.

General Plan policies that reduce the Project's impacts include:

Land Use Element

Land Use element policies (i.e., LU-1.4, LU-1.7, LU-1.19, LU-1.20, LU-2.14--LU-2.32, etc.) will concentrate much of the County's unincorporated growth within specific development areas, thereby reducing the potential impacts on riparian areas and other sensitive habitats in comparison to a more sprawling development pattern. See the discussion under Impact BIO-1.

Conservation and Open Space Element

Policies OS-4.1 through OS-4.3 establish measures to protect river resources. See the discussion under Impact BIO-1.

Policy OS-5.1 requires that the County inventory the extent and acreages of critical habitat for listed species to the extent feasible and mapped in GIS. As discussed in the EIR, this includes critical habitat for several plant species. Policy OS-5.2 provides that development shall be carefully planned to provide for the conservation and maintenance of critical habitat. Policy OS-5.4 requires that new development avoid, minimize, and mitigate impacts to State and federally listed plant and animal species and designated critical habitat for federally listed species and critical habitat to the extent feasible. See the discussion of these policies under Impact BIO-1.

Policy OS-5.5 states that landowners and developers shall be encouraged to preserve the integrity of existing terrain and native vegetation in visually sensitive areas such as hillsides, ridges, and watersheds. Policy OS-5.16 requires the preparation of a biological study 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. This requires a study for essentially the same purpose as established under CEQA Guidelines Section 15065 (Mandatory Findings of Significance). See the discussion of these policies under Impact BIO-1.

Agricultural Element

As also discussed in the EIR, while "routine and ongoing" agricultural activities can affect native species, these activities already occur on agricultural properties that were previously converted from natural land and are already committed to crops. Thus, new habitat loss would not occur as a result of routine and ongoing agricultural activities. Indirect impacts on adjacent habitat areas could occur, but would be less than significant. While Policy AG-3-3 acts to exempt routine and ongoing agricultural activities from some General Plan policies, it does not exempt routine and ongoing activities that create significant soil erosion impacts or violate adopted water quality standards, nor does it exempt the activities from the provisions of Policy OS-3.5. Participation in the Salinas Valley Watershed Permit Coordination Program, which promotes voluntary conservation practices that protect water quality, is extensive. There were approximately 250,000 irrigated acres in Monterey County enrolled in the program as of September 2007. In addition, agriculture is subject to the RWQCB's Agricultural Waiver Program, which protects surface water quality from agricultural run-off. Participation in the Permit Coordination Program and compliance with the requirements of the Agricultural Waiver program would minimize indirect off-site effects of agriculture on downstream aquatic habitat that support special-status species, as defined in Section 4.9 of the Draft EIR. For these reasons, the impact of "routine and ongoing agriculture," where it does not result in conversion of natural lands, is considered to be less than significant.

Area Plan Policies

Cachagua Area Plan

Policy CACH-3.4 discourages the removal of healthy, native oak, madrone, and redwood trees in the Cachagua Planning Area. An ordinance shall be developed to identify required procedures for removal of these trees. Said ordinance shall take into account fuel modification needed for fire prevention in the vicinity of structures and shall include: permit requirements; replacement criteria; and exceptions for emergencies and governmental agencies.

In addition, Policy CACH-1.4 provides that new development adjacent to the Ventana Wilderness shall not impact the purpose of the wilderness areas. Policy CACH-3.3 requires that the alteration of hillsides and natural landforms be minimized through sensitive siting and design of all improvements and maximum feasible restoration including botanically appropriate landscaping. Policy CACH-3.6 promotes cooperation with the United States Forest Service and private property owners to ensure that Santa Lucia fir are protected. Policy CACH-3.7 protects riparian vegetation and threatened fish species along the Carmel and Arroyo Seco Rivers. It also reduces encroachment from new development on the main channels of the Carmel and Arroyo Seco Rivers.

Carmel Valley Master Plan

Policy CV-3.4 requires that the alteration of hillsides and natural landforms be minimized through sensitive siting and design of all improvements and maximum feasible restoration including botanically appropriate

landscaping. Policy CV-3.7 stipulates that areas of biological significance, including the redwood community of Robinson Canyon, the riparian community and redwood community of Garzas Creek, wetlands, marshes, seeps, springs, native bunchgrass stands, natural meadows, cliffs, rock outcrops, unusual geologic substrates, ridgelines, and wildlife migration routes be identified and preserved as open space. Policy CV-3.8 requires that development be sited to protect riparian vegetation, minimize erosion, and preserve the visual aspects of the Carmel River. Policy CV-3.9 stipulates that willow-cover along the banks and bed of the Carmel River be maintained in a natural state for erosion control and any alteration to the river be only allowed by permit from the Monterey Peninsula Water Management District or Monterey County. Policy CV-3.10 requires that predominant landscaping and erosion control material consist of plants native to the valley. Policy CV-3.12 encourages the designation of open space in areas of diverse habitats and ecologically important zones. Policy CV-4.1 stipulates that reduce potential erosion, the amount of land cleared at any one time be limited to the area that can be developed during one construction season, motor vehicles be prohibited on the banks or in the bed of the Carmel River, and native vegetation must be maintained in areas with certain slopes or erodible soils. Policy CV-5.3 requires that new development incorporate water reclamation, conservation features to maintain the ecological environment. Policy CV-6.2 discourages gardens, orchards, row crops, grazing animals, farm equipment, and buildings on slopes of 25 percent or greater or where it would require the conversion or extensive removal of existing native vegetation.

Central Salinas Valley Area Plan

Policy CSV-5.1 prohibits new development from encroaching on the main channels of the Arroyo Seco River and the Salinas River in order to preserve riparian habitats, flood flow capacity, and groundwater recharge. Policy CSV-5.2 stipulates that new recreational uses avoid encroaching on the main channels and floodways of the Arroyo Seco River and the Salinas River in order to preserve riparian habitats. The policy also prohibits development that would create level of runoff that would cause erosion or adversely affect surface water resources.

Fort Ord Master Plan

Recreation Policy C-1 requires the County to establish an oak tree protection program to ensure conservation of existing coastal live oak woodlands in large corridors within a comprehensive open space system. Recreation Policy C-2 requires review of all proposed recreational use for compatibility with an adopted Habitat Conservation Plan to insure long-term protection of sensitive resources.

Biological Resource Policies A-1 through A-9 promote the preservation and protection of the sensitive species and habitats addressed in the installation-wide Habitat Management Plan (HMP). Biological Resource Policies B-1 through B-3 require the County to preserve and protect sensitive species and habitats not addressed in the HMP. Biological Resource Policies C-1 through C-3 require the County to avoid or minimize disturbance to natural land features and habitats through sensitive planning, siting and design as new developed is proposed in undeveloped lands. Biological Resource Policies D-1 through D-2 encourage construction worker biological resource training and environmental education and outreach. Biological Resource Policies E-1 and E-2 require the County to address the interim management of natural land areas for which the County is designated as the responsible party and monitor activities that affect all undeveloped natural lands.

Greater Monterey Peninsula Area Plan

Policy GMP-3.5 provides that removal of healthy, native oak, Monterey pine, and redwood trees in the Greater Monterey Peninsula Planning Area shall be discouraged. An ordinance shall be developed to identify required procedures for removal of these trees. Said ordinance shall take into account fuel

modification needed for fire prevention in the vicinity of structures and shall include: permit requirements, replacement criteria, and exceptions for emergencies and governmental agencies.

In addition, Policy GMP-3.4 stipulates that plant materials be used to integrate human-made and natural environments. Policy GMP-3.6 requires that a 100-foot setback from all wetlands, as identified by a County-approved biologist, be provided and maintained in open space use. Policy GMP-3.7 promotes cooperative efforts between County and cities to conserve wetlands. Policy GMP-3.8 encourages the designation of open space in areas of diverse habitats and ecologically important zones. Policy GMP-4.1 promotes the preservation of redwood forest and chaparral habitat on land exceeding 25 percent slope.

Greater Salinas Area Plan

Policy GS-1.1 requires that new development in the Butterfly Village Special Treatment Area preserve certain specified sensitive habitat areas. Policy GS-1.5 requires that development of commercial land uses designated near Highway 68 and the Salinas River be allowed only if it protects and, where feasible, enhances the riparian habitat along the river. Policy GS-1.8 allows that the land near the town of Spreckels designated as industrial if it is designed to protect, and where feasible, enhance the riparian corridor along the Salinas River. Policy GS-3.1 requires that all vegetation on land exceeding 25 percent slope, particularly chaparral and broad leaf evergreen, remain undisturbed. Policy GS-3.2 encourages the use of native plant materials to integrate the human-made environment with the natural environment. Policy GS-5.1 requires that Gabilan Creek be maintained in a natural riparian state.

North County Area Plan

Policy NC-3.3 prioritizes conservation of North County's native vegetation in order to retain the viability of threatened or limited vegetative communities and animal habitats and preserve rare, endangered, and endemic plants for scientific study. Policy NC-3.4 provides that removal of healthy, native oak and madrone trees shall be discouraged. An ordinance shall be developed to identify required procedures for removal of these trees. Said ordinance shall take into account fuel modification needed for fire prevention in the vicinity of structures and shall include: permit requirements, replacement criteria, and exceptions for emergencies and governmental agencies.

South County Area Plan

Policy SC-1.2 encourages cluster development in all areas where development is permitted in order to preserve open space. Policy SC-5.3 prohibits new development from encroaching on the main channels and associated floodways of the Nacimiento, San Antonio, and Salinas Rivers.

Toro Area Plan

Policy T-4.1 prohibits land uses and practices that contribute to significant increases of siltation and flooding of Toro Creek.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Mitigation Measures: Mitigation measures BIO-2.1, BIO-2.2, and BIO-2.3 are feasible and have been incorporated into General Plan policies to mitigate significant effects from Impact BIO-2 to a less than significant level until 2030. The mitigation measures, in conjunction with the laws, regulations, and other General Plan policies discussed above, will reduce this impact to a less than significant level.

MM BIO-2.1: Stream Setback Ordinance. In order to preserve riparian habitat, conserve the value of streams and rivers as wildlife corridors and reduce sediment and other water quality impacts of new development, the county shall develop and adopt a 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 delineate appropriate uses within the setback area that shall not cause removal of riparian habitat, compromise identified riparian wildlife corridors, or compromise water quality of the relevant stream while also taking into consideration uses that serve health and safety purposes. The Stream Setback Ordinance shall apply to all discretionary development, County public projects, and to conversion of lands uncultivated for the previous 30 years, on normal soil slopes over 15% or on highly erodible soils on slopes over 10%. The stream setback ordinance shall be adopted within three (3) years of adoption of the General Plan.

MM BIO-2.2. Oak Woodlands Mitigation Program. The County shall prepare, adopt and implement a program that allows project to mitigate the loss of oak woodlands. The program shall be consistent with California Public Resources Code Section 21083.4, the program shall identify a combination of the following mitigation alternatives:

- a) ratios for replacement,
- b) payment of fees to mitigate the loss or direct replacement for the loss of oak woodlands and monitoring for compliance, and
- c) conservation easements.

The program shall identify criteria for suitable donor sites. Mitigation for the loss of oak woodlands may be either on-site or off-site. The program would allow payment of fees to either a local fund established by the County or a state fund. Until such time as the County program is implemented consistent with Public Resources Code Section 21083.4 (b), projects shall pay a fee to the State Oak Woodlands Conservation Fund (OWCF). Replacement of oak woodlands shall provide for equivalent acreage and ecological value at a minimum of 1:1 ratio. The program shall prioritize the conservation of oak woodlands that are within known wildlife corridors as a high priority. The oak woodlands mitigation program shall be adopted within 5 years of adoption of the General Plan.

MM BIO-2.3. Add Considerations Regarding Riparian Habitat and Stream Flows to Criteria for Long-Term Water Supply and Well Assessment.

Public Services Policies PS-3.2, 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 domestic and high-capacity wells. The following criteria shall be added to these policies:

Policy PS-3.2.f—Effects on instream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead, for the purpose of minimizing impacts to those resources and species.

Policy PS-3.3.g—Effects on instream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead, for the purpose of minimizing impacts to those resources and species.

Policy PS-3.4b - Effects on in-stream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead, for the purpose of minimizing impacts to those resources and species.

CV-3.20— A discretionary permit shall be required for new wells in the Carmel Valley alluvial aquifer. All new wells shall be required to fully offset any increase in extractions from this aquifer (see Policies PS-3.3 and PS-3.4). These requirements shall be maintained until such a time that the Coastal Water project (or its equivalent) results in elimination of all Cal-Am withdrawals in excess of its legal rights.

NC-3.8— A discretionary permit shall be required for all new wells in fractured rock or hard rock areas in the North County Area Plan in order to provide for case by case review of potential water quality and overdraft concerns. This requirement shall be maintained until such a time that a water supply project or projects are completed that addresses existing water quality and water supply issues in fractured rock or hard rock areas.

MM BIO-2.1 (incorporated into the General Plan as Policy OS-5.22) will protect existing riparian areas through requiring the establishment of a stream setback ordinance. In general, riparian areas provide habitat and movement corridors for wildlife, as well as shade for fish. The objectives of Policy OS-5.22 include conserving the values of streams and rivers as wildlife corridors. Special-status species will also benefit from the protection of these areas from incompatible uses.

MM BIO-2.2 (incorporated into the General Plan as Policy OS-5.23) will reduce impacts on oak woodlands by discouraging their conversion to other uses through the economic disincentive of requiring replacement of equivalent acreage and ecological value, and, where conversion does occur, by requiring the replacement of the loss. As discussed in Chapter 2 of the Final EIR, approximately 2,045 acres of oak woodlands and savannah are estimated to be affected by development under the General Plan, absent mitigation. This mitigation measure requires the replacement of oak woodlands on a minimum 1:1 basis on an acreage and ecologic function basis.

MM BIO-2.3 is incorporated into the General Plan as added provisions to Policies PS-3.2, PS-3.3, PS-3.4 and Carmel Valley Master Plan Policy CV-3.20. As modified, MM BIO-2.3 ensures that future actions that may affect surface water flows, consider the effects on species dependent upon those flows. No such requirement currently exists, so the mitigation measure will result in improved protections in the future. No such requirement currently exists, so the mitigation measure will result in improved protections in the future. Policy NC-3.8 addresses water quality and potential overdraft concerns in the North County Area Plan by providing case by case review of new wells in fractured rock or hard rock areas. See the findings for Impact WR-4 in Part III.3 of these Findings for discussion of Policy NC-3.8.

Policy PS-3.2 implements mitigation measure BIO-2.3 by adding a provision (PS-3.2.f) that requires the criteria developed by the County for proof of a Long Term Sustainable Water Supply and an Adequate Water Supply System for new development requiring a discretionary permit include consideration of the effects on in-stream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead, for the purpose of minimizing impacts to those resources and species.

Policy PS-3.3 implements mitigation measure BIO -2.3 by adding a provision (PS-3.3.g) that requires the criteria developed by the County for the evaluation and approval of adequacy of all new domestic wells

include consideration of the effects on in-stream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead, for the purpose of minimizing impacts to those resources and species.

Under Policy PS-3.4 the County will require an assessment of impacts on adjacent wells and in-stream flows for new high-capacity wells, including high-capacity urban and agricultural production wells, where there may be a potential to affect existing adjacent domestic or water system wells adversely or in-stream flows, as determined by the Monterey County Water Resources Agency. In the case of new high-capacity wells for which an assessment shows the potential for significant adverse well interference, the County shall require that the proposed well site be relocated or otherwise mitigated to avoid significant interference. Specific criteria developed by ordinance for consideration in the evaluation and approval of adequacy of all high-capacity wells will include consideration of the effects on in-stream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead, for the purpose of minimizing impacts to those resources and species.

Under Carmel Valley Master Plan Policy CV-3.20, a discretionary permit will be required for new wells in the Carmel Valley alluvial aquifer and all new wells will be required to fully offset any increase in extractions from this aquifer until such a time that the Coastal Water project (or its equivalent) results in elimination of all Cal-Am withdrawals in excess of its legal rights. Implementation of this policy will avoid new impacts due to new well withdrawals on the Carmel River and its resources.

Mitigation measures BIO-2.1, BIO-2.2, and BIO-2.3 include revisions made since release of the DEIR. (See Table F-3 – Mitigation Measures) The measures as revised are equivalent or more effective in mitigating or avoiding potentially significant effects and will not themselves cause any potentially significant effect on the environment.

The revisions to MM BIO-2.1 are described above under the finding for Impact GEO-5. The revisions to MM BIO-2.1 do not reduce the effectiveness with respect to Impact BIO-2 because they do not reduce the scope of its application, nor result in actions that would result in significant effects. The revisions expand the protective reach of MM BIO-2.1 by adding “conserve the value of streams and rivers as wildlife corridors” as an objective of the ordinance.

MM BIO-2.2 has been revised to include consideration of wildfire prevention/protection, provide that the payment of mitigation fees may be to a state fund (retaining the option of payment to a local fund), adding citations to Public Resources Code Section 21083.4 and requiring that the program be consistent with that CEQA requirement, set conservation of oak woodlands within known wildlife corridors as high priority, and require that the program be adopted within 5 years of adoption of the General Plan. These revisions tighten the application of this measure. Wildfire prevention, in the context of Policy OS-5.23, refers to “fire safe” activities intended to protect residences from the risk of wildfire. This typically involves clearing of brush and understory and creating a low fuel zone within 100 feet of residences. Any removal of oak trees as part of these activities would be subject to the mitigation described above, so this revision would not result in a new or greater impact than analyzed in the DEIR.

The revisions to MM BIO-2.3 expand its scope to include restrictions on new wells within the Carmel Valley Master Plan. These additional policies ensure that new well extractions will not be further impair Carmel River flows that support habitat for riverine species and riparian habitat..

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included MM BIO-2.1 in the General Plan as Policy OS-5.22. The Board of Supervisors has included MM BIO-2.2 in the General Plan as Policy OS-5.23. The Board of Supervisors has incorporated MM BIO-2.3 into the General Plan in Policies PS-3.2, PS-3.3, PS-3.4 and CV-3.20.

Impact BIO-3.1: Potential Disturbance and Loss of Native Fish and Wildlife Species Movement Corridors.

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact.

Summary of Rationale: As discussed in Section 4.9 of the EIR (Biological Resources), and the FEIR (See Master Response 8 (Biological Resources) and Chapter 4 (Changes to the Text of the Draft EIR)), General Plan policies will reduce this impact, but not to a less than significant level because they do not provide landscape level conservation strategy development, reviews of the pace and scale of development relative to impacts on habitat, protection of stream corridors, or project level consideration of wildlife movement. Mitigation Measures BIO-1.2, BIO-1.4, BIO-1.5, BIO-2.1, and BIO-3.1, which have been incorporated into the General Plan policies, address these gaps in consideration of fish and wildlife movement and will reduce this impact to a less-than-significant level through 2030 and full buildout.

Discussion: General Plan policies that reduce the Project's impacts on fish and wildlife species movement corridors include the following:

Conservation and Open Space Element

Policy OS-1.3 provides that to preserve the County's scenic qualities, ridgeline development restricted; allowed only when specific provisions can be met. Ridgelines can provide movement corridors, so this policy will reduce development impacts on corridors to some extent. Policies OS-1.4 and OS-1.5 provide for the development of ridgeline design guidelines and limit subdivision designs that would place development on ridgelines, respectively. Policy OS-1.7 establishes a transfer development program to direct development away from areas with unique visual or natural features, critical habitat, or prime agricultural soils. OS-1.8 encourages the clustering of future development located in rural and agricultural areas to protect prime agricultural land and critical habitat areas. This will also have the co-benefit of allowing the retention of movement corridors. The remaining source of potential impacts consists of conversion of previously uncultivated lands to farmland. As discussed in Master Response 8 of the Final EIR, future conversion would not have a significant effect on movement corridors.

Land Use Element

Policy LU-1.19 designates Community Areas, Rural Centers and Affordable Housing Overlay districts as the top priority for development in the incorporated areas of the county and requires. Outside of those areas, a Development Evaluation System (DES) will be established to provide systematic, consistent, predictable, and quantitative methods for decision-makers to evaluate developments. (See Policy LU-1.19.) The DES will consider resource management as well as environmental impact in order to rank projects for potential approval. As discussed under Impact BIO-1 above, the Land Use Element focuses development within designated areas which helps to reduce habitat and corridor fragmentation below the level it would otherwise be. The Area Plan policies provide protection of riparian corridors along the Salinas River, Carmel River, Arroyo Seco, Gabilan Creek, and Garzas Creek.

Safety Element

The policies under Goal S-2 (Policies S-2.1 through S-2.12) of this element discourage new development within designated 100-year floodplains. This will help retain wildlife movement corridors along rivers and streams with designated floodplains.

Agriculture Element

“Routine and ongoing” agricultural activities that occur on existing cropland are part of the baseline and thus would not result in new impacts on wildlife movement corridors. Legal lot development without subdivision would have highly dispersed effects on wildlife movement that on a landscape level is also considered less than significant.

Area Plan Policies

Cachagua Area Plan

Policy CACH-1.4 stipulates that new development adjacent to the Ventana Wilderness not impact the purpose of the wilderness areas. Policy CACH-3.7 protects riparian vegetation and threatened fish species along the Carmel and Arroyo Seco Rivers. It also reduces encroachment from new development on the main channels of the Carmel and Arroyo Seco Rivers.

Carmel Valley Master Plan

Policy CV-3.7 stipulates that areas of biological significance, including the redwood community of Robinson Canyon, the riparian community and redwood community of Garzas Creek, wetlands, marshes, seeps, springs, native bunchgrass stands, natural meadows, cliffs, rock outcrops, unusual geologic substrates, ridgelines, and wildlife migration routes be identified and preserved as open space. Policy CV-3.8 requires that development be sited to protect riparian vegetation, minimize erosion, and preserve the visual aspects of the Carmel River. It also requires that riparian vegetation be re-established in areas where it no longer exists. Policy CV-3.9 stipulates that willow-cover along the banks and bed of the Carmel River be maintained in a natural state for erosion control. Policy CV-3.12 encourages the designation of open space in areas of diverse habitats and ecologically important zones. CV-4.1 limits the amount of land that can be cleared during one construction season, prohibits motorized vehicles in the Carmel River bed, and requires maintenance of native vegetative cover in areas with erosive soils and steep slopes.

Central Salinas Valley Area Plan

Policy CSV-5.1 prohibits new development from encroaching on the main channels of the Arroyo Seco River and the Salinas River in order to preserve riparian habitats. Policy CSV-5.2 stipulates that new recreational uses avoid encroaching on the main channels of the Arroyo Seco River and the Salinas River in order to preserve riparian habitats.

Fort Ord Master Plan

Biological Resources Policy A-3 requires the County to maintain the habitat values and integrity of the habitat corridor through the western portion of the Recreational Vehicle Park/Youth Camp. Policy A-4 requires the County to protect the habitat corridor in the RV park/youth camp parcel from degradation due to the development in, or use of, adjacent parcels. Policy A-7 requires the County to coordinate with California State University and UCNRS to minimize the potential for HMP species in the habitat conservation and corridor areas adjacent to CSUMB land to be adversely affected by human activity associated with access.

Biological Resources Policy B-2 requires County coordination with the Cities of Seaside and Marina, California State University, FORA and other interested entities in the designation of an oak woodland conservation area connecting the open space lands of the habitat management areas. Policy B-3 requires the County to preserve, enhance, restore and protect vernal ponds, riparian corridors and other wetland areas.

Biological Resources Policy E-2 requires the County to monitor activities that affect all undeveloped natural lands, including, but not limited to conservation areas and habitat corridors as specified and assigned in the HMP.

Greater Monterey Peninsula Area Plan

Policy GMP-3.6 requires that a 100-foot setback from all wetlands, as identified by a County-approved biologist, be provided and maintained in open space use. Policy GMP-3.8 encourages the designation of open space in areas of diverse habitats and ecologically important zones.

Greater Salinas Area Plan

Policy GS-1.5 requires that development of commercial land uses designated near Highway 68 and the Salinas River be allowed only if it protects and, where feasible, enhances the riparian habitat along the river. Policy GS-1.8 allows that the land near the town of Spreckels designated as industrial if it is designed to protect, and where feasible, enhance the riparian corridor along the Salinas River. Policy GS-5.1 requires that Gabilan Creek be maintained in a natural riparian state.

South County Area Plan

Policy SC-1.2 encourages cluster development in all areas where development is permitted in order to preserve open space. Policy SC-5.3 prohibits new development from encroaching on the main channels and associated floodways of the Nacimiento, San Antonio, and Salinas Rivers.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies as modified are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Mitigation Measures: Mitigation Measures BIO-1.2, BIO-1.4, BIO-1.5, BIO-2.1, and BIO-3.1, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan policies as discussed below to mitigate significant effects from Impact BIO-3.1 to a less than significant level. The mitigation measures, in conjunction with the other General Plan policies discussed above, will reduce this impact to a less than significant level.

MM BIO-1.2: Salinas Valley Conservation Strategy to preserve habitat for the San Joaquin kit fox in the Salinas Valley. For the full text of this measure, see Impact BIO-1, above. **MM BIO-1.4:** (Prepare an Update to the General Plan to identify expansion of existing focused growth areas and/or to identify new focused growth areas to reduce loss of natural habitat in Monterey County.)

At five year intervals, the County shall examine the degree to which thresholds predicted in the General Plan EIR for the timeframe 2006-2030 for increased population, residential construction and commercial growth have been attained. If the examination indicates that actual growth is within 10% of the thresholds (10,015 new housing units; 500 acres new commercial development; 3111 acres new industrial development and 10,253 acres of land converted to agriculture) the County shall initiate a General Plan Amendment process to consider the expansion of focused growth areas established by the 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 species and habitat addressed by Policy OS-5.16 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 the species and habitat addressed by Policy OS-5.16.

MM BIO-1.5: (Prepare a Comprehensive Conservation Strategy.)

At five year intervals, the County shall examine the degree to which thresholds for increased population, residential construction and commercial growth predicted in the General Plan EIR for the timeframe 2006-2030 have been attained. If the examination indicates that actual growth is within 10% of the growth projected in the General Plan EIR (10,015 new housing units; 500 acres new commercial development; 3111 acres new industrial development and 10,253 acres of land converted to agriculture), then the County shall assess the vulnerability of currently non-listed species to become rare, threatened or endangered due to projected development. The County shall complete the preparation of a conservation strategy for those areas containing substantial suitable habitat for those plant and wildlife species for which a biological report would be required pursuant to Policy OS-5.16 due to development. 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 such as on and off-site mitigation ratios and fee programs for mitigating impacts or their equivalent.

MM BIO-2.1: Stream Setback Ordinance. [See text of this measure under discussion of Impact BIO-2, above]

MM BIO-3.1: Project-Level Wildlife Movement Considerations.

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 require that expansion of its roadways and public infrastructure projects provide movement opportunities for terrestrial wildlife and ensure that existing stream channels and riparian corridors continue to provide for wildlife movement and access.

Mitigation measures BIO-1.2, BIO-1.4, BIO-1.5, BIO-2.1, and BIO-3.1, as modified by the Board of Supervisors, are feasible and have been incorporated into General Plan policies as discussed below to reduce the Project's impacts on fish and wildlife movement corridors to a less than significant level.

These measures mitigate Impact BIO-3 to a less than significant level through 2030 by directing growth to designated areas, requiring consideration of wildlife movement for discretionary development, providing for development of a comprehensive conservation strategy in the event non-listed species become vulnerable to becoming endangered, rare or threatened, and by requiring development of a conservation strategy for San Joaquin kit fox habitat. Over 80% of the development in Monterey County within the 2030 Planning Horizon will occur in areas designated for focused growth. Discretionary permits will be required for this development as well as for any large scale residential and commercial development that might occur outside of these areas (subject to the DES). For discretionary development, implementation of the General Plan policies will incorporate mitigation measures BIO-3.1 requiring consideration of wildlife movement for all discretionary projects; BIO-1.2 requiring a San Joaquin kit fox habitat conservation strategy that will have co-benefits for the protection of wildlife movement for other species; BIO-1.4 requiring a scheduled review of growth trends and the need for an expansion of the focused growth areas to accommodate that growth (as opposed to allowing new areas to develop); BIO-1.5 requiring regular examination of growth trends and, if non-listed species appear to be vulnerable to becoming rare, threatened, or endangered, a comprehensive conservation strategy, including provisions for conserving wildlife movement corridors; and BIO-2.1 which would protect riparian corridors for wildlife movement.

These policies and mitigation measures would address potential impacts from discretionary large-scale residential, commercial, public infrastructure and agricultural development. In combination with the application of Area Plan policies, impacts to wildlife movement from discretionary development would be

less than significant. Over the General Plan buildout period, the conservation strategies called for in the mitigation measures and General Plan policies will be adopted and in full effect. As a result, impacts at build out would similarly be less than significant.

The mitigation measures include revisions made since release of the DEIR. (See Table F-3 – Mitigation Measures) The measures as revised are equivalent or more effective in mitigating or avoiding potentially significant effects and will not themselves cause any potentially significant effect on the environment.

The revisions to MM BIO-1.2 consist of substituting the term “conservation strategy” for “conservation plan” and specifying that until the strategy is adopted, habitat loss from discretionary projects will be addressed on a project-by-project basis. These revisions do not change the effectiveness of the mitigation with respect to Impact BIO-3.1 because the key provisions remain unchanged: establishment of a regional approach to San Joaquin kit fox protection in coordination with federal, state, and local agencies, including mitigation and a mitigation fee program. This will by necessity include considerations of movement corridors.

The revisions to MM BIO-2.1 are described above under the finding for Impact GEO-5.

MM BIO-1.4 has been revised to improve its effectiveness. It provides for regular five-year examinations of growth trends, rather than the prior policy of making an examination no later than 2030. This schedule affords better monitoring of trends. The revisions include specific thresholds to trigger consideration of expanding existing focused growth areas, something not found in the prior version. The revisions also add a cross-reference between this measure and Policy OS-5.16, which utilizes the same considerations as the CEQA Guidelines “mandatory findings of significance” relative to biological impacts. This ensures that the examination will be broad-based.

Similarly, the revisions to MM BIO-1.5 provide for regular five-year examinations of growth trends (rather than the prior policy of taking action no later than 2030), establishing specific triggers for action, and linking the scope of considerations to the criteria of the mandatory findings of significance. These changes tighten the application of the policy and link it to needs precipitated by growth trends. The revisions delete reference to preparation of a Natural Communities Conservation Plan (NCCP) for a broad range of species in favor of a conservation strategy for those areas containing suitable habitat (the cross reference to Policy OS-5.16 ensures that the conservation strategy will nonetheless cover a broad range of species and habitats). As a result, the conservation strategy (unless it qualified as an NCCP) would not provide a “safe harbor” from take permit requirements under the federal and state Endangered Species Acts. Accordingly, later projects with the potential to result in “take” of listed species would be subject to the requirements of both the conservation strategy and the applicable Endangered Species Act. This provides equivalent or more effective protection than the version of MM BIO-1.5 set forth in the Draft EIR.

The revisions to MM BIO-2.1 expand the protective reach of MM BIO-2.1 by adding “conserve the value of streams and rivers as wildlife corridors” as an objective of the ordinance. The revisions do not reduce the effectiveness with respect to Impact BIO-1 because they do not reduce the scope of its application, nor result in actions that would result in significant effects.

The revisions to MM BIO-3.1 improve its effectiveness by requiring that roadway and public infrastructure projects of the County provide movement opportunities. The prior version simply provided for consideration of the need for wildlife movement.

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included the above mitigation measures in the General Plan as follows: MM BIO-1.2 is included as Policy OS-5.19; MM BIO-1.4 is included as Policy OS-5.20; MM BIO-1.5 is included as Policy OS-5.21; MM BIO-2.1 is included as Policy OS-5.22; and MM BIO-3.1 is included as Policy OS-5.24.

Impact BIO-3.2: Potential Loss or Disturbance of Nesting Migratory Birds and Raptors.

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact.

Summary of Rationale: As discussed in Section 4.9 of the EIR (Biological Resources) and the FEIR (See Master Response 8 (Biological Resources)), existing regulations and General Plan will reduce this impact, but not to a less than significant level. Mitigation Measure BIO-3.2, as modified and incorporated into the General Plan by the Board of Supervisors as Policy OS-5.25, will reduce this impact to a less-than-significant level by avoiding disturbance of occupied nests during construction work.

Discussion: As discussed under Impact BIO-1, General Plan policies would result in the loss of available natural habitat in the County as a result of conversions to urban and expanded agricultural uses; these conversions would be dispersed throughout the County. As discussed under Impact BIO-2, implementation of the General Plan policies will also work in conjunction with comprehensive federal and state regulations and requirements, including the Federal Endangered Species Act, Section 404 of the Clean Water Act, the National Environmental Policy Act (which applies to federal permitting), the California Endangered Species Act, the Porter-Cologne Water Quality Control Act, Streambed Alteration Agreement regulations, and the California Environmental Quality Act (which applies to State and County permitting and land use decisions), as discussed more fully in the EIR. Taken together, these policies, statutes, and regulations establish a relatively comprehensive system of review, analysis, and protection (including mitigation of discretionary projects per Policy BIO-5.16), and will provide for the preservation of habitat for listed species that will have the co-benefit of preserving lands for migratory birds and raptors. See the discussions under Impacts BIO-1 and BIO-2 for General Plan policies, and Area Plan policies that will conserve wildlife habitat. See discussion of Impact BIO-4 in Table F-2 of these Findings for a summary of policies that would protect trees.

In addition, the application of other General Plan policies will result in individual project requirements that will minimize impacts on some species of migratory birds and raptors (e.g., Policy OS-5.2, requiring that development shall be carefully planned to provide for the conservation and maintenance of critical habitat; Policy OS-5.4, requiring that new development avoid, minimize, and mitigate impacts to State and federally listed plant and animal species and designated critical habitat for federally listed species and critical habitat to the extent feasible; and Policy OS-5.16, requiring preparation of a biological study 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). However, the General Plan policies summarized above do not specifically address impacts to nesting and migratory birds.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies as modified are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Mitigation Measure: Mitigation Measure BIO-3.2, as modified by the Board of Supervisors, is feasible and has been incorporated into General Plan policy as discussed below to mitigate Impact BIO-3.2 to a less than significant level. This mitigation measure, in conjunction with the other General Plan policies discussed above, will reduce this impact to a less than significant level.

MM BIO-3.2:

Occupied nests of statutorily protected migratory birds and raptors shall not be disturbed during the breeding season (generally February 1 to September 15). The county shall

A. 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 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.

B. Require the development to follow the recommendations of the biologist. This measure may be implemented in one of two ways:

- (1) preconstruction surveys may be conducted to identify active nests and, if found, adequate buffers shall be provided to avoid active nest disruption until after the young have fledged; or
- (2) vegetation removal may be conducted during the non-breeding season (generally September 16 to January 31); however, removal of vegetation along waterways shall require approval of all appropriate local, state, and federal agencies.

This policy shall not apply in the case of an emergency fire event requiring tree removal. This policy shall apply for tree removal that addresses fire safety planning, since removal can be scheduled to reduce impacts to migratory birds and raptors.

MM BIO-3.2 provides protection for statutorily protected migratory birds and raptors by prohibiting disturbance of occupied nests during the breeding season (generally February 1 to September 15) and requiring construction of new development to avoid adverse effects on nesting birds. This policy will be implemented in conjunction with biological surveys and the recommendations of wildlife biologists on a project-by-project basis.

Mitigation Measure BIO-3.2 includes revisions made since release of the DEIR. (See Table F-3 – Mitigation Measures) The revisions clarify the measure without substantively altering its requirements. The measure as revised is equivalent or more effective in mitigating or avoiding potentially significant effects and will not itself cause any potentially significant effect on the environment.

Requiring mitigation measure BIO-3.2, in conjunction with adoption of the General Plan policies that are protective of habitat, will reduce the Project's impacts on nesting migratory birds and raptors to a less than significant level.

Although not necessary to further reduce this impact, several other mitigation measures developed to reduce or avoid other biological resource impacts, would also reduce this impact: Policies OS-5.19, the San Joaquin kit fox conservation strategy; OS-5.21, the conservation strategy for those areas containing substantial suitable habitat for plant and wildlife species with the potential to become listed species due to development; OS-5.22, the Stream Setback Ordinance; and OS-5.23, the program for mitigating the loss

of oak woodlands will have the co-benefit of preserving lands for migratory birds and raptors. These Policies are described in greater detail, above.

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included the Mitigation Measure BIO-3.2 in the General Plan as Policy OS-5.25.

Impact CUL-1: Development under the 2007 General Plan could potentially damage or destroy historic resources.

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact.

Summary of Rationale: As discussed in Section 4.10 of the EIR (Cultural Resources), General Plan policies will reduce this impact to less than significant in the vast majority of the County. However, in one Special Treatment Area (Paraiso Hot Springs), General Plan policies would not reduce impacts to a less-than-significant level due to the unique cultural resource issues raised by that one Special Treatment Area (STA). Implementation of mitigation measure MM CUL-1 would mitigate the impact at the STA to less-than-significant by specifically requiring all development at Paraiso Hot Springs to address cultural sources appropriately in a development plan.

Discussion: The General Plan policies and other regulations described below provide a comprehensive process for the early identification of historic sites and the implementation of mitigation measures to avoid adversely affecting such sites, when feasible. With the exception of the Paraiso Hot Springs STA, these policies would reduce impacts to cultural resources to a less than significant level.

Conservation and Open Space Element

Policy OS-6.2 provides that the County will compile information on the location and significance of the County's archaeological resources and use it in the environmental and development review process. The County will work with local tribes to update County GIS maps to identify areas of high, moderate, and low archaeological sensitivity. This will ensure that decision-makers are informed of the potential for damage to resources as part of the CEQA process and can develop mitigation accordingly.

Policy OS-6.3 provides that new development proposed within moderate or high sensitivity zones, or within 150 feet of a known recorded archaeological and/or cultural site, shall complete a Phase I survey including use of the regional State Office of Historic Preservation or the California Native American Heritage Commission's list of sacred and traditional sites. This does not apply to "routine and ongoing agricultural activities," unless the activity requires a discretionary permit (and therefore is subject to CEQA analysis).

Policy OS-6.5 requires the County to establish policies and procedures that encourage development to avoid impacts to sensitive archaeological sites including:

- a. designing or clustering development to avoid archaeological site deposits, historic sites and resources, and Native Californian cultural sites;
- b. requiring dedication of permanent conservation easements where subdivisions and other developments can be planned to provide for such protective easements.

Policies OS-8.1 through OS-8.7 will establish a methodology for the treatment of Native American cultural sites, including burials. These policies will ensure that historic Native American sites are not overlooked and adversely affected as a result.

Public Services Element

Goal 12 includes a number of policies that are protective of historic resources. Policy PS-12.1 provides that the County's historic preservation plan and a historic preservation ordinance (Monterey County Code Chapter 18.25) shall be updated and implemented to maintain the necessary tools to protect the County's cultural resources. Policies PS-12.2 through PS-12.4 encourage the listing of eligible historical sites by means of regularly updating cultural resources inventories, encouraging private property owners to submit applications for appropriate properties to qualify on the National Register of Historic Places and/or the California Register of Historical Resources, and by designating such properties with a Historic Resource overlay on the zoning map. This will ensure awareness of existing historic resources and their locations. Policy PS-12.6 provides that the County will support incentives that will help to preserve historic and cultural resources. Policies PS-12.5, PS-12.7, PS-12.8, PS-12.11, PS-12.16, and PS-12.17 (enhancement of the county's historical programs and documentation) encourage enhancement of programs that promote historical preservation and documentation by seeking out sources of funding for such programs, continuing support for the efforts of Monterey County's historical organizations to preserve the county's historical resources, development of public information programs regarding opportunities and programs to preserve historic and cultural resources, and promotion of heritage tourism to highlight Monterey County's diverse cultural background. Policy 12.12 states that historical and cultural resources and sites shall be protected through zoning and other regulatory means. New development shall be compatible with existing historical resources to maintain the special values and unique character of the historic properties. Policy 12.14 states that historic preservation shall be integrated where possible into County programs administered by the Resource Management Agency. Policy 12.15 calls for the special character of designated historic districts and neighborhoods to be retained.

Area Plans

North County Area Plan

Policy NC-2.2 (protection of Old Stage Road) calls for the preservation of the historical value of Old Stage Road, which will ensure that the road maintains its historic integrity in spite of new development. Policy NC-3.6 (North County Historic Sites) lists sites to be considered for inclusion in a historical resources zoning district, which will encourage protection of such sites from destruction caused by future development.

Greater Salinas Area Plan

Policy GS-1.4 (restricted development of town of Spreckles) stipulates that future development projects in Spreckels be harmonious with the surrounding historic character and be reviewed by the Historic Resource Review Board. Policy GS-3.3 (historic walnut tree maintenance and preservation) promotes preservation of the walnut trees along Spreckels Boulevard and encourages the use of private fund-raising efforts for tree maintenance. Implementation of these policies will help protect the town of Spreckels from possible destruction caused by future development. Policy GS-3.4 (support efforts to preserve historic resources) identifies the Boronda Adobe and Darrington Adobe as significant historical resources and promotes efforts of the Monterey County Historic Resources Review Board to maintain and preserve these sites. This will contribute to the protection and preservation of Monterey County's historic resources.

Carmel Valley Master Plan

Policy CV-3.13 (designation and protection of historic resources) stipulates that future development in Carmel Valley preserve the integrity of historical sites. Implementation of this policy will aid in preventing the damage or destruction of historic resources potentially caused by future development.

AWCP

The AWCP is a component of the 2007 General Plan and is consistent with the policies described below that protect historical resources. Therefore, wineries and related facilities would be subject to those protections.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies as modified are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

California Environmental Quality Act

Projects that would adversely affect historical resources would be required to comply with all federal and state laws governing historical preservation, including CEQA when the project is discretionary. CEQA provides that a discretionary project that may result in a substantial adverse effect on a cultural resource (including both historic and pre-historic cultural resources) may have a significant environmental impact. (CEQA Guidelines §15064.5) In such cases, the County would be required to prepare a CEQA document (a mitigated Negative Declaration or an EIR) and adopt one or more mitigation measures to reduce the impact to the extent feasible. An EIR would be required if the impact could not be reduced to a less-than-significant level.

County Preservation of Historic Resources Code

Chapter 18.25 of the Monterey County Ordinance Code establishes regulations for the “protection, enhancement, perpetuation, and use of structures and districts of historic, archaeological, architectural, and engineering significance, located within the County are of cultural and aesthetic benefit to the community.” These include a local register of historic resources and historic districts, and restrictions on the demolition or destruction of historic resources. Resources identified on the local register are presumed to be historically or culturally significant under CEQA. (CEQA Guidelines §15064.5)

Mitigation Measure: Mitigation Measure MM CUL-1, as modified by the Board of Supervisors, is feasible and has been incorporated into the General Plan as Central Salinas Valley policy CSV-1.1 as discussed below to mitigate significant effects from the above stated impact to a less than significant level as it relates to the Paraiso Hot Springs STA. This mitigation measure, in conjunction with the General Plan policies and regulations discussed above, will reduce the Project’s impacts on historic resources to a less than significant level.

MM CUL-1:

CSV-1.1 Special Treatment Area: Paraiso Hot Springs—The Paraiso Hot Springs properties shall be designated a Special Treatment Area. Recreation and visitor serving land uses for the Paraiso Hot Springs Special Treatment Area may be permitted in accordance with a general development plan and other discretionary approvals such as subdivision maps, use permits, and design approvals. The Special Treatment Area may include such uses as a lodge, individual cottages, a visitor center, recreational vehicle accommodations, restaurant, shops, stables, tennis courts, aquaculture, hiking trails, vineyards, and orchards. The plan shall address *cultural resources protection*, fire safety, access, sewage treatment and disposal, water quality, water quantity,

drainage, and soil stability issues (APN: 418-361-004, 418-361-009, 418-381-021, 418-381-022).

MM CUL-1 requires the plan for the Paraiso Hot Springs Special Treatment Area to address cultural resources protection. As discussed in the DEIR (see page 4.10-11), the STA Paraiso Hot Springs contains sensitive historic and prehistoric archaeological resources. MM CUL-1 ensures impacts to these resources will be less than significant by requiring development to include a plan to protect cultural resources.

Mitigation Measure CUL-1 includes revisions made since release of the DEIR. (See Table F-3 – Mitigation Measures.) The changes deleted mineral water bottling from the permitted uses and added consideration of cultural resource protection and sewage disposal to the requirements for the plan. These changes do not affect the level of protection given to cultural resources under MM CUL-1. The measure as revised is equivalent or more effective in mitigating or avoiding potentially significant effects and will not itself cause any potentially significant effect on the environment.

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included Mitigation Measure CUL-1 in the Central Salinas Valley Area Plan portion of the General Plan as Policy CSV-1.1.

Impact PSU-7: Development and land use activities contemplated in the 2007 General Plan may result in the need for new or expanded stormwater drainage facilities.

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact.

Summary of Rationale: As discussed in Section 4.11 of the EIR (Public Services and Utilities), the policies of the General Plan will reduce this impact, but not to a less-than-significant level. Implementation of mitigation measure MM PS-1 would mitigate this impact to less-than-significant by establishing a comprehensive approach to planning and financing the stormwater drainage facilities necessitated by future development.

Discussion: The Public Service Element policies establish a framework for planning and financing stormwater drainage facilities to serve future development under the General Plan. The Safety Element policies act to minimize runoff from development projects and thereby the need for extensive stormwater drainage projects.

Public Services Element

The Adequate Public Facilities and Services requirements established under Policies PS 1.1 through 1.6 will include standards for stormwater and drainage. In particular, Policy PS-1.2 provides for the County's adoption of Capital Improvement and Financing Plans (CIFPs) and implementing ordinances that:

- a. Define benefit areas (geographical or functional) to be included in a CIFP. Benefit areas could include Planning Areas, Community Areas, or the County as a whole, as well as, functional areas such as roadway improvements, water, or wastewater infrastructure.
- b. Identify and prioritize the improvements to be completed in the benefit areas over the life of the General Plan. (also see *Policies LU-2.30, C-1.2, PS-3.9*)
- c. Estimate the cost of the improvements to be completed in the benefit areas over the life of the General Plan.
- d. Identify the funding sources and mechanisms for the CIFP.

- e. Provide an anticipated schedule for completion of the improvements.

In addition, Policy PS-1.2 provides that construction costs and land values shall be adjusted annually and the CIFP shall be reviewed every five (5) years in order to evaluate the effectiveness of meeting the infrastructure needs. A general county-wide CIFP shall be completed within 18 months from the adoption of the County Traffic Impact Fee required under Policy C-1.2. CIFPs for Community Areas shall be completed concurrent with the Community Plan. CIFPs for Rural Centers shall be completed prior to the approval of new development.

Policies PS-1.3 and 1.4 provide that no discretionary application for new development shall be approved unless the County finds that APFS for that use exist or will be provided concurrent with the development and the new development pays its fair share of the cost of providing APFS, respectively.

Safety Element

Policy S-3.1 requires that post-development, offsite peak flow drainage not be greater than predevelopment conditions. Onsite improvements or other methods for stormwater detention will be required to maintain post-development, offsite, peak flows at pre-development levels. This will minimize the need for stormwater drainage facilities.

Policy S-3.3 requires the installation of mitigation drainage facilities concurrent with new development.

Policy S-3.5 requires the MCWRA to develop and implement runoff performance standards for site planning and to design techniques that would reduce storm flows and capture runoff for groundwater recharge. Policy S-3.7 requires the MCWRA to prepare a flood criteria or drainage design manual establishing floodplain management policies, drainage standards and criteria, stormwater detention, and erosion control and stormwater quality protection measures. These will result in consistent and adequate designs for stormwater drainage as part of the APFS.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies as modified are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Mitigation Measure: Mitigation Measure PS-1, as modified by the Board of Supervisors, is feasible and has been incorporated into General Plan Policy S-3.9 as discussed below to mitigate significant effects from the above stated Impact to a less than significant level. The mitigation measure, in conjunction with the other General Plan policies discussed above, will reduce this impact to a less than significant level.

MM PS-1: The County will add the following policy to the 2007 General Plan:

- S-3.9: In order to minimize urban runoff affecting water quality, the County shall require all future developments within urban and suburban areas to implement Best Management Practices (BMPs) as approved in the Monterey Regional Storm Water Management Program which are designed to incorporate Low Impact Development techniques. BMPs may include, but are not limited to, grassy swales, rain gardens, bioretention cells, tree box filters. BMPs should preserve as much native vegetation as feasible possible on the project site.

Mitigation Measure PS-1 in conjunction with the policies of the General Plan discussed above will reduce the Project's impacts on stormwater drainage to a less than significant level by improving on-site retention in new development. Low Impact Development techniques work to maximize the capture of stormwater on-site through the methods described in MM PS-1, to substantially reduce the volume and

velocity of that stormwater that does leave the site, and remove pollutants from any stormwater that leaves the site.

Mitigation Measure PS-1 includes revisions made since release of the DEIR. (See Table F-3 – Mitigation Measures) These changes only involved minor rewording that did not change the intent of the measure. The measure as revised is equivalent or more effective in mitigating or avoiding potentially significant effects and will not itself cause any potentially significant effect on the environment. The revisions clarify the language of MM PS-1 as originally proposed in the DEIR, but do not change its substantive requirements.

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included Mitigation Measure PS-1 in the General Plan as Policy S-3.9.

Impact PAR-1: Implementation of the 2007 General Plan would result in the need for new or expanded parks and recreational facilities, which were not contemplated in the general plan.

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated impact.

Summary of Rationale: As discussed in Section 4.12 of the EIR (Parks, Recreation, and Open Space), implementation of General Plan policies will reduce this impact, but not to a level of less-than-significant. Implementation of mitigation measure PAR-1 would ensure the proposed project meets the need for new or expanded parks and recreational facilities and would have a less-than-significant impact.

Discussion: The regulations and General Plan policies that reduce the Project's impacts on the need for new or expanded parks and recreation facilities include the following:

Monterey County Code

Title 19 of the Monterey County Code comprises the County's subdivision ordinance. Section 19.12.010 establishes the County's parks and recreation facilities standards. Section 19.12.010, enacted pursuant to the state Subdivision Map Act (Government Code Section 66410, et seq.), establishes a formula for the provision of parks, recreational facilities and open spaces as a condition of approval of a tentative map. It requires that a project must provide 3 acres of property for each 1,000 persons for parks and recreation purposes, or a pro-rated acreage based on the size of the property. Pursuant to this regulation, the subdivider dedicates land, pays a fee in lieu thereof, or both, at the option of the County, for park or recreational purposes.

Land Use Element

Policy LU-2.7 provides that open space may be provided in and/or on the fringes of residential areas. Policy LU-2.22 states that Community Areas shall be designed to achieve a sustainable, balanced, and integrated community offering various types of land use designations including "a variety of recreational opportunities and public amenities integrating enhancement of existing natural resources into the community where possible.

Several land use designations can be used to identify areas suitable for parks and recreation facilities. Policy LU-2.33 (Urban Residential) establishes regulations for three categories of Urban Residential land including Medium Density Residential, High Density Residential, and Mixed Use. Each of these urban residential categories allows recreational and public or quasi-public uses, such as parks or recreation facilities. Policy LU-2.34 (Rural Residential) establishes regulations for three categories of Rural Residential land, including

Low Density Residential, Rural Density Residential, and Resource Conservation. Both LDR and RDR categories allow for a range of land uses, including recreational, public and quasi-public lands.. RC lands would create important open space amenities for the entire community. Policy LU-6.1 (Public/Quasi-Public designations) establishes the Public Quasi-Public land use designation, which would accommodate publicly or privately owned land uses such as parks and regional parks.

Policy LU-7.1 establishes priorities for multiple uses of major water bodies in the county, including water supply, flood control and hydroelectric power generation. Recreation is established as the secondary priority and compatibility between multiple uses of major water bodies and surrounding land uses shall be considered.

Goal LU-8 (Open Space) encourages the provision of open space lands as part of all types of development, including residential, commercial, industrial and public development. Policy LU-8.1 requires that the open space needs of the community and new development be reviewed and addressed through the planning process. Land Use Element Policy LU-8.2 establishes that clustering, consistent with the other policies of this 2007 General Plan, is considered a means of maximizing permanent open space within new development. Policy LU-8.3 and 8.4 requires that lands would be set aside for future park and recreation development sites, and incorporated into new urban and rural development. Policy LU-8.4 requires that, wherever possible, open space lands provided as part of a development should be integrated into an area-wide open space network. Policy LU-8.5 establishes that development should consider use of open space buffers on the perimeter and integrated into the development.

Conservation and Open Space Element

Policy OS-1.7 establishes a voluntary, transfer of development rights program to direct development away from areas with unique visual or natural features, critical habitat, or prime agricultural soils shall be established. The transfer of development rights would lessen impacts by creating the potential for new parkland and recreation area. Policy OS-1.10 recognizes the value of trails in Monterey County, with policies to establish a trails program, including bike paths (Class 1), walking and equestrian facilities used by the general public, to be addressed in each Area Plan.

Public Services Element

Goal PS-11 calls for maintaining and enhancing the county's parks and trails system in order to provide recreational opportunities, preserve natural scenic resources and significant wildlife habitats and good stewardship of open space resources. Policy PS-11.1 states that priority shall be given to the acquisition of land, development, and maintenance of new parks in areas that are deficient in park services and in rapidly growing areas.

Policy PS-11.2 establishes that park acquisition, development, and maintenance guidelines based upon acreage, population, parkland ratios and consideration of natural resource values that will provide adequate park and recreation facilities for existing and future residents shall be established. Policy PS-11.3 outlines that, in cooperation with other park and public lands agencies, an equitable geographic distribution of neighborhood, community and regional park facilities commensurate with the needs of the surrounding residents shall be established. Policy PS-11.4 encourages interpretive and recreational services such as youth camping in parklands. Policy PS-11.5 promotes the full utilization of park and recreation facilities owned and/or operated by other agencies is encouraged. Policy PS-11.6 requires that county funding sources and special operating agreements shall be used to make County parks and recreation facilities available and ensure their on-going maintenance.

Policy PS-11.7 stipulates that accessibility, in terms of affordability, physical access and hours of operation of the County's park and recreation facilities shall be assured to the maximum extent practicable. Policy

PS-11.8 proposes that, in order to join the separated portions of the Lake San Antonio Park, acquisition of the publicly owned lands at the Old Hacienda and the northern Lake San Antonio area shall be sought if Fort Hunter-Liggett is closed. Policy PS-11.9 outlines that a wide range of mechanisms to acquire and maintain parkland, including a variety of funding sources such as land donations, public conveyances from other agencies and development impact fees shall be utilized.

Policy PS-11.11 stipulates that management plans for all County park and recreational areas and facilities, emphasizing protection of environmental resources and best management practices for open space on these lands, shall be prepared and adopted. Policy PS-11.12 requires that parks for more active uses shall be distinguished from parks and open space areas rich in biological resources suitable for more passive enjoyment of those resources. Policy PS-11.13 requires that new park facilities shall not be opened to public use until adequate, long-term facility management is provided. Policy PS-11.14 provides that all Community Area Plans shall identify adequate sites for park and recreation facilities.

Various *Area Plans* contain specific supplemental policies that assist in ensuring that potential increased demand on parks and recreation services from implementation of the General Plan are addressed.

North County Area Plan

Policy NC-3.7 would establish a new Trails Plan committee to be appointed by the Board of Supervisors. The new committee would be tasked with developing a Trails Plan.

Greater Salinas Valley Area Plan

Policy GS-1.1 (Butterfly Village Special Treatment Area) designates approximately 671 acres located north of San Juan Grade Road and east of Harrison Road as a "Special Treatment Area," or STA. This designation would permit a planned development including a public park including trails, public parking, and a series of drainage ponds.

Policy GS-5.1 (Public Services) stipulates that portions of Gabilan Creek be evaluated for a linear park as defined by the County's Parkland Classification System at such time when the County can support another regional park.

Central Salinas Valley Area Plan

Policy CSV-1.1 (Paraiso Hot Springs) designates Paraiso Hot Springs as a STA. Recreation and visitor serving land uses for the Paraiso Hot Springs Special Treatment Area may be permitted in accordance with a general development plan and other discretionary approvals such as subdivision maps, use permits and design approvals. Policy CSV-1.7 (Millers Lodge) designates the historical "Millers Lodge" as a STA to recognize historical day use, camping, recreation, commercial, and residential uses that have been present on the parcel since the 1940's.

Greater Monterey Peninsula Area Plan

Policy GMP-1.4 (open space) stipulates that development proposals include compatible open space uses located between other developed areas. Policy GMP-1.5 (environmentally sensitive areas) necessitates the provision of open space and low-intensity educational and recreational uses in environmentally sensitive areas and in areas of high visual sensitivity. Policy GMP-1.8 (San Clemente Ranch) designates the San Clemente Ranch as an STA. The existing recreational facilities on the ranch consist of 101 cabin sites, 5 permanent residents, tennis courts, a swimming pool and fishing ponds. The reconstruction, remodeling or rebuilding of approved cabins or development of new cabins on approved cabin sites would be allowed with appropriate permits.

Policy GMP-3.8 encourages the designation of open space in areas of diverse habitats and ecologically important zones. Policy GMP-3.9 promotes the preservation of critical habitat areas as open space. Policy GMP-3.11 stipulates that riding and hiking trails would be acquired and developed with the intent of creating a coordinated, area-wide trails system. Policy GMP-3.12 establishes that trail acquisition and development procedures address design standards, trail location, construction standards, liability questions, patrol and enforcement, trail restrictions or limitations, maintenance and operation plans, and burden of cost.

Policy GMP-3.13 describes that dedication of trail easements may be required as a condition of development approval, notwithstanding Policy OS-1.10(b), as development of bike paths and a coordinated, area-wide trails system are essential for circulation, safety and recreation in the Greater Monterey Peninsula Planning Area.

Policy GMP-5.1 encourages cooperation between the county, Monterey Peninsula Regional Park District and peninsula cities in developing a joint program to increase the amount of useable parks and recreation facilities within the Greater Monterey Peninsula area. Policy GMP-5.2 requires that each development proposal be evaluated by the County to determine the extent to which such development may help further the County's parks and recreation facility goals, objectives, and policies.

Carmel Valley Master Plan

Policy CV-1.3 requires that open space uses be located between the development areas in order to clearly define them, and to maintain a distinction between the more rural and more suburban areas of the valley. Policy CV-1.8 sets criteria for cluster development, including a stipulation that it be used to protect visible open space and is in compliance with other applicable policies. Policy CV-3.14 calls for the creation of a network wherever possible of shortcut trails and bike paths to interconnect neighborhoods, developments, and roads.

Policy CV-3.15 allows public and private agencies such as the Big Sur Land Trust, the Monterey Regional Park District, and others to acquire development rights or accept easements and dedications for significant areas of biological, agricultural, or other open space land.

Policy CV-3.19 describes that dedication of trail easements may be required as a condition of development approval, notwithstanding Policy OS-1.10(b), as development of bike paths and a coordinated, area-wide trails system are essential for circulation, safety and recreation in the Carmel Valley Planning Area.

CV-5.7 promotes the expansion of existing school facilities for recreational uses, including land next to Carmelo School and Middle School.

Cachagua Area Plan

Policy CACH-1.4 requires that new development adjacent to the Ventana Wilderness not impact the purpose of the wilderness area. Policy CACH-1.5 designates Syndicate Camp as a STA, an existing recreational facility consisting of 24 cabin sites.

Policy CACH-3.8 explains that dedication of trail easements may be required as a condition of development approval, notwithstanding Policy OS-1.10(b), as development of bike paths and a coordinated, area-wide trails system are essential for circulation, safety and recreation in the Cachagua Planning Area.

Policies CACH-5.2 and CACH-5.3 stipulate that public and private parkland development obtain a use permit and be limited to facilities that are scaled in relationship to and compatible with existing infrastructure and the rural environment.

South County Area Plan

Policy SC-1.2 promotes clustered development in all areas where development is permitted in order to make the most efficient use of land and to preserve agricultural land and open space. Policy SC-5.5 requires that commercial recreational facilities for boating, water sports, camping, and similar uses at any proposed park site be of moderate size, compatible with surrounding uses, and be consistent with all resource protection and hazard avoidance policies.

Policy SC-5.6 stipulates that the County work with Camp Roberts to establish a park site on the Salinas River at Camp Roberts

Community Area Policies

Fort Ord Master Plan

The Land Use Element contains a description of all the Base Land Use Designations. These Base Land Use Descriptions are summarized below in relation to parks, recreation and open space policies.

The Low Density Residential, Medium Density Residential and High Density Residential Base Land Use Designations allow for a range of residential product types. In addition to residential uses, community centers and parks are allowed in these designations. Commercial recreation is also allowed in designated overlay districts.

The Visitor Serving Base Designation allows hotels and resorts, conference centers, restaurants, commercial recreation, and retail support uses. The Open Space Recreation Base Designation allows public parks and recreation activities not prohibited by overlay designations, habitat management, public amphitheaters, environmental education facilities, and commercial recreation.

The Habitat Management Base Designation allows habitat management, ecological restoration, environmental educational activities and facilities, and passive recreational activities, such as hiking, bike riding, horse riding, and picnicking in accordance with adopted habitat plans.

The School/University Base Designation allows public primary and higher educational facilities, habitat management, environmental education and support uses such as offices, sport facilities, maintenance uses, university housing, and convenience retail.

The Public Facility/Institutional Base Designation allows facilities that have public institutional ownership or benefit. Such uses may include habitat management, light industrial and R&D, corporation and maintenance yards, public utilities, training grounds, offices, educational facilities, and youth camps.

Mitigation Measure: Mitigation Measure PAR-1, as modified by the Board of Supervisors, is feasible and has been adopted as part of the Mitigation Monitoring and Reporting Program for the Certified Final EIR as discussed below to mitigate significant effects from the above stated Impact to a less than significant level.

MM PAR-1: The County shall adopt an ordinance that requires residential subdivision projects to provide and maintain park and recreation land and facilities or pay in-lieu fees in proportion to the extent of need created by the development. The ratio of park and recreation facilities to residents will be at least three acres for each one thousand residents.

This impact was found to be less than significant, with implementation of Mitigation Measure PAR-1. The impact conclusion was based on an excess of caution intended to ensure that the County will require at least

three acres of park and recreation facilities per one thousand residents as a condition of subdivision approval. Monterey County Code Section 19.12.010, part of the County subdivision ordinance, establishes a minimum standard for the dedication or payment of in-lieu fees. The standard is three acres of parkland per one thousand residents. The General Plan contains no policy that would inhibit the continued application of Code Section 19.12.010 and MM PAR-1 ensures that the current standard will be retained in the subdivision ordinance for the future. The three to one ratio of park and recreation facilities to residents identified in the measure will be met by either a dedication of land, payment of in-lieu fees or some combination of the two.

Mitigation Measure PAR-1 includes revisions made since release of the DEIR. (See Table F-3 – Mitigation Measures.) The original measure modified Policy PS-11.10 with the ratio noted above. The measure was modified to require that the ratio be retained by ordinance. The effect is the same, as the Monterey County Code already includes such a standard; thus the measure is equally or more effective and no potentially significant impacts would occur as a result of the measure itself.

Incorporation of the mitigation into the Mitigation Monitoring and Reporting Program: This mitigation measure has been included in, and adopted as part of the Mitigation Monitoring and Reporting Program for the Certified Final EIR adopted at the time of the approval of the General Plan. It will be implemented by County action in concert with, but outside of the General Plan, and the implementation will be ensured by the Mitigation Monitoring or Reporting Program.

Impact PAR-2: *Population growth associated with implementation of the 2007 General Plan would potentially create additional demands on existing parks and recreational facilities, thereby resulting in the physical deterioration of such facilities.*

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact.

Summary of Rationale: As discussed in Section 4.12 of the EIR, Parks, Recreation, and Open Space, implementation of General Plan policies will reduce this impact, but not to a level of less-than-significant. Implementation of Mitigation Measure PAR-1 would ensure the proposed project would have a less-than-significant impact on existing parks and recreational facilities.

Discussion: See the discussion of Impact PAR-1 above.

The 2007 General Plan and Area Plan policies discussed above, under Impact PAR-1 will reduce impacts to existing parks and recreational facilities. (See discussion of these policies above.) Additionally, impacts to the Monterey Peninsula Regional Parks Department (MPRPD) facilities would be mitigated by using funds derived from a 0.5% allocation of property tax collected within its boundaries, along with matching federal and state funds. The MPRPD has an assessment of approximately \$19/yr. per single family dwelling equivalent in order to provide funding for MPRPD to continue preserving and protecting parks and open space.

Mitigation Measure: Mitigation Measure PAR-1, as modified by the Board of Supervisors and as set forth above, is feasible and has been adopted as part of the Mitigation Monitoring and Reporting Program for the Certified Final EIR as discussed below to mitigate significant effects from the above stated Impact to a less than significant level.

Implementation of the 2007 General Plan and Area Plan policies, and collection of development fees per Mitigation Measure PAR-1 would ensure that potential impacts related to deterioration of parks and recreational facilities would be less than significant. Collection of development fees would enable the

County to require sufficient new parks and recreation facilities in order to avoid overuse of existing facilities. MM PAR-1 ensures that the current standard of three acres of parkland per one thousand residents will be retained in the subdivision ordinance for the future.

Mitigation Measure PAR-1 includes revisions made since release of the DEIR. (See Table F-3 – Mitigation Measures.) The original measure modified Policy PS-11.10 with the ratio noted above. The measure was modified to require that the ratio be retained in the subdivision ordinance. The effect is the same in practice and thus no new impacts or changed impacts would result.

Incorporation of the mitigation into the Mitigation Monitoring and Reporting Program: This mitigation measure has been included in the Mitigation Monitoring and Reporting Program adopted at the time of the adoption of the General Plan. Implementation will occur through the Mitigation Monitoring and Reporting Program.

Impact CC-1: *Development of the 2007 General Plan to the 2030 Planning Horizon would contribute considerably to cumulative GHG emissions and global climate change as the County in 2020 would have GHG emissions greater than 85% of current emission levels.*

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact.

Summary of Rationale: As discussed in Section 4.16 of the EIR (Climate Change) and the FEIR (See Chapter 3 (Responses to Comments) and Chapter 4 (Changes to the Text of the Draft EIR)), implementation of mitigation measures CC-1a, CC-2, CC-4, and CC-5, as modified and incorporated into the General Plan by the Board of Supervisors, in conjunction with state law and other General Plan policies, will reduce this impact to a less-than-significant level to 2030 by establishing a comprehensive scheme for the reduction of GHG emissions.

Discussion: State law and regulations and General Plan policies that reduce this impact include the following:

AB 32 and Other State of California Initiatives

As discussed in Section 4.16 and in the responses to comments in the Final EIR, the State of California is pursuing a comprehensive, multi-pronged program to reduce GHG emissions statewide. AB 32 has established the objective of reducing GHG emissions to 1990 levels by 2020. The Scoping Plan adopted by the ARB in December 2008 identifies the gross reduction in GHG emissions necessary to meet the AB 32 objective and the relative reductions expected of specific state agency programs (including “cap and trade”). Implementation of California’s programs will achieve most of the emissions reductions necessary to reach the AB 32 objective. However, the Statewide programs do not reach to land use regulation or other areas under local control. The AB 32 Scoping Plan describes the local role as follows:

“Local governments are essential partners in achieving California’s goals to reduce greenhouse gas emissions. They have broad influence and, in some cases, exclusive authority over activities that contribute to significant direct and indirect greenhouse gas emissions through their planning and permitting processes, local ordinances, outreach and education efforts, and municipal operations. Many of the proposed measures to reduce greenhouse gas emissions rely on local government actions.”

Further: “ARB encourages local governments to adopt a reduction goal for municipal operations emissions and move toward establishing similar goals for community emissions that parallel the State

commitment to reduce greenhouse gas emissions by approximately 15 percent from current levels by 2020.” (California Air Resources Board, *Climate Change Scoping Plan*, pp. 26 and 27)

Circulation Element

The General Plan Circulation Element includes numerous policies intended to reduce the use of individual automobiles and thereby the reduction of GHG emissions from autos. The following policies support public transportation and alternative transportation modes, reduce vehicle miles traveled, and promote transit oriented developments:

C-2.2 requires protection of existing and proposed public transportation facilities.

C-2.4 encourages a reduction of the number of vehicle miles traveled per person.

C-2.5 encourages overall land use patterns that reduce the need to travel by automobile.

C-2.6 encourages bicycle and automobile storage facilities in conjunction with public transportation facilities.

C-2.7 directs that new development shall be located and designed with convenient access and efficient transportation for all intended users, and where possible consider alternative transportation modes.

C-3.1 requires that the transportation modes be planned and strategies developed to, among other requirements, reduce the consumption of fossil fuels.

C-3.4 supports strategies to encourage travel in non-peak hours.

C-3.5 encourages transportation alternatives such as bicycles, car pools, public transit, and compact vehicles to be accommodated within and outside the public right-of-way and may be included as part of an Area Plan.

C-4.3 requires that the needs of bicyclists, and pedestrians, where appropriate, be provided in all public rights-of-way.

C-4.5 directs that new public local and collector roads among, other requirements provide for bicycle and pedestrian traffic within the right-of-way.

C-4.7 requires, where appropriate, that bicycle paths shall be separated from major roads and highways and be provided between adjacent communities.

C-6.1 endorses the efforts of transit operators to improve their services and equipment, including aggressive marketing and education campaigns.

C-6.2 requires that major traffic generating events encourage the use of mass transit options.

C-6.3 supports concentration of new development along major transportation corridors and near cities to make transit services to these areas more feasible.

C-6.4 requires coordinated transit services.

C-6.5 encourages use of public transit and alternative modes of transportation through land use designations and zoning which cluster employment centers with a mix of other uses, and project design that incorporates car pool areas, “park and ride” facilities and similar incentives.

C-6.6 requires transit and bus parking facilities at major hotels, motels, convention centers, other tourist-serving areas and events.

C-8.1 requires protection of the potential for future rail transportation.

C-8.3 encourages passenger rail, light rail, or bus rapid transit service to urban centers.

C-8.4 encourages transit-oriented development around existing and future rail, light rail, or bus rapid transit stations.

C-9.1 requires an integrated system of suggested bicycle routes for Monterey County.

C-9.2 requires coordination of a comprehensive bicycle plan.

C-9.3 requires consideration of improved bike routes during construction or expansion of roadways within major transportation corridors.

C-9.4 requires the integration of bicycle systems with other public transportation modes.

C-9.5 encourages bicycling as a viable transportation mode for visitor-serving areas.

C-9.6 encourages visitor-serving facilities to provide adequate and secure bicycle parking facilities.

C-9.7 requires that new and improved multi-modal transfer facilities, such as transit centers and park-and-ride lots, include adequate and secure bicycle parking facilities.

Conservation and Open Space Element

Policy OS-10.10 provides that in the design of future development within Community Areas and Rural Centers, sustainable land use strategies will be considered to reduce energy consumption, minimize greenhouse gas emissions, and foster healthier environments for people. These will include a number of provisions to reduce vehicle trips which will, in turn, reduce the potential for greenhouse gas emissions. Additional policies are added pursuant to the mitigation measures recommended by the EIR, as described below.

Public Service Element

The Public Services Element includes numerous policies that promote water conservation and efficiency (which saves energy otherwise needed to pump water), waste reduction/recycling (which reduces landfill-related GHG emissions and emissions associated with goods fabrication), and compact development.

Water conservation and efficiency policies include the following:

PS-2.8 requires all projects be designed to maintain or increase the site's pre-development absorption of rainfall (minimize runoff), and to recharge groundwater where appropriate.

PS-3.2 requires the County to develop an ordinance with specific criteria for proof of a long term sustainable water supply for new development requiring a discretionary permit.

PS-3.10 requires the County to establish an ordinance identifying conservation measures that reduce agricultural water demand.

PS-3.11 requires the County to establish an ordinance identifying conservation measures that reduce urban water demand.

PS-3.12 promotes the maximization of recycled water use as a potable water offset by increasing the use of treated water, working with the agricultural community to develop new uses for tertiary recycled water and increase the use of tertiary recycled water for irrigation of lands currently being irrigated by groundwater pumping; working with urban water providers to emphasize use of tertiary recycled water for irrigation of parks, playfields, schools, golf courses, and other landscape areas to reduce potable water demand; working with urban water providers to convert existing potable water customers to tertiary recycled water as infrastructure and water supply become available.

PS-4.4 encourages groundwater recharge through the use of reclaimed wastewater.

Waste reduction related policies include the following:

PS-5.1 supports programs to reduce the amount of waste generated in the County to the maximum extent feasible including increased recycling, establishment of yard waste collection services, and encouraging the participation of residents and businesses in other waste diversion programs. PS-5.2 supports the designation, development and maintenance of efficient disposal sites. PS-5.3 requires the implementation of programs to facilitate recycling/diversion of waste materials at new construction sites, demolition projects, and remodeling projects.

PS-5.4 promotes the maximum use of solid waste source reduction, reuse, recycling, composting, and environmentally-safe transformation of wastes, consistent with the protection of the public's health and safety.

PS-6.1 requires that future waste disposal County contracts require efficient, cost-effective solid waste disposal sites and diversion programs. PS-6.5 requires that site development plans shall include adequate solid waste recycling collections areas.

Policies that support reduction of vehicle miles travelled (by motor vehicle) include:

PS-7.2 requires that school sites should be located so that they are served by adequate infrastructure including vehicle, pedestrian and bicycle access.

PS-8.7 promotes compact, mixed use development utilizing the concepts of the walkable community, which are designed to encourage physical activity and fitness by permitting walking and bicycle riding to shopping, work and entertainment venues as an alternative to the use of motor vehicles.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies as modified are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Mitigation Measure: Mitigation Measures CC-1a, CC-2, CC-3, CC-4, and CC-5, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan policies discussed below to mitigate significant effects from the above stated impact to a less than significant level to 2030. The mitigation measures, in conjunction with state law and the other General Plan policies discussed above, will reduce this impact to a less than significant level.

MM CC-1a: Revise Policy OS-10.11 as follows:

OS-10.11. Within 24 months of the adoption of the General Plan, Monterey County shall develop and adopt a Greenhouse Gas (GHG) Reduction Plan with a target to reduce emissions by 2020 to a level that is 15% less than 2005 emission levels. At a minimum, the Plan shall:

- a. Establish an inventory of 2005 GHG emissions in the County of Monterey including but not limited to residential, commercial, industrial, and agricultural emissions; and
- b. Forecast GHG emissions for 2020 for County operations;
- c. Forecast GHG emissions for areas within the jurisdictional control of the County for "business as usual" conditions;
- d. Identify methods to reduce GHG emissions;
- e. Quantify the reductions in GHG emissions from the identified methods;
- f. Establish requirements for monitoring and reporting of GHG emissions;
- g. Establish a schedule of actions for implementation;
- h. Identify funding sources for implementation; and
- i. Identify a reduction goal for the 2030 Planning Horizon.
- j. Quantify carbon sequestration in agricultural soils and crops.

During preparation of the Greenhouse Gas Reduction Plan, the County shall also evaluate potential options for changes in County policies regarding land use and circulation, as necessary, to further achieve the 2020 and 2030 reduction goals and measures to promote urban forestry and public awareness concerning climate change.

MM CC-2: Add Policy OS-10.12: Adoption of a Green Building Ordinance

OS-10.12 Within 24 months of the adoption of the General Plan, the County shall adopt a Green Building Ordinance to require green building practices and materials for new civic buildings and new private residential, commercial, and industrial buildings that will include, but are not limited to, the following technologies, strategies or their functional equivalent:

- All new County government projects and major renovations shall meet, at a minimum, LEED-Silver standards or an equivalent rating system
- All new commercial buildings shall meet the requirements of the LEED rating system for commercial buildings or an equivalent rating system.
- All new residential projects of 6 units or more shall meet the GreenPoint Rating System for residential buildings, or an equivalent alternate rating system.

- The County shall require consideration of solar building orientation, solar roofs, cool pavements, and planting of shade trees in development review of new commercial and industrial projects and new residential projects of 6 units or more.
- Prioritized parking within new commercial and retail areas for electric vehicles, hybrid vehicles, bicycles, and alternative fuel vehicles shall be provided for new commercial and institutional developments.
- New commercial and industrial projects greater than 25,000 square feet shall be required to provide on-site renewable energy generation as part of their development proposal. This requirement can be met through a solar roof or other means.

MM CC-3: New Policy OS-10.13—Promote Alternative Energy Development.

OS-10.13 The County shall use Geographic Information Systems (GIS) to map and assess local renewable resources, the electric and gas transmission and distribution system, community growth areas anticipated to require new energy services, and other data useful to deployment of renewable technologies. The County shall adopt an Alternative Energy Promotion ordinance that will:

- identify possible sites for production of energy using local renewable resources such as solar, wind, small hydro, and, biogas;
- consider the potential need for exemption from other General Plan policies concerning visual resources, ridgeline protection, biological resources;
- evaluate potential land use, environmental, economic, and other constraints affecting renewable energy development; and
- adopt measures to protect renewable energy resources, such as utility easement, right-of-way, and land set-asides as well as visual and biological resources.

The County shall also complete the following:

- Evaluate the feasibility of Community Choice Aggregation (CCA) for the County. CCA allows cities and counties, or groups of them, to aggregate the electric loads of customers within their jurisdictions for purposes of procuring electrical services. CCA allows the community to choose what resources will serve their loads and can significantly increase renewable energy.
- If CCA is ultimately not pursued, the County shall evaluate the feasibility of purchasing renewable energy certificates to reduce the County's contribution to GHG emissions related to County electricity use.
- The County shall develop a ministerial permit process for approval of small-scale wind and solar energy systems for on-site home, small commercial, and farm use.

MM-CC-4: New Policy PS-5.5—Promote Recycling and Waste Reduction

PS-5.5: The County shall promote waste diversion and recycling and waste energy recovery as follows:

- a. The County shall adopt a 75% waste diversion goal.
- b. The County shall support the extension of the types of recycling services offered (e.g., to include food and green waste recycling).
- c. The County shall support waste conversion and methane recovery in local landfills to generate electricity.
- d. The County shall support and require the installation of anaerobic digesters or equivalent technology for wastewater treatment facilities.

MM-CC-5: Adopt GHG Reduction Plan for County Operations

OS-10.15 Within 12 months of adoption of the General Plan, the County shall quantify the current and projected (2020) GHG emissions associated with County operations and adopt a GHG Reduction Plan for County Operations. The goal of the plan shall be to reduce GHG emissions associated with County Operations by at least 15% less than 2005 emission levels. Potential elements of the County Operations GHG Reduction Plan shall include, but are not limited to, the following measures:

- an energy tracking and management system;
- energy-efficient lighting;
- lights-out-at-night policy;
- occupancy sensors;
- heating, cooling and ventilation system retrofits;
- ENERGY STAR appliances
- green or reflective roofing;
- improved water pumping energy efficiency;
- central irrigation control system;
- energy-efficient vending machines;
- preference for recycled materials in purchasing;
- use of low or zero-emission vehicles and equipment
- recycling of construction materials in new county construction;
- solar roofs; and

- conversion of fleets (as feasible) to;
 - Electric vehicles,
 - Ultra Low-Emission vehicles,
 - Methanol fleet vehicles,
 - Liquid propane gas fleet vehicles, or
 - Compressed natural gas fleet vehicles

Requiring mitigation measures CC-1a, CC-2, CC-3, CC-4, and CC-5, as well as General Plan policies and state programs and regulations identified above, will reduce the Project's impacts on GHG emissions to a less than significant level. The Greenhouse Gas Reduction Plan required under MM CC-1a will establish a detailed inventory of County-wide GHG emissions, a projection of the 2020 emissions under "business as usual," and establish a program for reducing County-wide emissions to below 1990 levels by 2020, consistent with the objectives of AB 32 as well as a process to continue further GHG emissions reductions from 2020 to 2030. The Green Building Ordinance adopted under MM CC-2 will reduce GHG emissions from new development in the County below levels that would otherwise result from compliance with the California Building Code alone. MM CC-3 will require the County to investigate alternative energy sources that reduce GHG emissions. CC-4 will establish goals for recycling and waste reduction that will result in less solid waste going forward and a commensurate reduction in future methane production from landfills serving the County. The GHG reduction plan for County operations adopted under CC-5 will ensure that the County does its share in reducing GHG emissions. Taken together, these measures establish a comprehensive program of GHG emissions reductions that will enable the County to meet its share of the reduction needed to meet the objectives of AB 32.

By 2012 the state's regulations will be fully enacted and the General Plan requires completion of the County's Greenhouse Gas Reduction Plan at about that same time. The framework will then be in place to achieve substantial GHG emission reductions by 2020 that will be consistent with AB 32. As the state and County's efforts proceed to reduce emissions, the County's contribution would less than cumulatively considerable at 2020. Mitigation CC-1a requires extension of the Greenhouse Gas Reduction Plan to 2030 along with a 2030 reduction goal, which, when enacted will make the County's contribution less than cumulatively considerable for the 2030 planning horizon as well.

The mitigation measures include revisions made since release of the DEIR. (See Table F-3 – Mitigation Measures) The measures as revised are equivalent or more effective in mitigating or avoiding potentially significant effects and will not themselves cause any potentially significant effect on the environment. For the FEIR, the GHG forecast estimates were updated to include the effect of scoping plan measures for both passenger and heavy-duty vehicles including vehicle efficiency measures for both passenger and heavy-duty vehicles and to apply the state's Low Carbon Fuel Standard to all transportation emissions. The updating of the estimated reductions in the FEIR does not change the fundamental conclusion of the DEIR that the GHG emissions within the unincorporated County can be feasibly reduced through a combination of state and local requirements (as reflected in General Plan Policy OS-10.11 and the identified mitigation measures) to below the County's identified reduction target.

In the DEIR, the reduction target identified was 28 percent below 2020 BAU levels. For the FEIR, the County revised the target to 15 percent below 2005 levels, in order to be consistent with the recommendation set forth in the final AB 32 *Climate Change Scoping Plan* (Scoping Plan) adopted by the Air Resources Board in December 2008 (after release of the 2007 General Plan DEIR) that local municipalities should adopt a reduction target of 15 percent below current levels. At a state level, the goal

of 28 percent below 2020 BAU level is functionally equivalent to 15 percent below current levels; thus this is not change of the goal but rather of the manner in which the goal is derived. This target is reflected in Policy OS-10.11. With the revised inventory and estimates in the FEIR (see Chapter 4 of the FEIR), the limited set of state measures described therein would reduce 2020 emissions to a level about 8 percent below 2006 levels. To meet the County target, the combined effect of state and local measures (other than those included in the estimate) would need to result in an additional 7 percent reduction. The AB 32 measures in the Scoping Plan overall would result in reductions of 15 percent below 2005 on a state basis (or about 28 percent reduction from 2020 BAU levels). The Scoping Plan itself includes the anticipated growth in population in California between now and 2020. Of the measures in the Scoping Plan, only one measure (regional transportation-related targets) actually requires local jurisdictional action and this measure only accounts for slightly less than a one percent reduction in 2020 BAU emissions. Thus, the AB-32 Scoping Plan itself is substantial evidence that emissions can be feasibly reduced to the County's proposed target provided the County also seeks feasible reduction measures as required by Policy OS-10.11 and the mitigation identified in the EIR.

Additional discussion of the methodology used to estimate GHG emissions in the EIR and supporting the conclusion in Impact CC-1 is found in the response to comment O-5b in Chapter 3 of the EIR, which is hereby incorporated by reference.

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included the above-referenced mitigation measures in the General Plan as follows: MM CC-1a is included as Policy OS-10.11; MM CC-2 is included as Policy OS-10.12; MM CC-3 is included as Policy OS-10.13; MM CC-4 is included as Policy PS-5.5; and MM CC-5 is included as Policy OS-10.15.

Impact CC-2: Development Allowed by the 2007 General Plan May Subject Property and Persons to Otherwise Avoidable Physical Harm in Light of Inevitable Climate Change.

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment from the above stated Impact.

Summary of Rationale: As discussed in Section 4.16 of the EIR (Climate Change) and the FEIR (See Chapter 3 (Responses to Comments) and Chapter 4 (Changes to the Text of the Draft EIR)), implementation of Mitigation Measure CC-13, as well as policies of the General Plan, will reduce this impact to a less-than-significant level by preparing for the changes that may occur as a result of climate change, integrating new information about risks into decision-making through the use of GIS databases, and both planning for and providing emergency response.

Discussion: State law and General Plan policies that reduce this impact include the following:

State Agencies⁴

In December 2009, the Natural Resources Agency released the *2009 Climate Adaptation Strategy*, establishing state objectives, priorities, and agency directives for adapting to climate change. State agencies are now considering adaptation needs in their infrastructure planning and design, pursuant to Executive Order S-13-2008. The design and location of state infrastructure will reflect available knowledge about the effects of climate change (i.e., sea level rise, change in water regime). The Strategy

⁴ Natural Resources Agency (2009) *2009 Climate Adaptation Strategy*, Sacramento, CA, December 2, 2009

will be updated as new information about the specific effects of climate change becomes available and will be a key tool for coordinating state and local adaptation strategies and activities.

Safety Element

Policy S-1.1 provides that land uses shall be sited and measures applied to reduce the potential for loss of life, injury, property damage, and economic and social dislocations resulting from ground shaking, liquefaction, landslides, and other geologic hazards in the high and moderate hazard susceptibility areas. Landslide risk may increase if global climate change results in an increase in the frequency and intensity of rains. This policy will require this risk to be considered in land use decision-making.

Policy S-1.2 provides that the County will develop and maintain a Geologic Constraints and Hazards Database in the County GIS. The GIS shall be used to identify areas containing hazards and constraints that could potentially impact the type or level of development allowed in these areas. Hazards to be included in the GIS database include relative landslide susceptibility and coastal erosion, both of which can be exacerbated by global climate change if it results in heavier rains and sea level rise. The GIS will be used in land use decision-making and its use will help to avoid placing new development in harm's way. Policy S-1.8 states that as part of the planning phase and review of discretionary development entitlements, and as part of review of ministerial permits in accordance with the California Building Code, new development may be approved only if it can be demonstrated that the site is physically suitable and the development will neither create nor significantly contribute to geologic instability or geologic hazards. Similarly, Policy S-5.7 requires the County to maintain current mapping and GIS databases on the location of hazards within Monterey County, to develop programs for sharing of information with other jurisdictions, and to provide appropriate access to databases for emergency public service providers to improve delivery of public safety services.

Under Policy S-1.5, new structures shall not be permitted in areas that are at high risk from fault rupture, landslides, or coastal erosion unless measures recommended by a registered engineering geologist are implemented to reduce the hazard to an acceptable level. Development shall be discouraged in areas within or adjacent to large active landslides. Similarly, Policy S-1.6 provides that new development shall not be permitted in areas of known geologic or seismic hazards unless measures recommended by a California certified engineering geologist or geotechnical engineer are implemented to reduce the hazard to an acceptable level. This includes areas susceptible to landslide, erosion, coastal erosion, and tsunami run-up hazards.

The policies under Goal S-2 of the safety element discourage new development within designated 100-year floodplains. This will help reduce flood risk should climate change result in more frequent or intense rainfall that could result in flooding.

Policy S-3.7 requires the Monterey County Water Resources Agency shall prepare a Flood Criteria or Drainage Design Manual that establishes floodplain management policies, drainage standards and criteria, stormwater detention, and erosion control and stormwater quality protection measures in order to prevent significant impacts from flooding and ensure that development does not increase flooding risk over present conditions. The manual shall include, as appropriate, hydrologic and hydraulic analysis procedures, procedures to assess stream geomorphology and stability, potential development impacts on streams, and design guidelines for channel design, including biotechnical bank stabilization. Until the Drainage Design Manual is prepared, the County shall continue to apply existing policies and ordinances to manage floodplains and minimize flood risk, erosion control, and water quality impacts. This manual will enable the County to adapt to the changing conditions that may result from climate change.

The safety element has numerous policies related to reducing fire risk. This will be important in the future if climate change results in an increased risk of wildfire hazard. Pertinent policies include: S-4.4

(periodic updating of scientific analysis of fire hazards in the County), S-4.5 (periodic updating of the wildland fire hazard severity map as more precise information becomes available), S-4.6 (structural and other non-wildland fire risks within wildland urban interface areas should be identified and maintained as a layer in the County's GIS in cooperation with fire officials and updated periodically), and S-4.7 (the County and authorities having jurisdiction shall develop and maintain a procedure to inform potential developers of the requirements for development in high and very high fire hazard areas). Policies S-4.8 through S-4.30 include specific requirements for access, building design, and water supply in areas at risk. Policies S-4.31 through S-4.33 impose defensible space requirements on new development to reduce fuel loads in the vicinity of structures.

Policy S-5.1 requires the County to participate in developing emergency plans that provide preparation for, as well as a coordinated and effective response to, emergency and disaster events. These include, but are not limited to, a multi-jurisdictional Local Hazard Mitigation Plan (LHMP) and Community Wildfire Protection Plans (CWPPs). Policies S-5.2 through S-5.10 provide for the administration of coordinated emergency response.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies as modified are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Mitigation Measure: Mitigation Measure CC-13 is feasible and has been adopted as part of the Mitigation Monitoring and Reporting Program for the certified Final EIR as discussed below to mitigate significant effects from the above stated impact to a less than significant level.

MM CC-13: Develop and Integrate Climate Change Preparedness Planning for Monterey County

Monterey County shall prepare and implement a Climate Change Preparedness Plan to prepare proactively for the impacts of climate change to the County's economy and natural ecosystems and to promote a climate resilient community.

A useful guide to climate resiliency planning is *Preparing for Climate Change: A Guidebook for Local, Regional, and State Governments* (The Climate Impacts Group, King County, Washington, and ICLEI—Local Governments for Sustainability 2007), which outlines the following steps:

- Scope the climate change impacts to major County sectors and building and maintain support among stakeholders to prepare for climate change.
- Establish a climate change preparedness team.
- Identify planning areas relevant to climate change impacts.
- Conduct a vulnerability assessment based on climate change projections for the region, the sensitivity of planning areas to climate change impacts, and the ability of communities to adapt to climate change impacts
- Conduct a risk assessment based on the consequences, magnitude, and probability of climate change impacts, as well as on an evaluation of risk tolerance and community values.
- Establish a vision and guiding principles for climate resilient communities and set preparedness goals in priority planning areas based on these guiding principles.

- Develop, select, and prioritize possible preparedness actions.
- Identify a list of important implementation tools
- Develop an understanding of how to manage risk and uncertainty in the planning effort.
- Develop measures of resilience, and use these to track the results of actions over time
- Review assumptions and other essential information to ensure that planning remains relevant to the most salient climate change impacts.
- Update plans regularly.

Potential areas of emphasis for preparedness planning may include risk of wildfires, agricultural impacts, flooding and sea level rise, salt water intrusion; and health effects of increased heat and ozone, through appropriate policies and programs.

Potential implementation steps could include adopting land use designations that restrict or prohibit development in areas that may be more severely impacted by climate change, e.g., areas that are at high risk of wildfire, sea level rise, or flooding; adoption of programs for the purchase or transfer of development rights in high risk areas to receiving areas of equal or greater value; and support for agricultural research on locally changing climate conditions.

To be effective, preparedness planning needs to be an ongoing commitment of the County. The first plan shall be completed no later than five (5) years after the adoption of the General Plan and shall be updated at least every five (5) years thereafter.

Implementation of state agency requirements, requiring Mitigation Measure CC-13, and the policies of the General Plan's safety element described above will reduce the impacts of climate change on property and persons to a less than significant level by establishing an ongoing program, subject to periodic updating, for identifying, evaluating the risk of, and reducing the risk through project design or disapproval. Although the Project does not increase the wildfire risk to existing development, this risk will nonetheless be moderated through the County's participation in the multi-jurisdictional Local Hazard Mitigation Plan (LHMP) and Community Wildfire Protection Plans (CWPPs) under Policy S-5.1.

Incorporation of the mitigation into the Mitigation Monitoring and Reporting Program:

MM CC-13 has been included in, and adopted as part of the Mitigation Monitoring and Reporting Program for the Certified Final EIR adopted at the time of approval of the General Plan update. It will be implemented by County action in concert with, but outside of the General Plan, and the implementation will be ensured by the Mitigation Monitoring and Reporting Program.

III.3 Significant Environmental Impacts That Cannot Be Avoided or Reduced to a Less than Significant Level

Based on the resource area impact assessment in the EIR, the Board of Supervisors has determined that the Project will have significant impacts in the resource areas discussed below, and that these impacts cannot be avoided or reduced despite the incorporation of all feasible mitigation measures. For some of the impacts discussed below, changes or alterations have also been required in, or incorporated into, the project which would avoid or substantially lessen a part of the significant environmental effect as identified in the final EIR. These determinations are based on the discussion of impacts in the detailed

resource area analyses in Sections 4.1 through 4.16 of the EIR (including Chapters 2, 3, and 4 of the final EIR) and the cumulative impacts discussed in Section 6 of the EIR. For each significant and unavoidable impact identified below, the Board has made a finding(s) pursuant to Public Resources Code § 21081. The rationale for each finding is also presented below.

Impact AG-1: Implementation of the 2007 General Plan would result in the conversion of Important Farmland to non-agricultural use.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible mitigation measures that could avoid or reduce this impact to a level of insignificance.

Summary of Rationale: As discussed in Sections 4.1 (Land Use) and 4.2 (Agricultural Resources) of the Draft EIR and of the FEIR (including Master Response 7, New Urban Development Outside Focused Growth Areas), existing regulations, General Plan goals and policies and Area Plans including the Agricultural and Winery Corridor Plan will reduce this impact but not to a less than significant level. No mitigation to further reduce this impact is feasible, and this impact will be significant and unavoidable through the 2030 planning horizon as well as through full buildout of the General Plan.

General Plan Policies: The General Plan policies set forth comprehensive measures to avoid and minimize adverse impacts related to the loss of farmland through conversion to other uses to the maximum extent practicable. These include, but are not limited to the following General Plan policies:

- AG-1.1 through AG-1.9 establish the primacy of agricultural uses in agricultural areas. For example: AG-1.1 prohibits land uses that would interfere with routine and ongoing agricultural operations on viable farmlands designated Prime, Statewide Importance, Unique, or Local Importance. AG-1.2 requires, as partial mitigation, well-defined buffer areas between agricultural uses and new, non-agricultural development adjacent to Prime, of Statewide Importance, Unique, or Local Importance to reduce the potential for land use conflicts, as well as damage to crops and machinery, and thereby reduce indirect pressure to convert land adjoining non-agricultural development. AG-1.3 limits subdivision of Important Farmland to exclusive agricultural purposes, with exceptions for alternative farmland preservation strategies in Community Plans or Rural Centers and farmworker or employee housing. AG-1.6 guides the location of farmworker housing to locations that minimize the conversion of viable agricultural lands. AG-1.7 encourages clustering of employee and family housing on agricultural land use designations to minimize impacts on the most productive lands. AG-1.9 supports the County's "right-to-farm" ordinance that limits the ability of neighbors to pursue nuisance claims against existing farms thereby reducing the pressure on farms near residential development to curtail normal activities.
- AG-1.12 requires the establishment of a County program for mitigating the loss of farmland through fees and other means based upon a graduated value of the Important Farmland, with mitigation for loss of prime land having the highest agricultural value with exceptions for acreage developed for inclusionary housing, mitigation programs established by Community and Rural Center Plans and annexation or sphere of influence amendments covered by the Greater Salinas Area Memorandum of Understanding.
- AG-2.1 through AG-2.9 provide opportunities to retain, develop and expand agriculture-related enterprises and support uses that are essential to continuing viability of agricultural industry. For example: AG-2.1 establishes that agricultural support facilities are considered compatible and appropriate uses for Farmlands, Permanent Grazing and Rural Grazing land use designations.

AG-2.2 encourages establishment and retention of a broad range of agricultural support businesses and services. AG-2.3 establishes that agricultural processing facilities are compatible and appropriate uses for Farmlands, Permanent Grazing and Rural Grazing land use designations. AG-2.4 requires siting and design of agriculture related enterprises and support uses to minimize loss of productive agricultural lands. AG-2.8 allows compatible recreational uses that do not adversely impact long-term productivity of on-site or adjacent agricultural uses for Farmlands, Permanent Grazing and Rural Grazing land use designations. AG-2.9 allows on-site farm equipment storage facilities within agricultural land use designations sited to minimize conversion of viable agricultural lands.

- AG-3.1 through AG-3.3 authorize the continuation of “routine and ongoing” agricultural activities”, thus providing for normal farming activities to continue without undue restrictions; AG-3.1 authorizes “routine and ongoing agricultural activities;” AG-3.2 requires the County to work with the agricultural industry and state and federal agencies to streamline permit procedures for “routine and ongoing agricultural activities;” AG-3.3 requires the County to establish a list of “routine and ongoing agricultural activities in consultation with the Agricultural Commissioner that should be exempt, to the extent specified in each policy, from General Plan policies C-5.3 and C-5.4 (*Scenic Highway Corridors*), OS-1.9 (*views*), OS-1.12 (*scenic routes*), OS-5.5 (*native vegetation*) OS-6.3 (*archaeological*), OS-7.3 (*paleontological*), OS-8.3 (*burial sites*), OS-10.8 (*air quality*), S-2.3 (*floodplain*), unless they create significant soil erosion impacts or violate adopted water quality standards on lands designated Farmlands, Permanent Grazing or Rural Grazing.

Further, the General Plan Land Use Element promotes land use concepts such as city-centered growth and clusters new development opportunities in the Community Areas, Rural Centers, and AHOs in order to minimize the amount of agricultural land needed to accommodate the County’s projected population growth. For example:

- Policy LU-1.2 discourages premature and scattered development.
- Policy LU-1.4 designates growth areas only when an adequate level of services and public facilities exist, thereby limiting growth outside of focused development areas and discouraging discontinuous development.
- Policy LU-1.9 promotes infill of vacant non-agricultural lands in designated urban service areas, and requires infill development to be compatible with surrounding land use and development, thus guiding urban development away from agricultural land.
- Policy LU-1.19 designates Community Areas, Rural Centers and Affordable Housing Overlay districts as the top priority for development in the unincorporated areas of the county and sets minimum requirements for affordable/workforce housing. Outside of those areas, a Development Evaluation System (DES) will be established to provide systematic, consistent, predictable, and quantitative methods for decision-makers to evaluate developments.
- Policies LU-2.14 through LU-2.17 are part of a city-centered growth strategy and encourage new urbanization to occur within the incorporated cities, rather than in the surrounding county area. These policies include: LU-2.14 allowing the County to work with AMBAG and cities to direct the majority of urban and higher density housing to cities; LU-2.15 requires Urban Reserve overlays in areas where incorporated cities may expand or provide necessary infrastructure for development; LU-2.16 requires coordination with cities to designate sufficient land for new housing close to employment centers, and to minimize conflicts and consumptive land use

patterns; LU-2.17 requires cooperation with cities and LAFCO to use sphere of influence and Urban Reserve Overlays to direct city growth away from the highest quality farmlands, provide adequate buffers and agricultural-urban interfaces.

- Policy LU-2.20 emphasizes Community Areas as the preferred location and the priority for additional development in the County unincorporated area; to be actively supported as the County's first planning priority. Policy LU-2.29 provides that Rural Centers are the secondary planning priority for the County after the development of Community Plans for Community Areas. These policies focus urbanization within the unincorporated areas on these discrete, multi-use areas. That will reduce the potential for sprawl in the form of large subdivisions outside of those areas.

Area Plans include policies tailored to local and specific needs. These policies in the *Area Plans* also support the economic health and continued viability of agricultural activity in the County.

North County Area Plan

This plan includes Policy NC-1.2 to promote specialized crops (which tend to have a higher market value) and Policy NC-1.3 for the preservation and enhancement of grazing lands at higher elevations and on steep slopes.

Greater Salinas Area Plan

This plan includes policies that reduce urban-agricultural conflicts by establishing buffers, in the Butterfly Village Special Treatment Area (GS-1.1); restrict visitor farm development on agricultural property in Special Treatment Area Highway 68/Foster Road (GS-1.3), encourage commercial uses to support farm activities near Highway 68 and the Salinas River (GS-1.5), allow agricultural related commercial uses on land designated as industrial under certain conditions in Spreckels (GS-1.8); allow agriculture-related industrial development and expansion on Industrial land near Spreckels under conditions that protect and support agricultural uses (GS-1.9); allow soil-dependent agricultural operations, such as greenhouses, at the Natividad/Rogge Road Special Treatment Area (GS-1-10); establish a Study Area at Espinosa Road to potentially encourage more intensive agricultural uses and businesses (GS-1.11); encourages donation of development rights on agricultural land to a duly established Farmland Trust or other or other qualified organization which meets the criteria of Section 501(c)(3) of the Internal Revenue Code (GS-6.1); allow accessory uses on agricultural land that maintain the viability of continued agricultural production (GS-6.2).

Central Salinas Valley Area Plan

Policy CSV-1.3 designates the Spence/Potter/Encinal Road Special Treatment Area to allowing on-site soil dependent agricultural operations, such as greenhouses, establishes minimum parcel sizes for residential uses thus minimizing potential conflicts with adjacent agricultural uses, and limits uses on subdivided parcels to agricultural support businesses and services; CSV-1.4 establishes a Study Area for alternative land uses to support the agricultural industry;

Carmel Valley Master Plan

This plan establishes protections that reduce the potential for conversion of agricultural land. Policy CV-6.1 requires that development adjacent to agricultural lands must be planned to minimize adverse effects on the productivity of the agricultural soils. Policy CV- 6.3 requires that croplands and orchards be retained for agricultural use and promotes the use of low-density, clustered development to preserve agricultural lands.

Toro Area Plan

Policy T-3.6 would reduce impacts from conversion of agricultural land by preserving and enhancing large acreages in higher elevations and on steeper slopes where grazing is found to be a viable use.

Cachagua Area Plan

Policy CACH 1.3 limits industrial uses to those that are agriculturally related; and Policy CACH-2.3 requires use permits for private airstrips and agricultural landing fields to ensure that they do not permanently preclude cultivation of Farmlands of Local Importance, protecting potential agricultural land uses;

South County Area Plan

Policy SC-1.2 encourages clustered development in all areas where development is permitted in order to, among other purposes, preserve agricultural land. Policy SC-1.3 supports large lot zoning and agricultural land trusts that may enhance the competitive capabilities of farms and ranches and would reduce pressure to convert farmland to non-agricultural uses. Policy SC-5.1 supports preservation of agricultural land uses in areas susceptible to water quality degradation. Policy SC-5.2 requires the County to pursue cooperative soil conservation and other resources with neighboring counties, which will enhance regional agricultural preservation. Policy SC-6.1 encourages the conservation of irrigated and non-irrigated farmlands) promote preservation of agricultural land.

Agricultural and Winery Corridor Plan ("AWCP")

This plan promotes continued cultivation of Important Farmland by enhancing the economic viability of agriculture, thereby reducing economic pressure to convert agricultural land to urban uses. Agriculture Element Goal AG-4 and its policies AG-4.1 through AG-4.5 establish the framework for the AWCP and support the development of a fully integrated wine industry: AG-4.1 supports development of a fully integrated wine industry to fully utilize wine grape production within the County; AG-4.2 balances the locations wine grape production and wine processing capacity within the County by the establishing segments for the AWCP; AG-4.3 requires the County to develop and maintain AWCP guidelines and standards to encourage development of the wine industry within the corridor; AG-4.4 ensures that wineries may also be developed outside the AWCP; and AG-4.5 reduces the potential for conflict with adjacent uses by requiring wineries to minimize odors associated with fugitive emissions and odors, and pomace residue.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above and in Part VII, below demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact.

Infeasibility of Additional Mitigation: Although the General Plan policies described above avoid and minimize adverse impacts related to the loss of Important Farmland, there is no feasible mitigation that can avoid impacts on Important Farmland or reduce this impact to a level below significance for the following reasons. Farmland conversion to non-agricultural uses occurs as a result of population growth within the County and the cities. Pursuant to California Housing Element Law (Government Code Section 65580, et seq.), the County is legally bound to "accommodate the housing needs of Californians of all economic levels" and has "a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community" (Government Code Section 65580). Pursuant to Government Code Section 65583, the General Plan's Housing Element "shall identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and shall make

adequate provision for the existing and projected needs of all economic segments of the community.” The projected housing needs of the County are calculated by the Department of Housing and Community Development and Regional Housing Needs are assigned to the County and cities by the Monterey Bay Association of Governments on a cyclical basis. Prohibiting the conversion of farmland may prevent the County from meeting its obligations under Housing Element Law.

Consistent with these obligations, areas for new residential development, including affordable housing, must be located in and near existing urban areas and urban services, including cities, Community Areas, and Rural Centers. These locations, including the cities of Salinas, Gonzales, Soledad, and King City and the Castroville Community Area, include Important Farmland which cannot be moved or created elsewhere. Alternative areas within the County, such as above the floor of the Salinas Valley, lack the services necessary to support compact development of the type encouraged by the General Plan. The Monterey Peninsula, although urbanized, has a limited water supply and is therefore limited in its ability to absorb substantial additional amounts of housing. The former Fort Ord is already planned for additional housing and is included in the County’s housing numbers.

Impact AG-3: Implementation of the 2007 General Plan would involve other changes in the existing environment which, due to their location or nature, would result in conversion of farmland to non-agricultural use.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible mitigation measures that could avoid or reduce this impact to a level of insignificance.

Summary of Rationale: As discussed in Section 4.1 (Land Use) and Section 4.2 of the EIR (Agricultural Resources) and the FEIR, existing regulations, General Plan goals and policies will reduce this impact, but not to a less than significant level. No mitigation to further reduce this impact is feasible, and this impact will be significant and unavoidable through the 2030 planning horizon as well as through full buildout.

General Plan Policies: In addition to the direct conversion of Important Farmland discussed in Impact AG-1 above, new development permitted by the General Plan would indirectly create increased pressures to convert agricultural land uses to non-agricultural uses. Increased population growth and economic development will create economic pressures to convert agricultural land to non-agricultural uses. Land use conflicts between urban land uses and agricultural activities, competition for water supplies and reduced crop yields attributable to reduced air quality contribute to this impact. As discussed in Impact AG-1, the General Plan includes numerous policies intended to protect farmland from conversion. These will also limit the indirect effect of development on the pace of conversion of nearby farms. Policies that minimize this impact include all of the policies and Area Plans, including the AWCP, discussed in the rationale for Impact AG-1, and are incorporated here by reference. In addition, the following General Plan policies will contribute to reducing Impact AG-3:

Land Use Element

Policies LU-1.5 and LU-1.8 result in standards that separate agricultural from urban uses and thereby minimize the potential for conflicts: LU-1.5 requires that land uses be designated to achieve compatibility with adjacent uses and LU-1.8 encourages voluntary reduction or limitation of development potential in the rural and agricultural areas through dedication of scenic or conservation easements, transfer of development rights, and other appropriate techniques. Land Use Element policy LU-2.8 requires the County to designate and establish regulations for an Agriculture Buffer/conservation easement designation to protect existing agricultural operations.

Agricultural Element

Policy AG-1.2 reduces land use compatibility impacts by requiring that well-defined permanent or temporary buffer areas be provided as partial mitigation for new, non-agricultural development located adjacent to agricultural land designated as Prime, of Statewide Importance, Unique, or Local Importance, using specific criteria that require buffer design to be made beneficial to the adjacent agricultural use.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above and in Part VII, below, demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact.

Infeasibility of Additional Mitigation: Although the General Plan policies described above avoid and minimize adverse impacts related to the conversion of farmland to non-agricultural use, there is no feasible mitigation which can avoid or reduce this impact to a level of insignificance, for the same reasons discussed under Impact AG-1. Further, increased population growth and economic development in the cities of Salinas, Gonzales, Soledad, and King City outside the County's jurisdiction and land use control, will create indirect and economic pressures to convert agricultural land to non-agricultural uses. Land use conflicts between urban land uses and agricultural activities, competition for water supplies and reduced crop yields attributable to reduced air quality contribute to the economic pressures to convert to non-agricultural uses by reducing the economic incentive to retain agricultural uses. No mitigation is feasible to reduce this impact to a less-than-significant level.

Impact CUM-1: Cumulative Impact on Agricultural Resources

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible mitigation measures that could avoid or reduce this impact to a level of insignificance.

Summary of Rationale: As discussed in Section 6.4.3.2 of the EIR (Agriculture Resources) and the FEIR (including Master Response 7, New Urban Development Outside Focused Growth Areas), existing regulations, General Plan goals and policies, and Area Plans including the Agricultural and Winery Corridor Plan will reduce the project's contribution to this significant cumulative impact but not to a less than cumulatively considerable level. No mitigation to further reduce this impact is feasible, and this impact will be significant and unavoidable.

General Plan Policies: Development and land use activities associated with implementation of the General Plan will make a cumulatively considerable contribution to this significant, cumulative impact. As discussed under the findings above for Impacts AG-1 and AG-3, the General Plan and Area Plans, including the AWCP, include numerous policies that protect farmland from conversion and limit the indirect effects of development on the pace of conversion of nearby farms and thereby contribute to reducing these impacts. Certain of these policies incorporate revisions made since release of the Draft EIR, and as modified, are equivalent or more effective at reducing the impact.

Infeasibility of Additional Mitigation: Although General Plan policies avoid and minimize adverse impacts related to the cumulative impact of farmland, there is no feasible mitigation which can fully avoid this impact because farmland is a finite resource. Past conversion to urban and other non-agricultural uses is irreversible, thereby limiting mitigation to the prevention of future conversions. Reducing the General Plan's contribution to a less-than-cumulatively considerable level would require that the General Plan prohibit future conversion of Important Farmland (i.e., prime, unique, statewide importance, and local importance) and grazing land to non-agricultural uses. Such a prohibition is not feasible because in order to meet its obligations under Housing Element Law for this and future cycles (to 2092) the County must identify some lands that are currently used for farmland for future conversion to urban use.

Consistent with these obligations, as discussed in Impact AG-1, areas for new residential development, including affordable housing, must be located in and near existing urban areas and urban services, including cities, Community Areas, and Rural Centers. These locations, including the cities of Salinas, Gonzales, Soledad, and King City and the Castroville Community Area, include Important Farmland which cannot be moved or created elsewhere. In addition, conversion will continue in the Salinas Valley cities, outside of the County's jurisdiction, to accommodate projected future population and economic growth, thereby continuing other contributions to the cumulative impact. For these reasons, no mitigation is feasible that would reduce the project's contribution to a less-than-cumulatively-considerable level.

Impact WR-4: Land uses and development consistent with the 2007 General Plan would exceed the capacity of existing water supplies and necessitate the acquisition of new supplies to meet expected demands (in some portions of the County).

Findings. The level of significance of this impact varies between different parts of the County and thus multiple findings are made pursuant to this impact relative to the Salinas Valley groundwater basin (including Granite Ridge, Highlands South, and El Toro Creek sub-basin), the Monterey Peninsula (including both the Seaside Aquifer and the Carmel River Aquifer), and the Pajaro River groundwater basin. For all areas, the Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR. Mitigation measures WR-1, WR-2, and BIO-2.3 (including revised Policy NC-3.8 and CV-3.20), as modified by the Board of Supervisors, are feasible and have been incorporated into General Plan policies as discussed below to mitigate significant effects from the above stated impact. To 2030, the Board of Supervisors finds that the impact is mitigated to a less than significant level in the Salinas Valley Groundwater Basin, and on the Monterey Peninsula (including both the Carmel River Aquifer and the Seaside Aquifer), but significant and unavoidable in the Pajaro River groundwater basin. To 2092, the Board of Supervisors finds that the impact is mitigated to a less than significant level in the Salinas Valley Groundwater Basin and in the Carmel River Aquifer, but would remain significant for development relying on the Seaside Aquifer and Pajaro River groundwater basin. For these areas, the Board finds that specific economic, social, or other considerations make infeasible additional mitigation.

Summary of Rationale: As discussed in Section 4.3 of the EIR (Water Resources) and the Final EIR (including Master Response 4 – Water Supply), General Plan goals and policies, and Area Plans described in the Final EIR would reduce this impact, but not to a less than significant level. Mitigation Measures WR-1, WR-2, and BIO-2.3, as modified and incorporated into the General Plan by the Board of Supervisors, further reduce this impact, but not to a less than significant level for development relying on the Seaside Aquifer (2092) and Pajaro River (2030 and 2092) groundwater basin. As described in Final EIR Master Responses Sections 4.3.4 and 4.4.3, no additional mitigation to further reduce this impact is feasible, and this impact will be significant and unavoidable for development relying on the Seaside Aquifer (2092) and the Pajaro River (2030 and 2092) groundwater basins.

Table W-1 in Final EIR Master Response 4 clarifies and summarizes the significance findings described above. That portion of Table W-1 is reproduced here for convenience.

Summary of Significance Conclusions for Water Supply Impact WR-4

Significance Overall	Salinas Valley	Monterey Peninsula	Pajaro River
Significant and Unavoidable (see columns to the	Overall significance: Less than Significant to 2030. Less than significant with mitigation to 2092.	Overall significance: Less than significant with revisions to General Plan Policies PS-3.2, PS-3.3, and	Pajaro River groundwater basin: Significant and unavoidable due to

<p>right for specific conclusions)</p>	<p>Salinas Valley groundwater basin: Less than significant impact due to effect of SVWP to 2030. Less than significant with mitigation to 2092 due to mitigation measure WR-2.</p> <p>Granite Ridge/Highlands South: Less than significant because SVWP brings balance to basin overall and revised Policy NC-3.8 will address localized individual well effects on water quality, well interference, and localized overdraft. Granite Ridge supply project will also assist to help address local issues.</p> <p>El Toro Creek sub-basin: Less than significant because Policy T-1.7 will constrain residential subdivision in residentially designated areas within the El Toro Creek subbasin and Policies PS-3.2 and PS-3.3 will address localized individual well effects on water quality, well interference, and localized overdraft.</p>	<p>PS-3.4 (per Mitigation Measure BIO-2.3) to 2030. Significant and unavoidable to 2092.</p> <p>Carmel Valley alluvial aquifer: For both 2030 and 2092, less than significant with revised Policy CV-3.20 (per Mitigation Measure BIO-2.3) to require discretionary permits and offset of new demands.</p> <p>Carmel Valley hard rock areas: For both 2030 and 2092, less than significant as proposed GP policies will address localized well impacts and aquifer extraction not shown to be linked to instream flows.</p> <p>Seaside aquifer: Less than significant impact due to ministerial development on legal lots (per basin adjudication) to 2030. Significant and unavoidable for 2092 due to lack of long-term water supply.</p>	<p>ministerial development on legal lots and lack of feasible water supply to address overall groundwater overdraft and seawater intrusion. Significant and unavoidable for 2092 due to lack of water supply for long-term demand.</p>
--	---	--	--

General Plan Policies: The General Plan's Public Services Element and various Area Plans contain a number of policies that will contribute to reducing this impact, including the following:

Public Services Element

As discussed in Draft EIR Section 4.3 and the Final EIR, including Master Response #4, the General Plan's Public Services Element contains a number of policies that are intended to maximize the use of the existing water supply and to restrict development absent proof of a long term sustainable water supply.

Policy PS-3.1 provides that new development for which a discretionary permit is required, and that will use or require the use of water, shall be prohibited without proof, based on specific findings and supported by evidence, that there is a long-term, sustainable water supply, both in quality and quantity to serve the development. This requirement shall not apply to:

- 1) the first single family dwelling and non-habitable accessory uses on an existing lot of record; or
- 2) specified development (a list to be developed by ordinance) designed to provide: a) public infrastructure or b) private infrastructure that provides critical or necessary services to the public, and that will have a minor or insubstantial net use of water (e.g. water facilities, wastewater treatment facilities, road construction projects, recycling or solid waste transfer facilities); or
- 3) development related to agricultural land uses within Zone 2C of the Salinas Valley groundwater basin, provided the County prepare a report to the Board of Supervisors every five (5) years for Zone 2C examining the degree to which:

- a. total water demand for all uses predicted in the General Plan EIR for the year 2030 will be reached;
- b. groundwater elevations and the seawater intrusion boundary have changed since the prior reporting period; and
- c. other sources of water supply are available.

If, following the periodic report, the Board finds, based upon substantial evidence in the record, that:

- a. the total water demand for all uses in Zone 2C in 2030 as predicted in the General Plan EIR is likely to be exceeded; or
 - b. it is reasonably foreseeable that the total water demand for all uses in Zone 2C in 2030 would result in one or more of the following in Zone 2C in 2030: declining groundwater elevations, further seawater intrusion, increased substantial adverse impacts on aquatic species, or interference with existing wells, then the County shall initiate a General Plan amendment process to consider removing this agricultural exception in Zone 2C. Development under this exception shall be subject to all other policies of the General Plan and applicable Area Plan.
- 4) development in Zone 2C for which the decision maker makes a finding, supported by substantial evidence in the record, that: a) the development is in a Community Area or Rural Center and is otherwise consistent with the policies applicable thereto; b) the relevant groundwater basin has sufficient fresh water in storage to meet all projected demand in the basin for a period of 75 years; and, c) the benefits of the proposed development clearly outweigh any adverse impact to the groundwater basin.

Policy PS-3.2 requires that specific criteria for proof of a Long Term Sustainable Water Supply and an Adequate Water Supply System for new development requiring a discretionary permit, including but not limited to residential or commercial subdivisions, shall be developed by ordinance with the advice of the General Manager of the Water Resources Agency and the Director of the Environmental Health Bureau. A determination of a Long Term Sustainable Water Supply shall be made upon the advice of the General Manager of the Water Resources Agency. The following factors shall be used in developing the criteria for proof of a long term sustainable water supply and an adequate water supply system:

- a. Water quality;
- b. Authorized production capacity of a facility operating pursuant to a permit from a regulatory agency, production capability, and any adverse effect on the economic extraction of water or other effect on wells in the immediate vicinity, including recovery rates;
- c. Technical, managerial, and financial capability of the water purveyor or water system operator;
- d. The source of the water supply and the nature of the right(s) to water from the source;
- e. Cumulative impacts of existing and projected future demand for water from the source, and the ability to reverse trends contributing to an overdraft condition or otherwise affecting supply; and

f. Effects of additional extraction or diversion of water on the environment including on in-stream flows necessary to support riparian vegetation, wetlands, fish or other aquatic life, and the migration potential for steelhead, for the purpose of minimizing impacts on the environment and to those resources and species.

g. Completion and operation of new projects, or implementation of best practices, to renew or sustain aquifer or basin functions.

The hauling of water shall not be a factor nor a criterion for the proof of a long term sustainable water supply.

Policy PS-3.3 requires that specific criteria shall be developed by ordinance for use in the evaluation and approval of adequacy of all new domestic wells. Criteria shall assess both water quality and quantity including, but not limited to:

- a. Water quality.
- b. Production capability.
- c. Recovery rates.
- d. Effect on wells in the immediate vicinity as required by the Monterey County Water Resources Agency or Environmental Health Bureau.
- e. Existing groundwater conditions.
- f. Technical, managerial, and financial capability of the water purveyor of a water system.
- g. Effects on in-stream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead, for the purpose of minimizing impacts to those resources and species.

This policy is not intended to apply to replacement wells.

Policy PS-3.4 states that the County shall require an assessment of impacts on adjacent wells and in-stream flows for new high-capacity wells, including high-capacity urban and agricultural production wells, where there may be a potential to affect existing adjacent domestic or water system wells adversely or in-stream flows, as determined by the Monterey County Water Resources Agency. In the case of new high-capacity wells for which an assessment shows the potential for significant adverse well interference, the County shall require that the proposed well site be relocated or otherwise mitigated to avoid significant interference. Specific criteria shall be developed by ordinance for use in the evaluation and approval of adequacy of all such high-capacity wells, including but not limited to:

- a. Effect on wells in the immediate vicinity as required by the Monterey County Water Resources Agency or Environmental Health Bureau.
- b. Effects on in-stream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead, for the purpose of minimizing impacts to those resources and species.

This policy is not intended to apply to replacement wells.

Policy PS-3.5 provides that the Monterey County Health Department shall not allow construction of any new wells in known areas of saltwater intrusion as identified by Monterey County Water Resources Agency or other applicable water management agencies until a program has been approved and funded that will minimize or avoid expansion of salt water intrusion into useable groundwater supplies in that area, or unless approved by applicable water resource agency. This policy does not apply to deepening or replacement of existing wells, or wells used in conjunction with a desalination project.

Policy PS-3.7 requires the County to develop a program to eliminate overdraft of water basins as part of the Capital Improvement and Financing Plan (CIFP) for this General Plan. The policy suggests using a variety of strategies, which may include: water banking; groundwater and aquifer recharge and recovery; desalination; pipelines to new supplies; and/or a variety of conjunctive use techniques. The CIFP shall be reviewed every five (5) years in order to evaluate the effectiveness of meeting the strategies noted in this policy. Areas identified to be at or near overdraft shall be a high priority for funding.

Policy PS-3.9 specifies that a tentative subdivision map and/or vesting tentative subdivision map application for either a standard or minor subdivision shall not be approved until the applicant shows proof of a long term sustainable water supply that meets yield and water quality standards.

Policy PS-3.10 provides that in order to maximize agricultural water conservation measures to improve water use efficiency and reduce overall water demand, the County shall establish an ordinance identifying conservation measures that reduce agricultural water demand.

Policy PS-3.11 provides that in order to maximize urban water conservation measures to improve water use efficiency and reduce overall water demand, the County shall establish an ordinance identifying conservation measures that reduce potable water demand.

Policy PS-3.12 commits the County to maximizing the use of recycled water as a potable water offset to manage water demands and meet regulatory requirements for wastewater discharge, by employing strategies including, but not limited to the following:

- a. Increase the use of treated water where the quality of recycled water is maintained, meets all applicable regulatory standards, is appropriate for the intended use, and re-use will not significantly impact beneficial uses of other water resources.
- b. Work with the agricultural community to develop new uses for tertiary recycled water and increase the use of tertiary recycled water for irrigation of lands currently being irrigated by groundwater pumping.
- c. Work with urban water providers to emphasize use of tertiary recycled water for irrigation of parks, playfields, schools, golf courses, and other landscape areas to reduce potable water demand.
- d. Work with urban water providers to convert existing potable water customers to tertiary recycled water as infrastructure and water supply become available.

Policy PS-3.13 states that to ensure accuracy and consistency in the evaluation of water supply availability, the Monterey County Health Department, in coordination with the MCWRA, shall develop guidelines and procedures for conducting water supply assessments and determining water availability. Adequate availability and provision of water supply, treatment, and conveyance facilities shall be assured to the satisfaction of the County prior to approval of final subdivision maps or any changes in the General Plan Land Use or Zoning designations.

The following *Area Plan* policies also help reduce this impact.

Greater Salinas Area Plan

Greater Salinas Area Plan Policy GS-1.1 requires that future development within the Butterfly Village Special Treatment Area provide adequate infrastructure, including for potable water.

Central Salinas Valley Area Plan

Central Salinas Valley Area Plan Policy CSV-5.2 stipulates that recreation and visitor-serving commercial uses be allowed only if it can be proven that they would not interfere with prime groundwater recharge areas, would not overdraft existing groundwater supplies, would meet state water quality and quantity standards, and would not adversely impact groundwater quality. Policy CSV-5.1 requires protection of groundwater recharge areas.

Cachagua Area Plan

In the Cachagua Area Plan, Policy CACH-3.5 requires that watershed impacts due to mining, timber, or related industries be mitigated. CACH-5.1 states that the area should not be deprived of water reasonably required for the beneficial needs of its inhabitants and that water should not be exported outside the planning area boundaries. As described in Final EIR Response to comments 0-5b.202 and 0-11g.34, Policy CV-5.4 would also restrict development on legal lots of record in Cachagua (see Policy NC-1.5) thereby reducing new sources of water.

North County Area Plan

As described in Final EIR Response to comment 0-5b.202 and 0-11g.34, Policy NC-1.5 would also restrict development on legal lots of record in North County (see Policy NC-1.5) thereby reducing new sources of water.

South County Area Plan

South County Area Plan Policy SC-5.1 similarly protects groundwater recharge areas, while Policy SC-5.3 prohibits encroachment on the main river channels where there is major recharge to the underlying groundwater basins.

Fort Ord Master Plan Greater Monterey Peninsula Area Plan

Several supplemental policies and associated programs are included in the Hydrology and Water Quality Element in the Fort Ord Master Plan. Policy A-1 requires project applicants to demonstrate that all measures would be taken to ensure that runoff is minimized and infiltration maximized in groundwater recharge areas. Programs developed under this policy also would promote water conservation, recycling, and reclamation efforts. Policy A-2 proposes a program to gauge stream flows and manage creek development such that groundwater recharge in these areas is maintained. Policy B-1 states that the County shall ensure additional water to critically deficient areas with programs combining various efforts of the applicable water agencies. Policy B-2 is similar, while Policy C-1 states that the County shall comply with all mandated water quality programs and establish local water quality programs as needed. Policy C-3 is specifically designed to mitigate seawater intrusion, based on the Salinas Valley Basin Management Plan and through cooperation between MCWRA, MPWMD, and the County. Program C-3.5 (groundwater wells) states that the County shall carry out all actions necessary to ensure that the installation of water supply wells comply with the State of California Water Well Standards and well standards established by the Monterey County Health Department. Program C-3.6 (infrastructure) establishes that the County shall carry out all actions necessary to ensure that the distribution and storage of potable and non-potable water comply with the State Health Department regulations through Title 22.

Water supply for fighting fires is addressed under Fire, Flood, and Emergency Management Policy A-2, which requires the County to provide fire suppression water system guidelines and implementation plans for existing and acquired former Fort Ord lands that are equal to or greater than those recommended in the Fort Ord Infrastructure Study (FORIS Section Fort Ord Reuse Plan—Table 4.1.8) for fire protection water volumes, system distribution upgrades, and emergency water storage.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above and in Section VII below demonstrate that the policies as modified are equivalent or more effective at reducing the impact.

Impact before Consideration of Mitigation Measures

Salinas Valley

Within the Salinas Valley groundwater basin, the impact of the General Plan up to 2030 would be less than significant without mitigation due to effects of the Salinas Valley Water Project in balancing supply and demand and due to General Plan policies in the Granite-Ridge/Highlands South area and the El Toro Creek sub-basin. As described in the FEIR (Master Response 4 and Chapter 4 – Revisions to the DEIR), development and agricultural expansion allowed by the General Plan up to 2030 would result in a water demand that is less than 0.5% more than estimated for the Salinas Valley Water Project to result in an overall balance of supply and demand in the Salinas Valley without causing further groundwater overdraft or seawater intrusion. Although slightly higher than studied in the SVWP groundwater modeling, given the size of the groundwater basin, the complexity of groundwater dynamics, the influence of climatic variations in crop conditions and type over time, and variations in the amount of development that may actually occur, this slight variation is not considered likely to result in substantial differences to the groundwater basin, groundwater level conditions, or seawater intrusion compared to the outcome estimated in the SVWP Environmental Impact Report. The modeling used in the SVWP EIR has been validated by a documented rise in groundwater elevations, prior to full implementation of the SVWP which was completed in Spring 2010, as described in greater detail in the memorandum from Curtis V. Weeks, MCWRA General Manager, dated September 13, 2010, titled “SVWP Modeling – Extraction Baseline and GEMS data.” As such, the Board of Supervisors finds that the evidence supports a conclusion that water supply and demand will be in balance in 2030 with the development allowable by the General Plan. To 2030, in the Granite Ridge/Highlands South portion of the Salinas Valley, this impact would be less than significant because SVWP brings balance to basin overall and revised Policy NC-3.8 will address localized individual well effects on water quality, well interference, and localized overdraft. The Granite Ridge supply project will also assist to help address local issues. To 2030, in the El Toro Creek sub-basin portion of the Salinas Valley, this impact would be less than significant because Policy T-1.7 will constrain residential subdivision in residentially designated areas within the El Toro Creek subbasin and Policies PS-3.2 and PS-3.3 will address localized individual well effects on water quality, well interference, and localized overdraft.

To 2092, development allowable by the General Plan would result in a significant impact on water supply because the General Plan as originally proposed does not contain an approach to water supply planning for the period beyond 2030 and thus demand would exceed supply after the 2030 period (or when the equivalent demand to that predicted for 2030 occurs).

Monterey Peninsula

For the Carmel Valley aquifer, without mitigation, development allowable by the General Plan (to both 2030 and 2092) would have a significant impact on water supply because of water demand from existing legal lots of record, and new water supply to replace Cal-Am withdrawals are not yet available, continuing well withdrawals could exacerbate the existing deficient condition, and planning for new supply for new demands are uncertain. (See Draft EIR page 4.3-128 and Final EIR Master Response Section 4.3.4)

For wells in Carmel Valley in hard rock areas, for both 2030 and 2092, the impact would be less than significant as proposed GP policies will address localized well impacts and aquifer extraction not shown to be linked to instream flows. (See Draft EIR Impact WR-4 and Final EIR Master Response Section 4.3.4)

For the Seaside aquifer, development allowable by the General Plan (to 2030) would not have a significant impact on water supply because the aquifer has been adjudicated, the adjudication controls all major withdrawals to remedy overdraft and avoid seawater intrusion, and the adjudication has determined that minor withdrawals will not adversely affect the aquifer. For the Seaside aquifer, development allowable by the General Plan (to 2092) would have a significant impact on water supply because there is no long-term planning for future water demands of development in the aquifer area. (See Draft EIR Impact WR-4 and Final EIR Master Response Section 4.3.4)

Pajaro River Groundwater Basin

For the Pajaro River groundwater basin, development allowable by the General Plan on existing vacant residential lots (to both 2030 and 2092) would result in a significant impact on water supply because withdrawals from the basin are currently in severe overdraft, resulting in declining water levels and seawater intrusion, and current planning for new water supply is not sufficiently assured to identify a remedy of the current condition or new supply for future new demands. (See Draft EIR Impact WR-4 and Final EIR Master Response Section 4.4)

Mitigation Measures: Mitigation Measures WR-1, WR-2 and BIO-2.3, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan as policy as described below to further mitigate this impact:

MM WR-1: Support a Regional Solution for the Monterey Peninsula in addition to the Coastal Water Project

The County will participate in regional coalitions for the purpose of identifying and supporting a variety of new water supply projects, water management programs, and multiple agency agreements that will provide additional domestic water supplies for the Monterey Peninsula and Seaside basin, while continuing to protect the Salinas and Pajaro River groundwater basins from saltwater intrusion. The County will also participate in regional groups including representatives of the Pajaro Valley Water Management Agency and the County of Santa Cruz to identify and support a variety of new water supply, water management and multiple agency agreement that will provide additional domestic water supplies for the Pajaro Groundwater Basin. The County's general objective, while recognizing that timeframes will be dependent on the dynamics of each of the regional groups, will be to complete the cooperative planning of these water supply alternatives within five years of the adoption of the General Plan and to implement the selected alternatives within five (5) years after that time. (General Plan Policy PS-3.14)

MM WR-2: Pursue expansion of the Salinas Valley Water Project (SVWP)

The County will pursue expansion of the Salinas Valley Water Project (SVWP) by investigating expansion of the capacity for the Salinas River water storage and distribution system. This shall also include, but not be limited to, investigations of expanded conjunctive use, use of recycled water for groundwater recharge and seawater intrusion barrier, and changes in operations of the reservoirs. The County's overall objective is to have an expansion planned and in service by the date that the extractions from the Salinas Valley groundwater basin are predicted to reach the levels estimated for 2030 in the EIR for the Salinas Valley Water Project. The County shall review these extraction data trends at five year intervals. The County shall also assess the degree to which the Salinas Valley Groundwater Basin (Zone 2C) has responded with respect to water

supply and the reversal of seawater intrusion based upon the modeling protocol utilized in the Salinas Valley Water Project EIR. If the examination indicates that the growth in extractions predicted for 2030 are likely to be attained within ten years of the date of the review, or the groundwater basin has not responded with respect to water supply and reversal of seawater intrusion as predicted by the model, then the County shall convene and coordinate a working group made up of the Salinas Valley cities, the MCWRA, and other affected entities. The purpose will be to identify new water supply projects, water management programs, and multiple agency agreements that will provide additional domestic water supplies for the Salinas Valley. These may include, but not be limited to, expanded conjunctive use programs, further improvements to the upriver reservoirs, additional pipelines to provide more efficient distribution, and expanded use of recycled water to reinforce the hydraulic barrier against seawater intrusion. The county's objective will be to complete the cooperative planning of these water supply alternatives within five years and to have the projects on-line five years following identification of water supply alternatives. (General Plan Policy PS-3.15)

MM BIO-2.3: Add Considerations Regarding Riparian Habitat and Stream Flows to Criteria for Long-Term Water Supply and Well Assessment. (See text of the measure under Impact BIO-2 in Part III.2 of these Findings.)

Salinas Valley

As noted above, within the Salinas Valley groundwater basin, the impact of the General Plan up to 2030 would be less than significant without mitigation due to effects of the Salinas Valley Water Project in balancing supply and demand and due to General Plan policies in the Granite-Ridge/Highlands South area and the El Toro Creek sub-basin. Mitigation Measure BIO-2.3, including revised Policy NC-3.8, which requires discretionary permit shall be required for all new wells in fractured rock or hard rock areas in the North County Area Plan in order to provide for case by case review of potential water quality and overdraft concerns. Mitigation Measure WR-2, described above, will require monitoring of water supply and demand conditions and advance planning for new water supply prior to 2030 in order to continue balancing supply and demand for the period after 2030. As discussed in the FEIR (Master Response 4), the Monterey County Water Resources Agency has determined that there is additional supply available through the expansion of the Salinas Valley Water Project that can provide additional supply in the Salinas Valley. Thus, with mitigation measure WR-2, the Board of Supervisors finds that this impact would be less than significant to 2092. (See Final EIR Master Response Section 4.1.2.)

Monterey Peninsula

For the Carmel Valley aquifer (to 2030 and 2092), Mitigation Measure BIO-2.3 for the Carmel Valley alluvial aquifer will limit the impact of new demand on limited supply by regulating new wells through a discretionary permit requirement until such time as additional supplies become available. This will allow the County to deny well permits where there are water quality and over withdrawal concerns due to significant effects on the Carmel River. Mitigation Measure WR-1 would help to plan for new water supply for development within Carmel Valley (and the Monterey Peninsula), but given its uncertainty, is not relied upon to reduce impacts to less than significant.

As noted above, for the Seaside aquifer (to 2030), development allowable by the General Plan would not have a significant impact on water supply due to the restrictions of the adjudication. Mitigation Measure WR-1 would help to plan for new water supply for development within the Seaside aquifer area; however given the uncertainty around new supply and the difficulty in the past in bringing new supply to fruition for the Monterey Peninsula, the exact source and timing of such new supply is unknown. Even though the adjudication constrains aquifer withdrawals and has determined for now that minor withdrawals do not adversely affect the aquifer, it is assumed that without additional supply that ministerial development on

legal lots will eventually adversely affect the aquifer at buildout in 2092. Thus, for the Seaside aquifer (to 2092), development allowable by the General Plan would have a significant and unavoidable impact on water supply because there is insufficient evidence to conclude that adequate supply will be available to support demand for the period after 2030.

Pajaro River Groundwater Basin

Mitigation Measure WR-1 would help to plan for new water supply for development within the Pajaro River basin, but given the uncertainty of current planning (and reliance on highly uncertain supply sources such as those from the Central Valley), the Board of Supervisors finds a significant and unavoidable impact in this basin due to the lack of assured planning to balance current and future supply and demand.

Revision of Measures Since the DEIR

Mitigation Measures have been revised since release of the DEIR. (See Table F-3 Mitigation Measures) The measures, as revised, are equivalent or more effective in mitigating or avoiding the significant effect and the revisions will not themselves cause any potentially significant effect. The revisions to MM WR-1 clarify the measure without substantive change to its requirements. MM WR-2 has been revised to include a regular review of projected demands against the extraction trends projected for 2030 and necessary to the reversal of seawater intrusion; a requirement that if extraction trends indicate the need for additional demand, then the necessary expansion will be planned and in service by the date the extractions are anticipated to exceed 2030 levels; and establishes an objective to complete the cooperative planning of water supply alternatives within 5 years of beginning the planning process and have the projects on-line within 5 years of identifying the alternatives. These revisions tighten the previous language of the mitigation measures by more closely linking the need for planning and implementation to trends in extraction, rather than simply a future year of 2030.

The new Policy CV-3.20 added by MM BIO-2.3 better ensures that new wells in these sensitive areas of the county will be discretionary decisions subject to analysis and consideration of their potential effects on local groundwater levels. This will limit extraction from new wells by limiting the number of such wells and mandating mitigation as may be required by future CEQA review of the discretionary permits.

Incorporation of Mitigation Measures into the General Plan: These mitigation measures are incorporated into the General Plan as follows: MM WR-1 is included in the General Plan as Policy PS 3.14; MM WR-2 is included in the General Plan as Policy PS 3.15; and the text suggested by MM BIO-2.3 is incorporated into PS-3.2, PS-3.3, PS-3.4, and CV-3.20 and NC-3.8.

Infeasibility of Additional Mitigation: Despite the application of Mitigation Measures WR-1, WR-2, and BIO-2.3 and the General Plan and Area Plan goals and policies, this impact will be significant and unavoidable for development relying on the Seaside Aquifer (2092) and Pajaro River groundwater basin (2030 and 2092).

For development dependent on the Seaside Aquifer (for the period beyond 2030) and in the Pajaro Valley, although planning is underway to address current problems and provide water for new development, none of the major supply projects is sufficiently developed (i.e., none are at the approval phase) to conclude that they will provide adequate water to address current problems and future needs. Mitigation Measure WR-1 commits the County to participating in a regional solution (but not necessarily those currently proposed) for these areas. General Plan policies will constrain development until long-term water supplies are assured. Until then, non-discretionary development on legal lots of record will exacerbate existing water supply problems in the Pajaro Valley (and in the Seaside aquifer after 2030). General Plan Policies PS-3.1 and PS-3.2 delay discretionary development until long-term sustainable water supplies are available. However, due to the lack of current and future supplies to address current and future water supply shortfalls, this is

considered a significant and unavoidable water supply impact for development relying on the Seaside Aquifer (to 2092) and Pajaro River groundwater basins (to 2030 and 2092).

The policies and mitigation measures do not fully mitigate the impact because the policies do not prevent development of the first single family dwelling and non-habitable accessory uses on existing lots of record in the Pajaro River groundwater basin and in the Seaside aquifer (after 2030). Preventing all development in areas with no long-term water supply so as to avoid this impact is not feasible because of legal and economic considerations. The Fifth Amendment of the United States Constitution bars the "taking" of private property through land use regulations without just compensation, with certain exceptions. (*Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003) CEQA requires mitigation measures to be "consistent with all applicable constitutional requirements." (CEQA Guidelines §15126.4(a)(4)). The General Plan is not intended to authorize the County to exercise its power in a manner which will take or damage private property for public use without the payment of just compensation. Prohibiting all development indefinitely on legal lots of record in the Seaside Aquifer (from 2030 to 2092) and Pajaro River groundwater basins (to 2030 and to 2092) could result in takings, rendering such an approach legally infeasible. It would also likely lead to numerous cases of litigation against the County, asserting regulatory takings claims and the County seeks to avoid costly and time-consuming litigation where possible. The other exceptions are restricted in order to avoid substantially increasing demand. (See also Final EIR Master Response Sections 4.3.4 and 4.4.3.)

Impact WR-5: Land uses and development consistent with the 2007 General Plan would increase the demand for water storage, treatment, and conveyance facilities that could have significant secondary impacts on the environment.

Finding. The Board of Supervisors finds that changes and alterations have been required in, and incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. The Board of Supervisors further finds that specific economic, legal, social, technological, or other considerations make infeasible mitigation measures that could avoid or reduce this impact to a level of insignificance.

Summary of Rationale: As discussed in Section 4.3 of the EIR (Water Resources) and the FEIR (including Master Response 4 – Water Supply, and Response to Comments – O-11g.24, page 3-184), despite application of CEQA and the General Plan goals and policies, this impact will be significant and unavoidable for the year 2030 and full buildout in 2092. The impact analysis for WR-5 and these findings address the secondary environmental impacts from the development of new water supply facilities. As noted in the Draft EIR, relevant mitigation measures have been provided in other resource sections of the EIR and these findings, such as for biological resources, air quality, climate change and would apply to the development of new water supply infrastructure once specific infrastructure improvements are proposed. There is no additional feasible mitigation specific to Impact WR-5 because the location, size, and purpose of future facilities are unknown at this time and therefore the intensity, location, and specific types of impacts of are also unknown.

General Plan Policies: As discussed in section 4.3 of the Draft EIR, numerous policies in the General Plan will contribute to reducing the impact of construction and operation of new infrastructure. In addition, several mitigation measures, such as for biological resources (BIO-1.2 – San Joaquin kit fox conservation strategy, BIO-1.4 – identify expansion of focused growth areas in the future, BIO-1.5 – comprehensive conservation strategy, BIO-2.1 – stream setback ordinance, BIO-2.2 – oak woodlands mitigation program, BIO-2.3 (including revised Policies NC-3.8 and CV-3.20) – riparian habitat and stream flows, BIO-3.1 – project level wildlife movement considerations, and BIO-3.2 – minimizing construction impacts on migratory birds), air quality (AQ-1, AQ-3, and AQ-4 – compliance with MBUAPCD control measures, AQ-5 – implement MBUAPCD measures for alternative fuels, and AQ-6 –

contract preference for diesel reduction), and climate change (CC-1a – GHG reduction plan, CC-2 – green building ordinance, and CC-5 – GHG reduction plan for county operations), will apply to new water supply project impacts and will further reduce infrastructure impacts.

Future CEQA Review: In addition, future water storage, treatment, and conveyance facilities will be subject to CEQA once specific projects are proposed. The resultant CEQA document will disclose any significant environmental effects and identify feasible mitigation measures to reduce those impacts. The agencies approving the project will be required to implement all feasible mitigation measures.

Infeasibility of Additional Mitigation: Despite the application of General Plan policies and future CEQA review of water infrastructure projects, this impact will be significant and unavoidable. The General Plan EIR is a first-tier document that qualitatively describes the types of impacts that may occur from future water supply projects. Mitigation Measures WR-1 and WR-2, incorporated into the General Plan as Policy PS-3.14 and PS-3.15, require the County to identify and support new water supply projects and water management programs and to pursue expansion of the Salinas Valley Water Project. There are currently no designs for any future storage, treatment, and conveyance facilities to meet all future water supply needs. The impacts of current water supply projects, such as the Coastal Water Project and other projects, are discussed in section 4.3 in the DEIR and in Master Response 4 and Chapter 4 in the FEIR. In short, although there will be a need for additional facilities at some time in the future, which are not currently defined sufficiently and thus cannot be analyzed meaningfully. Without the purpose, location, construction activities, design characteristics, and operational characteristics of future facilities, there is insufficient meaningful information for environmental assessment of the significance of the impacts of future projects at this time. Therefore, it is not technically feasible to analyze the secondary impacts of undefined future water facilities.

In addition, the experience with existing large-scale water projects shows that impacts of these new water projects may not be capable of mitigation to less-than-significant levels. In any event, the impacts are not known and not capable of further analysis at this time. Therefore, this impact is considered significant and unavoidable.

Impact WR-6: Land uses and development consistent with the 2007 General Plan would increase demand on groundwater supplies in some areas; the associated increased well pumping would result in the continued decline of groundwater levels and accelerated overdraft in portions of the county.

Findings. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR. Mitigation measures WR-1, WR-2, and BIO-2.3 (including revised Policies NC-3.8 and CV-3.20), as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan policies discussed below to mitigate significant effects from the above stated impact. However, even with such mitigation, the impact will remain significant and unavoidable for development relying on the Seaside Aquifer (2092) and the Pajaro River groundwater basin (2030 and 2092). The Board finds that specific economic, social, or other considerations make infeasible additional mitigation for the Seaside Aquifer (2092) and Pajaro River groundwater basins (2030 and 2092).

Summary of Rationale: As discussed in Section 4.3 of the EIR (Water Resources) and Final EIR (including Master Response 4 -- Water Supply), General Plan goals and policies and Area Plans will reduce this impact, but not to a less than significant level. Mitigation Measures WR-1, and WR-2, as modified and incorporated into the General Plan by the Board of Supervisors, further reduce this impact, but not to a less than significant level. No additional mitigation to further reduce this impact is feasible, and this impact will be significant and unavoidable for development relying on the Seaside Aquifer (from

2030 to 2092) and the Pajaro River groundwater basin (to 2030 and to 2092). (See also Final EIR Master Response Sections 4.3.4 and 4.4.3 for further discussion of infeasibility of additional mitigation)

Table W-1 in Final EIR Master Response 4 clarifies and summarizes the significance findings described above. That portion of Table W-1 is reproduced here for convenience.

Summary of Significance Conclusions for Water Supply Impact WR-6

Significance Overall	Salinas Valley	Monterey Peninsula	Pajaro River
Significant and Unavoidable (columns to the right discuss specific impacts)	<p>Overall significance: Less than significant to 2092. Less than significant with mitigation to 2092.</p> <p>Salinas Valley groundwater basin: Less than significant impact due to effect of SVWP on halting further overdraft compared to baseline to 2030. Less than significant with mitigation to 2092 with mitigation measure WR-2.</p> <p>Granite Ridge/Highlands South: Less than significant because SVWP addresses overall basin overdraft and revised Policy NC-3.8 will address localized individual well effects on water quality, well interference, and localized overdraft. Granite Ridge supply project will also assist to help address local issues.</p> <p>El Toro Creek sub-basin: Less than significant because Policy T-1.7 will constrain residential subdivision in residentially designated areas within the El Toro Creek subbasin and Policies PS-3.3 and PS-3.4 will address localized individual well effects on water quality, well interference, and localized overdraft.</p>	<p>Overall significance: Less than significant with General Plan policies to 2030. Significant and unavoidable to 2092.</p> <p>Carmel Valley alluvial aquifer: For both 2030 and 2092, less than significant with revised Policy CV-3.20 to require discretionary permits and offset of new demands.</p> <p>Carmel Valley hard rock areas: For 2030 and 2092, less than significant as proposed GP policies will address localized well impacts.</p> <p>Seaside aquifer: Less than significant impact due to ministerial development on legal lots (per basin adjudication) to 2030.</p> <p>Significant and unavoidable for 2092 due to lack of long-term water supply.</p>	<p>Pajaro River groundwater basin: Significant and unavoidable due to ministerial development on legal lots and lack of feasible water supply to address overall groundwater overdraft.</p>

General Plan Policies: The General Plan’s Public Services Element and various Area Plans contain a number of policies, described below, that will contribute to reducing this impact by not exacerbating the existing overdraft conditions in portions of the County.

Public Services Element

Policy PS-2.6 provides that a Hydrologic Resources Constraints and Hazards Database shall be developed and maintained in the County GIS. The GIS shall be used to identify areas containing hazards and constraints that could potentially impact the type or level of development allowed in these areas. Maps maintained in the database will include important groundwater recharge areas and hard rock areas with constrained groundwater.

Policy PS-3.1 is described in detail under Impact WR-4. It will prohibit, with the exceptions described above, new development for which a discretionary permit is required, and that will use or require the use of water, without proof, based on specific findings and supported by evidence, that there is a long-term, sustainable water supply, both in quality and quantity to serve the development. Policy PS-3.2, likewise described under Impact WR-4, will require the County to develop specific criteria for proof of a Long Term Sustainable Water Supply and an Adequate Water Supply System for new development requiring a discretionary permit. Together, Policies PS-3.1 and PS-3.2 will act to limit new development that would potentially lead to overdraft.

Policy PS-3.3, as described under Impact WR-4, requires that specific criteria shall be developed by ordinance for use in the evaluation and approval of adequacy of all new domestic wells. Policy PS-3.4, as described under Impact WR-4, requires assessment of impacts on adjacent wells and in-stream flows for new high-capacity wells, including high-capacity urban and agricultural production wells, where there may be a potential to affect existing adjacent domestic or water system wells adversely or in-stream flows. This will reduce the potential for new wells to contribute to overdraft and to interfere with existing wells.

Policy PS-3.5, as described under Impact WR-4, provides that the County shall not allow construction of any new wells in known areas of saltwater intrusion as identified by Monterey County Water Resources Agency or other applicable water management agencies until a program has been approved and funded that will minimize or avoid expansion of salt water intrusion into useable groundwater supplies in that area; or unless approved by applicable water resource agency. This will limit the removal of groundwater from those areas and reduce overdraft at those locations.

Policy PS-3.7, described under Impact WR-4, requires that a program to eliminate overdraft of water basins be developed as part of the Capital Improvement and Financing Plan (CIFP) for the General Plan. Strategies may include, but are not limited to, water banking; groundwater and aquifer recharge and recovery; desalination; pipelines to new supplies; and/or a variety of conjunctive use techniques. The CIFP shall be reviewed every five (5) years in order to evaluate the effectiveness of meeting the strategies noted in this policy. Areas identified to be at or near overdraft shall be a high priority for funding.

Policy PS-3.9 provides that a tentative subdivision map and/or vesting tentative subdivision map application for either a standard or minor subdivision shall not be approved until the applicant provides evidence of a long-term sustainable water supply in terms of yield and quality for all lots that are to be created through subdivision.

Policy PS-3.12 provides that the County shall maximize the use of recycled water as a potable water offset to manage water demands and meet regulatory requirements for wastewater discharge. This reduces the need for groundwater pumping. This policy identifies potential strategies for maximizing recycled water, including: by employing strategies including, but not limited to, the following: working with the agricultural community to develop new uses for tertiary recycled water and increase the use of tertiary recycled water for irrigation of lands currently being irrigated by groundwater pumping; working with urban water providers to emphasize use of tertiary recycled water for irrigation to reduce potable water demand; and working with urban water providers to convert existing potable water customers to tertiary recycled water as infrastructure and water supply become available.

Area Plans

See the discussions of the North County Area Plan, Carmel Valley Master Plan, and Fort Ord Master Plan under Impact WR-4 for discussion of policies that will also reduce the potential for overdraft.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above and in Section VII below demonstrates that the policies as modified are equivalent or more effective at reducing the impact.

Impact Significance Before Consideration of Mitigation

Salinas Valley

Within the Salinas Valley groundwater basin, the impact of the General Plan up to 2030 would be less than significant without mitigation due to effects of the Salinas Valley Water Project in balancing supply and demand and due to General Plan policies in the Granite-Ridge/Highlands South area and the El Toro Creek sub-basin. As discussed under Impact WR-4 above in detail, by balancing supply and demand, further groundwater overdraft is not expected due to the new water demands in the Salinas Valley.

To 2092, development allowable by the General Plan would result in a significant impact on groundwater overdraft because the General Plan as originally proposed does not contain an approach to water supply planning for the period beyond 2030 and thus demand could exceed supply after the 2030 period and further overdraft would occur.

Monterey Peninsula

The Carmel Valley aquifer is technically defined as surface water by the State Water Resources Control Board due to the connection between the alluvial aquifer and the Carmel River. However, the DEIR and FEIR discuss a groundwater overdraft condition based on studies that have shown that alluvial well withdrawals are resulting in a drop in river flows that in turn have significant adverse effects on biological resources in the river. Without mitigation, development allowable by the General Plan (to both 2030 and 2092) would significant impact on overdraft because continuing well withdrawals could exacerbate the existing deficient condition, and planning for new supply for new demands are uncertain.

For wells in Carmel Valley in hard rock areas, for both 2030 and 2092, the groundwater overdraft impact would be less than significant as proposed GP policies will address localized well impacts.

For the Seaside aquifer, development allowable by the General Plan (to 2030) would not have a significant impact on overdraft because the aquifer has been adjudicated, the adjudication controls all major withdrawals to remedy, and the adjudication has determined that minor withdrawals will not adversely affect the aquifer. For the Seaside aquifer, development allowable by the General Plan (to 2092) would have a significant impact on water supply because there is no long-term planning for future water demands of development in the aquifer area.

Pajaro River Groundwater Basin

For the Pajaro River groundwater basin, development allowable by the General Plan (to both 2030 and 2092) would result in a significant impact on groundwater overdraft because development on existing legal lots of record would include withdrawals from the basin which is currently in severe overdraft, resulting in declining water levels. Current planning for new water supply is not sufficiently assured to identify a remedy of the current condition or new supply for future new demands that will avoid furthering overdraft.

Mitigation Measures: Mitigation Measures WR-1 and WR-2, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan as policy as described below to further mitigate this impact:

The mitigations that are incorporated into the General Plan that further mitigate this impact are the following:

MM WR-1: Support a Regional Solution for the Monterey Peninsula in addition to the Coastal Water Project. (For the full text of MM WR-1, see Impact WR-4 above).

MM WR-2: Pursue expansion of the SVWP (For the full text of MM WR-2, see Impact WR-4 above).

MM BIO-2.3: Add Considerations Regarding Riparian Habitat and Stream Flows to Criteria for Long-Term Water Supply and Well Assessment (for the full text of MM BIO-2.3, see Impact BIO-2 in Part III.2 of these Findings).

These measures help to mitigate the impact because they will require cooperative planning for additional capacity, if needed, in advance of demand, regular monitoring of extraction trends in the Salinas Valley and development of additional capacity if needed, and restrictions on new wells in the both North County hard rock area and the Seaside basin until new supplies are available. These measures recognize the potential for overdraft and provide a framework for County oversight to avoid further overdraft to the extent feasible.

Salinas Valley

As noted above, within the Salinas Valley groundwater basin, the impact of the General Plan up to 2030 on groundwater overdraft would be less than significant without mitigation due to effects of the Salinas Valley Water Project in balancing supply and demand and due to General Plan policies in the Granite-Ridge/Highlands South area and the El Toro Creek sub-basin. As discussed in the DEIR Section 4.3, and FEIR (Master Response 4) and Response to Comment O-11g.24, Mitigation Measure WR-2 would reduce impacts between the years 2030 and 2092 in Salinas Valley to less than significant. Mitigation Measure WR-2, described above, will require monitoring of water supply and demand conditions and advance planning for new water supply prior to 2030 in order to continue balancing supply and demand for the period after 2030. The Monterey County Water Resources Agency has determined that there is additional supply available through the expansion of the Salinas Valley Water Project that can provide additional supply in the Salinas Valley for full bailout in the year 2092. Mitigation Measure BIO-2.3, including revised Policy NC-3.8, requires discretionary permit shall be required for all new wells in fractured rock or hard rock areas in the North County Area Plan in order to provide for case by case review of potential water quality and overdraft concerns. By balancing supply and demand, further overdrafting of the groundwater basin can be avoided. Thus, with mitigation, the Board of Supervisors finds that this impact would be less than significant to 2092.

Monterey Peninsula

For the Carmel Valley aquifer (to 2030 and 2092), General Plan Policies, including Policies PS-3.4, and CV-3.20, and Mitigation Measure BIO-2.3 for the Carmel Valley alluvial aquifer will limit the impact of new demand on the limited water supply by regulating new wells through a discretionary permit requirement until such time as additional supplies become available. This will allow the County to deny well permits where there are water quality and over withdrawal concerns due to significant effects on the Carmel River. As described in Final EIR Section 4.3.4, impacts would be less than significant to the year 2030 and 2092 with General Plan policies. Mitigation Measure WR-1 would also help to plan for new water supply for development within Carmel Valley (and the Monterey Peninsula), but is not relied upon to support this conclusion.

As noted above, for the Seaside aquifer (to 2030), development allowable by the General Plan would not have a significant impact on groundwater overdraft due to the restrictions of the adjudication. Mitigation Measure WR-1 would help to plan for new water supply for development within the Seaside aquifer area; however given the uncertainty around new supply and the difficulty in the past in bringing new supply to fruition for the Monterey Peninsula, the exact source and timing of such new supply is unknown. Even

though the adjudication constrains aquifer withdrawals and has determined for now that minor withdrawals do not adversely affect the aquifer, it is assumed that without additional supply that ministerial development on legal lots will eventually adversely affect overdraft between 2030 and full buildout. Thus, for the Seaside aquifer (to 2092), development allowable by the General Plan would have a significant and unavoidable impact on groundwater overdraft because there is insufficient evidence to conclude that adequate supply will be available to support demand and avoid further overdraft for the period after 2030.

Pajaro River Groundwater Basin

Mitigation Measure WR-1 would help to plan for new water supply for development within the Pajaro River basin, but given the uncertainty of current planning (and reliance on highly uncertain supply sources such as those from the Central Valley) and development on existing legal lots, the Board of Supervisors finds a significant and unavoidable impact in this basin due to the lack of assured planning to balance current and future supply and demand and thus to avoid further groundwater overdraft.

Revision of Mitigation Measures Since the DEIR

Mitigation measures have been revised since release of the DEIR. (See Table F-3.)

The measures as revised are equivalent or more effective in mitigating or avoiding the significant effect and will not themselves cause any potentially significant effect. The revisions to MM WR-1 clarify the measure without substantive change to its requirements. MM WR-2 has been revised to include a regular review of projected demands against the extraction trends projected for 2030 and necessary to the reversal of seawater intrusion; a requirement that if extraction trends indicate the need for additional demand, then the necessary expansion will be planned and in service by the date the extractions are anticipated to exceed 2030 levels; and establishes an objective to complete the cooperative planning of water supply alternatives within 5 years of beginning the planning process and have the projects on-line within five (5) years of identifying the alternatives. These revisions tighten the previous language of the mitigation measures by more closely linking the need for planning and implementation to trends in extraction, rather than simply a future year of 2030. The new Policies CV-3.20 and NC-3.8 added to MM BIO-2.3 better ensures that new wells in these sensitive areas of the county will be discretionary decisions subject to analysis and consideration of their potential effects on local groundwater levels. This will limit extraction from new wells by limiting the number of such wells and mandating mitigation as may be required by future CEQA review of the discretionary permits.

Incorporation of Mitigation Measures into the General Plan: The Board of Supervisors has included MM WR-1 in the General Plan as Policy PS 3.14 and included MM WR-2 in the General Plan as Policy PS 3.15. MM BIO-2.3 is found in Policies PS-3.2, PS-3.3, PS-3.4 and CV-3.20 and NC-3.8.

Infeasibility of Additional Mitigation: Despite the application of Mitigation Measures WR-1, WR-2 and BIO-2.3 and the General Plan and Area Plan goals and policies reviewed above, this impact will be significant and unavoidable for the Seaside Aquifer (between 2030 to 2092) and Pajaro River groundwater basin (to 2030 and to 2092).

As described in Final EIR Master Response Sections 4.3.4 and 4.4.3, the General Plan's policies and mitigation measures do not prevent development of the first single family dwelling and non-habitable accessory uses on existing lots of record because it is legally infeasible to do so. As a result, this type of development will continue to draw on groundwater. Prohibiting all development is not a feasible mitigation because of legal and economic considerations. The Fifth Amendment of the United States Constitution bars the "taking" of private property through land use regulations without just compensation, with certain exceptions. (*Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003) CEQA requires mitigation measures to be "consistent with all applicable constitutional requirements." (CEQA

Guidelines §15126.4(a)(4).). The General Plan is not intended to authorize the County to exercise its power in a manner which will take or damage private property for public use without the payment of just compensation. Prohibiting all development indefinitely on legal lots of record in the Seaside Aquifer (from 2030 to 2092) and Pajaro River groundwater basins (to 2030 and to 2092) could result in a takings, rendering such an approach legally infeasible. It would also likely lead to numerous cases of litigation against the County, asserting regulatory takings claims, and the County seeks to avoid costly and time-consuming litigation where possible.

Impact WR-7: Land uses and development consistent with the 2007 General Plan would increase demand on groundwater supplies in areas currently experiencing or susceptible to saltwater intrusion. Increased groundwater pumping in certain coastal areas would result in increased saltwater intrusion in some areas of the county.

Findings. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR. Mitigation measures WR-1 and WR-2 as modified and incorporated into the General Plan by the Board of Supervisors, are feasible and have been incorporated into the General Plan policies discussed below to mitigate significant effects from the above stated impact. However, even with such mitigation, the impact would remain significant. The Board finds that specific economic, legal, social, or other considerations make infeasible additional mitigation for significant impacts on the Salinas Valley groundwater basin (from 2030 to 2092), the Seaside Aquifer (from 2030 to 2092), and the Pajaro River groundwater basin (to 2030 and to 2092).

Summary of Rationale: As discussed in Section 4.3 of the EIR (Water Resources) and in the Final EIR (including Master Response 4 – Water Supply), General Plan goals and policies and Area Plans will reduce this impact, but not to a less than significant level. Mitigation Measures WR-1, WR-2, and BIO-2.3 as modified and incorporated into the General Plan by the Board of Supervisors, further reduce this impact, but not to a less than significant level. No additional mitigation is feasible, and this impact will be significant and unavoidable for the Salinas Valley groundwater basin (from 2030 to 2092), the Seaside Aquifer (to 2092) and the Pajaro River groundwater basin (to 2030 and to 2092).

Summary of Significance Conclusions for Water Supply Impact WR-7

Significance Overall	Salinas Valley	Monterey Peninsula	Pajaro River
Significant and Unavoidable (columns to the right discuss specific impacts)	<p>Overall significance: Less than significant to 2030. Significant and unavoidable to 2092.</p> <p>Salinas Valley groundwater basin, (including Granite Ridge/Highlands South): Less than significant impact due to effect of SVWP in halting seawater intrusion relative to current baseline to 2030. Significant and unavoidable for 2092 due to future uncertainty.</p> <p>El Toro Creek sub-basin: No impact. Seawater intrusion not an issue in the sub-basin.</p>	<p>Overall significance: Less than significant with General Plan policies to 2030. Significant and unavoidable to 2092.</p> <p>Carmel Valley alluvial aquifer: No impact. Seawater intrusion not an issue in this aquifer.</p> <p>Carmel Valley hard rock areas: No impact. Seawater intrusion not an issue in these areas.</p> <p>Seaside aquifer: Less than significant impact due to ministerial development on legal lots (per basin adjudication) to 2030. Significant and unavoidable for 2092 due to lack of long-term water supply</p>	<p>Pajaro River groundwater basin: Significant and unavoidable due to ministerial development on legal lots and lack of feasible water supply to address overall seawater intrusion.</p>

General Plan Policies. The General Plan's Public Services Element and various Area Plans contain a number of policies reviewed below that will reduce the existing overdraft conditions and combat the existing seawater intrusion in portions of the county. In particular, Policy PS-3.7 commits the County to developing a capital improvements program, with financing, to eliminate overdraft.

Public Services Element

Policy PS-3.1 provides that (with specific exceptions) no new discretionary permits for development for which a discretionary permit is required shall be approved without proof, based on specific findings and supported by evidence, that there is Long-Term Sustainable Water Supply, both in quality and quantity. See Impact WR-4 above for a further discussion.

Policy PS-3.2 requires that specific criteria for proof of a Long Term Sustainable Water Supply and an Adequate Water Supply System for new residential or commercial subdivisions shall be developed. Factors used in developing the criteria for proof of a long term sustainable water supply and an adequate water supply system will include water quality; authorized production capacity of a facility operating pursuant to a permit from a regulatory agency, production capability, and any adverse effect on the economic extraction of water or other effect on wells in the immediate vicinity, including recovery rates; cumulative impacts of existing and projected future demand for water from the source, and the ability to reverse trends contributing to an overdraft condition or otherwise affecting supply; effects of additional extraction or diversion of water on the environment including on in-stream flows necessary to support riparian vegetation, wetlands, fish or other aquatic life, and the migration potential for steelhead, for the purpose of minimizing impacts on the environment and to those resources and species; and completion and operation of new projects, or implementation of best practices, to renew or sustain aquifer or basin functions.

See Impact WR-4 above for a further discussion. Together, Policies PS-3.1 and PS-3.2 will require the County to consider the effects on seawater intrusion, as manifested as a result of overdraft, when considering development projects.

Policy PS-3.5 provides that the County shall not allow construction of any new wells in known areas of saltwater intrusion as identified by Monterey County Water Resources Agency or other applicable water management agencies until a program has been approved and funded that will minimize or avoid expansion of salt water intrusion into useable groundwater supplies in that area; or unless approved by applicable water resource agency. This will limit the removal of groundwater from those areas and reduce overdraft at those locations.

Policy PS-3.7 requires that a program to eliminate overdraft of water basins be developed as part of the Capital Improvement and Financing Plan (CIFP) for the General Plan. See Impact WR-4 above for a further discussion. This will reduce overdraft and, by maintaining groundwater levels, diminish the rate of seawater intrusion.

Policy PS-3.9 specifies that a tentative subdivision map and/or vesting tentative subdivision map application for either a standard or minor subdivision shall not be approved until the applicant shows proof of a long term sustainable water supply that meets yield and water quality standards. This will reduce the potential for overdraft and thereby diminish the rate of seawater intrusion.

Policy PS-3.10 provides that in order to maximize agricultural water conservation measures to improve water use efficiency and reduce overall water demand, the County shall establish an ordinance identifying

conservation measures that reduce agricultural water demand. This will reduce the potential for overdraft and thereby diminish the rate of seawater intrusion.

Policy PS-3.11 provides that in order to maximize urban water conservation measures to improve water use efficiency and reduce overall water demand, the County shall establish an ordinance identifying conservation measures that reduce potable water demand. This will reduce the potential for overdraft and thereby diminish the rate of seawater intrusion.

Policy PS-3.12 provides that the County shall maximize the use of recycled water as a potable water offset to manage water demands and meet regulatory requirements for wastewater discharge. This reduces the need for groundwater pumping. See Impact WR-4 above for a further discussion. This will reduce overdraft and, by maintaining groundwater levels, diminish the rate of seawater intrusion.

Area Plans

See the discussions of the North County Area Plan and Fort Ord Master Plan under the finding above for Impact WR-4.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above and in Section VIII below demonstrates that the policies as modified are equivalent or more effective at reducing the impact.

Impact Significance Before Consideration of Mitigation

Salinas Valley

Within the Salinas Valley groundwater basin, the impact of the General Plan up to 2030 would be less than significant without mitigation due to effects of the Salinas Valley Water Project in balancing supply and demand and avoiding further seawater intrusion. Seawater intrusion is not an issue in the El Toro Creek sub-basin. As discussed under Impact WR-4 above in detail, by balancing supply and demand, further seawater intrusion is not expected due to the new water demands in the Salinas Valley.

To 2092, development allowable by the General Plan would result in a significant impact on seawater intrusion because the General Plan does not contain an approach to water supply planning for the period beyond 2030 that can be assured at this time to avoid seawater intrusion after 2030 due to changes in sea water levels from global climate change.

Monterey Peninsula

As discussed in Draft EIR Section 4.3 and the FEIR (Master Response 4), seawater intrusion has not been identified as a concern for Carmel Valley alluvial aquifer and hard rock areas.

For the Seaside aquifer, development allowable by the General Plan (to 2030) would not have a significant impact on seawater intrusion because the aquifer has been adjudicated, the adjudication controls all major withdrawals, and the adjudication has determined that minor withdrawals will not adversely affect the aquifer, nor result in seawater intrusion. For the Seaside aquifer, development allowable by the General Plan (from 2030 to 2092) would have a significant impact on seawater intrusion because there is no long-term planning for future water demands of development in the aquifer area and thus future seawater intrusion is a possibility.

Pajaro River Groundwater Basin

For the Pajaro River groundwater basin, development allowable by the General Plan (to both 2030 and 2092) would result in a significant impact on seawater intrusion because withdrawals from the basin are

currently in overdraft, current planning for new water supply is not sufficiently assured to identify a remedy of the current condition or new supply for future new demands that will avoid furthering seawater intrusion.

Mitigation Measures: Mitigation Measures WR-1 and WR-2, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan as policy as described below to further mitigate this impact:

MM WR-1: Support a Regional Solution for the Monterey Peninsula in addition to the Coastal Water Project. (For full text of MM WR-1, see finding for Impact WR-4 above).

MM WR-2: Pursue expansion of the SVWP (For full text of MM WR-2, see finding for Impact WR-4 above).

These measures help to mitigate the impact because they reduce the potential for increased seawater intrusion.

Salinas Valley

As noted above, within the Salinas Valley groundwater basin, the impact of the General Plan up to 2030 on seawater intrusion would be less than significant without mitigation due to effects of the Salinas Valley Water Project in balancing supply and demand. Mitigation Measure WR-2, described above, will require monitoring of water supply and demand conditions and advance planning for new water supply prior to 2030 in order to continue balancing supply and demand for the period after 2030, which would help to avoid future seawater intrusion. However, as discussed in the FEIR (Master Response 4), at this time water planning for demands post-2030 is only at the conceptual level, and thus is not sufficiently developed to predict that there will be no furthering of seawater intrusion due to new demands in the Salinas Valley post-2030 and due to the effects from global climate change on sea water levels. Thus, this impact is considered significant and unavoidable.

Monterey Peninsula

For the Carmel Valley, seawater intrusion has not been identified as a concern to date and thus it would be speculative to find that there will be future problems with seawater intrusion.

As noted above, for the Seaside aquifer (to 2030), development allowable by the General Plan would not have a significant impact on seawater intrusion due to the restrictions of the adjudication. Mitigation Measure WR-1 would help to plan for new water supply for development within the Seaside aquifer area; however given the uncertainty around new supply and the difficulty in the past in bringing new supply to fruition for the Monterey Peninsula, the exact source and timing of such new supply is unknown. Even though the adjudication constrains aquifer withdrawals and has determined for now that minor withdrawals do not adversely affect the aquifer, it is assumed that without additional supply that ministerial development on legal lots could eventually adversely seawater intrusion between 2030 and full buildout in 2092. Thus, for the Seaside aquifer (from 2030 to 2092), development allowable by the General Plan would have a significant and unavoidable impact on seawater intrusion because there is insufficient evidence to conclude that adequate supply will be available to support demand and avoid seawater intrusion for the long-term period after 2030.

Pajaro River Groundwater Basin

Mitigation Measure WR-1 would help to plan for new water supply for development within the Pajaro River basin, but given the uncertainty of current planning (and reliance on highly uncertain supply sources such as those from the Central Valley), the Board of Supervisors finds a significant and unavoidable impact in this

basin due to the lack of assured planning to balance current and future supply and demand and thus to avoid further seawater intrusion to 2030 and to full buildout in 2092.

Revisions to Mitigation since the DEIR

The mitigation measures have been revised since release of the DEIR. (See Table F-3) The measures as revised are equivalent or more effective in mitigating or avoiding the significant effect and the revisions will not themselves cause any potentially significant effect. As discussed under Impact WR-4, the revisions to MM WR-1 are not substantive and the revisions to MM WR-2 tighten the previous language of the mitigation measure by more closely linking the need for planning and implementation to trends in extraction, rather than simply a future year of 2030.

Incorporation of Mitigation Measures into the General Plan: The Board of Supervisors has included MM WR-1 in the General Plan as Policy PS-3.14 and included MM WR-2 in the General Plan as Policy PS-3.15.

Infeasibility of Additional Mitigation: Despite the application of Mitigation Measures WR-1 and WR-2, and the General Plan and Area Plan policies reviewed above, this impact will be significant and unavoidable for the Salinas Valley groundwater basin (from 2030 to 2092), the Seaside Aquifer (from 2030 to 2092), and the Pajaro River groundwater basin (to 2030 and to 2092).

However, the General Plan's policies and mitigation measures do not prevent development of the first single family dwelling and non-habitable accessory uses on existing lots of record because it is legally infeasible to do so. As a result, this type of development will continue to draw on groundwater and thereby contribute to conditions conducive to seawater intrusion in parts of the County. Prohibiting all development is not a feasible mitigation because of legal and economic considerations. The Fifth Amendment of the United States Constitution bars the "taking" of private property through land use regulations without just compensation, with certain exceptions. (*Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003) CEQA requires mitigation measures to be "consistent with all applicable constitutional requirements." (CEQA Guidelines §15126.4(a)(4)). The General Plan is not intended to authorize the County to exercise its power in a manner which will take or damage private property for public use without the payment of just compensation. Prohibiting all development indefinitely on legal lots of record whose water supply is the Salinas Valley groundwater basin (from 2030 to 2092), Seaside Aquifer (from 2030 to 2092), or Pajaro River groundwater basins (to 2030 and to 2092) could result in a takings, rendering such an approach legally infeasible. It would also likely lead to numerous cases of litigation against the County, asserting regulatory takings claims, and the County seeks to avoid costly and time-consuming litigation where possible. (See also Final EIR Master Response Sections 4.3.4 and 4.4.3.)

Impact WR-12: Land uses and development consistent with the 2007 General Plan would allow continued development in 100-year flood hazard areas (at buildout).

Finding. The Board of Supervisors finds that this impact is less than significant through 2030, but specific economic, legal, social, technological, or other considerations make infeasible mitigation measures that could avoid or reduce this impact to a level of insignificance at buildout (2092).

Summary of Rationale: As discussed in Section 4.3 of the EIR (Water Resources), through application of existing regulations and General Plan policies, this impact will be less than significant through 2030; however, despite application of the regulations and General Plan goals and policies this impact will be significant and unavoidable at 2092.

Policies S-2.1 and S-2.3 through S-2.12 support the County's continued participation in the National Flood Insurance Program and Community Rating System, which includes regulating development within 100-year floodplains. These policies are implemented within all County unincorporated areas through the County's floodplain management ordinance and the Monterey County Water Resources Agency's implementation of ordinance and activities associated with the Community Rating System. No mitigation that reduces the impact to less than significant for 2092 is feasible, however, because of the impossibility of predicting future weather patterns through 2092 and insufficient meaningful information about the potential extent of future floodplains to 2092.

Existing Regulations and General Plan Policies: Existing regulations and General Plan policies that will contribute to reducing this impact include the following:

County Ordinance

County floodplain management regulations (updated by the Board of Supervisors in 2009) are codified in Chapter 16.16 of Title 16 of the County Code. The 2009 regulations meet and exceed the minimum federal standards for participation in the National Flood Insurance Program. The County floodplain management regulations require, among other things, that land uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction and restrict the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters. In addition, the regulations require that all development proposals for five parcels or more ensure that the flood discharge exiting the development after construction is equal to or less than the flood discharge at the location prior to development. This limits development within delineated 100-year floodplains.

Safety Element

Policy S-2.1 provides that land use planning to avoid incompatible structural development in flood prone areas shall be the primary means of minimizing risk from flood hazards. In concert with available floodplain mapping, this will tend to direct new development to areas outside of hazard areas. It will not, however, prohibit such development when consistent with Chapter 16.16.

Policy S-2.3 requires that all new development, including filling, grading, and construction, within designated 100-year floodplain areas shall conform to the guidelines of FEMA and the National Flood Insurance Program and ordinances established by the County Board of Supervisors. This supports implementation and updating of County Code Chapter 16.16 to maintain its effectiveness.

Pursuant to Policy S-2.4, the County pledges to improve its National Flood Insurance Program Community Rating System classification. This also supports the maintenance of effective County Code Chapter 16.16 requirements.

Policy S-2.5 provides that in Community Areas, the suitability of new development in the FEMA-defined 100-year floodplain shall be addressed through the Community Plan process in consultation with the Monterey County Water Resources Agency. The County shall prioritize, support, encourage, and participate to the greatest extent feasible in collaborative efforts to address flooding in or around Community Areas in order to facilitate development identified in the Community planning process. Similar to Policy S-2.1, this uses planning considerations to limit new development in flood hazard areas.

Policy S-2.6 states that drainage and flood control improvements needed to mitigate flood hazard impacts associated with potential development in the 100-year floodplain shall be determined prior to approval of new development and shall be constructed concurrently with the development.

Policy S-2.7 provides that outside the Community Areas, subdivisions that create lots where the only developable sites for new structures are within the 100-year floodplain shall be discouraged. Similarly, Policy S-2.8 provides that alternative project designs and densities to minimize development in the floodplain shall be considered and evaluated and Policy S-2.9 requires that new insurable buildings on existing lots of record shall be located outside the flood plain where possible.

Policy S-2.10 reiterates the provisions of County Code Chapter 16.16 regarding new construction. New insurable buildings to be located in the floodplain shall require mitigation measures, including but not limited to raising lowest floor elevations to one-foot above the 100-year flood level, to reduce flood impacts on the development to a less-than-significant level, subject to the approval of the Monterey County Water Resources Agency. Similarly, under Policy S-2.11, all insurable buildings rebuilt or remodeled within a FEMA designated 100-year floodplain shall be elevated consistent with the guidelines of the National Flood Insurance Program if the cumulative work over a 10-year period exceeds 50-percent of the appraised value of the structure. Relocation to locations outside of the 100-year floodplain shall be encouraged.

Policy S-2.12 provides that discretionary permits for development in or partially in the 100-year floodplain shall be conditioned to require recordation of a notice stating that the property is located within or partially within the 100-year floodplain and may be subject to building and/or land use restrictions.

The county ordinance described above incorporate revisions made since release of the Draft EIR. The rationale above and in Section VII below demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact.

Infeasibility of Additional Mitigation: Policies S-2.1 and S-2.3 through S-2.12 will assure this impact is less-than-significant through 2030, but not through buildout at the year 2092. There is insufficient meaningful information about the potential extent of future floodplains to identify or implement feasible mitigation measures at this time. The County's 100-year flood policies and regulations allow development within 100-year floodplains, provided that it is properly elevated at least one foot above the predicted 100-year flood level. As time passes, this could result in structures being built within the current boundaries of the 100-year floodplain. The boundaries of 100-year floodplains are not static; they are adjusted periodically as new information becomes available about upstream and downstream conditions, and as improvements are made to methods of estimating the extent of the floodplain and expected depth of flooding. Over the period from adoption of the General Plan until the year 2092, it is likely that future adjustments will be made to current 100-year floodplain boundaries, either through the issuance of updated Flood Insurance Rate Maps by FEMA or through local studies. It is also possible that structures built to current floodplain ordinance standards and compliant with the General Plan policies will not meet future standards for elevation about flood level. When that is the case, the structures will be impediments to flow. There is insufficient meaningful information about the potential extent of future floodplains to identify or implement feasible mitigation measures at this time.

Global climate change is expected to result in variable weather patterns in the future. Although the actual effect on flooding is unknown, this may result in more rain or less than the current average in any given year, as well as more events of heavy rain over a short period. If rain levels exceed the assumptions made in preparing the floodplain delineations, then existing floodplain delineations would not accurately identify areas of flood risk and existing flood protection structures may not be sufficient to handle peak flood flows. Flood damage would result. Buildout impacts are significant and unavoidable because future weather patterns through 2092 are uncertain and unknown, and correspondingly, the extent of future floodplains in relation to the locations of future development are unknown and cannot be known.

As discussed in the FEIR (see, e.g., response to comment O-21k.247), prohibition of all development within the 100-year flood hazard area is not feasible mitigation. Such a prohibition exceeds federal

floodplain regulations, is not necessary to minimize the risk of flooding resulting from new development, and could also result in numerous cases of litigation against the County, asserting "regulatory takings" claims. The General Plan is not intended to authorize the County to exercise its power in a manner which will take or damage private property for public use without the payment of just compensation, and the County seeks to avoid costly and time-consuming litigation where possible. Such a prohibition is therefore not legally or economically feasible.

Impact WR-13: The placement of land uses and structures within Special Flood Hazard Areas would impede or redirect flood flows, resulting in secondary downstream flood damage, including bank failure (at buildout).

Finding. The Board of Supervisors finds that this impact is less than significant through 2030, but specific economic, legal, social, technological, or other considerations make infeasible mitigation measures that could avoid or reduce this impact to a level of insignificance at full buildout (2092).

Summary of Rationale: As discussed in Section 4.3 of the EIR (Water Resources), through application of existing regulations and General Plan policies, this impact will be less than significant through 2030; however, despite application of the regulations and General Plan goals and policies this will be significant and unavoidable between 2030 and 2092.

Existing Regulations and General Plan Policies: County's floodplain management regulations (Monterey County Code Chapter 16.16) and General Plan Policies S-2.1 and S-2.3 through S-2.12 support the continued consideration of 100-year flood hazards in the development process and the regulation of development within 100-year floodplains under the federal Flood Insurance Program. (See discussion under finding for Impact WR-12 above.) Policy S-3.7 will assist this effort through the establishment of design standards for development in the floodplain.

Policy S-3.7 provides that the Monterey County Water Resources Agency shall prepare a Flood Criteria or Drainage Design Manual that establishes floodplain management policies, drainage standards and criteria, stormwater detention, and erosion control and stormwater quality protection measures in order to prevent significant impacts from flooding and ensure that development does not increase flooding risk over present conditions. The manual shall include, as appropriate, hydrologic and hydraulic analysis procedures, procedures to assess stream geomorphology and stability, potential development impacts on streams, and design guidelines for channel design, including biotechnical bank stabilization. Until the Drainage Design Manual is prepared, the County shall continue to apply existing policies and ordinances to manage floodplains and minimize flood risk, erosion control, and water quality impacts.

Infeasibility of Additional Mitigation: Although Policies S-2.1 through S-2.12, and especially Policy S-3.7, will assure this impact is less-than-significant through 2030, these policies cannot assure a less than significant impact between 2030 and full buildout in 2092, for all of the reasons set forth under the finding for impact WR-13 above.

Impact WR-14: Potential failure of levees or dams would expose people and structures to inundation and result in the loss of property, increased risk, injury, or death (at buildout).

Finding. The Board of Supervisors finds that this impact is less than significant through 2030, but specific economic, legal, social, technological, or other considerations make infeasible mitigation measures that could avoid or reduce this impact to a level of insignificance at full buildout (2092).

Summary of Rationale: As discussed in Section 4.3 of the EIR (Water Resources), through application of General Plan policies, this impact will be less than significant through 2030; however, despite application General Plan goals and policies, this impact will be significant and unavoidable between 2030

and full buildout in 2092 because there is insufficient meaningful information about the potential risk of failure of levees or dams and the extent of future flooding up to the year 2092 to identify or implement feasible mitigation measures at this time.

General Plan Policies. Safety Element Policy S-3.8 will assure this impact is less-than-significant through 2030. Pursuant to Policy S-3.8, the County will consider the potential for inundation in its decision-making using available inundation maps and other information. Policy S-3.8 establishes that, to assist planners in determining potential inundation hazards for existing and future development, the County shall coordinate the periodic review, completion, and filing (with appropriate State and County Offices of Emergency Services) of inundation maps for all dams and levees whose failure could cause loss of life or personal injury within Monterey County. Where inundation maps indicate dam or levee failure could cause loss of life or property or personal injury, the corresponding responsible party shall investigate levee or dam stability and management, identifying emergency alert, evacuation, rehabilitation, and maintenance needs as appropriate.

Infeasibility of Additional Mitigation: While Policy S-3.8 will assure this impact is less-than-significant through 2030, it does not reduce the impact through 2092. There is no feasible mitigation to reduce this impact through the 2092 buildout year because identifying specific risks and implementing mitigation depends on information that is not known and cannot be known at this time. Global climate change is expected to result in variable weather patterns in the future. This may result in more rain or less than the current average in any given year and increased frequency of heavy rain events. If rain levels exceed the assumptions made in designing dams and levees, then existing inundation mapping would not accurately identify areas of flood risk and existing flood protection structures may not be sufficient to handle peak flood flows in the event of a dam or levee failure. Flood damage would result. As a result of uncertainty over future severe weather patterns, this impact is conservatively considered to be significant unavoidable and no mitigation can be identified for this impact through buildout.

Prohibiting all development within areas that may be subject to inundation in the event of catastrophic dam or levee failure is not feasible. As discussed above, there is insufficient meaningful information about the potential extent of inundation in the case of a catastrophic dam failure to identify mitigation that would be feasible and effective through 2092. In addition, such a prohibition could also result in numerous cases of litigation against the County, asserting "regulatory takings" claims. The General Plan is not intended to authorize the County to exercise its power in a manner which will take or damage private property for public use without the payment of just compensation, and the County seeks to avoid costly and time-consuming litigation where possible. Such a prohibition is therefore not legally or economically feasible.

Impact CUM-3: Water Resources: Cumulative Impact on Groundwater Quality of Seawater Intrusion and Nitrates and Other Groundwater Contaminants.

Findings. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Mitigation measures MM WR-1, MM WR-2 and MM PS-1, as modified by the Board of Supervisors, are feasible and have been incorporated into General Plan policies discussed below to mitigate significant effects from the above stated Impact. However, even with such mitigation, the impact would remain significant (cumulatively considerable). The Board finds that specific economic, social, or other considerations make infeasible additional mitigation.

Summary of Rationale: As discussed in Section 6.4 of the EIR (Cumulative Impacts) and Final EIR (including Master Response 4 -- Water Supply and Master Response 9 -- Water Quality), Mitigation Measures WR-1, WR-2, and PS-1, in conjunction with the General Plan goals and policies, will reduce

this impact, but not to a less than significant level. This impact will remain significant and unavoidable, and no additional mitigation to further reduce this impact is feasible.

Existing regulations and General Plan policies: Water quality regulations and General Plan policies summarized below will contribute to reducing cumulative impacts on groundwater quality of cumulative activities.

Water Quality Regulations

Nitrates and other groundwater contaminants enter the aquifers from septic systems, municipal wastewater treatment systems, urban runoff, and routine agricultural practices. Regulations promulgated by the Central Coast RWQCB under the NPDES program limit contamination from the first three sources. The RWQCB's conditional agricultural waiver program limits agricultural runoff as a source. As discussed in Master Response 9 - Water Quality of the FEIR, the Central Coast RWQCB is currently in the process of promulgating an improved agricultural waiver program. Routine fertilizer use, however, remains a contributor.

Public Service Element

Policy PS-2.6 provides that a Hydrologic Resources Constraints and Hazards Database shall be developed and maintained in the County GIS. The GIS will identify areas containing hazards and constraints, including impaired water bodies, locations of contaminated groundwater plumes and contaminated soil and groundwater sites, and areas unsuitable for on-site wastewater treatment systems, that could potentially impact the type or level of development allowed in these areas. Maps maintained in the database will include important groundwater recharge areas and hard rock areas with constrained groundwater. This will help the county track problem areas and condition development decisions accordingly to maintain water quality.

Policy PS-3.2, described under Impact WR-4, requires the county to develop and apply specific criteria for proof of a Long Term Sustainable Water Supply for new residential or commercial subdivisions, including water quality, effects on wells in the immediate vicinity, existing groundwater conditions, cumulative impacts and planned growth in the area, and other factors. Policy PS-3.9 specifies that a tentative subdivision map and/or vesting tentative subdivision map application for either a standard or minor subdivision shall not be approved until the applicant shows proof of a long term sustainable water supply that meets yield and water quality standards. Policies PS-3.2 and PS-3.9 applied together will limit new developments where quality water supplies are not available, thereby reducing the contribution of new development to water quality problems.

Policy PS-4.10 provides that alternative on-site wastewater treatment systems may be considered for repairs to existing systems and new systems on existing lots of record. Approval of said systems shall be at the discretion of the Director of Environmental Health. The design and operation of the alternative on-site wastewater treatment system must conform to Monterey County Code 15.20 and the Central Coast Basin Plan. In addition, Policy PS-4.12 provides that the County Health Department, Environmental Health Bureau shall develop On-site Wastewater Management Plans (OWMP) for areas with high concentrations of development that are served primarily by individual sewage systems such as El Toro, Prunedale, Carmel Highlands, and Carmel Valley.

Policy PS-4.1 (wastewater treatment) requires that adequate wastewater treatment facilities shall be assured completed concurrent with new development. Policy PS-4.2 (new development and wastewater treatment) requires that developers shall construct or contribute their fair share to the funding of new or expanded wastewater treatment facilities needed to serve their development. These policies will help to

ensure that new development uses wastewater treatment facilities rather than individual on-site systems. The larger wastewater treatment facilities are easier to regulate.

Area Plans

Fort Ord Master Plan

Several pertinent policies and associated programs are included in the Hydrology and Water Quality Element. Policy A-1 requires project applicants to demonstrate that all measures would be taken to ensure that runoff is minimized and infiltration maximized in groundwater recharge areas. Programs developed under this policy also would promote water conservation, recycling, and reclamation efforts. Policy C-1 states that the County shall comply with all mandated water quality programs and establish local water quality programs as needed. Program C-3.5 (groundwater wells) states that the County shall carry out all actions necessary to ensure that the installation of water supply wells comply with the State of California Water Well Standards and well standards established by the Monterey County Health Department. Program C-3.6 (infrastructure) establishes that the County shall carry out all actions necessary to ensure that the distribution and storage of potable and non-potable water comply with the State Health Department regulations (Title 22 of the California Code of Regulations).

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above and in Section VII below demonstrate that the policies, as modified, are equivalent or more effective at reducing the impact.

North County

In order to address serious public health concerns regarding water quality and quantity, and in addition to the permit process required by *Policy NC-3.8*, a permit process shall be developed for all new wells proposed to be developed in the North County Planning Area. The permit process shall be developed by ordinance and shall be in place within 12 months of the adoption of this General Plan, and a permit shall be required to develop any new well. The requirement for a permit shall be effective until the later of the effective date of the ordinances required by Policies PS-3.2 and 3.3, or 36 months. This policy shall not apply to replacement wells.

Mitigation Measures: Mitigation Measures WR-1, WR-2 and PS-1, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan as policy as described below to further mitigate this impact:

MM WR-1: Support a Regional Solution for the Monterey Peninsula in addition to the Coastal Water Project. (For full text, see finding under Impact WR-4 above.)

MM WR-2: Pursue expansion of the Salinas Valley Water Project (SVWP) (For full text, see finding under Impact WR-4.)

MM PS-1: The County will add the following policy to the 2007 General Plan:

In order to minimize urban runoff affecting water quality, the County shall require all future development within urban and suburban areas to implement Best Management Practices (BMPs) as approved in the Monterey Regional Storm Water Management Program which are designed to incorporate Low Impact Development techniques. BMPs may include, but are not limited to, grassy swales, rain gardens, bioretention cells, and tree box filters. BMPs should preserve as much native vegetation as feasible possible on the project site.

Mitigation measures WR-1, WR-2 and PS-1 further reduce the impacts on groundwater quality of cumulative activities because they will minimize contributions to overdraft and, by implication, seawater intrusion, as well as reduce urban runoff as a non-point source of nitrates and other contaminants to groundwater. MM WR-1, MM WR-2, and MM PS-1 have been revised since release of the DEIR. (See Table F-3) The measures as revised are equivalent or more effective in mitigating or avoiding potentially significant effects and the revisions will not themselves cause any potentially significant effect on the environment. As described under Impact WR-4, the revisions to MM WR-1 clarify but do not substantively alter it and the revisions to MM WR-2 will improve its effectiveness in halting seawater intrusion thereby improving groundwater quality. The revision to MM PS-1 clarifies its requirements without a substantive change in their effects. BMPs under MM PS-1 will typically be integrated into project design and will often result in more open space and landscaped areas.

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included these mitigation measures in the General Plan as follows: MM WR-1 is included in the General Plan as Policy PS 3.14; MM WR-2 is included in the General Plan as Policy PS-3.15; and MM PS-1 is included in the General Plan as Policy S-3.9.

Infeasibility of Additional Mitigation: Although the General Plan policies described above reduce the adverse cumulative impact on groundwater quality, there is no feasible mitigation which can fully avoid the cumulative impact on groundwater quality or reduce this impact to a level below significance.

The General Plan's impact remains "cumulatively considerable" in the context of cumulative water quality. Although General Plan policies and regional and county regulations can reduce additional releases of pollutants to groundwater during the term of the General Plan, and the cited mitigation measures can provide further reductions to contributing sources, there is no effective mitigation that could remediate the existing level of contamination. In portions of the County, the groundwater has been sufficiently affected such that even a small contribution by future development under the General Plan cumulatively considerable. Remediation of groundwater quality would require water treatment facilities (groundwater treatment facilities, not wastewater treatment facilities) on a scale not previously seen in Monterey County with the capacity to remove contaminated water from affected groundwater aquifers, treat that water, and return the treated water to the aquifer. No such remediating treatment facilities are planned, nor is funding available for a venture of this magnitude. Committing County resources to an unfunded program of indeterminate size is undesirable from a policy standpoint.

Impact CUM-4: Water Resources: Indirect Impacts of Water Supply Projects.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible mitigation measures that could avoid or reduce this impact to a level of insignificance.

Summary of Rationale: As discussed in Section 6 of the EIR (Water Resources) and Final EIR (including Master Response 4 – Water Supply), despite application of the General Plan goals and policies, this impact will be significant and unavoidable (cumulatively considerable).

General Plan Policies: As discussed in the finding for Impact WR-5 above, General Plan Public Services Element policies and environmental review under CEQA of future water supply projects will contribute to reducing the impacts of future water supply projects and facilities, although not to a level of insignificance. (See findings under Impact WR-5 above.)

Infeasibility of Additional Mitigation: Although General Plan policies will reduce the indirect impacts related to water supply projects and facilities, the lack of specific information about such future projects and facilities makes infeasible at this time the identification and implementation of mitigation to address

this cumulative impact. The General Plan EIR is a first-tier document that qualitatively describes the types of impacts that may occur from future water supply projects. There are currently no designs for any future storage, treatment, and conveyance facilities that may be necessary at some future time to meet water supply needs (with the exception of current projects such as the Coastal Water Project that are undergoing the CEQA process independently and whose impacts are discussed in Section 4.6 of Master Response 4). In short, although there may be a need for additional facilities at some time in the future, there are currently no specific proposed projects to analyze. Without the purpose, location, construction activities, design characteristics, and operational characteristics of future facilities, there is insufficient meaningful information for environmental assessment of the significance of the impacts of future projects at this time. Therefore, it is not technically feasible to analyze the secondary impacts of undefined future water facilities or to identify and implement mitigation measures to reduce the impacts of same. However, as the experience with existing large-scale water projects shows, cumulative impacts of these new water projects may not be capable of mitigation to less-than-significant levels.

Indirect impacts as a result of water supply projects would include construction-related air quality emissions, traffic increases, and sediment release; brine disposal during operation (desalination plants); biological impacts (desalination plants); and increased electrical demand (desalination plants). As described in Section 6 of the EIR, a number of safeguards exist that will act to reduce most of these indirect impacts below the level of significance. All of the projects will be subject to CEQA analysis and mitigation measures will be implemented when feasible, as required by CEQA. However, despite the implementation of future mitigation measures, because information about specific projects is not known and cannot be known at the time of this adoption of the General Plan, no mitigation is currently feasible to avoid the cumulative indirect impacts (such as impacts to air quality, biological resources, and electrical energy use) of the water supply projects and facilities to be built.

Impact TRAN-1B: Development of the land uses allowed under the 2007 General Plan would create traffic increases on County and Regional roadways which would cause the LOS to exceed the LOS standard, or contribute traffic to County and Regional roads that exceed the LOS standard without development.

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the EIR. Mitigation measures TRAN-2B and TRAN-5A, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan to mitigate significant effects from the above stated Impact. However, even with such mitigation, the impact would remain significant. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible mitigation measures that could avoid or reduce this impact to a level of insignificance.

Summary of Rationale: As discussed in Section 4.6 of the EIR (Transportation), existing regulations and General Plan goals and policies will reduce this impact but not to a less than significant level. Although the EIR did not identify mitigation specifically for this impact, the Board finds that MM TRAN-2B and MM TRAN-5A, which were developed to mitigate other significant impacts, would help reduce this impact to some extent. Specifically, MM TRAN-2B would reduce impacts in Carmel Valley, and MM TRAN-5A would reduce impacts in the Agricultural and Winery Corridor. Nevertheless, this impact will remain significant and no additional mitigation to further reduce this impact is feasible.

Regulations and General Plan Policies. The General Plan policies listed below will contribute to reducing impacts resulting from increased traffic volumes on County roads, Regional roads, and Regional roads external to the County.

Regional Development Impact Fee

Pursuant to County ordinance, the County requires development projects that have a cumulative traffic impact to pay a Regional Development Impact Fee (each of the cities within the county has also adopted a similar regional traffic impact fee ordinance). The fee is transmitted to a regional joint powers authority (JPA) for the purpose of funding specified improvements and is administered by the Transportation Agency for Monterey County (TAMC). TAMC collects traffic improvement fees on behalf of the JPA from development projects in the County and cities for the purpose of funding all or a portion of specific road infrastructure projects within Monterey County. This will help improve traffic circulation when its projects are completed.

Land Use Element

The Land Use Element contains numerous policies encouraging compact development, generally including many of the policies from LU-1.1 through LU-1.21. These will help reduce traffic generation in the Community Areas and Rural Centers by offering future residents the opportunity to access basic services without the need to drive and by simplifying the ability to provide transit service between communities (i.e., clustered development is easier to serve than scattered development). These policies are described under Impacts AG-1 and AG-2.

Circulation Element

Policy C-1.1 sets a standard level of service (LOS) on County roads establishing a minimum threshold beyond which mitigation measures are required, with the provision that different LOS standards may be adopted through the community plan process.

Policy C-1.2 describes how the County will pursue meeting the LOS standards through project conditions, traffic impact fees, regional improvements, and the Capital Improvement Facilities Plans (CIFPs).

Policy C-1.3 establishes concurrency and in-lieu impact fee requirements for improving road facilities as "Tier 1", "Tier 2", and "Tier 3" development occurs. Off-site circulation improvements that mitigate Traffic Tier 2 or Traffic Tier 3 impacts either shall either be constructed concurrently with new development, or a fair share payment pursuant to *Policy C-1.8* (County Traffic Impact Fee), *Policy C-1.11* (Regional Development Impact Fee), and /or other applicable traffic fee programs shall be made at the discretion of the County. (Tier 1 impacts are direct impacts on private development sites which end at the connection with the public road or highway and include the intersection itself. Tier 2 impacts are direct or cumulative impacts to county roadways not in the immediate vicinity of development. Tier 3 impacts are impacts to regional roadways and highways identified in the TAMC Regional Development Impact Fee Program.)

Policy C-1.4 provides that notwithstanding Policy C-1.3, projects that are found to result in reducing a County road below the acceptable LOS standard shall not be allowed to proceed unless the construction of the development and its associated improvements are phased in a manner that will maintain the acceptable LOS for all affected County roads. This policy specifies limited exemptions for: the first single family dwelling on a lot of record; allowable non-habitable accessory structures on an existing lot of record; accessory units consistent with other policies and State Second Unit Housing law; any use in a non-residential designation for which a discretionary permit is not required or for which the traffic generated is equivalent to no more than that generated by a single family residence (10 ADT); and minimal use on a vacant lot in a non-residential designation sufficient to enable the owner to derive some economically viable use of the parcel.

Policy C-1.5 provides that County transportation planning activities shall be coordinated with all affected agencies and jurisdictions. The County shall support collection of impact fees on all development projects to address impacts to City and County roads plus regional roads and highways.

Under Policy C-1.8, development proposed in cities and adjacent counties shall be carefully reviewed to assess the proposed development's impact on the County's circulation system. The County, in consultation with TAMC and Monterey County cities shall, within 18 months of adoption of the General Plan, develop a County Traffic Impact fee that addresses Tier 2 impacts of development in cities and unincorporated areas. From the time of adoption of the General Plan until the time of adoption of a County Traffic Impact Fee, the County shall impose an ad hoc fee on its applicants based upon a fair share traffic impact fee study.

Policy C-1.10 requires the County to work with TAMC and other affected agencies to improve congestion.

Policy C-1.11 provides that in addition to the traffic impact fee established under Policy C-1.8, the County shall require new development to pay a Regional Traffic Impact Fee developed collaboratively between TAMC, the County, and other local and state agencies to ensure a funding mechanism for regional transportation improvements mitigating Traffic Tier 3 impacts. This will help pay for regional projects to maintain and improve LOS standards.

Policies 2.4 through 2.6 encourage reduction in personal automobile usage in favor of bicycle and transit usage to reduce the LOS impact caused by traffic generation.

Policy C-3.5, as well as Policies C-4.3, C-4.5, C-4.7, and C-4.9 address the design of public facilities to accommodate pedestrians, bicycles, and transit to provide the necessary infrastructure to accommodate these modes and reduce traffic. Similarly, Policies C-9.1 through C-9.6 specifically promote bicycle as an alternative mode of travel by: coordinating with TAMC and all appropriate private and public interests and agencies to develop an integrated, comprehensive bicycle plan; considering improved bike routes within major transportation corridors; promoting the safe integration of bicycle systems with other public transportation modes; encouraging bicycling as a viable transportation mode for visitor-serving areas; encouraging visitor-serving facilities to provide adequate bicycle access and secure bicycle parking facilities; and requiring new and improved multi-modal transfer facilities, such as transit centers and park-and-ride lots, to include adequate bicycle access and secure bicycle parking facilities.

Public transit service, an important strategy in reducing traffic impacts, is addressed in Circulation Element Policies 6.1 through 6.9 by encouraging coordinated service between providers, regular service for mobility-impaired people, and service to major traffic generating events or uses. Policies 8.1 through 8.4 encourage rail transportation to commercial centers and transit-oriented development to encourage use of public transportation, and to create mixed-use centers where walking and bicycling are viable modes of transportation. Policies 9.1 through 9.6 promote bicycle as an alternative mode of travel by providing bike routes and bike parking along major roadways and visitor destinations.

Public Services Element

Policies PS-1.1 through PS-1.6 would establish general standards for the provision of Adequate Public Facility and Services (APFS) for new development, including meeting the LOS D standard. Policy PS-1.1 establishes Adequate Public Facilities and Services (APFS) requirements. It provides that the County will ensure that APFS needed to support new development are available to meet or exceed the level of service of "Infrastructure and Service Standards" (as set out in General Plan *Table PS-1*) concurrent with the impacts of such development, encourage development in infill areas where APFS are available, and

seek to achieve acceptable LOS standards through improvements funded by fair share impact fees and Capital Improvement and Financing Plans (CIFPs).

Policy PS-1.2 provides that the County shall develop and adopt Capital Improvement and Financing Plans (CIFPs) and implementing ordinances that:

- f. Define benefit areas (geographical or functional) to be included in a CIFP. Benefit areas could include Planning Areas, Community Areas, or the County as a whole, as well as, functional areas such as roadway improvements, water, or wastewater infrastructure.
- g. Identify and prioritize the improvements to be completed in the benefit areas over the life of the General Plan. (also see *Policies LU-2.30, C-1.2, PS-3.9*)
- h. Estimate the cost of the improvements over the life of the General Plan.
- i. Identify the funding sources and mechanisms for the CIFP.
- j. Provide an anticipated schedule for completion of the improvements.

CIFPs may refer to and incorporate Plans and fee programs existing as of the date of the adoption of the General Plan. Construction costs and land values shall be adjusted annually and the CIFP shall be reviewed every five (5) years in order to evaluate the effectiveness of meeting the infrastructure needs. A general county-wide CIFP shall be completed within 18 months from the adoption of the County Traffic Impact Fee (*Policy C-1.2*). CIFPs for Community Areas shall be completed concurrent with the Community Plan. CIFPs for Rural Centers shall be completed prior to the approval of new development.

Policies PS-1.3 and 1.4 provide that no discretionary application for new development shall be approved unless the County finds that APFS for that use exist or will be provided concurrent with the development and the new development pays its fair share of the cost of providing APFS, respectively. Policy PS-1.5 requires improvements to be installed concurrently with new development. New development projects would be assessed impact fees to finance capital improvements. Payment of these fees would ensure that adequate facilities are provided concurrently with growth. These policies would decrease the impact on roads by requiring that future development pay its share of necessary road improvements and that development will occur concurrently with future road improvements.

Area Plan Policies

North County Area Plan

Policy NC-1.1 requires new commercial development to be built in proximity to housing so that residents can minimize long distance travel and reduce traffic impacts. Policy NC-2.1 addresses providing a bypass of Highway 101 north of Salinas to provide additional highway capacity, and improve access to new development to minimize impacts to county and local roads.

Central Salinas Valley Area Plan

Policy CSV-1.4 requires new development in the Spence/Potter/Encinal Road Area to analyze and mitigate its road capacity impacts.

Greater Monterey Peninsula Area Plan

Policies GMP-2.1 through GMP-2.5 and GMP-2.7 encourage transit use to decrease peak hour traffic and LOS impacts. These policies also provide for roadway improvements to Highway 68 and its alternate routes to improve existing and future deficiencies.

Greater Salinas Area Plan

Policies GS-2.1 and GS-2.2 address congestion on Highway 101 by encouraging the bypass to add capacity and improve access. These policies also specify the need to design and implement an additional bypass road around Salinas (Western Bypass).

Carmel Valley Master Plan

Policies CV-2.1, CV-2.3 through CV-2.5 and CV-2.14 encourage alternate modes of transportation including transit, bicycle, and pedestrian access to provide viable alternatives to driving and to reduce traffic impacts.

Toro Area Plan

Policies T-2.1 through T-2.7 and T-2.9 through T-2.10 encourage roadway and transit improvements to relieve congestion and identify funding sources from new developments.

Cachagua Area Plan

Policy CACH-2.6 requires LOS C as an acceptable LOS within the planning area. New development in this plan area is required to meet this standard and mitigate impacts to maintain the standard.

South County Area Plan

Policy SC-1.2 encourages clustered development, which contributes to the mitigation of LOS impacts by creating an environment where people can walk, bicycle, or use transit as an alternative to driving.

Agricultural and Winery Corridor Plan (AWCP)

Policy 3.7 requires that access to facilities in the AWCP shall be designed to meet safe sight distance standards as determined by the Monterey County Public Works department, particularly for uses that generate truck traffic. This will reduce the potential for interference with flows and decrease the potential for accidents.

Several of the policies described above incorporate revisions made since release of the Draft EIR. Specifically, Policy C-1.2 has been rewritten to more clearly describe the mechanisms that will be used to fund capital improvements needed to achieve the County's level of service standards and to incorporate and reference the mitigation requirements established in Policy C-1.3. Revised Policy C-1.2 results in an equal or higher level of mitigation because it requires the same funding mechanisms and monitoring requirements as the previous version of Policy C-1.2, identifies an additional source of funding (the County Road Fund), and clarifies that direct on and off-site impacts are mitigated through Policy C-1.3. The revised policy does not change the findings of any impacts nor does it alter the efficacy of any transportation mitigation measures or trigger any additional impacts because it does not change the original intent, standards, thresholds or funding sources described in the original policy and clarifies and references additional sources of funds and mitigation requirements.

Policy C-1.3 has been reworded and reformatted to improve the clarity of the policy and to define or reference definition of terms. The revisions do not alter the content of Policy C-1.3. The changes reference a definition of "concurrent" and more clearly communicate, through enumeration, the two methods of mitigating Traffic Tier 2 and Traffic Tier 3 off-site impacts. Finally, one part of the policy has been moved to a more appropriate policy (see the discussion of Policy C-1.5 below). Since the revisions do not change the content of the original policy, only wording and formatting, the revised policy provides an equivalent mitigation measure to the original policy. Further, the revised policy does not introduce any new impacts as a result of the changes in wording and formatting.

Policy C-1.4 has been rewritten to more clearly describe the requirements for mitigating County roads that are already operating below the County's level of service standard. The revision adds a statement concerning mitigation requirements for impacts on a County road that is not listed on the CIFP as a high priority. Further, the revision clarifies and places restrictions on non-discretionary commercial properties (Sub-section d) and adds an exemption regarding uses on vacant lots. The revisions do not change the content of the original policy and add clarification and more stringent language that provides an equivalent or more effective mitigation measure than the original policy. Further, the revised policy does not introduce any new impacts as a result of the changes.

A sentence referencing the County's support for the collection of non-County impact fees from County development has been moved from Policy C-1.3 to Policy C-1.5. The sentence was added because it is consistent with the original Policy C-1.5 which refers to coordinating transportation planning activities with city and regional agencies. The addition of the sentence does not change the content or intent of the original policy (Policy C-1.5) nor does the deletion of the sentence change the content or intent of Policy C-1.3. The revised policy does not introduce any new impacts as a result of the change.

The rationale above demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact.

Mitigation Measures: Mitigation measures **MM TRAN-2B** and **MM TRAN-5A**, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan as policy to mitigate this and other impacts to the greatest extent feasible.

MM TRAN 2B. [See complete text of MM-TRAN-2B under discussion of Impact TRAN-2B below.]

MM TRAN-5A. [See complete text of MM TRAN-5A under discussion of Impact TRAN-5A above.]

MM TRAN-2B and MM TRAN-5A have been revised since release of the DEIR. (See Table F-3) The measures as revised are equivalent or more effective in mitigating or avoiding potentially significant effects and will not themselves cause any potentially significant effect on the environment, as explained under the discussion Impact TRAN-5A above and the discussion of TRAN-2B below, respectively.

Incorporation of the Mitigation in the General Plan: The Board of Supervisors has included MM TRAN-2B in the General Plan as Policies CV-2.10, CV-2.17, and CV-2.18. The Board has included MM TRAN-5A as Policy C-1.12.

Infeasibility of Additional Mitigation: Although the General Plan policies and mitigation measures described above avoid and minimize adverse traffic impacts related to exceeding LOS standards or contributions to traffic on regional and county roads in excess of LOS standards, there is no feasible mitigation that can fully avoid this impact or reduce this impact to a level below significance for the following reasons.

Despite implementation of these policies, impacts would remain significant and unavoidable. Full mitigation of the LOS impacts would require a substantial number of County and Regional roadways to be widened and intersection modifications to provide enough capacity to achieve the County's LOS standards on all impacted segments, some outside of Monterey County. Many of the mitigations for these roadway segments are infeasible due to physical, topographical, and environmental constraints, as well as the social and economic impacts related to the acquisition of commercial and residential property, or loss of access, for roadway capacity-enhancing projects. The foremost constraint, however, is funding of transportation facilities.

The County is legally constrained from obtaining sufficient funding to finance the improvements necessary to maintain the LOS standards set out by the General Plan. Development impact fees are limited to financing capital improvements and cannot be used for operations and maintenance. In addition, a project subject to those fees can be charged only its fair share of the cost of improvements that are related to the traffic generated by (i.e., the traffic impact of) the project. As a result, although new development will be required to "pay its way," that funding will not address road system shortcomings that relate to maintenance, facilities that are not affected by that new development, and existing shortcomings related to existing development.

A local tax for transportation improvements could make up this shortfall or a substantial portion of it; however, the potential for voter approval of such a tax is low, given the failure of past proposals initiated by TAMC and the 2/3 majority approval required under State law. Two separate proposals for a ½-cent sales tax for transportation were presented to County voters in 2006 (Measure A) and 2008 (Measure Z) for the purpose of funding specific road improvements, maintenance, and transit. Both proposals were defeated (Measure A getting 57% approval) and Measure Z getting just under 63% approval), indicating that the chance of passage of any such tax increase is low. The current economic downturn further decreases the likelihood of voter approval in the near future in light of the related increase in personal job-loss, reduced pay, and financial difficulties.

Impact TRAN-1E: Growth in land uses allowed under the 2007 General Plan would result in inadequate emergency access;

Impact TRAN-2E: Growth in land uses allowed under the 2007 General Plan, cumulatively with development in incorporated cities and adjacent counties, would result in inadequate emergency access;

Impact TRAN-3E: Buildout of the 2007 General Plan would result in inadequate emergency access; and

Impact TRAN-4E: Buildout of the 2007 General Plan, cumulatively with development in incorporated cities and adjacent counties, would result in inadequate emergency access.

Findings: The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the EIR. Mitigation measure TRAN-1E, as modified by the Board of Supervisors, is feasible and has been incorporated into the General Plan to mitigate significant effects from the above stated Impacts. However, even with such mitigation, the impacts would remain significant. The Board finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation.

Summary of Rationale: As discussed in Section 4.6 of the EIR (Transportation), Mitigation Measure TRAN-1E in conjunction with General Plan goals and policies will reduce these impacts, but not to a less

than significant level. No additional mitigation to further reduce this impact is feasible, and this impact will be significant and unavoidable.

General Plan Policies: The development allowed under the General Plan will generate traffic that would cause a number of County and Regional roadways to exceed the County's LOS standards and contribute to roadways that exceed the standard without development, causing traffic congestion that would impact emergency response time. The following General Plan policies will contribute to reducing this impact.

Safety Element

In order to maximize access for fire protection, Policy S-5.9 provides that emergency roadway connections may be developed where distance to through streets is excessive, or where a second means of emergency ingress or egress is critical. New residential development of three units or more shall provide more than one access route for emergency response and evacuation unless exempted by the fire jurisdiction. Such protection requirements shall be consistent with adopted fire safety standards.

Policy S-5.14 states that all public thoroughfares, private roads, and deeded emergency accesses shall be considered potential evacuation routes. It also identifies those roads to be considered designated emergency evacuation routes.

Carmel Valley Master Plan

Policy CV-4.4 provides that the County shall require emergency road connections as necessary to provide controlled emergency access as determined by appropriate emergency service agencies (i.e., Fire Department, Office of Emergency Services). The County shall coordinate with the emergency service agencies to periodically update the list of such connections.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above and in Section VII, below, demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact.

Mitigation Measures: Mitigation Measure TRAN-1E, as modified by the Board of Supervisors, is feasible and has been incorporated into the General Plan as policy as described below to further mitigate this impact:

MM TRAN-1E: Revise Safety Element S-5.17 on increasing roadway connectivity to enhance emergency access.

- S-5.17 Emergency Response Routes and Street Connectivity Plans shall be required for Community Areas and Rural Centers, and for any development producing traffic at an equivalent or greater level to five or more lots/units. Said Plan shall include:
- a. Roadway connectivity that provides multiple routes for emergency response vehicles.
 - b. Primary and secondary response routes in Community Areas and Rural Centers.
 - c. Secondary response routes, which may include existing roads or new roads required as part of development proposals.

The County shall review said plans in coordination with the appropriate Fire District.

Mitigation Measure TRAN-1E mitigates these impacts by addressing emergency access for Community Areas and Rural Centers. MM TRAN-1E has been revised since release of the DEIR. (See Table F-3.) The measure as revised is equivalent or more effective in mitigating or avoiding potentially significant effects and will not itself cause any potentially significant effect on the environment because the revision is non-substantive; consisting of reorganizing the measure for clarification without changing its requirements.

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included MM TRAN-1E in the General Plan as Policy S-5.17.

Infeasibility of Additional Mitigation: Although the General Plan policies and mitigation measure described above avoid and minimize adverse impacts related to inadequate emergency access, there is no feasible mitigation which can fully avoid or reduce this impact to a level below significance for the following reasons.

The General Plan and Area Plan policies discussed above provide for emergency access in new project design. The Public Services and Circulation policies discussed under Impact TRAN-1B would also reduce impacts to LOS resulting from allowable development of land uses under the General Plan. However, impacts would remain significant and unavoidable due to projected traffic increases resulting from development under the General Plan. Road congestion reduces emergency access, particularly where existing roads are narrow or operating at close to the LOS standards. Full mitigation of the LOS impacts would require a substantial number of existing County and Regional roadways to be widened and intersections modified in order to provide enough capacity to achieve the County's LOS standards on all impacted segments, some outside of Monterey County. Many of the mitigations for these roadway segments are infeasible due to physical, topographical, and environmental constraints, as well the social and economic impacts related to the acquisition of commercial and residential property, or loss of access, for roadway capacity-enhancing projects.

The foremost constraint, however, is funding of transportation facilities. The County is legally constrained from obtaining sufficient funding to finance the improvements necessary to maintain the LOS standards set out by the General Plan. Development impact fees are limited to financing capital improvements related to the impacts of development projects and cannot be used for operations, maintenance, and improvements not related to new development. In addition, a project subject to those fees can be charged only its fair share of the cost of improvements that are related to the traffic generated by (i.e., the traffic impact of) the project. As a result, although new development will be required to "pay its way," that funding will not address existing road system shortcomings that relate to maintenance, nor to facilities that are not affected by that new development.

A local tax for transportation improvements could make up this shortfall or a substantial portion of it; however, the potential for voter approval of such a tax is low, given the failure of past proposals initiated by TAMC and the 2/3 majority approval required under State law. Two separate proposals for a ½-cent sales tax for transportation were presented to County voters in 2006 (Measure A) and 2008 (Measure Z) for the purpose of funding specific road improvements, maintenance, and transit. Both proposals were defeated (Measure A getting 57% approval) and Measure Z getting just under 63% approval), indicating that the chance of passage of any such tax increase is low. The current economic downturn further decreases the likelihood of voter approval in light of the related increase in personal job-loss, reduced pay, and financial difficulties.

Impact TRAN-2B: Development of the land uses allowed under the 2007 General Plan cumulatively with development in incorporated cities and in adjacent counties would create traffic increases on County and Regional roadways which would cause the LOS to exceed the LOS D standard, or contribute traffic to County and Regional roads that exceed the LOS standard without development.

Findings: The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the EIR. Mitigation Measure TRAN-2B, as modified by the Board of Supervisors, is feasible and is incorporated into the General Plan to mitigate significant effects from the above stated Impact. However, even with such mitigation, the impact would remain significant. The Board finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation.

Summary of Rationale: As discussed in Section 4.6 of the EIR (Transportation) and Master Response 5 of the Final EIR, buildout of the General plan will result in significant and unavoidable impacts on County roads, and Regional roads both within and external to Monterey County. No mitigation is feasible to reduce this impact countywide. However, Mitigation Measure TRAN-2B in conjunction with General Plan goals and policy will reduce this impact to a less than significant level within the majority of Carmel Valley with the exception of one segment of Carmel Valley Road in the Carmel Valley Village (Segment 3), as further explained in EIR Master Response 5 (Carmel Valley Traffic Issues and Master Response 6 – Traffic Mitigation). No additional mitigation to further reduce the impact in Carmel Valley is feasible.

Regulations and General Plan Policies: All of the regulations and General Plan policies that will contribute to reducing Impact TRAN-1B, described above, will also contribute to reducing Impact TRAN-2B.

Mitigation Measure: Mitigation Measure TRAN 2-B, as modified by the Board of Supervisors, is feasible and has been incorporated into the General Plan as policy as described below to further mitigate this impact:

MM TRAN-2B. Revise policies in the Carmel Valley Master Plan as follows:

CV-2.10. The following are policies regarding improvements to specific portions of Carmel Valley Road:

- a) *Via Petra to Robinson Canyon Road:* Every effort should be made to preserve its rural character by maintaining it as a 2-lane road with paved shoulders and left turn channelizations at intersections where warranted.
- b) *Robinson Canyon Road to Laureles Grade:* Every effort should be made to preserve its rural character by maintaining it as a 2-lane road with paved shoulders and left turn channelizations at intersections where warranted.
- c) *Carmel Valley Road/Laureles Grade:* A grade separation should be constructed at this location instead of a traffic signal. The grade separation needs to be constructed in a manner that minimizes impacts to the rural character of the road. An interim improvement of an all-way stop or stop signal is allowable during the period necessary to secure funding for the grade separation.

- d) *Laureles Grade to Ford Road*: Shoulder improvements and widening should be undertaken here and extended to Pilot Road, and include left turn channelization at intersections as warranted.
- e) *East of Esquiline Road*: Shoulder improvements should be undertaken at the sharper curves. Curves should be examined for spot realignment needs.
- f) *Laureles Grade improvements*: Improvements to Laureles Grade should consist of the construction of shoulder widening, spot realignments, passing lanes and/or paved turn-outs. Heavy vehicles should be discouraged from using this route.

CV-2.17. To implement traffic standards to provide adequate streets and highways in Carmel Valley, the County shall conduct and implement the following:

- a) Twice yearly monitoring by Public Works (in June and October) of peak hour traffic volumes and daily traffic volumes at the six (6) locations in the following list noted in bold type:

Carmel Valley Road

1. East of Holman Road
2. Holman Road to Esquiline Road
3. **Esquiline Road to Ford Road**
4. **Ford Road to Laureles Grade**
5. **Laureles Grade to Robinson Canyon Road**
6. **Robinson Canyon Road to Schulte Road**
7. **Schulte Road to Rancho San Carlos Road**
8. Rancho San Carlos Road to Rio Road
9. Rio Road to Carmel Rancho Boulevard
10. Carmel Rancho Boulevard to SR1

Other Locations

11. Carmel Rancho Boulevard between Carmel Valley Road and Rio Road
12. **Rio Road between its eastern terminus at Val Verde Drive and SR1**

Monitoring may be reestablished on other segments when traffic studies indicate that they are approaching 80% of existing thresholds.

- b) A yearly evaluation report shall be prepared jointly by the Department of Public Works in December to evaluate the peak-hour level of service (LOS) for the six (6) monitoring locations and determine if any of those segments are approaching a peak hour traffic volume that would lower levels of service below the LOS standards established below under *Policy CV 2-17(e)*. The report will summarize peak hour data and Percent Time Following (PTSF) volumes and daily traffic volumes and present the peak hour LOS analysis in an Average Daily Trips (ADT) format.
- c) Public hearings shall be held in January immediately following the December report when only 10 or less peak hour trips remain before an unacceptable level of service (as defined by *Policy CV 2-17(e)*) would be reached for any of the six (6) segments described above.
- d) At five year intervals, the County shall examine the degree to which estimates of changes in Levels of Service ("LOS") in the Carmel Valley Master Plan Area may be occurring earlier than predicted in the General Plan Environmental Impact Report. If the examination indicates that LOS are likely to fall to a lower letter grade than predicted for 2030, then the

County shall consider adjustments to the cap on new residential units established in (*Policy CV-1.6*) and/or the cap on new visitor serving units established in (*Policy CV-1.15*) or other measures that may reduce the impacts.

- e) The traffic LOS standards (measured by peak hour conditions) for the CVMP Area shall be as follows:
 - 1) Signalized Intersections – LOS of “C” is the acceptable condition.
 - 2) Unsignalized Intersections – LOS of “F” or meeting of any traffic signal warrant are defined as unacceptable conditions.
 - 3) Carmel Valley Road Segment Operations:
 - a) LOS of “C” for Segments 1, 2, 8, 9, and 10 is an acceptable condition;
 - b) LOS of “D” for Segments 3, 4, 5, 6, and 7 is an acceptable condition.

During review of development applications that require a discretionary permit, if traffic analysis of the proposed project indicates that the project would result in traffic conditions that would exceed the standards described above in *Policy CV 2-17(e)*, after the analysis takes into consideration the Carmel Valley Traffic Improvement Program to be funded by the Carmel Valley Road Traffic Mitigation Fee, then approval of the project shall be conditioned on the prior (e.g., prior to project-generated traffic) construction of additional roadway improvements or an Environmental Impact Report shall be prepared for the project. Such additional roadway improvements must be sufficient, when combined with the projects programmed in the Carmel Valley Traffic Improvement Program, to allow County to find that the affected roadway segments or intersections would meet the acceptable standard upon completion of the programmed plus additional improvements.

This policy does not apply to the first single family residence on a legal lot of record.

CV-2.18 The County shall adopt a Carmel Valley Traffic Improvement Program (CVTIP) that:

- a. Evaluates the conditions of Carmel Valley Road and identifies projects designed to maintain the adopted LOS standards for this roadway as follows:
 - 1. In order to preserve the rural character of Carmel Valley, improvements shall be designed to avoid creating more than three through lanes along Carmel Valley Road.
 - 2. Higher priority shall be given to projects that address safety issues and manage congestion
 - 3. The project list may include projects previously identified for inclusion in the CVTIP or their functional equivalent.
 - 4. Priorities shall be established through community input via a Carmel Valley Road Committee, which shall be established by the Board of Supervisors.
 - 5. At a minimum, the project list shall be updated every five years unless a subsequent traffic analysis identifies that different projects are necessary.
- b. Validates and refines the specific scope of all projects proposed by the CVTIP through preparation of a Project Study Report (PSR). The PSR will be reviewed by the Carmel Valley Road Committee prior to commencement of project design.
- c. Establishes a fee program to fund the CVTIP. All projects within the Carmel Valley Master Plan (CVMP) area, and within the “Expanded Area” that contribute to traffic within the CVMP area, shall contribute a fair-share traffic impact fee to fund necessary improvements identified in the CVTIP, as updated at the time of building permit issuance. Fees will be updated annually as specified by the CVTIP to account for changes in construction costs and land values. The County shall adopt a CVTIP within one year of approval of the 2010

General Plan. The CVTIP does not apply to any roadways (including SR1) that are located outside the CVMP area.

Mitigation measure TRAN-2B, as set forth above, adds and modifies policies to the Carmel Valley Master Plan, specifically CVMP Policies CV-2.10, CV-2.17, and CV-2.18. MM TRAN-2B would reduce Impact TRAN-2B in Carmel Valley for the following reasons:

As discussed in Section 4.6 of the EIR, a traffic study of the CVMP identified impacts on the level of service on segments of Carmel Valley Road resulting from increased traffic volumes on County roads, Regional roads, and regional roads external to the County. Mitigation measure MM-TRAN-2B was identified to reduce these impacts. This mitigation measure reduces impacts to Carmel Valley Road to less than significant except for the segment of Carmel Valley Road in the Carmel Valley Village (Segment 3). Mitigation measure TRAN-2B, as adopted in Policies CV-2.10, CV-2.17, and CV-2.18, provides the County with flexibility to undertake a variety of traffic improvements to accommodate traffic mitigation needs and community desires to the extent feasible. Policy CV-2.10 sets out policies regarding specific capacity and safety improvements at various intersections and segments of Carmel Valley Road within Carmel Valley, which will ensure traffic impacts at these locations will be mitigated to the extent feasible. Policy CV-2.17 will provide information from the regular monitoring and evaluation of traffic conditions in Carmel Valley, and Policy CV-2.18 requires the adoption of a Carmel Valley Traffic Improvement Plan (CVTIP), to validate and refine the specific scope of all projects proposed by the Carmel Valley Traffic Improvement Plan through preparation of a Project Study Report (PSR), and to establish an impact fee to equitably distribute the cost of improvements. The PSR will be reviewed by the Carmel Valley Road Committee prior to commencement of project design. This provides the County and the Carmel Valley Road Committee with flexibility in identifying needed improvements as more information becomes available.

MM TRAN-2B has been revised since release of the DEIR. (See Table F-3) The measure as revised is equivalent or more effective in mitigating or avoiding potentially significant effects and will not itself cause any potentially significant effect on the environment, as explained below:

In the Draft EIR, MM TRAN-2B proposed a policy (identified as Policy "CV-2.12" in the DEIR) that recommended specific road improvements in Carmel Valley. This proposal was subsequently deleted from MM TRAN-2B because it would have restricted the County's ability to undertake a variety of improvements to accommodate traffic mitigation needs and community desires to the extent feasible. Mitigation measure TRAN-2B as adopted in Policies CV-2.10, CV-2.17, and CV-2.18 provides informed flexibility to respond to congestion reduction needs.

Policy CV-2.10 was revised to delete the provisions for passing lanes in Via Petra to Robinson Canyon Road and Robinson Canyon Road to Laureles Grade. The deletion of these provisions does not change the effectiveness of the mitigation measure because Policy CV-2.18 provides flexibility to maintain the adopted LOS standards and requires that improvements be designed to avoid creating more than three through lanes along Carmel Valley Road. The flexibility in the policy allows improvements to include a variety of methods to mitigate impacts while retaining the rural character of the road including left turn channelization, wide paved shoulders, and a single passing lane in one direction.

The adopted language in Policy CV-2.17 reflects the recommendations taken from acceptable options provided by the Public Works Department and input received from a Carmel Valley ad hoc working group convened during the Planning Commission consideration of the General Plan to provide input on several Carmel Valley Master Plan policies. It reflects a continuation of previously required regular monitoring commitments intended to provide adequate information and trigger public input opportunities to ensure overall compliance with roadway LOS intent. Adopted Policy CV-2.17 identifies six locations where twice yearly monitoring by Public Works of peak hour traffic will occur (rather than twelve locations), and specifies that an additional six locations may be monitored if traffic studies indicate they are approaching

80% of existing thresholds. Adopted Policy CV-2.17 was also revised to require the County to examine, at five year intervals, the degree to which estimates of changes in LOS in the Carmel Valley Master Plan Area may be occurring earlier than predicted in the General Plan EIR. If the examination indicates that LOS are likely to fall to a lower letter grade than predicted for 2030, then the County must consider adjustments to the cap on new residential units established in Policy CV-1.6 and/or the cap on new visitor serving units established in Policy CV-1.15 or other measures that may reduce the impacts. These revisions to MM TRAN-2B will reduce costs of monitoring while better reflecting driver experience than current ADT methodology. In addition, this approach will support maximum flexibility for County in responding to local preferences for and against specific solutions that might be appropriate in other cases. Further, the change from monitoring of 12 locations to 6 locations will focus on the locations wherein traffic problems will first arise over time. As shown in Table 4.6-18 on p. 4.6-63 in the Draft EIR, the five locations on Carmel Valley Road that will not be monitored [Segments 1 & 2 (East of Holman to Esquiline Road) and Segments 8 – 10 (Rancho San Carlos Road to Highway 1)] are all expected to meet or exceed (e.g., be better than) their LOS standard under cumulative condition in 2030. The other location that will not be monitored is Carmel Rancho Boulevard between Carmel Valley Road and Rio Road. This location will not be monitored because the County Public Works department has identified that this roadway segment is also not expected to be problematic in any near to medium term. The final policy provides that monitoring of additional segments can be added as needed. As such, monitoring of these locations would not provide useful data for managing of traffic in the near to medium term because they would not become a traffic issue within at least the next 20 years. Thus, limiting the number of monitoring locations will provide the data necessary to manage traffic without foregoing any needed monitoring data.

The adopted language of Policy CV-2.18 reflects the input received from the Carmel Valley ad hoc working group mentioned. The group recommended a more general approach that would allow specific improvements to be considered by the Carmel Valley Road Committee, a standing committee that has been advising the Supervisor for District 5 for over a decade. The policy also formalizes the status of the Carmel Valley Road Committee. In addition, the policy explains the CVTIP and fee structure. Adopted Policy CV-2.18 remains equally or more effective at mitigating traffic impacts in the Carmel Valley because, while the policy provides flexibility in the types of improvements by deleting specific references, it continues to require maintaining LOS standards through implementation of projects which may include those previously identified for inclusion in the CVTIP or their functional equivalent. The addition of “functionally equivalent” improvements allows improvement to level of service or safety and provides the opportunity for the Carmel Valley Road Committee to select improvements compatible with the community’s character, as established in the policy’s recognition of “community input via a Carmel Valley Road Committee.” Finally, Policy CV-2.18 requires an analysis and update of the project list every five years, which recognizes potential changes in traffic patterns and impacts and allows the improvement projects to respond to these changes.

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included MM TRAN-2B in the General Plan as Carmel Valley Master Plan Policies CV-2.10, CV-2.17 and CV-2.18.

Infeasibility of Additional Mitigation: Although the General Plan policies and mitigation measure described above avoid and minimize adverse impacts related to the increase in county traffic together with traffic increases occurring as a result of city growth, there is no feasible mitigation which can fully avoid cumulative impacts or reduce the impacts to a level below significance for the reasons discussed above for Impact TRAN-1B.

In Segment 3 of Carmel Valley Road (Carmel Valley Village), conditions will drop from LOS C (the current standard) to LOS D (the newly adopted standard). Mitigation to improve the LOS in this segment is infeasible because it would require road widening or a road bypass through residential neighborhoods, both of which would be inconsistent with the rural character of the Carmel Valley. Widening of SR-1 near

Carmel is considered infeasible due to lack of ability to obtain funding through existing regional funding mechanisms and due to community opposition, as further explained in Master Response 5 of the Final EIR.

Impact TRAN-3B: Buildout of the 2007 General Plan would increase traffic on County and Regional roadways which would cause the LOS to exceed the LOS D standard, or contribute traffic to County and Regional roads that exceed the LOS standard without development; and

Impact TRAN-4B: Buildout of the 2007 General Plan cumulatively with development in incorporated cities and in adjacent counties would create traffic increases on County and Regional roadways which would cause the LOS to exceed the LOS D standard, or contribute traffic to County and Regional roads that exceed the LOS standard without development.

Findings: The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen these significant environmental effects as identified in the final EIR. Specifically, Mitigation Measure TRAN-2B is feasible and is hereby adopted to mitigate significant effects from the above stated impacts. However, even with such mitigation, the impacts would remain significant. The Board finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation.

Summary of Rationale: As discussed in Section 4.6 of the EIR (Transportation) and the FEIR (including Master Response 5 – Carmel Valley Traffic Issues and Master Response 6 – Traffic Mitigation), Mitigation Measure TRAN-2B in conjunction with General Plan goals and policies will reduce these impacts, but not to a level of less than significant for roadways. No additional mitigation to further reduce these impacts is feasible.

General Plan Policies: All of the regulations and General Plan policies that will contribute to reducing Impact TRAN-1B, described above, will also contribute to reducing Impact TRAN-3B and Impact TRAN-4B.

Mitigation Measures:

MM TRAN-2B: Revise policies in the Carmel Valley Master Plan. [See full text of MM TRAN-2B above.]

Incorporation of Mitigation into the General Plan. The Board of Supervisors has incorporated MM TRAN-2B into Policies CV-2.10, 2.17, and 2.18.

Infeasibility of Additional Mitigation: Buildout of the General Plan would increase traffic volumes on County roads, Regional roads, and regional roads external to the County. This added traffic would both cause roadway segments to exceed the County's LOS standard, and contribute traffic to roadways that exceed the LOS standards without development, and further degrade the performance measure. The means to ensure that LOS standards are not exceeded include: substantial expansion of the existing transit routes and the existing frequency of buses on those routes (which will offer an alternative to driving) standards; expansion of existing roads to carry additional vehicles; and installation of medians, traffic signals, and turn lanes as needed to improve flow. As discussed under Impact TRAN-1B, funding is insufficient to substantially expand bus service. Similarly, there is insufficient funding for the level of road improvements necessary to maintain LOS D or better to 2092. Further, those improvements would come at the price of environmental impacts on areas such as noise, aesthetics, and biological resources. Despite development contributions to county impacts (through the countywide traffic impact fee), and regional impacts (through the regional traffic impact fee) there will remain a funding shortfall for the improvement of County and Regional roads to achieve the County's LOS standard.

In addition, see the discussion under Impact TRAN-1B.

Impact CUM-6: Contribution to Cumulative Traffic Increases.

Findings: The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the EIR. Specifically, the mitigation measures TRAN-1E, TRAN-2B, TRAN-5A are feasible and have been incorporated into the General Plan to mitigate significant effects from the above stated impact. However, even with such mitigation, the impact would remain significant. The Board finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation.

Summary of Rationale: As discussed in Section 4.6 of the EIR (Transportation) and the FEIR (including Master Response 5 – Carmel Valley Traffic Issues and Master Response 6 – Traffic Mitigation), despite application of Mitigation Measures TRAN-1E, TRAN-2B, TRAN-5A and the General Plan goals and policies, development and buildout of the land uses allowed under the General Plan together with development in incorporated cities and adjacent counties and would have a significant cumulative impact on transportation. The Development and buildout of and uses allowed under the General Plan would make a cumulatively considerable contribution to this significant cumulative impact by contributing to traffic increases on County and Regional roadways which would cause the LOS to exceed County standards (Impact TRAN-2B and TRAN-4B) and would result in inadequate emergency access (Impact TRAN-2E and TRAN-4E). No additional mitigation to further reduce this impact is feasible.

General Plan Policies: All of the regulations and General Plan policies that will contribute to reducing the transportation impacts described above will also contribute to reducing cumulative impacts to County and Regional roadways.

Mitigation Measures:

MM TRAN-1E, MM TRAN-2B, and MM TRAN-5A [see complete text of these measures above]

Incorporation of Mitigation into the General Plan. The Board of Supervisors has incorporated MM TRAN-1E into Safety Policy S-5.17, MM-TRAN-2B into CVMP policies CV-2.10, 2.17, and 2.18, and MM TRAN-5A into Circulation Policy C-1.12.

Infeasibility of Additional Mitigation: Development and growth anticipated by the General Plan and incorporated cities, cumulatively, would generate additional traffic volumes that would worsen existing deficient performance conditions on Monterey County roadways, as described under Impacts TRAN-2B (cumulative impact of development to 2030) and TRAN-4B (cumulative impact of development to 2092) above. This would also lead to a significant impact on emergency access, as described under Impacts TRAN-2E (cumulative impact of development to 2030) and TRAN-4E (cumulative impact of development to 2092). The General Plan and Area Plan policies along with mitigation measures and TRAN-1E, TRAN-2B, and TRAN-5A would reduce these impacts, but not to a level of less than significant. Additional mitigation is infeasible because of physical constraints on road expansion or improvement, as well as financial limitations.

See the further discussions of the inability to feasibly mitigate under Impacts TRAN-2B, TRAN-4B, TRAN-2E, and TRAN-4E.

Impact AQ-3: Net change in ozone precursor (ROG and NOx) and particulate matter.

Findings: The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which will avoid or substantially lessen the significant environmental effect as identified in the final EIR. Mitigation measures CC-2, CC-3, AQ-3, AQ-4, and AQ-5, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan policies discussed below to mitigate significant effects from the above stated Impact. However, even with such mitigation, the impact will remain significant. The Board finds that specific economic, social, or other considerations make additional mitigation infeasible.

Summary of Rationale: As discussed in Section 4.7 of the EIR (Air Quality) and Final EIR, General Plan goals and policies will reduce this impact, but not to a less than significant impact. Mitigation Measures CC-2, CC-3, AQ-3, AQ-4, and AQ-5/CC-5, as modified and incorporated into the General Plan by the Board of Supervisors, further reduce this impact, but not to a less than significant level. In particular, the VOC from future winery operations would exceed the MBUAPCD's daily threshold. Despite application of the mitigation measures and General Plan goals and policies, this impact will be significant and unavoidable, and no additional mitigation is feasible because, as discussed at page 4.7-29 of the EIR, there is no feasible mitigation to eliminate VOC emissions from wine fermentation and storage operations.

General Plan Policies: The following General Plan policies will contribute to reducing impacts from ozone precursor (ROG and NOx) and particulate matter.

Circulation Element

Goal C-2 is to optimize the County's transportation facilities. Policies C-2.1 through C-2.7 are general statements that include measures to concentrate land-use and reduce overall VMT. Reducing motor vehicle use will produce air quality benefits. Policies C-3.1, C-3.2, C-3.4, and C-3.5 include measures to encourage the protection of air quality, reduce the use of fossil fuels, reduce non-peak hour travel, and promote alternate transportation, respectively. Policy C-4.3 provides that the needs of bicyclists and pedestrians shall be considered and, where appropriate, provided in all public rights-of-way. This encourages walking and bicycling for short trips and reduces the use of motor vehicles. Policies C-6.1 through C-6.9 include measures to promote public transportation and infrastructure for public transportation. In particular, Policy C-6.5 provides that the County shall encourage use of public transit and alternative modes of transportation through land use designations and zoning which cluster employment centers with a mix of other uses, and project design that incorporates car pool areas, "park and ride" facilities and similar incentives. Policies C-9.1 through C-9.6 promote improving the bicycle transportation system, which will encourage bicycle use and thereby reduce impacts to air quality.

A number of these policies further support the air quality mitigation measures, in part. For example, Policy C-3.2 generally supports measures to reduce air pollution from transportation sources; Policy C-4.3 supports MM AQ-4; and Policy C-6.5 and Policies C-9.1 through C-9.6 support MM AQ-3.

Conservation and Open Space Element

Policy OS-10.9 provides that the County shall require that future development implement applicable Monterey Bay Unified Air Pollution Control District control measures for air pollutant emissions, including particulate matter. This includes MBUAPCD measures to address off-road mobile source and heavy duty equipment emissions as conditions of approval for future development to ensure that construction-related NO_x emissions from non-typical construction equipment do not exceed the MBUAPCD's daily threshold for NO_x.

Policy OS-10.11 provides that within 24 months of the adoption of the General Plan, Monterey County shall develop and adopt a Greenhouse Gas (GHG) Reduction Plan. To the extent that this reduces motor vehicle use and the consumption of natural gas, it will have the co-benefit of reducing air pollutant emissions.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Mitigation Measures: Mitigation Measures CC-2, CC-3, AQ-3, AQ-4, and AQ-5/CC-5, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan as policies as described below to further mitigate this impact:

MM CC-2. [See complete text of MM CC-2 under discussion of Impact CC-1, above.]

MM CC-3. [See complete text of MM CC-3 under discussion of Impact CC-1, above.]

MM AQ-3/AQ-4. Implement MBUAPCD Mitigation Measures for Commercial, Industrial, and Institutional Land Uses.

In the design of future development within Community Areas and Rural Centers, the following sustainable land use strategies shall be considered to reduce energy consumption, minimize greenhouse gas emissions, and foster healthier environments for people:

- Take an integrated approach to siting, design, and operation of buildings and infrastructure
- Incorporate multiple-uses for infrastructure (e.g., recreational fields designed to capture stormwater and reduce urban runoff)
- Design development to take advantage of solar orientation
- Recycle brownfield sites
- Employ individual and systematic water conservation measures (e.g., native vegetation, bioswales, graywater reuse, high efficiency appliances)
- Promote Transit Oriented Development (TOD) to increase mobility and reduce auto dependency
- Provide preferential carpool/vanpool parking spaces
- Implement a parking surcharge for single occupant vehicles
- Provide for shuttle/mini bus service
- Provide bicycle storage/parking facilities and shower/locker facilities
- Provide onsite child care centers
- Provide transit design features within the development
- 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
- Implement telecommuting program
- Provide bicycle paths within major subdivisions that link to an external network
- Provide pedestrian facilities within major subdivisions
- Locate development of new sensitive land uses (schools, hospitals, facilities for the elderly) at least 500 feet from a freeway carrying more than 100,000 vehicles per day.

Future development shall be designed to maximize energy efficiency to the extent feasible and accommodate energy infrastructure (i.e., transmission lines, power plants and pipelines, and fueling stations), including the potential for distributed renewable generation.

MM AQ-5/CC-5. Implement MBUAPCD Mitigation Measures for Alternative Fuels and County GHG Reduction Plan. Within 12 months of adoption of the General Plan, the County shall quantify the current and projected (2020) GHG emissions associated with County operations and adopt a GHG Reduction Plan for County Operations. The goal of the plan shall be to reduce GHG emissions associated with County Operations by at least 15% less than 2005 emission levels. Potential elements of the County Operations GHG Reduction Plan shall include, but are not limited to, the following measures:

- an energy tracking and management system;
- energy-efficient lighting;
- lights-out-at-night policy;
- occupancy sensors;
- heating, cooling and ventilation system retrofits;
- ENERGY STAR appliances
- green or reflective roofing;
- improved water pumping energy efficiency;
- central irrigation control system;
- energy-efficient vending machines;
- preference for recycled materials in purchasing;
- use of low or zero-emission vehicles and equipment

- recycling of construction materials in new county construction;
- solar roofs; and
- conversion of fleets (as feasible) to:
 - Electric vehicles,
 - Ultra Low-Emission vehicles,
 - Methanol fleet vehicles,
 - Liquid propane gas fleet vehicles, or
 - Compressed natural gas fleet vehicles

These mitigation measures include revisions made since release of the DEIR. (See Table F-3.) The measures as revised are equivalent or more effective in mitigating or avoiding the significant effects and will not themselves cause any potentially significant effect on the environment. They reduce the impacts for the reasons described below.

MM CC-2 provides that within 24 months of the adoption of the General Plan, the County shall adopt a Green Building Ordinance to require green building practices and materials for new civic buildings and new private residential, commercial, and industrial buildings. To the extent that this reduces the use of natural gas-fired heating and reduces the use of motor vehicles, it will have the co-benefit of reducing air pollutant emissions.

MM CC-3 provides that the County shall use Geographic Information Systems (GIS) to map and assess local renewable resources, the electric and gas transmission and distribution system, community growth areas anticipated to require new energy services, and other data useful to deployment of renewable technologies. The County shall adopt an Alternative Energy Promotion ordinance and develop a ministerial permit process for approval of small-scale wind and solar energy systems for on-site home, small commercial, and farm use. To the extent that this reduces natural gas use and use of electricity from natural gas-fired power plants, it will have the co-benefit of reducing air pollutant emissions.

Mitigation Measures AQ-3 and AQ-4 provide that the County will design future development within Community Areas and Rural Centers using sustainable land use strategies that reduce energy consumption, minimize greenhouse gas emissions, and foster healthier environments for people. To the extent that this reduces motor vehicle use and the consumption of natural gas, either directly or from natural gas-fired power plants, it will have the co-benefit of reducing air pollutant emissions.

MM AQ-5/MM CC-5 provides that within 12 months of adoption of the General Plan, the County shall quantify the current and projected (2020) GHG emissions associated with County operations and adopt a GHG Reduction Plan for County Operations. The goal of the plan shall be to reduce GHG emissions associated with County Operations by 15% less than 2005 emission levels. This will have the co-benefit of reducing air pollutant emissions.

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included these mitigation measures in the General Plan as policy as follows: CC-2 is included as Policy OS-10.12; CC-3 is included as Policy OS-10.13, AQ-3 and AQ-4 are included as Policy OS-10.10; and AQ-5/CC-5 are included as Policy OS-10.15.

Infeasibility of Additional Mitigation: Although the General Plan policies and Mitigation Measures described above avoid and minimize this impact, there is no feasible mitigation which can fully avoid or reduce this impact to a level below significance. As discussed in Section 4.7 of the Draft EIR and Chapter 4 of the Final EIR, these policies are sufficient to render most of the air quality impacts of the General Plan less-than-significant during the 2030 Planning Horizon period, with the exception of volatile organic compounds (VOC) from winemaking. VOC emissions that would occur under 2030 project conditions would exceed the MBUAPCD's threshold of 137 pounds per day. Consequently, VOC impacts from winery operations are considered significant and unavoidable. The impacts on air quality at buildout of the General Plan in 2092 are also considered significant and unavoidable due to necessary uncertainty about future conditions.

Regulation of VOCs from wineries is within the authority of the MBUAPCD, which regulates air quality, rather than the County. Because such regulation involves technical aspects of the winemaking process, the MBUAPCD is also better suited to establish effective regulations than is the County, which lacks this technical expertise in air quality. The MBUAPCD has not indicated that it will adopt regulations addressing VOCs from additional wineries. Such controls are not currently feasible. The San Joaquin Valley Air Pollution Control District (SJVAPCD) established Rule 4694 in December 2005 to regulate VOC emissions from wine fermentation and storage tanks through temperature controls, emissions controls, and process restrictions. (San Joaquin Valley Air Pollution Control District. 2006) However, during preparation of its 2007 Ozone Plan, the SJVAPCD further evaluated whether there is a Reasonably Available Control Technology (RACT) for wine fermentation and storage and found that there is none. Upon research, the SJVAPCD found that Rule 4694 is the only one of its kind in the world. After extensive research into a number of potential approaches, the SJVAPCD concluded that for a variety of reasons, technologically feasible control options are not economically feasible. Accordingly, Rule 4694 was not included in the State Implementation Plan. (San Joaquin Valley Air Pollution Control District 2007)

There is insufficient information at the current time to adequately assess whether at build out development under the General Plan will exceed air quality standards. There is no means of knowing future mobile and stationary source emissions, given changes in technology, urban design, and the economy over time. Accordingly, the County lacks meaningful information by which to undertake an environmental assessment. In the interest of caution, the County has concluded that this long-term impact will be unavoidable. There is insufficient information at this time regarding the extent and character of future air quality standards and emissions to allow the County to develop realistic and enforceable mitigation.

Impact CUM 7: Cumulative Contributions to Air Quality Emissions.

Finding. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR. Mitigation measures MM CC-2, CC-3, AQ-1/AQ-2, and AQ-3 through AQ-7, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan policies discussed below to mitigate significant effects from the above stated Impact. However, even with such mitigation, the impact would remain significant. The Board finds that specific economic, social, or other considerations make additional mitigation infeasible.

Summary of Rationale: As discussed in Section 6 of the EIR (Air Quality), despite application of the General Plan goals and policies and mitigation measures, this impact will be cumulatively considerable. No further mitigation is feasible because of practical limits on reducing traffic congestion (smooth flowing traffic produces fewer emissions) and economic limits on regulating VOCs from winery operations.

General Plan Policies: The following General Plan policies will contribute to reducing the project's contribution to cumulative air quality impacts.

Circulation Element

Several policies in this element together provide a comprehensive approach to programming and funding road improvements that will reduce vehicle idling and result in a corresponding reduction in mobile-source air quality emissions. Policy C-1.1 establishes the acceptable LOS standards for County roads and intersections. Policy C-1.2 establishes methods for achieving the standard for the acceptable LOS noted in Policy C-1.1 and describes the general financing policies. Policy C-1.3 requires that the roads required by new developments be installed concurrently with the development. Policy C-1.4 provides that, notwithstanding Policy C-1.3, projects that are found to result in reducing a County road below the acceptable LOS standard shall not be allowed to proceed unless the construction of the development and its associated improvements are phased in a manner that will maintain the acceptable LOS for all affected County roads. Where the LOS of a County road impacted by a specific project currently operates below LOS D and is listed on the CIFP as a high priority, Policy C-1.3 will apply. Where the LOS of a County road impacted by a specific project currently operates below LOS D and is not listed on the CIFP as a high priority, development will mitigate project impacts concurrently. (See also see the discussion of additional policies under the findings for Impacts AQ-2, AQ-3, AQ-4, and AQ-6.)

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Mitigation Measures: Mitigation Measures MM CC-2, CC-3, AQ-1/AQ-2, and AQ-3 through AQ-7, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan as policies as described below to further mitigate this impact:

MM CC-2. [See complete text of MM CC-2 under discussion of Impact CC-1, above.]

MM CC-3. [See complete text of MM CC-3 under discussion of Impact CC-1, above.]

MM AQ-1/AQ-2. The County of Monterey shall require that future development implement applicable Monterey Bay Unified Air Pollution Control District control measures. Applicants for discretionary projects shall work with the Monterey Bay Unified Air Pollution Control District to incorporate feasible measures that assure that health-based standards for diesel particulate emissions are met. The County of Monterey will require that future construction operate and implement MBUAPCD PM₁₀ control measures to ensure that construction-related PM₁₀ emissions do not exceed the MBUAPCD's daily threshold for PM₁₀. The County shall implement MBUAPCD measures to address off-road mobile source and heavy duty equipment emissions as conditions of approval for future development to ensure that construction-related NO_x emissions from non-typical construction equipment do not exceed the MBUAPCD's daily threshold for NO_x.

MM AQ-3/AQ-4. [See complete text of this measure under discussion of Impact AQ-3 above.]

MM AQ-5/CC-5. [See complete text of this measure under discussion of Impact AQ-3 above.]

MM AQ-6. The County of Monterey shall require that construction contracts be given to those contractors who show evidence of the use of soot traps, ultra-low sulfur fuels, and other diesel engine emissions upgrades that reduce PM₁₀ emissions to less than 50% of the statewide PM₁₀ emissions average for comparable equipment.

MM AQ-7. [See complete text of this measure under discussion of Impact AQ-3 above.]

These measures mitigate the impact as follows. MM CC-2 will reduce emissions related to heating buildings and from electrical generation needed to pump water for domestic and commercial use. MM CC-3 will reduce the use of natural gas and thereby the emissions from burning natural gas. MM AQ-3/AQ-4 will ensure that new projects requiring discretionary permits from the County conform to air quality requirements. MM AQ-5 will reduce emissions through the use of alternative fuels and other programs to reduce greenhouse gas emissions. MM AQ-6 will require contractors who receive construction contracts from the County to use less-polluting equipment on County jobs. AQ-7 (functionally combined with AQ-3/AQ-4) will reduce the exposure of new developments containing sensitive receptors to diesel toxics by locating them at least 500 feet from a freeway carrying more than 100,000 vehicles per day.

These measures include revisions made since release of the DEIR. (See Table F-3.) The measures as revised are equivalent or more effective in mitigating or avoiding the significant effects and will not themselves cause any potentially significant effect on the environment. MM AQ-1 and MM AQ-2 essentially addressed the same subject and combining them eliminated redundancy in the EIR, without changing the requirements. MM AQ-3, MM AQ-4, and MM AQ-7 address complimentary topics relating to reducing air quality emissions and diesel exposure through community design. These have been combined while leaving the individual requirements of each of the DEIR measures. MM AQ-5/CC-5 has been revised to reflect the provisions of the "Scoping Plan" for greenhouse gas emissions reduction adopted by the California Air Resources Board in December 2008. This conforms the County's approach to the scoping plan, but does not otherwise change the County's commitment to reducing its share of greenhouse gas emissions.

Incorporation of the mitigation in the General Plan: The Board of Supervisors has included these mitigation measures in the General Plan as policy as follows: CC-2 is included as Policy OS-10.12; CC-3 is included as Policy OS-10.13; AQ-1/AQ-2 are combined and included as Policy 10.9; AQ-3/AQ-4 are combined and included as Policy OS-10.10; AQ-5/CC-5 is included as Policy OS-10.15; AQ-6 is included as Policy OS-10.14; and AQ-7 adds text to Policy OS-10.10.

Infeasibility of Additional Mitigation: Although the General Plan policies and Mitigation Measures described above avoid and minimize this impact, there is no feasible mitigation which can fully avoid or reduce this impact to a level below significance. As described above, there is no feasible mitigation for VOC production from future wineries. The 50 wineries proposed under the AWCP component of the General Plan would together emit VOCs in excess of the individual daily limit of 137 pounds established by the AQMP. Further mitigation of traffic congestion (which reduces emissions by smoothing traffic flow) is infeasible, as discussed in the finding for Impact TRAN-4B above.

Impact BIO-1: Potential adverse impact on special-status species (beyond 2030 to 2092).

Findings. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR. Mitigation measures BIO-1.2, BIO-1.4, BIO-1.5, BIO-2.1, and BIO-2.2, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan policies discussed below to mitigate significant effects from the above stated impact to the year 2030. However, even with such mitigation, the impact would be significant in 2092. The Board finds that specific economic, social, or other considerations make infeasible additional mitigation.

Summary of Rationale: As discussed in Section 4.9 of the EIR (Biological Resources) and the FEIR (including Master Response 8 – Biological Resources), existing regulations, General Plan goals and policies, and Area Plans described in the Final EIR would reduce this impact, but not to a less than

significant level in the year 2092. Through application of measures MM BIO-1.2, MM BIO-1.4, MM BIO-1.5, MM BIO-2.1, and MM BIO-2.2, as modified, and through application of General Plan policies, this impact will be less than significant through 2030. However, despite application of General Plan policies and MMs, this impact will be significant and unavoidable at 2092, primarily due to the uncertainty of predicting conditions for special status species so far into the future. No additional mitigation is feasible, and this impact will be significant and unavoidable.

General Plan Policies: General Plan policies that will contribute to reducing this impact include the following:

Land Use Element

See the discussion under Impact BIO-1 (to 2030) in Part III-2 of these findings.

Conservation and Open Space Element

See the discussion under Impact BIO-1 (to 2030) in Part III-2 of these findings.

Public Services Element

Policy PS-11.11 provides that the management plans for all County park and recreational areas and facilities shall emphasize protection of environmental resources and best management practices for open space on these lands.

Policy PS-11.12 provides that parks for more active uses shall be distinguished from parks and open space areas rich in biological resources suitable for more passive enjoyment of those resources. Management Plans shall reflect these differences and specify appropriate management for each use.

Area Plans

See the discussions of the Cachagua Area Plan, Greater Monterey Peninsula Area Plan, Greater Salinas Area Plan, North County Area Plan, South County Area Plan, Toro Area Plan, Carmel Valley Master Plan, and Fort Ord Master Plan under Impact BIO-1 (to 2030 Planning Horizon) in Part III-2 of these findings. In addition, area plan policies CACH-3.4, GMP-3.5, and Fort Ord Recreation Policy C-1 will provide protections for oak trees at the area plan level.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Mitigation Measures

Mitigation Measures BIO-1.2, BIO-1.4, BIO-1.5, BIO-2.1, BIO-2.2, BIO-2.3, BIO-3.1 and BIO-3.2, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan as policy as described below to further mitigate this impact:

MM BIO-1.2. [See complete text of this measure under discussion of Impact BIO-1 (to 2030 Planning Horizon) in Part III.2 of these Findings.]

MM BIO-1.4. [See complete text of this measure under discussion of Impact BIO-3.1 in Part III.2 of these Findings.]

MM BIO-1.5. [See complete text of this measure under discussion of Impact BIO-3.1 in Part III.2 of these Findings.]

MM BIO-2.1. [See complete text of this measure under discussion of Impact BIO-2 (to 2030 Planning Horizon) in Part III.2 of these Findings.]

MM BIO-2.2. [See complete text of this measure under discussion of Impact BIO-2 (to 2030 Planning Horizon) in Part III.2 of these Findings.]

MM BIO-2.3. [See complete text of this measure under discussion of Impact BIO-2 (to 2030 Planning Horizon) in Part III.2 of these Findings.]

MM BIO-3.1. [See complete text of this measure under discussion of Impact BIO-3.1 in Part III.2 of these Findings.]

MM BIO-3.2. [See complete text of this measure under discussion of Impact BIO-3.2 in Part III.2 of these Findings.]

These measures help to mitigate the impact because they establish comprehensive, multi-jurisdictional strategies for avoiding species and habitat impacts (MM BIO-1.2, BIO-1.4 and BIO-1.5), protect riparian areas that provide both habitat for special status species and wildlife movement corridors for special status and other species (MM BIO-2.1), and provide for mitigation of the loss of oak woodlands, which provide habitat for numerous species (MM BIO-2.2). MM BIO-2.3 requires consideration of the effects of water supply on the environment, including on in-stream flows necessary to support riparian vegetation, wetlands, fish or other aquatic life, and the migration potential for steelhead, for the purpose of minimizing impacts on the environment and to those resources and species, and will result in water supply determinations that are more protective of stream-dependent special status species. MM BIO-3.1 provides that the County will 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, and will benefit numerous special status species. MM BIO-3.2 provides protection for statutorily protected migratory birds and raptors by prohibiting disturbance of occupied nests during the breeding season, and will benefit special-status bird species. These measures include revisions made since release of the DEIR. (See Table F-3) The measures as revised are equivalent or more effective in mitigating or avoiding the significant effects and will not themselves cause any potentially significant effect on the environment.

The revisions to MM BIO-1.2 consist of substituting the term “conservation strategy” for “conservation plan” and specifying that until the strategy is adopted, habitat loss from discretionary projects will be addressed on a project-by-project basis. These revisions do not change the effectiveness of the mitigation with respect to Impact BIO-1 because the key provisions remain unchanged: establishment of a regional approach to San Joaquin kit fox protection after coordination with federal, state, and local agencies, including mitigation and a mitigation fee program.

MM BIO-1.4 has been tightened to improve its effectiveness. It provides for regular five-year examinations of growth trends, rather than the prior policy of making an examination no later than 2030. This schedule affords better monitoring of trends. The revisions include specific thresholds to trigger consideration of expanding existing focused growth areas, something not found in the prior version. The revisions also add a cross-reference between this measure and Policy OS-5.16, which utilizes the same considerations as the CEQA Guidelines “mandatory findings of significance” relative to biological impacts. This ensures that the examination will be broad-based.

The revisions to MM BIO-1.5 provide for regular five-year examinations of growth trends (rather than the prior policy of taking action no later than 2030), establishing specific triggers for action, and linking the scope of considerations to the criteria of the mandatory findings of significance. These changes tighten the application of the policy and link it to needs precipitated by growth trends. The revisions delete

reference to preparation of a Natural Communities Conservation Plan (NCCP) for a broad range of species in favor of a conservation strategy for those areas containing suitable habitat (the cross reference to Policy OS-5.16 ensures that the strategy will nonetheless cover a broad range of species and habitats). The key difference here is that the conservation strategy (unless it qualifies as an NCCP) would not provide a "safe harbor" from take permit requirements under the federal and state Endangered Species Acts. Accordingly, later projects with the potential to result in "take" of listed species would be subject to the requirements of both the conservation strategy and the applicable Endangered Species Act. This provides at least as much protection as the prior MM BIO-1.5.

MM BIO-2.1, as revised, is equivalent or more effective in mitigating or avoiding the significant effects and will not itself cause any potentially significant effect on the environment. The two primary revisions since the DEIR are: when delineating appropriate uses the County will consider uses that serve health and safety purposes (the prior BIO-2.1 has no such modifier), and the ordinance will apply to the conversion of lands uncultivated for the previous 30 years (the prior BIO-2.1 addresses lands uncultivated for 20 years). New uses that would serve health and safety purposes might include things such as flood control levees or wastewater treatment facilities (none of which are proposed as part of this project). The future ordinance will establish criteria for balancing such uses against the values of the riparian areas. In addition, such future uses would be subject to CEQA analysis and impact mitigation at such time as they are proposed, typically resulting in reduced impacts. The 30-year period of non-cultivation relative to the ordinance's applicability to agricultural conversions will not make a substantive difference in the amount of land to which this policy would apply. Monterey County supports extensive areas of agricultural production, few if any of which are left uncultivated for long periods of time. Land that has been uncultivated for 20 years has probably also been uncultivated for 30 years. These revisions do not substantively reduce the effectiveness of this policy in carrying out the intent of MM BIO-2.1 because they do not reduce the scope of its application, nor result in actions that would result in significant effects. The revisions expand the protective reach of MM BIO-2.1 by adding "conserve the value of streams and rivers as wildlife corridors" as an objective of the ordinance.

MM BIO-2.2 has been revised to include consideration of wildfire prevention/protection, provide that the payment of mitigation fees may be to a state fund (retaining the option of payment to a local fund), adding citations to Public Resources Code Section 21083.4 and requiring that the program be consistent with that CEQA requirement, set conservation of oak woodlands within known wildlife corridors as high priority, and require that the program be adopted within 5 years of adoption of the General Plan. These revisions tighten the application of this measure. Wildfire prevention, in the context of this measure, refers to "fire safe" activities intended to protect residences from the risk of wildfire. This typically involves clearing of brush and understory and creating a low fuel zone within 100 feet of residences. Any removal of oak trees as part of these activities would be subject to the mitigation described above, so this revision would not result in a new or greater impact than analyzed in the DEIR.

MM BIO-2.3 has been revised to ensure that future actions that may affect surface water flows, consider the effects on species dependent upon those flows. No such requirement currently exists, so the mitigation measure will result in improved protections in the future.

MM BIO-3.1 has been revised to improve its effectiveness by requiring that roadway and public infrastructure projects of the County provide movement opportunities. The prior version simply provided for consideration of the need for wildlife movement.

MM BIO-3.2 has been revised to clarify the measure without substantively altering its requirements. The measure as revised is equivalent or more effective in mitigating or avoiding potentially significant effects and will not itself cause any potentially significant effect on the environment.

Incorporation of the mitigation into the General Plan: The Board of Supervisors has included these mitigation measures into the following General Plan policies: BIO-1.2 is included as Policy OS-5.19; BIO-1.4 is included as Policy OS-5.20; BIO-1.5 is included as Policy OS-5.21; BIO-2.1 is included as Policy OS-5.22; BIO 2.2 is included as Policy OS-5.23; BIO-2.3 is included in Policies PS-3.2, PS-3.3, PS-3.4 and Area Plan Policies CV-3.20 and NC-3.8; BIO-3.1 is included in Policy OS-5.24; BIO-3.2 is included in Policy OS-5.25.

Infeasibility of Additional Mitigation: Although the General Plan policies and Mitigation Measures described above avoid and minimize this impact, there is no feasible mitigation which can fully avoid or reduce this impact to a level below significance at 2092. Threats to species that may arise in the more distant future beyond 2030 are not currently known with any certainty. Specifically, climate change is expected to affect species habitat, but the specific types of habitat that may be adversely affected, the extent of change, and character of change that may occur in Monterey County are unknown. While Monterey County development will contribute incrementally to climate change over the long term, this condition has a worldwide basis in countless sources emitting greenhouse gases in every country. Separate from climate change, there could be other changes in habitat conditions (such as vegetation changes due to introduction of non-native species or pests) and special-status species conditions (such as disease or introduction of new predators) that make characterization of the viability of special-status species beyond 2030, to 2092, uncertain. Because there is insufficient meaningful information for analysis of the County-specific effects of climate change and of other potential changes for habitat and for special-status species population for the period beyond 2030 to 2092, it is currently infeasible to develop appropriate and effective mitigation measures given the level of uncertainty.

Impact BIO-2: Potential adverse effects on sensitive riparian habitat, other sensitive natural communities and on federal and state jurisdictional waters and wetlands (beyond 2030 to 2092).

Findings. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR. Mitigation measures BIO-1.2, BIO-1.4, BIO-1.5, BIO-2.1, BIO-2.2, and BIO-2.3, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan policies discussed below to mitigate significant effects from the above stated impact to the year 2030. However, even with such mitigation, the impact would remain significant at 2092. The Board finds that specific economic, social, or other considerations make infeasible additional mitigation.

Summary of Rationale: As discussed in Sections 4.3 (Water Resources) and 4.9 of the EIR (Biological Resources) and the FEIR (see Master Response 8 -- Biological Resources and Chapter 4 -- Changes to the Text of the Draft EIR), despite application of Mitigation Measures BIO-2.1, BIO-2.2, and BIO-2.3, as modified, and through application of General Plan policies, this impact will be less than significant through 2030. Mitigation Measures BIO-1.2, BIO-1.4, BIO-1.5 would also reduce this impact. However, despite application of General Plan policies and MMs, this impact will be significant and unavoidable at 2092. No additional mitigation is feasible, and this impact will be significant and unavoidable.

General Plan Policies: As explained in the "discussion" portion of the finding for Impact BIO-2 (to 2030) in Part III-2 of these findings, policies in the Land Use, Conservation and Open Space, and Public Services elements, in combination with the mitigation measures identified above, will contribute to reducing this impact to a less than significant level in 2030.

Mitigation Measures: Mitigation Measures BIO-1.2, BIO-1.4, BIO-1.5, BIO-2.1, BIO-2.2, and BIO-2.3, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan as policy as described below to further mitigate this impact:

MM BIO-1.2. For text of this measure, see Impact BIO-1 [to 2030 Planning Horizon] in Part III.2 of these Findings..

MM BIO-1.4. For text of this measure, see Impact BIO-3.1 in Part III.2 of these Findings..

MM BIO-1.5. For text of this measure, see Impact BIO-3.1 in Part III.2 of these Findings.

MM BIO-2.1. For text of this measure, see Impact BIO-2 [to 2030 Planning Horizon] in Part III.2 of these Findings..

MM BIO-2.2. For text of this measure, see Impact BIO-2 [to 2030 Planning Horizon] in Part III.2 of these Findings..

MM BIO-2.3. For text of this measure, see Impact BIO-2 [to 2030 Planning Horizon] in Part III.2 of these Findings..

Mitigation measures BIO-2.1, BIO-2.2, and BIO-2.3 mitigate the impact to 2030, as described in Impact BIO-2 in Part III-2 of these findings. Mitigation measures BIO-1.2, BIO-1.4 and BIO-1.5 also mitigate this impact. These measures include revisions made since release of the DEIR. (See Table F-3) The measures as revised are equivalent or more effective in mitigating or avoiding the significant effects and will not themselves cause any potentially significant effect on the environment.

The rationale for the continued effectiveness of measures BIO-1.2, BIO-1.4, BIO-1.5, BIO-2.1, BIO-2.2 and BIO-2.3 beyond 2030 are described under Impact BIO-1, in Part III.2 above.

The revisions to MM BIO-2.3 expand its scope to include restrictions on new wells within the Carmel Valley Master Plan. These additional policies ensure that contributions to overdraft conditions will be minimized and surface flows will not be further affected by a drop in groundwater levels. As with Policies PS-3.2, PS-3.3, and PS-3.4, this will reduce the potential impacts on species that are dependent upon in-stream flows.

Incorporation of the mitigation into the General Plan: The Board of Supervisors has included these mitigation measures into the following General Plan policies: BIO-1.2 is included as Policy OS-5.19; BIO-1.4 is included as Policy OS-5.20; BIO-1.5 is included as Policy OS-5.21; BIO-2.1 is included as Policy OS-5.22; BIO 2.2 is included as Policy OS-5.23; and BIO-2.3 adds text to Policies PS-3.2, PS-3.3, and PS-3.4, adds new policy CV-3.20 to the Carmel Valley Master Plan, and adds Policy NC-3.8 to the North County Area Plan. Policy NC-3.8 addresses water quality and potential overdraft concerns in the North County Area Plan by providing case by case review of new wells in fractured rock or hard rock areas. See the findings for Impact WR-4 for discussion of Policy NC-3.8.

Infeasibility of Additional Mitigation. Although the General Plan policies and Mitigation Measures described above avoid and minimize this impact, there is no feasible mitigation which can fully avoid or reduce this impact to a level below significance for the period beyond 2030 to 2092. Threats to riparian habitat, sensitive natural communities, and wetlands that may arise in the more distant future beyond 2030 are not currently known with any certainty. Specifically, climate change is expected to affect species habitat as a result of changes in average temperature, rainfall regime, sea level rise, and wildfire risk, to name several prominent effects, but the specific extent of change and character of changes to riparian habitat, sensitive natural communities, and wetlands that may occur in Monterey County are unknown. There may also be other changes to sensitive natural communities due to invasive non-native species and/or introduced pests or due to activities in other parts of California affecting sensitive natural communities in Monterey.

While Monterey County development will contribute incrementally to climate change over the long term, this condition has a worldwide basis in countless sources emitting greenhouse gases in every country. Because there is insufficient meaningful information for analysis of the County-specific effects of climate change and of other potential threats on riparian habitat and other sensitive water habitats to 2092, formulation of appropriate and effective mitigation is infeasible in light of substantial uncertainty.

Impact CUM 9: Cumulative Impact on Biological Resources.

Findings. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR. Mitigation measures BIO-1.2, BIO-1.4, BIO-1.5, BIO-2.1, BIO-2.2, BIO-2.3, BIO-3.1, and BIO-3.2, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan policies discussed below to mitigate significant effects from the above stated Impact. However, even with such mitigation, the impact would remain significant. The Board finds that specific economic, social, or other considerations make infeasible additional mitigation.

Summary of Rationale: As discussed in Section 6 (Other CEQA Considerations) and Section 4.9 (Biological Resources) of the EIR and the FEIR (including Master Response 8 – Biological Resources), despite application of Mitigation Measures BIO-1.2, BIO-1.4, BIO-1.5, BIO-2.1, BIO-2.2, BIO-2.3, BIO-3.1, and BIO-3.2, as well as the General Plan goals and policies, this impact will be significant and unavoidable due to substantial uncertainty about future impacts to biological resources in the future, beyond 2030 to 2092. No additional mitigation is feasible.

Regulations and General Plan policies: Existing federal and state law and regulation and General Plan policies that will contribute to reducing this impact including the following:

Federal, State and Local Regulations

There are a number of current laws and regulations that reduce the impacts of development on biological resources. These include the state and federal Endangered Species Acts, additional regulations such as streambed alteration agreements (DFG) and wetland permitting (Corps of Engineers, Central Coast RWQCB), the Monterey County oak tree protection ordinance, and CEQA as it applies to individual discretionary projects. These are discussed in Section 4.9 of the EIR.

General Plan and Area Plans

See the discussions under findings for Impacts BIO-1 (to 2030), BIO-2 (to 2030), BIO-3.1, and BIO-3.2 in Section III-2 of these findings.

Mitigation Measures: Mitigation Measures BIO-1.2, BIO-1.4, BIO-1.5, BIO-2.1, BIO-2.2, BIO-2.3, BIO-3.1, and BIO-3.2, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan as policy as described below to further mitigate this impact:

MM BIO-1.2. For text of this measure, see Impact BIO-1 [to 2030 Planning Horizon] in Part III.2 of these Findings.

MM BIO-1.4. For text of this measure, see Impact BIO-3.1 in Part III.2 of these Findings.

MM BIO-1.5. For text of this measure, see Impact BIO-3.1 in Part III.2 of these Findings.

MM BIO-2.1. For text of this measure, see Impact BIO-2 [to 2030 Planning Horizon] in Part III.2 of these Findings.

MM BIO-2.2. For text of this measure, see Impact BIO-2 [to 2030 Planning Horizon] in Part III.2 of these Findings.

MM BIO-2.3. For text of this measure, see Impact BIO-2 [to 2030 Planning Horizon] in Part III.2 of these Findings.

MM BIO-3.1. For text of this measure, see Impact BIO-3.1 in Part III.2 of these Findings.

MM BIO-3.2. For text of this measure, see Impact BIO-3.2 in Part III.2 of these Findings.

These measures mitigate the impact because they augment General Plan policies and federal and state regulations that are protective of biological resources. These measures include revisions made since release of the DEIR. (See Table F-3) The measures as revised are equivalent or more effective in mitigating or avoiding the significant effects and will not themselves cause any potentially significant effect on the environment. See the explanations of measures BIO-1.2, BIO-1.4, BIO-1.5, BIO-2.1, and BIO-2.2 under Impact BIO-1 above. See the explanation of measure BIO-2.3 under Impact BIO-2 above.

The revisions to MM BIO-3.1 improve its effectiveness by requiring that roadway and public infrastructure projects of the County provide wildlife movement opportunities. The prior version simply provided for consideration of the need for wildlife movement.

The revisions to Mitigation Measure BIO-3.2 clarify the measure without substantively altering its requirements. The change to the breeding season from prior measure BIO-3.2 corrects an error in the prior measure. The measure is further revised to clarify its provisions regarding avoidance of nest disturbance and to expand on how the biologist's recommendations can be followed.

Incorporation of the mitigation into the General Plan: The Board of Supervisors has included these mitigation measures into the following General Plan policies: BIO-1.4 is included as Policy OS-5.20; BIO-1.5 is included as Policy OS-5.21; BIO-2.1 is included as Policy OS-5.22; BIO 2.2 is included as Policy OS-5.23; and BIO-2.3 and adds text to Policies PS-3.2, PS-3.3, PS-3.4 and adds Policies CV-3.20 and NC-3.8; BIO-3.1 is included as Policy OS 5.24; and BIO-3.2 is included as Policy OS-5.25. Policy NC-3.8 addresses water quality and potential overdraft concerns in the North County Area Plan by providing case by case review of new wells in fractured rock or hard rock areas. See the findings for Impact WR-4 for discussion of Policy NC-3.8.

Infeasibility of Additional Mitigation. Although the General Plan policies and mitigation measures described above avoid and minimize this impact, there is no feasible mitigation which can reduce the General Plan's contribution to this cumulative impact to less than cumulatively considerable. Development of natural lands, whether by urbanization, construction of single-family residences in sensitive habitats, or conversion of woodlands or grazing land to intensive agricultural use results in the loss of natural habitats and associated biological resources. Implementation of the General Plan will be one of the factors affecting biological resources. As development continues toward buildout, particularly development of existing lots of record, low-intensity development will cover larger expanses of the county's jurisdiction (federal lands such as Fort Hunter Liggett and Los Padres National Forest and state parks, which provide substantial areas of habitat within the county would not be affected). Similarly, expansion of the cities, which is outside the control of Monterey County, will impact habitats adjoining urban areas. Non-discretionary activities, such as the conversion of grassland to intensive agriculture, will also continue to contribute to the larger impact on these resources.

Under the "takings clause" of the U.S. Constitution and case law before the U.S. Supreme Court, in order to avoid characterization as an illegal regulatory taking, mitigation for impacts must have a nexus between the project and its relative impact and must be roughly proportional to the impact attributable to

the project on which the mitigation is imposed. The extent of cumulative loss of natural lands over the course of the next 82 years is unknown, as are the future locations of those losses. As a result, the County does not have a viable nexus connecting future development to the effects of future losses, nor a cumulative amount of habitat against which to measure individual project's contributions to such losses in order to devise a "fair share" mitigation scheme. For these reasons, mitigation is infeasible.

In addition, while Monterey County development will contribute incrementally to climate change over the long term, this condition has a worldwide basis in countless sources emitting greenhouse gases in every country and could substantially affect biological resources in the County. As discussed above under Impact BIO-1 and Impact BIO-2, other impacts to biological resources could result from the introduction of non-native species or new pests or competition from new predators, or hitherto unknown threats. Because there is insufficient meaningful information for analysis of the County-specific effects of climate change on biological resources or other long-term threats to biological resources through 2092, the formulation of appropriate and effective mitigation for the County's contribution to a significant cumulative impact on biological resources (beyond the General Plan policies and mitigation measures noted above) is infeasible due to the high level of uncertainty in assessing conditions at such a distant point in the future.

Impact PSU-3: Development and land use activities contemplated in the 2007 General Plan (at buildout in 2092) may result in the need for new or expanded school facilities. Future schools may affect adjoining land uses.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible mitigation measures that could avoid or reduce this impact to a level of insignificance.

Summary of Rationale: As discussed in Section 4.11 of the EIR (Public Services and Utilities), despite application of the General Plan goals and policies, the impact of future schools on adjoining land uses will be significant and unavoidable at buildout in 2092. However, as discussed in Section 4.11 of the EIR and Chapter 3, Response to Comment L-15.2 of the FEIR, payment of school impact fees under state regulations is sufficient to ensure that the need for new or expanded school facilities would have a less than significant impact. A finding on this part of Impact PSU-3 is provided in Part III.I, Table F-2, of these Findings.

General Plan Policies. General Plan policies that will contribute to reducing this impact include the following:

Public Services Element

Policies PS-1.1 through PS-1.6 set forth general standards for the provision of adequate public facilities. The implementation of Public Services Element Policies PS-1.1 through PS-1.6 would decrease the impact on land uses adjoining new or expanded school facilities by requiring that adequate public facilities, i.e., schools, are available to serve new development. Public Services Element Policies PS-7.1 through PS-7.4, and Policy 7.8 identify specific standards for the provision of educational facilities. These policies address planning and consultation among county officials and the affected school districts to decide on new school sites that are in or near areas of development. In addition, these policies also require that financial support be provided for the acquisition of future public school facilities to the affected district and for the developed public school facilities to serve as multi-purpose facilities for the community.

Infeasibility of Additional Mitigation: Although the General Plan policies described above minimize adverse impacts related to the need for new or expanded school facilities, this impact will remain

significant and unavoidable at buildout in 2092 because there is no feasible mitigation to further reduce this impact. The operation of new and expanded schools to the year 2092 would likely result in significant and unavoidable effects on adjoining land uses. Significant traffic, noise, and lighting effects are most likely to occur at larger schools during school activities. Mitigation of the impacts of future schools to 2092 is infeasible because there is insufficient meaningful information about those future schools to allow a characterization of the severity and location of their impacts, thereby precluding the ability to define adequate mitigation. Because school construction is subject to CEQA, the school district will be required to identify, consider, and, where feasible, mitigate potential impacts of the school. However, larger schools, such as a high school, typically include features (i.e., stadium, loud speakers, student parking) that result in significant and unavoidable impacts on their surroundings.

In addition, the County lacks the legal authority to impose mitigation on schools. While the General Plan establishes standards for the future provision of schools, the County does not have authority over the siting, design, or construction of schools when a school district exempts itself from local zoning pursuant to Government Code Sections 53094. School districts routinely invoke this Government Code section when building new schools or expanding existing schools. As a result, the County cannot assume that that new schools will be subject to County's land use regulations.

Impact PSU-8: Development and land use activities contemplated in the 2007 General Plan (at buildout in 2092) may result in a need for new solid waste facilities or non-compliance with waste diversion requirements. Future solid waste facilities would have a significant effect on the environment.

Findings: The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR. Mitigation measures MM PS-2 and MM CC-4, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan policies discussed below to mitigate significant effects from the above stated Impact. However, even with such mitigation, the impact would remain significant. The Board finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation.

Summary of Rationale: Implementation of the General Plan would increase solid waste generation, and therefore would require additional landfill capacity and new or expanded transfer stations and recycling facilities. As summarized in Table 4.11-5 of the EIR, the four active landfills located in Monterey County have adequate capacity to meet the needs of future growth to 2030 and no new facilities would be necessary. Therefore, no significant impacts would result by the year 2030. However, as discussed in Section 4.11 of the EIR, Public Services and Utilities, despite application of Mitigation Measures PS-2 and CC-4 and the General Plan goals and policies, this impact will be significant and unavoidable to 2092.

General Plan Policies. The General Plan establishes a number of policies to ensure that solid waste services would be provided concurrently with future growth to the 2030 planning horizon. General Plan policies that reduce this impact to less than significant through 2030 and that will contribute to reducing this impact to 2092 include the following:

Public Services Element

Policies PS-1.1 through PS-1.6 provide general standards for the provision of adequate public services. As previously discussed, policies under Goal PS-1 require development of solid waste facilities concurrently with new development to ensure there are adequate public facilities to support the new development.

Policies PS-5.1 through PS-5.4 set forth recycling policies that will reduce waste, increase the amount of recycled material, and promote the recycling of construction debris and new disposal sites. Policy PS-6.2 requires new solid waste facilities to be located in areas where they will be compatible with surrounding land uses and where the environmental impacts can be mitigated. Policies PS-6.3 and 6.4 reduce environmental impacts from new solid waste facilities by requiring such facilities to be protected from the encroachment of incompatible uses, and requires the County to adopt an ordinance to regulate development within 1,000 feet of such a facility. Public Safety policies PS 6.1 and PS 6.5 address the development of future efficient diversion programs and waste handling facilities that are in accordance with State-required diversion and recycling goals, including provisions for a 1,000-foot buffer between open or closed solid waste facilities and nearby development (Policy PS-6.4).

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact. For example, the Board of Supervisors strengthened Policy PS-6.4 by changing the directive to adopt an ordinance or development standards for land uses in the vicinity of landfills from "may" to "shall." Please see Table F-4 in Section VII of these Findings for additional information.

Integrated Waste Management Act

The California Integrated Waste Management Act requires reduction, recycling, and reuse to reduce the amount of waste sent to landfills. It is administered by the California Department of Resources, Recycling and Recovery and the "local enforcement agency" (Monterey County). The Act required the County to reduce its solid waste going to landfills by 50 percent by the year 2000.

Mitigation Measures : Mitigation Measure PS-2 and CC-4, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan as policy as described below to further mitigate this impact:

MM PS-2: The County will add the following policy to the 2007 General Plan: The County will review its Solid Waste Management Plan on a five (5) year basis and institute policies and programs as necessary to exceed the wastestream reduction requirements of the California Integrated Waste Management Act. The County will adopt requirements for wineries to undertake individual or joint composting programs to reduce the volume of their wastestream. Specific mitigation measures to reduce the impacts of future solid waste facilities are infeasible because the characteristics of those future facilities are unknown.

MM CC-4: New Policy PS-5.5 Promote Recycling and Waste Reduction.

PS-5.5. The County shall promote waste diversion and recycling and waste energy recovery as follows:

- a. The County shall adopt a 75% waste diversion goal.
- b. The County shall support the extension of the types of recycling services offered (e.g., to include food and green waste recycling).
- c. The County shall support waste conversion and methane recovery in local landfills to generate electricity.

The County shall support and require the installation of anaerobic digesters or equivalent technology for wastewater treatment facilities.

These measures partially mitigate the impact because they will reduce solid waste production in the future, thereby extending the lives of the existing landfills. Measure MM CC-4 was amended by the Board to insert punctuation. No substantive change was made.

Incorporation of the mitigation into the General Plan: The Board of Supervisors has included MM PS-2 in the General Plan as Policy PS-5.6 and has included MM CC-4 in the General Plan as Policy PS-5.5.

Infeasibility of Additional Mitigation: Although the General Plan policies and mitigation measures described above minimize the adverse impacts of new solid waste facilities by increasing waste diversion requirements, this impact will remain significant and unavoidable at buildout in 2092 because there is no feasible mitigation to further reduce this impact. None of the existing landfills have a permitted lifespan that reaches the end of the 2092 buildout period. Accordingly, the combination of waste production from existing and future development will exceed the capacity of current landfills.

Landfill siting is traditionally difficult because of the lack of suitable sites and the public controversy that typically accompanies permitting of the site. This becomes more problematic as residential development becomes more dispersed, as will occur at buildout. There is a reasonable likelihood that, despite Policy PS-6.4 which requires a 1,000-foot buffer area adjoining new solid waste facilities, future landfill expansion or the permitting of new landfills in the County will be controversial and have significant environmental impacts. However, the County would determine the specific site for a future landfill after considering comments from county residents and complying with CEQA. Although CEQA requires mitigation measures to be implemented, it can be expected that the expansion or construction of new landfill facilities would have significant and unavoidable environmental impacts.

Mitigation of the impacts to 2092 is infeasible because there is no meaningful information about the location and characteristics of future landfill sites. Similarly, the environmental setting in 2092 may be substantially different than today, resulting in a different perspective on what constitutes a significant effect. As a result, the significant effects of future landfills and their severity cannot be determined at this time and feasible mitigation cannot be developed.

Impact CUM 10. Cumulative Impacts on Solid Waste.

Findings: The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR. Mitigation measures PS-2 and CC-4, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan policies discussed below to mitigate significant effects from the above stated Impact. However, even with such mitigation, the impact would remain significant. The Board finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation.

Summary of Rationale: As discussed in Section 6 (Other CEQA Considerations) and Section 4.11 (Public Services and Utilities) of the EIR, and despite application of Mitigation Measures PS-2 and CC-4, as well as the General Plan goals and policies, this impact will be significant and unavoidable.

General Plan Policies. As discussed under the finding for Impact PSU-8 above, the General Plan establishes a number of policies that will contribute to reducing this impact. (See the discussion under Impact PSU-8 above.)

Mitigation Measures: Mitigation Measure PS-2 and CC-4, as modified by the Board of Supervisors, are feasible and have been incorporated into the General Plan as policy as described below to further mitigate

this impact. (See discussion under finding for Impact PSU-8 above for full text of the mitigation measures.)

Incorporation of the mitigation into the General Plan: The Board of Supervisors has included MM PS-2 in the General Plan as Policy PS-5.6 and has included MM CC-4 in the General Plan as Policy PS-5.5.

Infeasibility of Additional Mitigation: Although the General Plan policies and mitigation measures described above minimize adverse impacts related to the cumulative impact on solid waste capacity, this impact will remain cumulatively considerable because there is no feasible mitigation to further reduce this impact. The Integrated Waste Management Act will continue to require reduction, recycling, and reuse to reduce the amount of waste sent to landfills. Future efforts to reduce greenhouse gas emissions are likely to include regulations requiring the further reduction and recycling of solid waste, including building materials. This should substantially reduce the current per capita waste stream requiring disposal in landfills. Nonetheless, existing landfill capacity will be exceeded by 2092. To be conservative, the long-term contribution of 2007 General Plan buildout to this cumulative impact is expected to be considerable.

No mitigation is feasible because the extent to which capacity will be exceeded is unknown. In addition, the potential for existing solid waste facilities to be expanded or new facilities built over the next 82 is unknown and cannot be known. As a result, mitigation cannot be linked to a future need.

Impact CUM 11. Cumulative Effects on Wildfire Hazard.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible mitigation measures that could avoid or reduce this impact to a level of insignificance.

Summary of Rationale: As discussed in Section 6.4 of the EIR, Cumulative Impacts, despite application of the General Plan goals and policies, this impact will be cumulatively considerable. There is no feasible mitigation because wildfire risk cannot be completely controlled by County actions. In addition, the extent to which wildfire risk may increase as a result of climate change activity is unknown. Further, the County's ability to mitigate existing risk on non-jurisdictional (i.e., state and federal) lands is limited.

General Plan Policies: General Plan policies that will contribute to reducing this impact include the following:

Public Service Element

Policies PS-1.1 through PS-1.6 establish general standards for the provision of public facilities concurrently with future growth, which minimize impacts to emergency response and evacuation from new development. These include the establishment of Adequate Public Facilities and Services concurrent with development projects and the levy of fair share impact fees for planned capital improvements. Only those new developments that have or can provide adequate concurrent public services and facilities will be approved, pursuant to these policies.

Safety Element

The Safety Element includes extensive policies intended to reduce wildfire risk. Policies S-4.1, S-4.2, and S-4.3 require promotion of educational awareness and participation between fire protection agencies and the general public about fire hazards.

Policies S-4.4 through S-4.7 set out a framework for analyzing, identifying, and mapping wildland fire hazards. In particular, Policy S-4.4 requires that detailed scientific analysis of fire hazards in the County shall be provided periodically. Policy S-4.5 ensures that the wildland fire hazard severity map should be updated periodically as more precise information becomes available. Policy S-4.6 requires structural and other non-wildland fire risks within wildland urban interface areas be identified and maintained as a layer in the County's GIS in cooperation with fire officials and updated periodically. Policy S-4.7 requires that the County and authorities having jurisdiction develop and maintain a procedure to inform potential developers of the requirements for development in high and very high fire hazard areas. These policies call for avoiding significant wildfire areas, thus reducing potential impacts.

Policies S-4.8, S-4.9, S-4.10, S-4.16, S-4.17, S-4.18, and S-4.19 establish minimum roadway access, entry, and maintenance standards to ensure access for fire vehicles and improve emergency response times.

Policies S-4.11, S-4.12, S-4.13, S-4.14, S-4.15, S-4.20, and S-4.21 require new developments to provide fire suppression systems such as firebreaks, fire-retardant building materials, automatic fire sprinkler systems, or water storage tanks, and institute a review process whereby fire protection agencies can comment on development plans. Policy S-4.15 ensures that all new development shall be required to annex into the appropriate fire district. Policy S-4.20 allows for a reduction of fire hazard risks to an acceptable level by regulating the type, density, location, and/or design and construction of development. Policy S-4.21 requires all permits for residential, commercial, and industrial structural development (not including accessory uses) to incorporate requirements of the fire authority having jurisdiction. This ensures that there will be proper infrastructure at new developments to reduce potential impacts from wildland fires.

Policies S-4.22 and S-4.23 provide that new developments must comply with applicable building and fire codes.

Policies S-4.24 and S-4.25 provides that new development must follow County-prescribed standards to enable emergency response vehicles to locate buildings more readily and thereby reduce wildland fire impacts.

Policies S-4.27 through S-4.29 require creation of a design review process by County planning officials, applicants, and fire agency officials to address project design, landscaping, building standards, and other fire protection-related issues.

Policies S-4.26, S-4.31, S-4.32, and S-4.33 describe fire protection design standards for utilities, swimming pools, and fuel modification zones that will allow for reduction of wildland fire impacts through maximized fire protection design of new development. Policy S-4.31 ensures that a zone that can inhibit the spread of wildland fire shall be required of new development in fire hazard areas. Policy S-4.32 states that property owners in high and very high fire hazard areas shall prepare an overall Fuel Modification Zone plan in conjunction with permits for new structures, subject to approval and to be performed in conjunction with the CDFFP and/or other fire protection agencies in compliance with State Law.

Area and Master Plans

Cachagua Area Plan

Policy CACH-4.3 (encourages the formation of a fire district in this area to assist and ensure that a minimum level of fire protection is available to residents in the area plan boundaries) reduces potential wildland fire hazards by establishing and maintaining wildland fire protection in the Cachagua Area Plan vicinity.

Fort Ord Master Plan

Program B-2.4 (fire buffer) requires the County to designate a fire-resistant buffer between BLM lands and residential land use.

Program A-4.6 (wildfire protection measures) ensures that the County will require specific measures of development in the residential lands adjacent to the habitat corridor to protect structures from wildfires and minimize the potential for erosion in the corridor

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Mitigation Measures: Mitigation Measure TRAN-1E, as modified by the Board of Supervisors is feasible and has been incorporated into the General Plan as policy S-5.17 as described below to further mitigate this impact.

MM TRAN-1E: Revise Safety Element S-5.17 on increasing roadway connectivity to enhance emergency access.

S-5.17. Emergency Response Routes and Street Connectivity Plans shall be required for Community Areas and Rural Centers, and for any development producing traffic at an equivalent or greater level to five or more lots/units. Said Plan shall include:

- a. Roadway connectivity that provides multiple routes for emergency response vehicles.
- b. Primary and secondary response routes in Community Areas and Rural Centers.
- c. Secondary response routes, which may include existing roads or new roads required as part of development proposals.

The County shall review said plans in coordination with the appropriate Fire District.

Incorporation of the mitigation into the General Plan: The Board of Supervisors has included MM TRAN-1E in the General Plan as Policy S-5.17.

Infeasibility of Additional Mitigation: Although the General Plan policies described above minimize adverse impacts related to the cumulative impact on wildfire risk, this impact will remain cumulatively considerable because there is no feasible mitigation to further reduce this impact. The above policies, which are to be implemented well before 2030 and in place long before 2092, would greatly reduce the potential contribution of the General Plan to the risk of wildfires. However, the General Plan cannot eliminate the risk of catastrophic wildfires originating on public lands sweeping across Rural Communities and, more particularly, individual lots of record, despite the best efforts of fire fighters to

slow or halt their approach. For example, federal lands such as Fort Hunter Liggett and Los Padres National Forest, as well as the state parks in Monterey County, are outside the jurisdiction of the County.

Further mitigation is infeasible because the County lacks the legal authority to impose measures on lands outside its jurisdiction. Federal and state lands make up a major component of the total wildlands that are at risk of wildfire. As a result, the County cannot enforce mitigation on a major source of future wildfire risk.

Impact AES-3: Implementation of the 2007 General Plan would substantially degrade the existing visual character or quality of Monterey County.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible mitigation measures that could avoid or reduce this impact to a level of insignificance.

Summary of Rationale: As discussed in Section 4.14 of the EIR, (Aesthetics, Light, and Glare), despite application of the General Plan goals and policies, this impact will be significant and unavoidable. There is no feasible mitigation to further reduce this impact. New development cannot be prohibited for legal and economic reasons, and will likely lead to changes in the visual character or quality of Monterey County.

Regulations and General Plan Policies: Existing regulations and extensive General Plan policies that will contribute to reducing this impact include the following:

County Code

Chapter 16.08 of the Monterey County Code regulates grading activities greater than 100 cubic yards and over 2 feet in height. Submittal requirements for a grading permit issued by the County building official include site plans, existing and proposed contour changes, an estimate of the volume of earth to be moved, and soils or geotechnical reports (or both). Projects involving grading activities over 5,000 cubic yards must be prepared by a civil engineer, and geotechnical reports may be required also. Grading is not allowed to cause degradation of a waterway, and erosion control measures are required. Grading within 50 feet of a watercourse or within 200 feet of a river is regulated in County Code Chapter 16.16, regulations for floodplain management. This minimizes the amount of grading that can occur and the visual impact of such grading.

Land Use Element

Policies LU-1.1 through LU-1.10 and LU-2.2 help to limit development of “greenfields” and natural areas that might be a part of scenic vistas and help to direct future growth away from scenic areas that would be most impacted by urban development. These policies discourage urban development outside of the incorporated cities, except within identified Community Areas and Rural Centers. As many of the scenic vistas in the county occur in unincorporated areas, these policies serve to limit development in visually valuable areas and conserve scenic lands thereby reducing the potential for impacts to scenic vistas in these areas. More specifically,

- Policy LU-1.1 requires that the type, location, timing, and intensity of growth in the unincorporated area be managed;
- Policy LU-1.2 discourages premature and scattered development;

- LU-1.4 limits growth to areas where an adequate level of services and facilities exists or can be assured concurrent with growth and development, thereby reducing the area to be affected by development;
- Policy LU-1.5 requires that land uses be designated to achieve compatibility with adjacent uses;
- Policy LU-1.6 commits the County to the development of a review process for development siting, design, and landscaping;
- Policy LU-1.7 allows for clustering of residential development to those portions of the property most suitable for development;
- Policy LU-1.8 encourages voluntary reduction or limitation of development potential in the rural and agricultural areas through dedication of scenic or conservation easements, transfer of development rights, and other appropriate techniques;
- Policy LU-1.9 prioritizes infill of vacant non-agricultural lands in existing developed areas and new development within designated urban service areas;
- Policy LU-1.10 would help to avoid visual clutter with future development and protect scenic vistas by regulating off-site advertising;
- Policy LU-1.13 requires exterior lighting to be unobtrusive and both off-site visibility and glare minimized.
- Policy LU-2.2 restricts residential development in areas that are unsuited for more intensive development due to the need to protect natural resources.

Conservation and Open Space Element

Policies OS-1.1 through OS-1.12 and OS-3.5 contain measures designed to preserve and protect the county's scenic resources and help direct future growth away from scenic areas that would be most impacted by urban development.

- Policy OS-1.1 encourages restriction of development in visually sensitive areas;
- Policy OS-1.2 states that development in visually sensitive areas is subordinate to area's natural features;
- Policy OS-1.3 provides that in order to preserve county's scenic resources, ridgeline development is not allowed;
- Policy OS-1.4 requires criteria to be developed to guide design and construction on ridgelines where exceptions are made in accordance with policy OS-1.3;
- Policy OS-1.5 provides that new subdivisions must avoid ridgelines;
- Policy OS-1.6 states that ridgelines in specific plan areas must follow guidelines set out by specific plans;
- Policy OS-1.7 requires the establishment of a voluntary transfer of development rights program to direct development away from areas with unique visual or natural features;

- Policy OS-1.8 requires the County to establish development clustering programs to reduce impacts to visually sensitive areas;
- Policy OS-1.9 encourages development that protects and enhances county's scenic qualities;
- Policy OS-1.10 calls for the establishment of a trails program;
- Policy OS-1.11 requires the County to maintain GIS mapping for all lands with visually sensitive resources and corridors, which will aid in applying the General Plan policies to the consideration of permits and land use development proposals;
- Policy OS-1.12 requires mitigation of significant disruption of views from scenic routes
- Policy OS-3.5 provides that development on slopes over 25% can only be approved through discretionary permit and under certain specific conditions. The discretionary permit will be subject to CEQA, which ensures that the potential aesthetic impacts of development of steep hillsides is examined and mitigated when feasible. This policy states that it is otherwise the general policy of the County to require dedication of a scenic easement on a slope exceeding 25 percent.

Agricultural Element

Implementation of the following policies would promote protection of scenic vistas associated with agricultural production.

- Policy AG-1.1 prohibits land uses that would interfere with routine and ongoing agricultural operations on viable farmlands, thereby maintaining the agricultural backdrop;
- Policy AG-1.2 establishes a regulatory framework allowing for the use of agricultural buffers to protect existing agricultural operations;
- Policy AG-1.3 limits the subdivision of Important Farmland and land designated as Farmlands, Permanent Grazing, or Rural Grazing, thereby maintaining the large lot character of agricultural views;
- Policy AG-1.4 requires that viable agricultural land uses on Important Farmland be conserved, enhanced, and expanded through agricultural land use designations and encouragement of large-lot agricultural zoning;
- Policy AG-1.7 encourages the clustering of residential uses accessory to the agricultural use of the land in locations that will have minimal impact on the most productive land and that will protect agricultural vistas;
- Policy AG-1.12 commits the County to establishing a program to mitigate the loss of Important Farmland when a proposed change of land use designation would result in the loss of Important Farmland (as mapped by the California Department of Conservation), including annexation of agricultural land to an incorporated area, thereby preserving the agricultural backdrop.

AWCP

Section 3.7 establishes general design criteria, including restrictions on the number of allowable gateway, directional, and individual winery signs. All structures associated with the winery (including production

facilities) shall have an exterior design style that is agricultural or residential in nature using non-reflective siding and roofing materials. Design shall use a consistent style for all buildings on the same lot. Style limitations shall not be too restrictive in order to encourage unique expression. Further criteria require parking areas to be screened and lighting directed to remain onsite.

Area Plans

North County Area Plan

Policies NC-1.2, NC-1.3, NC-3.1, NC-3.2, NC-3.3, and NC-3.4 require new development to avoid adverse aesthetic impacts in areas of high visual sensitivity.

Greater Salinas Area Plan

Policies GS-1.1, GS-1.4, GS-1.5, GS-3.1, GS-3.2, and GS-3.3 require new development to avoid adverse aesthetic impacts by being harmonious with existing developments and design requirements, utilize plants and trees to soften visual impacts of new development and protect vegetation on slopes of more than 25%.

Central Salinas Valley Area Plan

Policy CSV-3.1 provides that within areas designated as "sensitive" or "highly sensitive" on the Area Plan's Scenic Highway Corridors and Visual Sensitivity Map, landscaping or new development may be permitted if the development is located and designed in such a manner that public views are not disrupted. This will require that new development not disrupt public views in areas designated as sensitive or highly sensitive.

Greater Monterey Peninsula Area Plan

Policy GMP-1.1 regulates location, height, and design of development which will help preserve the scenic corridor along Highway 68 and west of Laureles Grade. Policy GMP-1.4 requires open space buffers in order to protect scenic resources. Policy GMP-1.5 encourages open space/low intensity uses in order to maintain areas of high visual sensitivity. Policy GMP-3.1 promotes public/private efforts to restore the scenic beauty of visually impacted public viewing areas, which will help expand the possibilities of successfully protecting these areas. Policy GMP-3.2 requires site design for development that will reduce the impact on scenic vistas. Policy GMP-3.3 protects scenic vistas by stipulating that new development not disrupt public views in certain areas and promotes open space of highly sensitive areas on the Visual Sensitivity Map. Policy GMP-3.4 stipulates that plant materials be used to screen or soften the visual impact of new development. Policy GMP-3.5 requires adoption of an ordinance to discourage the removal of healthy native oak, Monterey pine, and redwood trees. Policy GMP-4.1 preserves land with certain vegetation/trees exceeding 25% slope which helps to avoid the loss of visual amenities.

Carmel Valley Master Plan

Policies CV-1.8 and CV-1.9 require clustered development which helps to protect visible open space in sensitive visual areas. CV-1.19 requires that mines or quarries be screened from public view which will help preserve scenic vistas. CV-1.20 ensures visual compatibility with the character of Carmel Valley and immediate surrounding areas. CV-1.21 stipulates height limits and large trees for commercial developments which will help screen these developments from scenic vistas. CV-2.9 prohibits roads that cross slopes steeper than 30% unless visible scarring can be mitigated. CV-3.2 requires that public vista areas be provided and improved. Policy CV-3.3 prohibits new development from blocking views of the Carmel River or the distant hills. CV-3.4 requires that the alteration of hillsides and landforms be minimized which will help preserve the natural setting. CV-3.5 requires that signs not block views, cause

visual clutter, or detract from the natural beauty. CV-3.6 prohibits off-site outdoor advertising signs. CV-3.18 requires that new aboveground transmission facilities be and follow the least visible route which will help to preserve scenic vistas.

Toro Area Plan

Policy T-1.5 requires subdivisions to be designed to place building sites outside of viewshed. Policy T-1.6 provides for transfer development rights. Policy T-3.1 establishes a Visual Sensitivity Map. Policy T-3.2 promotes sensitive site design at the area's entrances. Policy T-3.3 establishes buffers along County and State scenic routes. Policy T-3.6 preserves higher elevations/steep slopes from development. These policies all require new development to avoid adverse aesthetic impacts by maintaining viewsheds, offering mechanisms such as transfer development rights, encouraging site design and location sensitive to scenic vistas, and the preservation of areas that could be included in scenic vistas.

Cachagua Area Plan

Policies CACH-3.1 establishes the Cachagua Visual Sensitivity and Scenic Routes Map. CACH-3.3 conserves hillsides and natural landforms. CACH-3.4 requires adoption of an ordinance to discourage the removal of healthy, native oak, redwood, and madrone trees. CACH-3.5 calls for the screening of resource production operations and mitigation. CACH-3.7 protects the visual aspects of the Carmel and Arroyo Seco Rivers. These policies require new development to avoid adverse aesthetic impacts by protecting public views from new development, limiting the alteration of hillsides and natural landforms, requiring mitigation of visual impacts from resource production operations, and preserving the visual aspects of the Carmel/Arroyo Seco Rivers.

South County Area Plan

Policy SC-1.2 encourages clustered development in all areas where development is permitted in order to make the most efficient use of land and to preserve agricultural land and open space.

Fort Ord Master Plan

Recreation Policy B-1 and Program E-2.3, Policy D-1 , Program B-1.3 , and Program B-1.4 require development to avoid adverse aesthetic impacts by reviewing the design of the landfill so that it becomes a visual asset for Fort Ord, locating and designing park facilities to provide scenic vistas, and implementing design guidelines for development on bluffs and Fort Ord.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Infeasibility of Additional Mitigation: Although the General Plan policies described above minimize adverse impacts related to aesthetics, there is no feasible mitigation which can fully avoid this impact or reduce this impact to a level below significance for the following reasons.

The introduction of permanent urban uses on undeveloped land as allowed by the General Plan could alter topography, remove vegetation, or substantially change natural watercourses that may substantially alter the visual character of the General Plan growth areas (Community Areas, Rural Centers, and AHOs). In addition to the nodes of urban development, the General Plan does not, nor can it, prohibit development on currently vacant individual legal lots of record. They would have a less intense effect on the environment than development in the urbanized nodes where higher densities would be allowed, however they would still pose a potential for affecting visual character due to their generally rural locations. As

discussed in Impact WR-4 above, preventing all development in order to avoid an impact is not feasible due to legal and economic considerations. The Fifth Amendment of the United States Constitution bars the "taking" of private property through land use regulations without just compensation, with certain exceptions. (*Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003) Prohibiting all development indefinitely on legal lots of record could result in a takings, rendering such an approach legally infeasible. It would also likely lead to numerous cases of litigation against the County, asserting regulatory takings claims, and the County seeks to avoid costly and time-consuming litigation where possible.

The specific aesthetics and design of new development allowed by the General Plan cannot be known at this time, although changes to vistas, vegetation, and watercourses can be expected to occur. Establishing mitigation that will avoid all impact is infeasible without knowing what is proposed in the way of design and aesthetics for the new development. The only way to reduce impacts to visual character to a less-than-significant level would be to prohibit new development, which is not economically or legally feasible.

Impact AES-4: Implementation of the 2007 General Plan could create substantial new sources of light and glare that would adversely affect day or nighttime views in the area.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible mitigation measures that could avoid or reduce this impact to a level of insignificance.

Summary of Rationale: As discussed in Section 4.14 of the EIR, Aesthetics, Light, and Glare, despite application of the General Plan goals and policies, this impact will be significant and unavoidable. There is no feasible mitigation to further reduce this impact. New development cannot be prohibited for legal and economic reasons, and will likely lead to new sources of light and glare that cause changes in day and nighttime views.

General Plan Policies. General Plan policies that will contribute to reducing this impact include the following:

Land Use Element

Policies LU-1.1 through LU-1.10 and LU-2.2 establish general land use concepts that emphasize city-centered growth, compatibility between adjacent land uses, and the conservation of natural areas. These policies are summarized in detail under Impact AES-3 above. Collectively, these policies promote compact-urban growth in existing developed areas and therefore discourage growth in natural areas where light and glare impacts would be most deleterious to nighttime views.

Policy LU-1.13 specifically addresses light and glare impacts. The policy requires all exterior lighting to be unobtrusive and constructed or located so that only the intended area is illuminated, long-range visibility is reduced, and offsite glare is fully controlled. The policy also stipulates that new criteria to guide the review and approval of exterior lighting be developed.

Conservation and Open Space Element

Policies OS-1.1 through OS-1.12 set forth measures designed to preserve and protect the county's scenic resources. These policies are also summarized in detail under Impact AES-3. These measures help reduce light and glare impacts by prohibiting ridgeline development, encouraging the preservation of significant natural areas through the use of economic tools such as development credits and conservation

easements, and a requirement that the disruption of views from designated scenic routes be mitigated through use of appropriate materials, scale, lighting, and siting of development.

AWCP

Section 3.7 establishes general design criteria, including restrictions on the number of allowable gateway, directional, and individual winery signs. Further criteria require the parking areas of future facilities to be screened, which will reduce headlight glare offsite, and lighting directed so that it will remain onsite.

Area Plans

Carmel Valley Master Plan

Policy CV-3.16 prohibits lighting for outdoor sports where it would be visible from offsite locations. Policy CV-3.17 stipulates that street lighting be unobtrusive and harmonious with the local character, constructed and located to illuminate only the intended area, and prevent offsite glare.

Toro Area Plan

Policy T-3.5 requires that exterior and outdoor lighting be located, designed, and enforced to minimize light sources and preserve the quality of darkness. The policy also requires that street lighting be as unobtrusive as practicable.

Cachagua Area Plan

Policy CACH-1.6 reduces light and glare by not allowing exterior lighting to exceed the minimum required to assure safety.

Fort Ord Master Plan

Program A-4.3 reduces light and glare impacts by requiring the County to direct all lighting in the Community Park and in the residential areas west of the RV parcel away from the natural lands in the habitat corridor. Biological Resources Policy C-3 reduces light and glare impacts by requiring lighting of outdoor areas to be minimized and carefully controlled to maintain habitat quality for wildlife in undeveloped natural lands. Street lighting shall be as unobtrusive as practicable and shall be consistent in intensity throughout development areas adjacent to undeveloped natural lands. Program C-3.1 helps to reduce impacts by requiring the County to review lighting and landscape plans for all development applications to ensure consistency with Policy C-3.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Infeasibility of Additional Mitigation: Although the General Plan policies described above minimize adverse impacts related to daytime and nighttime views, there is no feasible mitigation that can fully reduce this impact to a level below significance. The only way to ensure the General Plan would not create substantial new sources of light and glare that adversely impact day or nighttime views would be to prohibit any new development. This is infeasible for legal and economic reasons. Indefinitely prohibiting all development on legal lots of record could result in a taking of property under the Fifth Amendment of the United States Constitution, rendering such an approach legally infeasible. It would also likely lead to numerous cases of litigation against the County, asserting regulatory takings claims and

the County seeks to avoid costly and time-consuming litigation where possible. See the Infeasibility of Additional Mitigation section under the finding for Impact AES-3 above.

Impact CUM 12: Cumulative Impacts on aesthetics, light, and glare.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible mitigation measures that could avoid or reduce this impact to a level of insignificance.

Summary of Rationale: As discussed in Section 6.4 of the EIR, Cumulative Impacts, despite application of the General Plan goals and policies, this impact will be cumulatively considerable. There is no feasible mitigation to further reduce this impact. Impacts to aesthetics, light, and glare are likely to occur as a result of development. Because new development cannot be prohibited for legal and economic reasons, impacts to aesthetics, light, and glare cannot be fully prevented.

General Plan Policies. The General Plan includes a number of polices designed to reduce its cumulative contribution to visual impacts. The Land Use Element, Conservation and Open Space Element, and Agricultural Element all contain such policies. A discussion of these policies is provided under Impacts AES-3 and AES-4, above. In addition, the following Area Plans contain policies designed to reduce visual impacts: North County Area Plan, Greater Salinas Area Plan, Central Salinas Valley Area Plan, Greater Monterey Peninsula Area Plan, Carmel Valley Master Plan, Toro Area Plan, Cachagua Area Plan, and Fort Ord Area Plan. These policies are also discussed under Impacts AES-3 and AES-4, above.

Infeasibility of Additional Mitigation: Although the General Plan policies described above minimize adverse impacts related to aesthetics, light and glare, there is no feasible mitigation which can fully reduce this impact to a level below significance. The County General Plan and the general plans of the cities within the County essentially describe the factors that will change the existing landscape and result in aesthetics, light, and glare impacts. Individual projects under county and city plans that result in the urbanization of open lands, development on ridgelines, and expansion of urban areas all contribute to the incremental loss of aesthetically pleasing views or the introduction of incompatible light and glare. Development under the General Plan would be primarily centered on the existing cities, and the county's designated Community Areas, Rural Centers, and AHOs. For the most part, these would minimize aesthetics impacts caused by the conversion of open lands to urban development by building adjacent to existing development. Nonetheless, particularly in cities in the Salinas Valley where the surrounding land use is agricultural fields, there will be an incremental change in the visual character of the area. Also, buildout of the county's individual lots of record will result in a more expansive distribution of low-intensity development than exists today.

The specific aesthetic character and design of new development allowed by the General Plan cannot be known or predicted at this time, although substantial additional sources of light and glare can be expected to occur. State Planning Law (Government Code Section 65100, et seq.) requires the County to plan for future population growth and Housing Element Law (Government Code Section 65580, et seq.) requires the County to provide sufficient development sites to meet its current and future regional housing shares. As discussed in Impacts AES-3 and AES-4 above, the only way to reduce impacts of light and glare to a less-than-significant level would be to prohibit new development, which cannot be done without potential liability for a regulatory taking. Further, as discussed in the EIR, much of the anticipated future development in Monterey County will be located within its cities. The County has no regulatory authority over development within the cities and therefore that source of additional light and glare cannot be feasibly mitigated by the County.

Impact POP-1: Implementation of the 2007 General Plan would induce population growth in unincorporated Monterey County.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible mitigation measures that could avoid or reduce this impact to a level of insignificance.

Summary of Rationale: As discussed in Section 4.15 of the EIR (Population and Housing) and FEIR (including Master Response 2 – Growth Assumptions Utilized in the General Plan), despite application of the General Plan goals and policies, this impact will be significant and unavoidable. There is no feasible mitigation to further reduce this impact. To reduce the impact to an insignificant level would require the prohibition of population growth, which the County is not empowered to do.

General Plan Policies. A compact growth pattern does not prohibit growth, but it does minimize the collateral effects of growth on resources by restricting those areas in which urbanization will occur. General Plan policies that will contribute to reducing this impact include the following:

General Plan

The General Plan includes numerous policies that will direct a substantial portion of new development within the County to cities, Community Areas, Rural Centers, and AHOs. This includes Land Use Element Policy LU-1.19, which designates Community Areas, Rural Centers and Affordable Housing Overlay districts as the top priority for development in the incorporated areas of the county. Outside of those areas, a Development Evaluation System (DES) will be established to provide systematic, consistent, predictable, and quantitative methods for decision-makers to evaluate developments. The DES will consider resource management as well as environmental impact in order to rank projects for potential approval.

Also, Public Services Element Policies PS-1.1 through PS-1.6 would establish general standards for the provision of Adequate Public Facility and Services (APFS) for new development, including payment of a fair share of the cost of providing the APFS to serve the development. This, in combination with the DES, will encourage a compact pattern of development.

Area Plans

The North County Area Plan

Policy NC-1.5 limits development on properties with residential land use designations located within the North County Area to a single new residence on any legal lot of record. This would reduce impacts from growth inducement by limiting new development.

Greater Salinas Area Plan

Policy GS-1.1 would reduce growth impacts by limiting new residential units to be developed in the Butterfly Village Special Treatment Area to 1,147 residential units. Policy GS-1.13 would reduce growth impacts by limiting new residential development in the area between Williams Road and Highway 101 to a single new residence on any legal lot of record.

Toro Area Plan

Policy T-1.7 would reduce growth impacts by limiting new development to a single new residence on any legal lot of record.

Carmel Valley Master Plan

Policy CV-1.1 provides that all policies, ordinances, and decisions regarding Carmel Valley shall be consistent with the goal of preserving Carmel Valley's rural character. Policy CV-1.6 places a numeric limit on the number of new lots that may be created within the Master Plan area.

Certain of the policies described above incorporate revisions made since release of the Draft EIR. The rationale above demonstrates that the policies, as modified, are equivalent or more effective at reducing the impact. Please see Table F-4 in Section VII of these Findings for additional information.

Infeasibility of Additional Mitigation: Although the General Plan policies described above minimize adverse impacts related to population growth, there is no feasible mitigation which can fully reduce this impact to a level below significance. The only way to reduce the impact to less than significant would be to prohibit population growth. This is infeasible for the reasons explained below.

State Planning Law (Government Code Section 65100, et seq.) requires the County to "adopt a comprehensive, long-term general plan for the physical development of the county ... and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning." (Government Code Section 65300) A general plan, by its nature and statutory requirements, is growth inducing.

In addition, Housing Element Law (Government Code Section 65580, et seq.) requires the County to provide sufficient development sites to meet its current and future regional housing share. The County is legally bound to "accommodate the housing needs of Californians of all economic levels" and has "a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community." (Government Code Section 65580) Pursuant to Government Code Section 65583, the General Plan's Housing Element "shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community."

Monterey County is required to adopt a general plan that provides, at minimum, for the projected population growth within the county. It cannot legally adopt a general plan that would prohibit such growth. Therefore, mitigation is infeasible.

Impact CUM 13: Cumulative Impact on Population and Housing.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible mitigation measures that could avoid or reduce this impact to a level of insignificance.

Summary of Rationale: As discussed in Section 6.4 of the EIR (Cumulative Impacts) despite application of the General Plan goals and policies, the General Plan would make a cumulatively considerable contribution to the increase in population and dwelling units in Monterey County. There is no feasible mitigation to reduce this impact to a less than significant level. To reduce the impact to an insignificant level would require the prohibition of population growth, which the County is not empowered to do.

General Plan Policies. The General Plan policies discussed under the finding for Impact POP-1 above will contribute to reducing this impact by limiting new development to areas that are best suited to urbanization.

Infeasibility of Additional Mitigation: Although the General Plan policies described above minimize adverse impacts related to population and housing growth, there is no feasible mitigation which can fully reduce this impact to a level below significance. The only way to reduce the impact to less than significant would be to prohibit population growth. This is infeasible for the reasons explained below.

State Planning Law (Government Code Section 65100, et seq.) requires the County to “adopt a comprehensive, long-term general plan for the physical development of the county ... and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning.” (Government Code Section 65300) A general plan, by its nature and statutory requirements, is growth inducing. In addition, Housing Element Law (Government Code Section 65580, et seq.) requires the County to provide sufficient development sites to meet its current and future regional housing share. The County is legally bound to “accommodate the housing needs of Californians of all economic levels” and has “a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community” (Government Code Section 65580). Pursuant to Government Code Section 65583, the General Plan's Housing Element “shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.”

Monterey County is required to adopt a general plan that provides, at minimum, for the projected population growth within the county. It cannot legally adopt a general plan that would prohibit such growth. Therefore, mitigation is infeasible.

Impacts CC-1 and CUM-14: Development of the 2007 General Plan would contribute considerably to cumulative GHG emissions and global climate change as the County in 2092 would have GHG emissions exceeding statewide objectives.

Findings. The Board of Supervisors finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR. Measures MM CC-1a, CC-2, CC-3, CC-4, and CC-5 mitigate significant effects from the above stated impact to the 2030 planning horizon to a less than significant level. In order to address Impact CC-1 to the year 2092, Mitigation Measure CC-11, as modified, is feasible and has been incorporated into the General Plan as discussed below. In addition, Mitigation Measure CC-12 is feasible and has been incorporated into the Mitigation Monitoring and Reporting Program for the Certified Final EIR. However, even with the 2030 mitigation and additional mitigation for 2092, the impact would remain significant at 2092. The Board finds that specific economic, social, or other considerations make infeasible additional mitigation.

Summary of Rationale: As discussed in Section 4.16 of the EIR (Climate Change) and the FEIR, despite application of the mitigation measures discussed above, as well as the General Plan goals and policies, this impact will be significant and unavoidable. There is no additional feasible mitigation to reduce the impact further because neither the extent of the County's contribution to GHG emissions and Climate Change nor the means to reduce that contribution are known at this time, and cannot be predicted.

Regulations and General Plan Policies. As discussed under the finding for Impact CC-1 (development of the General Plan to the 2030 Planning Horizon) in Part III-2 of these findings, state law and regulations as well as General Plan policies will contribute to reducing the project's contribution to cumulative GHG emissions and global climate change. Those regulations and General Plan policies will be effective in reducing to less than significant the project's contribution to cumulative GHG emissions and global climate change to the 2030 planning horizon but not to the 2092 planning horizon.

Mitigation Measures: Mitigation Measure CC-11, as modified by the Board of Supervisors, is feasible and has been incorporated into the General Plan as policy OS-5.20 as described below to further mitigate this impact. Mitigation Measure CC-12 is feasible and has been included in and adopted as part of the Mitigation Monitoring and Reporting Program for the Certified EIR as described below to further mitigate this impact.

MM CC-11: At five year intervals, the County shall examine the degree to which thresholds predicted in the General Plan EIR for the timeframe 2006-2030 for increased population, residential construction, and commercial growth have been attained. If the examination indicates that actual growth is within 10% of the thresholds (10,015 new housing units; 500 acres new commercial development; 3,111 acres new industrial development, or 10,253 acres of land converted to agriculture), the County shall initiate a General Plan Amendment process to consider the expansion of focused growth areas established by the 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 species and habitat addressed by Policy OS-5.16 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 the species and habitat addressed by policy OS-5.16.

MM CC-12: Greenhouse Gas Reduction Plan Requirements Beyond 2030

In parallel with the development and adoption of the 2030 General Plan, Monterey County will develop and adopt a Greenhouse Gas Reduction Plan with a target to reduce 2050 GHG emissions by 80% relative to 1990 emissions.

At a minimum, the Plan shall establish an inventory of current (2030) GHG emissions in the County of Monterey; forecast GHG emissions for 2050 for County operations and areas within the jurisdictional control of the County; identify methods to reduce GHG emissions; quantify the reductions in GHG emissions from the identified methods; identify requirements for monitoring and reporting of GHG emissions; establish a schedule of actions for implementation; and identify funding sources for implementation.

These measures mitigate the impact by establishing a framework for addressing climate change beyond the 2030 planning horizon. MM CC-11 includes revisions made since release of the DEIR. (See Table F-3.) The revisions to MM CC-11 increase its effectiveness by changing the schedule for examining growth trends from 2030 to every five (5) years. This schedule affords better monitoring of trends. The revisions also include specific thresholds to trigger consideration of expanding existing focused growth areas, something not found in the prior version. Focusing growth can help to reduce GHG emissions by reducing emissions associated with transportation. The measure as revised is equivalent or more effective in mitigating or avoiding the significant effects and will not itself cause any potentially significant effect on the environment.

Incorporation of the mitigation into the General Plan: The Board of Supervisors has included MM C-11 in the General Plan as Policy OS-5.20. MM CC-12 has been included in, and adopted as part of the Mitigation Monitoring and Reporting Program for the Certified Final EIR adopted at the time of approval of the General Plan update. It will be implemented by County action in concert with, but outside the General Plan, and its implementation will be ensured by the Mitigation Monitoring Reporting Program.

Infeasibility of Additional Mitigation: Although the General Plan policies and mitigation measures described above minimize adverse impacts related to the cumulative impact on climate change, this impact will remain cumulatively considerable because there is no feasible mitigation available at this time

to further reduce this impact beyond the 2030 period. While Monterey County development will contribute incrementally to climate change over the long term, climate change is being caused and will continue to be caused by countless sources emitting greenhouse gases in every part of the world. As discussed under Impact CC-1 for development to the 2030 planning horizon, the County has adopted numerous policies and mitigation measures to reduce its greenhouse gas contribution. In addition, it has committed to preparing a Climate Action Plan for reducing contributions from County operations, and an adaptation plan to reduce its emissions over the long term. However, there are too many uncertainties about the state of climate change in 2092 for the County to be sure that its programs will be successful in avoiding a significant contribution to climate change at that time.

California has adopted one of the most comprehensive approaches to reducing climate change of any of the states. While CARB's Scoping Plan does not establish targets beyond 2020, it has proposed SB 375 GHG reduction targets for the majority of the Metropolitan Planning Organizations in the state for their adoption. In August 2010, AMBAG adopted SB 375 GHG reduction targets of 0% increase in per capita vehicle miles traveled (VMTs) by 2020, and a 5% decrease in VMTs by 2035. However, predicting the target for 2092 emissions is unknown and unpredictable at this time. California is adopting a comprehensive set of programs and regulations at the statewide level in order to meet California's 2020 emissions target. The success of those programs and regulations, and the types of programs and regulations that will be enacted by the State after 2020, are also unknown and cannot be predicted at this time, but will likely influence climate change strategies beyond 2020. As a result, the County cannot predict what its proportional role in reducing emissions will or should be in 2092.

As discussed in Section 4.16 of the EIR, while the Intergovernmental Panel on Climate Change and California agencies have produced estimates of the effects of climate change into the future and broad statements regarding the effects on the environment, with the exception of sea level rise there are no specific estimates of impacts such as changes in rainfall regime, habitat, or the frequency of flooding, etc. available at a County or regional level. As a result, the County cannot know what effects may need to be mitigated or adapted to in 2092.

Long-term information about what sorts of mitigation is effective, and the extent of its effectiveness, is unknown. There is no means of knowing with any degree of accuracy the actual effectiveness of changes in technology, such as cleaner fuels and engines; the practicality and acceptance of switching to energy sources that minimize the need for burning fossil fuels; the effects of climate change on natural sinks in Monterey County; the effectiveness of urban design in reducing emissions; or the state of the economy over time, which will partially dictate the ability to undertake mitigations.

Because there is insufficient meaningful information for the analysis of climate change and mitigation of greenhouse gas emissions to 2092, and because the County cannot know what will be needed or the technology available in order to reduce its proportional contribution to greenhouse gas emissions at that time, additional mitigation is infeasible and the County's cumulative contribution is significant and unavoidable.

Table F-3. Mitigation Measures – Monterey County 2010 General Plan

The table below provides a side-by-side comparison of the mitigation measures proposed in the Draft EIR and the adopted mitigation measures, as well as the relevant policy into which the mitigation measure has been incorporated.

Table F-3

Mitigation Changes Since Draft EIR

DEIR Mitigation Measures ⁵	October 2010 GP FEIR Mitigation Measures ⁶	Related Policy ⁷
<p>WR-1: Support a Regional Solution for the Monterey Peninsula In Addition to the Coastal Water Project. The County will revise the draft 2007 General Plan to include the following new policy. PS-3.16 The County will participate in the Water for Monterey County Coalition or similar regional group, for the purpose of identifying and supporting a variety of new water supply projects, water management programs, and multiple agency agreements that will provide additional domestic water supplies for the Monterey Peninsula and Seaside basin, while continuing to protect the Salinas and Pajaro River groundwater basins from saltwater intrusion. The County will also provide additional domestic water supplies for the Monterey Peninsula and Seaside basin, while continuing to protect the Salinas and Pajaro River groundwater basins from saltwater intrusion. The County will also participate in regional groups including representatives of the Pajaro Valley Water Management Agency and the County of Santa Cruz to identify and support a variety of new water supply, water management and multiple agency agreement that will provide additional domestic water supplies for the Pajaro Groundwater Basin. The County's general objective, while recognizing that timeframes will be dependent on the dynamics of each of the regional groups, will be to complete the cooperative planning of these water supply alternatives within five years of the adoption of the General Plan and to implement the selected alternatives within five years after that time.</p>	<p>WR-1: Support a Regional Solution for the Monterey Peninsula In Addition to the Coastal Water Project. The County will participate in regional coalitions for the purpose of identifying and supporting a variety of new water supply projects, water management programs, and multiple agency agreements that will provide additional domestic water supplies for the Monterey Peninsula and Seaside basin, while continuing to protect the Salinas and Pajaro River groundwater basins from saltwater intrusion. The County will also participate in regional groups including representatives of the Pajaro Valley Water Management Agency and the County of Santa Cruz to identify and support a variety of new water supply, water management and multiple agency agreement that will provide additional domestic water supplies for the Pajaro Groundwater Basin. The County's general objective, while recognizing that timeframes will be dependent on the dynamics of each of the regional groups, will be to complete the cooperative planning of these water supply alternatives within five years of the adoption of the General Plan and to implement the selected alternatives within five years after that time.</p>	<p>Policy PS-3.14</p>
<p>WR-2: Initiate Planning for Additional Supplies to the Salinas Valley. The County will revise the draft 2007 General Plan to include the following new policies. PS-3.17. The County will pursue expansion of the SVWP by initiating investigations of the capacity for the Salinas River water storage and distribution system to be further expanded. This shall also include investigations of expanded conjunctive use, use of recycled water for groundwater recharge and seawater intrusion operations of the reservoirs. The County's overall objective is to have an expansion planned and in service by 2030. PS-3.18. The County will convene and coordinate a working group made up of the Salinas Valley cities, the MCWRA, and other affected entities for the purpose of identifying new water supply projects, water management programs, and multiple agency agreements that will provide additional domestic water supplies for the Salinas Valley. These may include, but not be limited to, expanded conjunctive use programs, further improvements to the upriver reservoirs, additional pipelines to provide more efficient distribution, and expanded use of recycled water to reinforce the hydraulic barrier against seawater intrusion. The</p>	<p>WR-2: The County will pursue expansion of the Salinas Valley Water Project (SVWP) by investigating expansion of the capacity for the Salinas River water storage and distribution system. This shall also include, but not be limited to, investigations of expanded conjunctive use, use of recycled water for groundwater recharge and seawater intrusion barrier, and changes in operations of the reservoirs. The County's overall objective is to have an expansion planned and in service by the date that the extractions from the Salinas Valley groundwater basin are predicted to reach the levels estimated for 2030 in the EIR for the Salinas Valley Water Project. The County shall review these extraction data trends at five year intervals. The County shall also assess the degree to which the Salinas Valley Groundwater Basin (Zone 2C) has responded with respect to water supply and the reversal of seawater intrusion based upon the modeling protocol utilized in the Salinas Valley Water Project EIR. If the examination indicates that the growth in extractions predicted for 2030 are likely to be attained within ten years of the date of the review, or the groundwater basin has not responded with respect to water supply and reversal of seawater intrusion as predicted by the model, then the County shall convene</p>	<p>Policy PS-3.15 (this policy combined Policies PS-3.17 and PS-3.18 in the draft General Plan)</p>

⁵ Mitigation measures in the Draft EIR published in September 5, 2008.

⁶ Mitigation measures reflecting the Board of Supervisors approval, October 26, 2010.

⁷ Policy implementing the mitigation measure.

**Table F-3
Mitigation Changes Since Draft EIR**

DEIR Mitigation Measures	October 2010 GP FEIR Mitigation Measures	Related Policy
<p>County's objective will be to complete the cooperative planning of these water supply alternatives by 2020 and have projects online by 2030.</p>	<p>and coordinate a working group made up of the Salinas Valley cities, the MCWRA, and other affected entities. The purpose will be to identify new water supply projects, water management programs, and multiple agency agreements that will provide additional domestic water supplies for the Salinas Valley. These may include, but not be limited to, expanded conjunctive use programs, further improvements to the upriver reservoirs, additional pipelines to provide more efficient distribution, and expanded use of recycled water to reinforce the hydraulic barrier against seawater intrusion. The county's objective will be to complete the cooperative planning of these water supply alternatives within five years and to have the projects on-line five years following identification of water supply alternatives.</p>	<p>Policy S-5.17</p>
<p>TRAN-1E: Revise Safety Element S-4.27 on increasing roadway connectivity to enhance emergency access.</p> <p>S-4.27 The County shall continue to review the procedure for proposed development, including minor and major subdivisions, and provide for an optional pre-submittal meeting between the project applicant, planning staff, and fire officials. In addition, the County shall review Community Area and Rural Center Plans, and new development proposals for roadway connectivity that provides multiple routes for emergency response vehicles. At the time of their update, Community Area and Rural Center Plans shall identify primary and secondary response routes. Secondary response routes shall be required to accommodate through traffic and may be existing roads, or may be new roads required as part of development proposals. The emergency route and connectivity plans shall be coordinated with the appropriate Fire District.</p>	<p>TRAN-1E: Revise Safety Element S-5.17 on increasing roadway connectivity to enhance emergency access.</p> <p>S-5.17. Emergency Response Routes and Street Connectivity Plans shall be required for Community Areas and Rural Centers, and for any development producing traffic at an equivalent or greater level to five or more lots/units. Said Plan shall include:</p> <ol style="list-style-type: none"> Roadway connectivity that provides multiple routes for emergency response vehicles. Primary and secondary response routes in Community Areas and Rural Centers. Secondary response routes, which may include existing roads or new roads required as part of development proposals. <p>The County shall review said plans in coordination with the appropriate Fire District.</p>	<p>Policy S-5.17</p>
<p>TRAN-2B: Revise policies in the Carmel Valley Master Plan as follows:</p> <p>CV-2.10. The following are policies regarding improvements to specific portions of Carmel Valley Road:</p> <ol style="list-style-type: none"> <i>Via Peira to Robinson Canyon Road.</i> Every effort should be made to preserve its rural character by maintaining it as a 2-lane road with paved shoulders, passing lanes and left turn channelizations at intersections where warranted. <i>Robinson Canyon Road to Laureles Grade.</i> Every effort should be made to preserve its rural character by maintaining it as a 2-lane road with paved shoulders, passing lanes and left turn channelizations at intersections where warranted. <i>Carmel Valley Road/Laureles Grade.</i> A grade separation should be constructed at this location instead of a traffic signal. The grade separation needs to be constructed in a manner that minimizes impacts to the rural character of the road. An interim improvement of an all-way stop or stop signal is allowable during the period necessary to secure funding for the grade separation. <i>Laureles Grade to Ford Road.</i> Shoulder improvements and widening should be undertaken here and extended to Pilot Road, and include left turn channelization at intersections as warranted. 	<p>TRAN-2B: Revise policies in the Carmel Valley Master Plan as follows:</p> <p>CV-2.10. The following are policies regarding improvements to specific portions of Carmel Valley Road:</p> <ol style="list-style-type: none"> <i>Via Peira to Robinson Canyon Road:</i> Every effort should be made to preserve its rural character by maintaining it as a 2-lane road with paved shoulders and left turn channelizations at intersections where warranted. <i>Robinson Canyon Road to Laureles Grade:</i> Every effort should be made to preserve its rural character by maintaining it as a 2-lane road with paved shoulders and left turn channelizations at intersections where warranted. <i>Carmel Valley Road/Laureles Grade:</i> A grade separation should be constructed at this location instead of a traffic signal. The grade separation needs to be constructed in a manner that minimizes impacts to the rural character of the road. An interim improvement of an all-way stop or stop signal is allowable during the period necessary to secure funding for the grade separation. <i>Laureles Grade to Ford Road:</i> Shoulder improvements and widening should be undertaken here and extended to Pilot Road, and include left turn channelization at intersections as warranted. 	<p>Policy CV-2.10 Policy CV-2.17 Policy CV-2.18 (prior Policy CV-2.12 was deleted, prior CV-2.18 was renumbered to CV-2.17, and prior CV-2.19 was renumbered to CV-2.18.)</p>

Table F-3

Mitigation Changes Since Draft EIR

DEIR Mitigation Measures⁶ October 2010 GP FEIR Mitigation Measures⁷ Related Policy⁸

- | | |
|--|---|
| <p>e) <i>East of Esquiline Road</i>. Shoulder improvements should be undertaken at the sharper curves. Curves should be examined for spot realignment needs.</p> <p>f) <i>Laureles Grade improvements</i>. Improvements to Laureles Grade should consist of the construction of shoulder widening, spot realignments, passing lanes and/or paved turn-outs. Heavy vehicles should be discouraged from using this route. Policy CV-2.12: To accommodate existing and future traffic, the following road improvements are recommended:</p> <ol style="list-style-type: none"> Add a northbound climbing lane between Rio Road and Carmel Valley Road; Laureles Grade—undertake shoulder improvements, widening and spot realignment; Carmel Valley Road, Robinson Canyon Road to Ford Road—add left turn channelization at all intersections. Shoulder improvements should be undertaken. <p>Policy CV-2.18: To implement traffic standards to provide adequate streets and highways in Carmel Valley, the County shall conduct and implement the following:</p> <ol style="list-style-type: none"> Twice yearly monitoring by Public Works (in June and October) of peak hour traffic at the following 12 locations: <p>Carmel Valley Road:</p> <ul style="list-style-type: none"> • East of Holman Road • Holman Road to Esquiline Road • Esquiline Road to Ford Road • Ford Road to Laureles Grade • Laureles Grade to Robinson Canyon Road • Robinson Canyon Road to Schulte Road • Schulte Road to Rancho San Carlos Road • Rancho San Carlos Road to Rio Road • Rio Road to Carmel Rancho Boulevard • Carmel Rancho Boulevard to SR1 <p>Other Locations:</p> <ul style="list-style-type: none"> • Carmel Rancho Boulevard between Carmel Valley Road and Rio Road • Rio Road between its eastern terminus and SR1 <p>b) A yearly evaluation report (December) shall be prepared jointly by the Public Works and Planning Departments and shall evaluate the peak-hour level of service (LOS) for these 12 locations to indicate segments approaching a traffic volume which would lower levels of service below the LOS standards established below under CV 2-18(d).</p> <p>c) Public hearings shall be held in January immediately following a December report in (b) above in which only 100 or less peak hour trips remain before an unacceptable level of service (as defined by CV 2-18(d)) would be reached for any of the 12</p> | <p>e) <i>East of Esquiline Road</i>: Shoulder improvements should be undertaken at the sharper curves. Curves should be examined for spot realignment needs.</p> <p>f) <i>Laureles Grade improvements</i>: Improvements to Laureles Grade should consist of the construction of shoulder widening, spot realignments, passing lanes and/or paved turn-outs. Heavy vehicles should be discouraged from using this route. CV-2.17: To implement traffic standards to provide adequate streets and highways in Carmel Valley, the County shall conduct and implement the following:</p> <ol style="list-style-type: none"> Twice yearly monitoring by Public Works (in June and October) of peak hour traffic volumes and daily traffic volumes at the six (6) locations in the following list noted in bold type: <i>Carmel Valley Road</i> East of Holman Road Holman Road to Esquiline Road Esquiline Road to Ford Road Ford Road to Laureles Grade Laureles Grade to Robinson Canyon Road Robinson Canyon Road to Schulte Road Schulte Road to Rancho San Carlos Road Rancho San Carlos Road to Rio Road Rio Road to Carmel Rancho Boulevard Carmel Rancho Boulevard to SR1 <p><i>Other Locations</i></p> <ol style="list-style-type: none"> Carmel Rancho Boulevard between Carmel Valley Road and Rio Road Rio Road between its eastern terminus at Val Verde Drive and SR1 <p>Monitoring may be reestablished on other segments when traffic studies indicate that they are approaching 80% of existing thresholds.</p> <ol style="list-style-type: none"> A yearly evaluation report shall be prepared jointly by the Department of Public Works in December to evaluate the peak-hour level of service (LOS) for the six (6) monitoring locations and determine if any of those segments are approaching a peak hour traffic volume that would lower levels of service below the LOS standards established below under <i>Policy CV 2-17(e)</i>. The report will summarize peak hour data and Percent Time Following (PTSF) analysis in an Average Daily Trips (ADT) format. Public hearings shall be held in January immediately following the December report when only 10 or less peak hour trips remain before an unacceptable level of service (as defined by CV 2-17(e)) would be reached for any of the six (6) segments described above. At five (5) year intervals, the County shall examine the degree to which estimates of changes in Levels of Service ("LOS") in the Carmel Valley Master Plan Area may be occurring earlier than predicted in the General Plan Environmental Impact Report. If |
|--|---|

**Table F-3
Mitigation Changes Since Draft EIR**

DEIR Mitigation Measures ⁵	October 2010 GP PEIR Mitigation Measures ⁶	Related Policy ⁷
	<p>segments described above.</p> <p>d) The traffic LOS standards (measured for peak hour conditions) for the CVMP Area shall be as follows:</p> <ul style="list-style-type: none"> • Signalized Intersections—LOS of "C" is the acceptable condition. • Unsignalized Intersections—LOS of "F" or meeting of any traffic signal warrant are defined as unacceptable conditions • Carmel Valley Road Segment Operations: LOS of "C" for Segments 1, 2, 8, 9, and 10 is an acceptable condition; LOS of "D" for Segments 3, 4, 5, 6, and 7 is an acceptable condition. <p>During review of development applications which require a discretionary permit, if traffic analysis of the proposed project indicates that the project would result in traffic conditions that would exceed the standards described above in CV 2-18(d) after the analysis takes into consideration the Carmel Valley Traffic Improvement Program to be funded by the Carmel Valley Road Traffic Mitigation Fee, then approval of the project shall be conditioned on the prior (e.g. prior to project-generated traffic) construction of additional roadway improvements OR an Environmental Impact Report shall be prepared for the project. Such additional roadway improvements must be sufficient, when combined with the projects programmed in the Carmel Valley Traffic Improvement Program, to allow County to find that the affected roadway segments or intersections would meet the acceptable standard upon completion of the programmed plus additional improvements. This policy does not apply to the first single-family residence on a legal lot of record. Policy CV-2.19; Carmel Valley Traffic Improvement Program (CVTIP)</p> <p>a) The CVTIP shall include the following projects (unless a subsequent traffic analysis identifies that different projects are necessary to maintain the LOS standards in Policy CV-2.18(d)):</p> <ul style="list-style-type: none"> • Left-turn channelization on Carmel Valley Road west of Ford Road; • Shoulder widening on Carmel Valley Road between Laureles Grade and Ford Road; • Paved turnouts, new signage, shoulder improvements, and spot realignments on Laureles Grade; • Grade separation at Laureles Grade and Carmel Valley Road (an interim improvement of an all-way stop or stop signal is allowable during the period necessary to secure funding for the grade separation); • Sight Distance Improvement at Dorris Road; • Passing lanes in front of the proposed September Ranch development; • Passing lanes opposite Garland Park; • Climbing Lane on Laureles Grade; • Upgrade all new road improvements within Carmel Valley Road Corridor to 	
	<p>e) The traffic LOS standards (measured by peak hour conditions) for the CVMP Area shall be as follows:</p> <ol style="list-style-type: none"> 1) Signalized Intersections – LOS of "C" is the acceptable condition. 2) Unsignalized Intersections – LOS of "F" or meeting of any traffic signal warrant are defined as unacceptable conditions. 3) Carmel Valley Road Segment Operations: <ol style="list-style-type: none"> a) LOS of "C" for Segments 1, 2, 8, 9, and 10 is an acceptable condition; b) LOS of "D" for Segments 3, 4, 5, 6, and 7 is an acceptable condition. <p>During review of development applications that require a discretionary permit, if traffic analysis of the proposed project indicates that the project would result in traffic conditions that would exceed the standards described above in CV 2-17(e), after the analysis takes into consideration the Carmel Valley Traffic Improvement Program to be funded by the Carmel Valley Road Traffic Mitigation Fee, then approval of the project shall be conditioned on the prior (e.g., prior to project-generated traffic) construction of additional roadway improvements or an Environmental Impact Report shall be prepared for the project. Such additional roadway improvements must be sufficient, when combined with the projects programmed in the Carmel Valley Traffic Improvement Program, to allow County to find that the affected roadway segments or intersections would meet the acceptable standard upon completion of the programmed plus additional improvements. This policy does not apply to the first single family residence on a legal lot of record. CV-2.18 The County shall adopt a Carmel Valley Traffic Improvement Program (CVTIP) that:</p> <ol style="list-style-type: none"> a. Evaluates the conditions of Carmel Valley Road and identifies projects designed to maintain the adopted LOS standards for this roadway as follows: <ol style="list-style-type: none"> 1. In order to preserve the rural character of Carmel Valley, improvements shall be designed to avoid creating more than three through lanes along Carmel Valley Road. 2. Higher priority shall be given to projects that address safety issues and manage congestion 3. The project list may include projects previously identified for inclusion in the CVTIP or their functional equivalent. 4. Priorities shall be established through community input via a Carmel Valley Road Committee, which shall be established by the Board of Supervisors. 5. At a minimum, the project list shall be updated every five years unless a subsequent traffic analysis identifies that different projects are necessary. b. Validates and refines the specific scope of all projects proposed by the CVTIP 	

**Table F-3
Mitigation Changes Since Draft EIR**

DEIR Mitigation Measures ⁵	October 2010 GP EIR Mitigation Measures ⁶	Related Policy ⁷
<p>Class 2 bike lanes;</p> <ul style="list-style-type: none"> • Passing lane (1/4 mile) between Schulte Road and Robinson Canyon Road; and • Passing lane (1/4 mile) between Rancho San Carlos Rd and Schulte Road. <p>b) The County shall adopt an updated fee program to fund the CVTIP.</p> <p>c) All projects within the CVMP area and within the "Expanded Area" that contribute to traffic within the CVMP area shall contribute fair-share traffic impact fees to fund necessary improvements identified in the CVTIP, as updated at the time of building permit issuance.</p>	<p>through preparation of a Project Study Report (PSR). The PSR will be reviewed by the Carmel Valley Road Committee prior to commencement of project design.</p> <p>c. Establishes a fee program to fund the CVTIP. All projects within the Carmel Valley Master Plan (CVMP) area, and within the "Expanded Area" that contribute to traffic within the CVMP area, shall contribute a fair-share traffic impact fee to fund necessary improvements identified in the CVTIP, as updated at the time of building permit issuance. Fees will be updated annually as specified by the CVTIP to account for changes in construction costs and land values. The County shall adopt a CVTIP within one year of approval of the 2010 General Plan. The CVTIP does not apply to any roadways (including SR1) that are located outside the CVMP area.</p>	<p>Policy C-1.12</p>
<p>Where conditions are projected to approach unacceptable conditions (as defined by the monitoring and standards described above under CV 2-18(d)), the CVTIP shall be updated to plan for and fund adequate improvements to maintain acceptable conditions.</p> <p>TRAN-5A: The roadway segments exceeding LOS standards are two-lane rural roads that provide left turn lanes at some intersections. These segments include County Road G14 between US 101 and San Lucas Road, and Spreckels Boulevard between SR-68 and Harkins Road. Improvement of these segments would be funded through a combination of project-specific mitigation for individual developments, and through a Capital Improvement and Financing Plan fair-share funding mechanism established for the Agricultural and Winery Corridor by the County Public Works Department. These improvements would be implemented when:</p> <ol style="list-style-type: none"> 1) A proposed development's project-specific assessment identifies a direct impact to the facility in terms of either LOS or safety. 2) A proposed development gains access from an intersection within the segment. 3) A corridor-wide nexus study prepared for the required Capital Improvement and Financing Plan identifies the level of development that can occur before triggering the improvements. <p>To maintain the rural character of the area, there are no plans to widen these roadways to four lane facilities. Therefore, the capacity of these segments will be increased by:</p> <ol style="list-style-type: none"> 1. Providing left turn lanes at intersections without left turn lanes and where the frequency of turning vehicles affects through vehicle movement; and/or 2. Increasing the width of the roadway shoulder at intersections to allow vehicles to pass turning vehicles; and/or 3. Constructing passing lanes as determined in the Capital Improvement and Financing Plan. 	<p>TRAN-5A: The County Traffic Impact Fee Program and CIPF shall include roadway segments within the AWCP that exceed LOS standards. Improvement of these segments would be funded through a combination of project-specific mitigation for individual developments, and through a Capital Improvement and Financing Plan fair-share funding mechanism established for the Agricultural and Winery Corridor by the County Public Works Department. These improvements would be implemented when:</p> <ol style="list-style-type: none"> 1. A proposed development's project-specific assessment identifies a direct impact to the facility in terms of either LOS or safety. 2. A proposed development gains access from an intersection within the segment. 3. A corridor-wide nexus study prepared for the required Capital Improvement and Financing Plan identifies the level of development that can occur before triggering the improvements. <p>To maintain the rural character of the area, there are no plans to widen these roadways to four lane facilities. Therefore, the capacity of these segments will be increased by:</p> <ol style="list-style-type: none"> 1. Providing left turn lanes at intersections without left turn lanes and where the frequency of turning vehicles affects through vehicle movement; and/or 2. Increasing the width of the roadway shoulder at intersections to allow vehicles to pass turning vehicles; and/or 3. Constructing passing lanes as determined in the Capital Improvement and Financing Plan. <p>Until such time as the County Traffic Impact Fee Program and CIPF for the AWCP are adopted, all new development in the AWCP will be required to prepare a Traffic Impact Analysis (TIA) regardless of the level of CEQA analysis conducted for the Project. Project-specific (Tier 1) mitigation measures identified in the TIA will be required to be implemented concurrently. If a TIA identifies a Traffic Tier impact, the development will be required to make a "fair share" payment for that impact. For discretionary permits and approvals, Policies C-1.3 and C-1.4 shall apply. In addition, all projects are subject to payment of the TAMC Regional Development Impact Fee.</p>	<p>Policy C-1.12</p>

**Table F-3
Mitigation Changes Since Draft EIR**

DEIR Mitigation Measures ⁵	October 2010 GP FEIR Mitigation Measures ⁶	Related Policy ⁷
<p>AQ-1: The County of Monterey will update General Plan policy OS-10.5 as follows: OS-10.5 The County of Monterey will require that future construction in accordance with the 2007 implement MBUAPCD PM₁₀ control measures.</p>	<p>AQ-1: [this measure is the same as AQ-2] The County of Monterey shall require that future development implement applicable Monterey Bay Unified Air Pollution Control District control measures. Applicants for discretionary projects shall work with the Monterey Bay Unified Air Pollution Control District to incorporate feasible measures that assure that health-based standards for diesel particulate emissions are met. The County of Monterey will require that future construction operate and implement MBUAPCD PM₁₀ control measures to ensure that construction-related PM₁₀ emissions do not exceed the MBUAPCD's daily threshold for PM₁₀. The County shall implement MBUAPCD measures to address off-road mobile source and heavy duty equipment emissions as conditions of approval for future development to ensure that construction-related NO_x emissions from non-typical construction equipment do not exceed the MBUAPCD's daily threshold for NO_x.</p>	<p>Policy OS-10.9</p>
<p>AQ-2: Implement MBUAPCD Mitigation Measures for Off-Road Mobile Source and Heavy Duty Equipment Emissions. General Plan Policy OS-10.6 will be revised as follows: The County shall implement MBUAPCD measures to address off-road mobile source and heavy duty equipment emissions as conditions of approval for future development.</p>	<p>AQ-2: [This measure is combined with Mitigation Measure AQ-1.]</p>	<p>Policy OS-10.9</p>
<p>AQ-3: Implement MBUAPCD Mitigation Measures for Commercial, Industrial, and Institutional Land Uses (MBUAPCD 2008). The following measures will be added to General Plan Policy OS-10.10:</p> <ul style="list-style-type: none"> • Provide preferential carpool/vanpool parking spaces • Implement a parking surcharge for single occupant vehicles • Provide for shuttle/mini bus service • Provide bicycle storage/parking facilities and shower/locker facilities • Provide onsite child care centers • Provide transit design features within the development • 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 • Implement telecommuting program 	<p>AQ-3: Implement MBUAPCD Mitigation Measures for Commercial, Industrial, and Institutional Land Uses. In the design of future development within Community Areas and Rural Centers, the following sustainable land use strategies shall be considered to reduce energy consumption, minimize greenhouse gas emissions, and foster healthier environments for people:</p> <ul style="list-style-type: none"> • Take an integrated approach to siting, design, and operation of buildings and infrastructure • Incorporate multiple-uses for infrastructure (e.g., recreational fields designed to capture stormwater and reduce urban runoff) • Design development to take advantage of solar orientation • Recycle brownfield sites • Employ individual and systematic water conservation measures (e.g., native vegetation, bioswales, graywater reuse, high efficiency appliances) • Promote Transit Oriented Development (TOD) to increase mobility and reduce auto dependency • Provide preferential carpool/vanpool parking spaces • Implement a parking surcharge for single occupant vehicles • Provide for shuttle/mini bus service • Provide bicycle storage/parking facilities and shower/locker facilities • Provide onsite child care centers • Provide transit design features within the development 	<p>Policy OS-10.10</p>

Table F-3

Mitigation Changes Since Draft EIR

DEIR Mitigation Measures	October 2010 GP FEIR Mitigation Measures	Related Policy
<ul style="list-style-type: none"> • 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 • Implement telecommuting program • Provide bicycle paths within major subdivisions that link to an external network • Provide pedestrian facilities within major subdivisions <p>Locate development of new sensitive land uses (schools, hospitals, facilities for the elderly) at least 500 feet from a freeway carrying more than 100,000 vehicles per day.</p> <p>Future development shall be designed to maximize energy efficiency to the extent feasible and accommodate energy infrastructure (i.e., transmission lines, power plants and pipelines, and fueling stations), including the potential for distributed renewable generation.</p>	<ul style="list-style-type: none"> • 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 • Implement telecommuting program • Provide bicycle paths within major subdivisions that link to an external network • Provide pedestrian facilities within major subdivisions <p>Locate development of new sensitive land uses (schools, hospitals, facilities for the elderly) at least 500 feet from a freeway carrying more than 100,000 vehicles per day.</p> <p>Future development shall be designed to maximize energy efficiency to the extent feasible and accommodate energy infrastructure (i.e., transmission lines, power plants and pipelines, and fueling stations), including the potential for distributed renewable generation.</p>	<p>Policy OS-10.10</p>
<p>AQ-4: Implement MBUAPCD Mitigation Measures for Residential Land Uses (MBUAPCD 2008).</p> <p>General Plan Policy OS-10.10 will be revised to include the following measures to address residential land use:</p> <ul style="list-style-type: none"> • Provide bicycle paths within major subdivisions that link to an external network • Provide pedestrian facilities within major subdivisions 	<p>AQ-4: Implement MBUAPCD Mitigation Measures for Residential Land Uses. [This measure is incorporated into measure AQ-3.]</p>	<p>Policy OS-10.10</p>
<p>AQ-5: Implement MBUAPCD Mitigation Measures for Alternative Fuels (MBUAPCD 2008).</p> <p>The following measures will be added to General Plan Policy OS-10.2 to address alternative fuels:</p> <ul style="list-style-type: none"> • Utilize electric fleet vehicles • Utilize Ultra Low-Emission fleet vehicles • Utilize methanol fleet vehicles • Utilize liquid propane gas fleet vehicles • Utilize compressed natural gas fleet vehicles 	<p>AQ-5: Implement MBUAPCD Mitigation Measures for Alternative Fuels.</p> <p>Within 12 months of adoption of the General Plan, the County shall quantify the current and projected (2020) GHG emissions associated with County operations and adopt a GHG Reduction Plan for County Operations. The goal of the plan shall be to reduce GHG emissions associated with County Operations by at least 15% less than 2005 emission levels. Potential elements of the County Operations GHG Reduction Plan shall include, but are not limited to, the following measures:</p> <ul style="list-style-type: none"> • an energy tracking and management system; • energy-efficient lighting; • lights-out-at-night policy; • occupancy sensors; • heating, cooling and ventilation system retrofits; • ENERGY STAR appliances • green or reflective roofing; • improved water pumping energy efficiency; • central irrigation control system; • energy-efficient vending machines; 	<p>Policy OS-10.14</p>

**Table F-3
Mitigation Changes Since Draft EIR**

DEIR Mitigation Measures ⁵	October 2010 GP FEIR Mitigation Measures ⁶	Related Policy ⁷
	<ul style="list-style-type: none"> • preference for recycled materials in purchasing; • use of low or zero-emission vehicles and equipment • recycling of construction materials in new county construction; • solar roofs; and • conversion of fleets (as feasible) to: <ul style="list-style-type: none"> • Electric vehicles, • Ultra Low-Emission vehicles, • Methanol fleet vehicles, • Liquid propane gas fleet vehicles, or • Compressed natural gas fleet vehicles 	
AQ-6: The County of Monterey shall require that construction contracts be given to those contractors who show evidence of the use of soot traps, ultra-low sulfur fuels, and other diesel engine emissions upgrades that reduce PM ₁₀ emissions to less than 50% of the statewide PM ₁₀ emissions average for comparable equipment.	AQ-6: The County of Monterey shall require that construction contracts be given to those contractors who show evidence of the use of soot traps, ultra-low sulfur fuels, and other diesel engine emissions upgrades that reduce PM ₁₀ emissions to less than 50% of the statewide PM ₁₀ emissions average for comparable equipment.	Policy OS-10.13
AQ-7: The following language should be included in General Plan policy OS-10.10: Development of new sensitive land uses (schools, hospitals, facilities for the elderly) should not be located any closer than 500 feet of a freeway carrying more than 100,000 vehicles per day.	AQ-7: The following language is included in Policy OS-10.10: <ul style="list-style-type: none"> • Locate development of new sensitive land uses (schools, hospitals, facilities for the elderly) at least 500 feet from a freeway carrying more than 100,000 vehicles per day. (This measure is incorporated into measure AQ-3, above.)	Policy OS-10.10
AQ-8: The following measures should be added as General Plan Policy OS-10.12: OS-10.12. Provide for the proper storage and disposal of pomace resulting from winery operations. <ul style="list-style-type: none"> • To minimize odors resulting from the storage of pomace, all residue shall be removed from the site or spread in the vineyards as a soil amendment by the winery. • To prevent complaints resulting from burning of pomace, burning of pomace as a disposal method shall be prohibited. • All wineries shall incorporate best management practices and technologies to prevent fugitive emissions and odors from escaping the winery during production. 	AQ-8: The following measures should be added as General Plan Policy AG-4.5: AG-4.5. Wineries shall provide for the proper storage and disposal of pomace resulting from winery operations. <ul style="list-style-type: none"> • To minimize odors resulting from the storage of pomace, all residue shall be removed from the site or spread in the vineyards as a soil amendment by the winery. • To prevent complaints resulting from burning of pomace, burning of pomace as a disposal method shall be prohibited. • All wineries shall incorporate best management practices and technologies to prevent fugitive emissions and odors from escaping the winery during production. 	Policy AG-4.5
BIO-1.1: Baseline Inventory of Landcover, Special Status Species Habitat, Sensitive Natural Communities, Riparian Habitat, and Wetlands in Monterey County 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 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,	BIO-1.1: (This measure is not included in the Final EIR. Draft General Plan Policies OS-5.1 – OS-5.3 similarly require mapping of critical habitat and potentially suitable habitat for listed species in the County's GIS database. This will be used in the process of considering and mitigating discretionary projects.)	Policies OS-5.1 through OS-5.3

**Table F-3
Mitigation Changes Since Draft EIR**

DEIR Mitigation Measures ⁵	October 2010 GP FEIR Mitigation Measures ⁶	Related Policy
<p>BIO-1.2: Salinas Valley Conservation Plan to preserve habitat for the San Joaquin kit fox in the Salinas Valley. The County shall, in concert with the U.S. Fish and Wildlife Service, California Department of Fish and Game, 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 management of the compensation site; and funding the management of the compensation site.</p>	<p>BIO-1.2: Salinas Valley Conservation Strategy to preserve habitat for the San Joaquin kit fox in the Salinas Valley. The County shall, in concert with the U.S. Fish and Wildlife Service, California Department of Fish and Game, 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 consider 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 as one of the options. The conservation 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. Until the adoption of the conservation strategy, habitat loss due to discretionary projects shall be mitigated on a project-by-project basis.</p>	<p>Policy OS-5.19</p>
<p>BIO-1.3: Project Level Biological Survey and Avoidance, Minimization, and Compensation for Impacts to Non-Listed Special-Status Species and Sensitive Natural Communities. The County shall require that any development project that could potentially impact a non-listed special status species or sensitive natural community shall be required to conduct a biological survey of the site. If non-listed 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 non-listed 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> <ul style="list-style-type: none"> (a) Development in Focused Growth Areas (Community Areas, Rural Centers and Housing Overlays) (b) Development requiring a discretionary permit (c) Large scale wineries in the AWCP. 	<p>BIO-1.3: (This measure is not included in the Final EIR. General Plan Policy OS-5.16 requires a biological study 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. The study will be the basis for mitigation as needed.)</p>	<p>Policy OS-5.16</p>
<p>BIO-1.4: By 2030, prepare an Update to the General Plan to identify expansion of existing focused growth areas and/or to identify new focused growth areas to reduce loss of natural habitat in Monterey County. The County shall update the County General Plan by no later than January 1, 2030 and</p>	<p>BIO-1.4: By 2030, prepare an Update to the General Plan to identify expansion of existing focused growth areas and/or to identify new focused growth areas to reduce loss of natural habitat in Monterey County. At five year intervals, the County shall examine the degree to which thresholds predicted</p>	<p>Policy OS-5.20</p>

**Table F-3
Mitigation Changes Since Draft EIR**

DEIR Mitigation Measures*	October 2010 GP FEIR Mitigation Measures*	Related Policy*
<p>shall consider the potential to expand 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 (both listed and non-listed) and their habitat 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>In the General Plan EIR for the timeframe 2006-2030 for increased population, residential construction, and commercial growth have been attained. If the examination indicates that actual growth is within 10% of the thresholds (10,015 new housing units; 500 acres new commercial development; 3,111 acres new industrial development, or 10,253 acres of land converted to agriculture), the County shall initiate a General Plan Amendment process to consider the expansion of focused growth areas established by the 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 species and habitat addressed by Policy OS-5.16 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 the species and habitat addressed by policy OS-5.16.</p>	<p>Policy OS-5.21</p>
<p>BIO-1.5: By 2030, prepare a Comprehensive County Natural Communities Conservation Plan 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 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 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>BIO-1.5: By 2030, prepare a Comprehensive Conservation Strategy. At five year intervals, the County shall examine the degree to which thresholds for increased population, residential construction, and commercial growth predicted in the General Plan EIR for the timeframe 2006-2030 have been attained. If the examination indicates that actual growth is within 10% of the growth projected in the General Plan EIR (10,015 new housing units; 500 acres new commercial development; 3,111 acres new industrial development and 10,253 acres of land converted to agriculture), the County shall assess the vulnerability of currently non-listed species to become rare, threatened, or endangered due to projected development. The County shall complete the preparation of a conservation strategy for those areas containing substantial suitable habitat for those plant and wildlife species for which a biological report would be required pursuant to Policy OS-5.16 due to development. 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 such as on and off-site mitigation ratios and fee programs for mitigating impacts or their equivalent.</p>	<p>Policy OS-5.22</p>
<p>BIO-2.1: Stream Setback Ordinance The county shall develop and adopt a county-wide Stream Setback Ordinance to 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 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 identified 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</p>	<p>BIO-2.1: Stream Setback Ordinance. In order to preserve riparian habitat, conserve the value of streams and rivers as wildlife corridors and reduce sediment and other water quality impacts of new development, the county shall develop and adopt a 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 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</p>	<p>Policy OS-5.22</p>

Table F-3

Mitigation Changes Since Draft EIR

DEIR Mitigation Measures ⁵	October 2010 GP/FEIR Mitigation Measures ⁶	Related Policy ⁷
<p>other creeks or may apply generic setbacks based on the stream classification developed for the ordinance. The purpose of the ordinance will be to preserve riparian habitat and reduce sediment and other water quality impacts of new development. 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>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 delineate appropriate uses within the setback area that shall not cause removal of riparian habitat, compromise identified riparian wildlife corridors, or compromise water quality of the relevant stream while also taking into consideration uses that serve health and safety purposes. The Stream Setback Ordinance shall apply to all discretionary development, County public projects, and to conversion of lands uncultivated for the previous 30 years, on normal soil slopes over 15% or on highly erodible soils on slopes over 10%. The stream setback ordinance shall be adopted within three (3) years of adoption of the General Plan.</p>	<p>Policy OS-5.23</p>
<p>BIO-2.2. Oak Woodlands Mitigation Program. The County shall prepare, adopt and implement a program that allows project to mitigate the loss of oak woodlands. The 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. 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>BIO-2.2. Oak Woodlands Mitigation Program. The County shall prepare, adopt and implement a program that allows projects to mitigate the loss of oak woodlands, while also taking into consideration wildfire prevention/protection. Consistent with California Public Resources Code Section 21083.4, the program shall identify a combination of the following mitigation alternatives:</p> <ul style="list-style-type: none"> a) ratios for replacement, b) payment of fees to mitigate the loss or direct replacement for the loss of oak woodlands and monitoring for compliance; and c) conservation easements. <p>The program shall identify criteria for suitable donor sites. Mitigation for the loss of oak woodlands may be either on-site or off-site. The program shall allow payment of fees to either a local fund established by the County or a state fund. Until such time as the County program is implemented consistent with Public Resources Code Section 21083.4(b), projects shall pay a fee to the state Oak Woodlands Conservation Fund (OWCF). Replacement of oak woodlands shall provide for equivalent acreage and ecological value at a minimum of 1:1 ratio. The program shall prioritize the conservation of oak woodlands that are within known wildlife corridors as a high priority. The oak woodlands mitigation program shall be adopted within 5 years of adoption of the General Plan.</p>	<p>Policy PS-3.2 Policy PS-3.3 Policy PS-3.4 Policy CV-3.20 Policy NC-3.8</p>
<p>BIO-2.3. Add Considerations Regarding Riparian Habitat and Stream Flows to Criteria for Long-Term Water Supply and Well Assessment. 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> <p>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.</p> <p>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.</p>	<p>BIO-2.3: Add Considerations Regarding Riparian Habitat and Stream Flows to Criteria for Long-Term Water Supply and Well Assessment. Public Services Policies PS-3.2, 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 domestic and high-capacity wells. The following criteria shall be added to these policies:</p> <p>Policy PS-3.2.f.—Effects on instream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead, for the purpose of minimizing impacts to those resources and species.</p> <p>Policy PS-3.3.g.—Effects on instream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead, for the</p>	<p>Policy PS-3.2 Policy PS-3.3 Policy PS-3.4 Policy CV-3.20 Policy NC-3.8</p>

Table F-3

Mitigation Changes Since Draft EIR

DEIR Mitigation Measures ⁵	October 2010 GP FEIR Mitigation Measures ⁶	Related Policy ⁷
	<p>purpose of minimizing impacts to those resources and species.</p> <p>Policy PS-3.4b - Effects on in-stream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead, for the purpose of minimizing impacts to those resources and species.</p> <p>CV-3.20— A discretionary permit shall be required for new wells in the Carmel Valley alluvial aquifer. All new wells shall be required to fully offset any increase in extractions from this aquifer (see Policies PS-3.3 and PS-3.4). These requirements shall be maintained until such a time that the Coastal Water project (or its equivalent) results in elimination of all Cal-Am withdrawals in excess of its legal rights.</p> <p>NC-3.8— A discretionary permit shall be required for all new wells in fractured rock or hard rock areas in the North County Area Plan in order to provide for case by case review of potential water quality and overdraft concerns. This requirement shall be maintained until such a time that a water supply project or projects are completed that addresses existing water quality and water supply issues in fractured rock or hard rock areas.</p>	<p>Policy OS-5.24</p>
	<p>BIO-3.1: Project-Level Wildlife Movement Considerations. 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 require that expansion of its roadways 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>Policy OS-5.25</p>
	<p>BIO-3.2: Remove Vegetation During the Nonbreeding Season and Avoid Disturbance of Nesting Migratory Birds, Including Raptors, as Appropriate (generally September 16 to January 31). 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 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>Policy OS-5.25</p>
	<p>BIO-3.2: Remove Vegetation During the Nonbreeding Season and Avoid Disturbance of Nesting Migratory Birds, Including Raptors, as Appropriate (generally February 1 to September 15). Occupied nests of statutorily protected migratory birds and raptors shall not be disturbed during the breeding season (generally February 1 to September 15). The county shall: A. 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 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. B. Require the development to follow the recommendations of the biologist. This measure may be implemented in one of two ways: (1) preconstruction surveys may be conducted to identify active nests and, if</p>	<p>Policy OS-5.25</p>

Table F-3

Mitigation Changes Since Draft EIR

DEIR Mitigation Measures ⁵	October 2010 CEIR Mitigation Measures ⁶	Related Policy ⁷
	<p>found, adequate buffers shall be provided to avoid active nest disruption until after the young have fledged; or</p> <p>(2) vegetation removal may be conducted during the non-breeding season (generally September 16 to January 31); however, removal of vegetation along waterways shall require approval of all appropriate local, state, and federal agencies.</p> <p>This policy shall not apply in the case of an emergency fire event requiring tree removal. This policy shall apply for tree removal that addresses fire safety planning, since removal can be scheduled to reduce impacts to migratory birds and raptors.</p>	<p>CSV-1.1</p>
<p>CUL-1: Policy CSV-1.1 of the Central Salinas Valley Area Plan will be revised to read: CSV-1.1 <u>Special Treatment Area: Paraiso Hot Springs</u>—The Paraiso Hot Springs properties shall be designated a Special Treatment Area. Recreation and visitor serving land uses for the Paraiso Hot Springs Special Treatment Area may be permitted in accordance with a general development plan and other discretionary approvals such as subdivision maps, use permits, and design approvals. The Special Treatment Area may include such uses as a lodge, individual cottages, a visitor center, recreational vehicle accommodations, restaurant, shops, stables, tennis courts, aquaculture, hiking trails, bottling, hiking trails, vineyards, and orchards. The plan shall address cultural resources protection, fire safety, access, sewage treatment, water quality, water quantity, drainage, and soil stability issues (APN: 418-361-004, 418-361-009, 418-361-021, 418-361-022).</p>	<p>CUL-1: Policy CSV-1.1 of the Central Salinas Valley Area Plan will be revised to read: CSV-1.1 <u>Special Treatment Area: Paraiso Hot Springs</u> - The Paraiso Hot Springs properties shall be designated a Special Treatment Area. Recreation and visitor serving land uses for the Paraiso Hot Springs Special Treatment Area may be permitted in accordance with a general development plan and other discretionary approvals such as subdivision maps, use permits, and design approvals. The Special Treatment Area may include such uses as a lodge, individual cottages, a visitor center, recreational vehicle accommodations, restaurant, shops, stables, tennis courts, aquaculture, hiking trails, vineyards, and orchards. The plan shall address cultural resources protection, fire safety, access, sewage treatment and disposal, water quality, water quantity, drainage, and soil stability issues. (APN: 418-361-004, 418-361-009, 418-381-021, 418-381-022)</p>	<p>CSV-1.1</p>
<p>PS-1: The County will add the following policy to the 2007 General Plan: Policy S-3.9: require all future developments to implement the most feasible number of Low Impact Development (LID) techniques into their stormwater management plan. The LID techniques may include, but are not limited to, grassy swales, rain gardens, bioretention cells, tree box filters, and preserve as much native vegetation as feasible possible on the project site.</p>	<p>PS-1: The County will add the following policy to the 2007 General Plan: In order to minimize urban runoff affecting water quality, the County shall require all future development within urban and suburban areas to implement Best Management Practices (BMPs) as approved in the Monterey Regional Storm Water Management Program which are designed to incorporate Low Impact Development techniques. BMPs may include, but are not limited to, grassy swales, rain gardens, bioretention cells, and tree box filters. BMPs should preserve as much native vegetation as feasible possible on the project site.</p>	<p>Policy S-3.9</p>
<p>PS-2: The County will add the following policy to the 2007 General Plan: Policy PS-5.5 The County will review its Solid Waste Management Plan on a 5-year basis and institute policies and programs as necessary to exceed the wastestream reduction requirements of the California Integrated Waste Management Act. The County will adopt requirements for wineries to undertake individual or joint composting programs to reduce the volume of their wastestream.</p> <p>Specific mitigation measures to reduce the impacts of future solid waste facilities are</p>	<p>PS-2: The County will add the following policy to the 2007 General Plan: The County will review its Solid Waste Management Plan on a 5-year basis and institute policies and programs as necessary to exceed the wastestream reduction requirements of the California Integrated Waste Management Act. The County will adopt requirements for wineries to undertake individual or joint composting programs to reduce the volume of their wastestream. Specific mitigation measures to reduce the impacts of future solid waste facilities are infeasible because the characteristics of those future facilities are unknown.</p>	<p>Policy PS-5.6</p>

**Table F-3
Mitigation Changes Since Draft EIR**

DEIR Mitigation Measures ⁸	October 2010 CE EIR Mitigation Measures ⁸	Related Policy ⁸
<p>infeasible because the characteristics of those future facilities are unknown.</p> <p>PAR-1: Proposed 2007 General Plan policy PS-11.10 will be amended to read: "Pursuant to the provisions of the State Subdivision Map Act, residential subdivision projects shall be conditioned to provide and maintain park and recreation land and facilities or pay in-lieu fees in proportion to the extent of need created by the development. The ratio of park and recreation facilities to residents will be at least three acres for each one thousand residents."</p>	<p>PAR-1: The County shall adopt an ordinance that requires residential subdivision projects to provide and maintain park and recreation land and facilities or pay in-lieu fees in proportion to the extent of need created by the development. The ratio of park and recreation facilities to residents will be at least three acres for each one thousand residents.</p>	<p>Action required in the MMRP⁸</p>
<p>CC-1a: Modify Policy OS-10.11 regarding the Greenhouse Gas Reduction Plan</p> <p>Revise Policy OS-10.11 as follows:</p> <p>OS-10.11 Within 24 months of the adoption of the General Plan, Monterey County will develop a Greenhouse Gas Reduction Plan with a target to reduce emissions by 2020 by 28% relative to estimated "business as usual" 2020 emissions.</p> <p>At a minimum, the Plan shall:</p> <ol style="list-style-type: none"> establish an inventory of current (2006) GHG emissions in the County of Monterey including but not limited to residential, commercial, industrial and agricultural emissions; forecast GHG emissions for 2020 for County operations; "business as usual" conditions; identify methods to reduce GHG emissions; quantify the reductions in GHG emissions from the identified methods; requirements for monitoring and reporting of GHG emissions; establish a schedule of actions for implementation; identify funding sources for implementation; and identify a reduction goal for the 2030 Planning Horizon. <p>During preparation of the Greenhouse Gas Reduction Plan, the County shall also evaluate potential options for changes in County policies regarding land use and circulation as necessary to further achieve the 2020 and 2030 reduction goals and measures to promote urban forestry and public awareness concerning climate change.</p>	<p>CC-1a Modify Policy OS-10.11 regarding the Greenhouse Gas Reduction Plan</p> <p>OS-10.11. Within 24 months of the adoption of the General Plan, Monterey County shall develop and adopt a Greenhouse Gas (GHG) Reduction Plan with a target to reduce emissions by 2020 to a level that is 15% less than 2005 emission levels. At a minimum, the Plan shall:</p> <ol style="list-style-type: none"> Establish an inventory of 2005 GHG emissions in the County of Monterey including but not limited to residential, commercial, industrial, and agricultural emissions; and Forecast GHG emissions for 2020 for County operations; Forecast GHG emissions for areas within the jurisdictional control of the County for "business as usual" conditions; Identify methods to reduce GHG emissions; Quantify the reductions in GHG emissions from the identified methods; Establish requirements for monitoring and reporting of GHG emissions; Establish a schedule of actions for implementation; Identify funding sources for implementation; and Identify a reduction goal for the 2030 Planning Horizon. <p>During preparation of the Greenhouse Gas Reduction Plan, the County shall also evaluate potential options for changes in County policies regarding land use and circulation, as necessary, to further achieve the 2020 and 2030 reduction goals and measures to promote urban forestry and public awareness concerning climate change.</p>	<p>Policy OS-10.11</p>
<p>CC-2: Add Policy OS-10.12: Adoption of a Green Building Ordinance</p>	<p>CC-2: Add Policy OS-10.12: Adoption of a Green Building Ordinance.</p>	<p>Policy OS-10.12</p>

⁸ Monterey County Code Section 19.12.010 provides these same standards. The General Plan does not include any provision that will eliminate the standards in Section 19.12.010 or preclude their application to projects. This mitigation measure will be implemented during the County's ordinance update following General Plan adoption. Its implementation will be assured through the Mitigation Monitoring and Reporting Program (MMRP) adopted at the time of the adoption of the General Plan.

Table F-3

Mitigation Changes Since Draft EIR

DEIR Mitigation Measures ⁵	October 2010 GP FEIR Mitigation Measures ⁶	Related Policy ⁷
<p>OS-10.12 Within 24 months of the adoption of the General Plan, the County shall adopt a Green Building Ordinance to require green building practices and materials for new civic buildings and new private residential, commercial, and industrial buildings that will include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • All new County government projects and major renovations shall meet, at a minimum, LEED-Silver standards or an equivalent rating system • All new commercial buildings shall be certified under the LEED rating system for commercial buildings or an equivalent rating system. • All new residential projects of 6 units or more shall meet the GreenPoint Rating System for residential buildings, or an equivalent alternate rating system. • The County shall require consideration of solar building orientation, solar roofs, cool pavements, and planting of shade trees in development review of new commercial and industrial projects and new residential projects of 6 units or more. • Prioritized parking within new commercial and retail areas for electric vehicles, hybrid vehicles, and alternative fuel vehicles shall be provided for new commercial and institutional developments. • New commercial and industrial projects greater than 25,000 square feet shall be required to provide on-site renewable energy generation as part of their development proposal. This requirement can be met through a solar roof or other means. 	<p>OS-10.12. Within 24 months of the adoption of the General Plan, the County shall adopt a Green Building Ordinance to require green building practices and materials for new civic buildings and new private residential, commercial, and industrial buildings that will include, but are not limited to, the following technologies, strategies, or their functional equivalent:</p> <ul style="list-style-type: none"> • All new County government projects and major renovations shall meet, at a minimum, LEED-Silver standards or an equivalent rating system • All new commercial buildings shall be certified under meet requirements of the LEED rating system for commercial buildings or an equivalent rating system. • All new residential projects of 6 units or more shall meet the GreenPoint Rating System for residential buildings, or an equivalent alternate rating system. • The County shall require consideration of solar building orientation, solar roofs, cool pavements, and planting of shade trees in development review of new commercial and industrial projects and new residential projects of 6 units or more. • Prioritized parking within new commercial and retail areas for electric vehicles, hybrid vehicles, bicycles, and alternative fuel vehicles shall be provided for new commercial and institutional developments. • New commercial and industrial projects greater than 25,000 square feet shall be required to provide on-site renewable energy generation as part of their development proposal. This requirement can be met through a solar roof or other means. 	<p>Policy OS-10.13</p>
<p>CC-3: New Policy OS-10.13—Promote Alternative Energy Development</p> <p>OS-10.13: The County shall use Geographic Information Systems (GIS) to map and assess local renewable resources, the electric and gas transmission and distribution system, community growth areas anticipated to require new energy services, and other data useful to deployment of renewable technologies.</p> <p>The County shall adopt an Alternative Energy Promotion ordinance that will:</p> <ul style="list-style-type: none"> • identify possible sites for production of energy using local renewable resources such as solar, wind, small hydro, and, biogas; • consider the potential need for exemption from other General Plan policies concerning visual resources, ridge/line protection, biological resources; • evaluate potential land use, environmental, economic, and other constraints affecting renewable energy development; and • adopt measures to protect both renewable energy resources, such as utility easement, right-of-way, and land set-asides as well as visual and biological resources. <p>The County shall also complete the following:</p> <ul style="list-style-type: none"> • Evaluate the feasibility of Community Choice Aggregation (CCA) for the County. CCA allows cities and counties, or groups of them, to aggregate the electric loads of customers within their jurisdictions for purposes of procuring electrical services. CCA 	<p>CC-3. New Policy OS-10.13—Promote Alternative Energy Development.</p> <p>OS-10.13. The County shall use Geographic Information Systems (GIS) to map and assess local renewable resources, the electric and gas transmission and distribution system, community growth areas anticipated to require new energy services, and other data useful to deployment of renewable technologies. The County shall adopt an Alternative Energy Promotion ordinance that will:</p> <ul style="list-style-type: none"> • identify possible sites for production of energy using local renewable resources such as solar, wind, small hydro, and, biogas; • consider the potential need for exemption from other General Plan policies concerning visual resources, ridge/line protection, or biological resources; • evaluate potential land use, environmental, economic, and other constraints affecting renewable energy development; and • adopt measures to protect both renewable energy resources, such as utility easement, right-of-way, and land set-asides, as well as visual and biological resources. <p>The County shall also complete the following:</p> <ul style="list-style-type: none"> • Evaluate the feasibility of Community Choice Aggregation (CCA) for the County. CCA allows cities and counties, or groups of them, to aggregate the electric loads of 	<p>Policy OS-10.13</p>

Table F-3

Mitigation Changes Since Draft EIR

DEIR Mitigation Measures ⁵	October 2010 GP FEIR Mitigation Measures ⁶	Related Policy
<p>allows the community to choose what resources will serve their loads and can significantly increase renewable energy.</p> <ul style="list-style-type: none"> If CCA is ultimately not pursued, the County shall evaluate the feasibility of purchasing renewable energy certificates to reduce the County's contribution to GHG emissions related to County electricity use. The County shall develop a ministerial permit process for approval of small-scale wind and solar energy systems for on-site home, small commercial, and farm use. 	<p>customers within their jurisdictions for purposes of procuring electrical services. CCA allows the community to choose what resources will serve their loads and can significantly increase renewable energy.</p> <ul style="list-style-type: none"> If CCA is ultimately not pursued, the County shall evaluate the feasibility of purchasing renewable energy certificates to reduce the County's contribution to GHG emissions related to County electricity use. The County shall develop a ministerial permit process for approval of small-scale wind and solar energy systems for on-site home, small commercial, and farm use. 	
<p>CC-4; New Policy PS-5.5—Promote Recycling and Waste Reduction PS-5.5: The County shall promote waste diversion and recycling and waste energy recovery as follows:</p> <ul style="list-style-type: none"> The County shall adopt a 75% waste diversion goal. The County shall support the extension of the types of recycling services offered (e.g., to include food and green waste recycling). The County shall support waste conversion and methane recovery in local landfills to generate electricity. The County shall support and require the installation of anaerobic digesters for winery facilities and wastewater treatment facilities under County jurisdiction. 	<p>CC-4. New Policy PS-5.5—Promote Recycling and Waste Reduction. PS-5.5: The County shall promote waste diversion and recycling and waste energy recovery as follows:</p> <ol style="list-style-type: none"> The County shall adopt a 75% waste diversion goal. The County shall support the extension of the types of recycling services offered (e.g., to include food and green waste recycling). The County shall support waste conversion and methane recovery in local landfills to generate electricity. <p>The County shall support and require the installation of anaerobic digesters or equivalent technology for wastewater treatment facilities.</p>	Policy PS-5.5
<p>CC-5; Adopt GHG Reduction Plan for County Operations Within 12 months of adoption of the General Plan, the County shall quantify the current and projected (2020) GHG emissions associated with County operations and adopt a GHG Reduction Plan for County Operations. The goal of the plan shall be to reduce GHG emissions associated with County Operations by at least 28% relative to BAU 2020 conditions. Potential elements of the County Operations GHG Reduction Plan shall include, but are not limited to, the following measures: an energy tracking and management system; energy-efficient lighting; lights-out-at-night policy; occupancy sensors; heating, cooling and ventilation system retrofits; ENERGY STAR appliances; green or reflective roofing; improved water pumping energy efficiency; central irrigation control system; energy-efficient vending machines; preference for recycled materials in purchasing; use of low or zero-emission vehicles and equipment and recycling of construction materials in new county construction; conversion of fleets (as feasible) to electric and hybrid vehicles; and solar roofs.</p>	<p>CC-5. Adopt GHG Reduction Plan for County Operations [This is the same as Measure AQ-5, above.] Implement MBUAPCD Mitigation Measures for Alternative Fuels. Within 12 months of adoption of the General Plan, the County shall quantify the current and projected (2020) GHG emissions associated with County operations and adopt a GHG Reduction Plan for County Operations. The goal of the plan shall be to reduce GHG emissions associated with County Operations by at least 15% less than 2005 emission levels. Potential elements of the County Operations GHG Reduction Plan shall include, but are not limited to, the following measures:</p> <ul style="list-style-type: none"> an energy tracking and management system; energy-efficient lighting; lights-out-at-night policy; occupancy sensors; heating, cooling and ventilation system retrofits; ENERGY STAR appliances green or reflective roofing; improved water pumping energy efficiency; central irrigation control system; energy-efficient vending machines; 	Policy OS-10.14

Table F-3

Mitigation Changes Since Draft EIR

DEIR Mitigation Measures ⁵	October 2010 GP FEIR Mitigation Measures ⁶	Related Policy ⁷
<p>• preference for recycled materials in purchasing;</p> <p>• use of low or zero-emission vehicles and equipment</p> <p>• recycling of construction materials in new county construction;</p> <p>• solar roofs; and</p> <p>• conversion of fleets (as feasible) to;</p> <ul style="list-style-type: none"> • Electric vehicles, • Ultra Low-Emission vehicles, • Methanol fleet vehicles, • Liquid propane gas fleet vehicles, or • Compressed natural gas fleet vehicles 		Policy OS-5-20
<p>CC-11 (Same as BIO-1.4): By 2030, prepare an Update to the General Plan to identify expansion of existing focused growth areas and/or to identify new focused growth areas to reduce loss of natural habitat in Monterey County and vehicle miles traveled</p> <p>The County shall update the County General Plan by no later than January 1, 2030 and shall consider the potential to expand 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 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.</p>	<p>CC-11. At five year intervals, the County shall examine the degree to which thresholds predicted in the General Plan EIR for the timeframe 2006-2030 for increased population, residential construction, and commercial growth have been attained. If the examination indicates that actual growth is within 10% of the thresholds (10,015 new housing units; 500 acres new commercial development; 3,111 acres new industrial development, or 10,253 acres of land converted to agriculture), the County shall initiate a General Plan Amendment process to consider the expansion of focused growth areas established by the 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 species and habitat addressed by Policy OS-5.16 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 the species and habitat addressed by policy OS-5.16.</p>	Policy OS-5-20
<p>CC-12: Greenhouse Gas Reduction Plan Requirements Beyond 2030</p> <p>In parallel with the development and adoption of the 2030 General Plan, Monterey County will develop and adopt a Greenhouse Gas Reduction Plan with a target to reduce 2050 GHG emissions by 80% relative to 1990 emissions.</p> <p>At a minimum, the Plan shall establish an inventory of current (2030) GHG emissions in the County of Monterey; forecast GHG emissions for 2050 for County operations and areas within the jurisdictional control of the County; identify methods to reduce GHG emissions; quantify the reductions in GHG emissions from the identified methods; identify requirements for monitoring and reporting of GHG emissions; establish a schedule of actions for implementation; and identify funding sources for implementation.</p>	<p>CC-12. Greenhouse Gas Reduction Plan Requirements Beyond 2030</p> <p>In parallel with the development and adoption of the 2030 General Plan, Monterey County will develop and adopt a Greenhouse Gas Reduction Plan with a target to reduce 2050 GHG emissions by 80% relative to 1990 emissions.</p> <p>At a minimum, the Plan shall establish an inventory of current (2030) GHG emissions in the County of Monterey; forecast GHG emissions for 2050 for County operations and areas within the jurisdictional control of the County; identify methods to reduce GHG emissions; quantify the reductions in GHG emissions from the identified methods; identify requirements for monitoring and reporting of GHG emissions; establish a schedule of actions for implementation; and identify funding sources for implementation.</p>	Action required in the MMRP.
<p>CC-13: Develop and Integrate Climate Change Preparedness Planning for Monterey County.</p> <p>Monterey County shall prepare and implement a Climate Change Preparedness Plan to</p>	<p>CC-13. Develop and Integrate Climate Change Preparedness Planning for Monterey County.</p> <p>Monterey County shall prepare and implement a Climate Change Preparedness Plan to</p>	Action required in the MMRP.

Table F-3

Mitigation Changes Since Draft EIR

Related Policy

October 2010 GP FEIR Mitigation Measures

prepare proactively for the impacts of climate change to the County's economy and natural ecosystems and to promote a climate resilient community.

A useful guide to climate resiliency planning is *Preparing for Climate Change: A Guidebook for Local, Regional, and State Governments*. (The Climate Impacts Group, King County, Washington, and ICLEI—Local Governments for Sustainability 2007), which outlines the following steps:

- Scope the climate change impacts to major County sectors and building and maintain support among stakeholders to prepare for climate change.
- Establish a climate change preparedness team.
- Identify planning areas relevant to climate change impacts.
- Conduct a vulnerability assessment based on climate change projections for the region, the sensitivity of planning areas to climate change impacts, and the ability of communities to adapt to climate change impacts
- Conduct a risk assessment based on the consequences, magnitude, and probability of climate change impacts, as well as on an evaluation of risk tolerance and community values.
- Establish a vision and guiding principles for climate resilient communities and set preparedness goals in priority planning areas based on these guiding principles.
- Develop, select, and prioritize possible preparedness actions.
- Identify a list of important implementation tools
- Develop an understanding of how to manage risk and uncertainty in the planning effort.
- Develop measures of resilience, and use these to track the results of actions over time
- Review assumptions and other essential information to ensure that planning remains relevant to the most salient climate change impacts.
- Update plans regularly.

Potential areas of emphasis for preparedness planning may include risk of wildfires, agricultural impacts, flooding and sea level rise, salt water intrusion; and health effects of increased heat and ozone, through appropriate policies and programs. Potential implementation steps could include adopting land use designations that restrict or prohibit development in areas that may be more severely impacted by climate change, e.g., areas that are at high risk of wildfire, sea level rise, or flooding; adoption of programs for the purchase or transfer of development rights in high risk areas to receiving areas of equal or greater value; and support for agricultural research on locally changing climate conditions.

To be effective, preparedness planning needs to be an ongoing commitment of the County. The first plan shall be completed no later than 5 years after the adoption of the General Plan and shall be updated at least every 5 years thereafter.

prepare proactively for the impacts of climate change to the County's economy and natural ecosystems and to promote a climate resilient community.

A useful guide to climate resiliency planning is *Preparing for Climate Change: A Guidebook for Local, Regional, and State Governments*. (The Climate Impacts Group, King County, Washington, and ICLEI—Local Governments for Sustainability 2007), which outlines the following steps:

- Scope the climate change impacts to major County sectors and building and maintain support among stakeholders to prepare for climate change.
- Establish a climate change preparedness team.
- Identify planning areas relevant to climate change impacts.
- Conduct a vulnerability assessment based on climate change projections for the region, the sensitivity of planning areas to climate change impacts, and the ability of communities to adapt to climate change impacts
- Conduct a risk assessment based on the consequences, magnitude, and probability of climate change impacts, as well as on an evaluation of risk tolerance and community values.
- Establish a vision and guiding principles for climate resilient communities and set preparedness goals in priority planning areas based on these guiding principles.
- Develop, select, and prioritize possible preparedness actions.
- Identify a list of important implementation tools
- Develop an understanding of how to manage risk and uncertainty in the planning effort.
- Develop measures of resilience, and use these to track the results of actions over time
- Review assumptions and other essential information to ensure that planning remains relevant to the most salient climate change impacts.
- Update plans regularly.

Potential areas of emphasis for preparedness planning may include risk of wildfires, agricultural impacts, flooding and sea level rise, salt water intrusion; and health effects of increased heat and ozone, through appropriate policies and programs. Potential implementation steps could include adopting land use designations that restrict or prohibit development in areas that may be more severely impacted by climate change, e.g., areas that are at high risk of wildfire, sea level rise, or flooding; adoption of programs for the purchase or transfer of development rights in high risk areas to receiving areas of equal or greater value; and support for agricultural research on locally changing climate conditions.

To be effective, preparedness planning needs to be an ongoing commitment of the County. The first plan shall be completed no later than 5 years after the adoption of the General Plan and shall be updated at least every 5 years thereafter.

IV. Findings Regarding Other CEQA Considerations

IV.1 Growth Inducing Impacts

In order to comply with state general plan law, in particular the Housing Element statute, the General Plan must provide sufficient opportunities for new residential growth to accommodate its Regional Housing Needs Assessment (RHNA) share. Based on the definition of growth inducement, a general plan is inherently growth-inducing because it must accommodate at least projected housing demand. The General Plan and related comprehensive land use plans will provide the framework by which public officials will be guided in making decisions relative to development in Monterey County. However, it is the implementation of land use policies that will incrementally increase demands for public services, utilities, and infrastructure.

Finding/Rationale.

By law, Monterey County is required to adopt “a comprehensive, long-term general plan for the physical development of the county” (Government Code Section 65300). The general plan’s housing element is required to include

An identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. (Government Code Section 65583)

On a regular basis (generally every 5 to 7 years), the Association of Monterey Bay Area Governments (AMBAG) is responsible for adopting the Regional Housing Needs Assessment or RHNA that establishes the share of projected future housing growth that the County must accommodate in its general plan. Unincorporated Monterey County’s current RHNA housing share is 1,554 dwelling units for the current 2007 - 2014 housing element cycle. The current housing element is based on the prior 2000-2007 share and will be amended as necessary to account for the new allocations. A county that does not amend its housing element to reflect the RHNA share is subject to litigation (Government Code Section 65587).

IV.2 Irreversible Environmental Changes

Finding/Rationale.

Approval and implementation of actions related to the General Plan would result in an irretrievable commitment of nonrenewable resources such as energy supplies and construction-related materials. The energy resource demands would be used for construction, heating and cooling of buildings, transportation of people and goods, heating and refrigeration, lighting, and other associated energy needs.

Environmental changes with implementation of the General Plan would occur as the physical environment is altered through continued commitments of land and construction materials to urban and rural development. There would be an irretrievable commitment of labor, capital, and materials used in construction and a permanent loss of open space. Nonrenewable resources would be committed primarily in the form of fossil fuels and would include oil, natural gas, and gasoline used to support the additional development associated with implementation of the General Plan.

The consumption of other nonrenewable or slowly renewable resources would result from the development of the General Plan. These resources would include, but not be limited to, lumber and other forest products, sand and gravel, asphalt, steel, copper, lead, and water. Because alternative energy sources such as solar, geothermal, or wind energy are not currently in widespread local use, it is unlikely that real savings in nonrenewable energy supplies (e.g., oil and gas) could be realized in the immediate future.

Development in unincorporated Monterey County as envisioned by the General Plan would result in the construction of structures, facilities, or infrastructure on lands that are currently undeveloped. Development of lands generally would result in their future and permanent commitment to urban uses.

V. Findings on Rejected Mitigation Measures

Agricultural Resources

AG-1 Commenters have suggested mitigation measures that include implementing land use consistent with SB 375 and limiting additional housing units to the amount required to accommodate population increase minus the mean annual available housing units averaged over the past four years; requiring mitigation ratios in AG-1.12 that would mitigate prime farmland at five times the ratio of unique farmland or require specific ratios; eliminate the exception for mitigation for loss of farmland for inclusionary housing as well as the differentiation for Community Plan or Rural Center Plans, and to adopt all of the policies in the 1982 General Plan as drafted that pertain to the protection of farmland.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified by the public in their comments and testimony. The County also finds that several of these mitigation measures are not required because they would not be any more effective than the policies already incorporated into the General Plan.

Rationale. The County is a member of the Association of Monterey Bay Area Governments (AMBAG), which is preparing a regional growth strategy consistent with the requirements of SB 375. Therefore, a specific policy in the General Plan is not warranted. Further, it is not legally feasible to reduce the number of housing units as suggested by commenters. By law, the County's General Plan Housing Element must provide for the future housing needs of all economic segments of the community (Government Code § 65580, et seq.). The State Housing and Community Development Department (HCD) assigns housing targets for each region in the State, including targets for affordable housing. These targets are then allocated to individual jurisdictions by the regional agencies such as AMBAG. These housing allocations (based on 5-7 year planning cycles) must be accommodated in the Housing Element for that jurisdiction (Government Code § 65583). Therefore, the proposed mitigation measure limiting housing units based on different formulas than those mandated by law would be infeasible. The County considered establishing fixed ratios for specific types of farmland in its mitigation policy for loss of farmland, but believes that a specific program should be adopted by ordinance that would tailor mitigation ratios to address factors beyond broad farmland classifications including soil suitability and geography in the mitigation formula. Therefore, the specific suggestions for a mitigation ratio are not considered warranted at this time. The exceptions allowed in AG-1.12 are intended to address the State's goal of providing affordable housing and principle of accommodating growth in existing urbanized areas in order to limit the loss of agricultural lands. With respect to adopting the policies in the 1982 General Plan to further mitigate the loss of agricultural lands, the 2010 General Plan has incorporated many of the 1982 General Plan policies verbatim, has incorporated comparable policies with respect to subdivision of farmland and buffers, and has incorporated an Agricultural Element and a AWCP that protect the viability of the agricultural industry with the goal of ensuring that the agriculture industry remains viable,

and therefore, there will be less pressure to convert agricultural lands to non-agricultural uses. Accordingly, the mitigation suggested by commenters is not warranted at this time, since comparable and more protective policies have been adopted.

Water Resources

Impact WR-4 Commenters have made multiple suggestions regarding additional mitigation measures to address water supply impacts, including a water conservation program to reduce or avoid the impact of new single family residential development on existing lots of record, imposing North County area plan policies that require new development be designed to maximize prime groundwater recharge capabilities and to minimize runoff, making adoption of water development projects a high priority for the entire unincorporated area, requiring installation of graywater systems or other water conservation technologies for all new construction, limiting landscaping to foot-bearing plants, prioritizing all new water consumption towards eliminating overdraft, prioritizing new development that would be eligible for water supplies after overdraft is eliminated, charging higher rates to for the biggest consumers to encourage conservation, preventing new subdivisions and development of new lots of record in areas that are in overdrafted basins, and prohibiting development or sequencing development until new supply projects are proven.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified by the public in their comments and testimony. The Board of Supervisors also finds that several of these mitigation measures are not required because they would not be any more effective than the policies already incorporated into the General Plan.

Rationale. Pages 4.3-149 through 4.3-152 of the Draft EIR enumerate General Plan policies that are specifically designed to further reduce water consumption and increase recharge to the groundwater basins. Many of the suggestions of commenters will be incorporated into ordinances that will govern requirements for water conservation such as graywater systems and other on-site recycling strategies. In addition, the new Model Water Efficient Landscape Ordinance promulgated by the Department of Water Resources mandates adoption of stricter water conservation ordinances which would apply in Monterey County. The County already has a graywater ordinance (Monterey County Code 15.20 (Sewage Disposal)) and new standards have been drafted into the State Building Code (California Code of Regulations, Title 24, Part 5, Chapter 16A, Part 1). Therefore, additional General Plan policies are not warranted. Policy PS-3.7 (which was identified as Policy PS-3.9 in the Draft EIR and the March 2010 version of the Final EIR) specifically addresses development of a program to eliminate overdraft of water basins as part of the Capital Implementation and Financing Plan and includes a number of the strategies proposed by commenters for consideration as policies. Therefore, the additional policies suggested by commenters are not warranted. There are General Plan policies that limit development to lots of record only in the areas of the County that have significant water supply problems including the North County Area Plan, and portions of Toro and Greater Salinas Area plans as well as policies PS-3.1 and PS-3.2, which require proof of a long-term sustainable supply of water for new development requiring a discretionary permit, including new subdivisions. One of the factors to be considered in developing the criteria for proof of a long-term sustainable water supply is whether new supply projects are operational, pursuant to Policy 3.2. These policies are comparable to what has been proposed by commenters and therefore the incremental mitigation effect of the mitigation proposed would be negligible. For development of lots of record, General Plan policies require a discretionary permit for new well construction and a demonstration of net water balance. Prohibiting any development on lots of record unless a basin is in balance presents constitutional issues that would make such a policy infeasible. The County has chosen not to bar development outright in order to avoid the potential for regulatory takings and the litigation that may result. The EIR's conclusions take into account the potential effects of

development on the existing lots of record. Lastly, a number of the policies suggested by commenters that would prohibit new development are considered infeasible, since the purpose of a General Plan is to designate where growth can be accommodated in a jurisdiction. The General Plan policies are intended to accommodate the amount of growth that is forecasted to occur during the life of the General Plan but with specific restrictions that limit environmental impacts and address health and safety concerns. Therefore, several of the additional mitigation measures proposed with respect to a prohibition, phasing and prioritizing water for new growth would be infeasible.

Impact WR-5 Commenters have proposed a mitigation measure that would prohibit new non-essential uses of water until a given groundwater basin is in balance. Commenters have also proposed requiring mandatory use of recycled water for all new development.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measure identified by commenters. The Board of Supervisors also finds these mitigation measures are not required because they would not be any more effective than the policies already incorporated into the General Plan.

Rationale. As the record of developing water-related policies for the General Plan demonstrates, the suite of policies set forth under Goal PS-2 (Assure an Adequate and Safe Water Supply to Meet the County's Current and Long-Term Needs) and Goal PS-3 (Ensure that New Development is Assured a Long-Term Sustainable Water Supply) of the Public Services Element represent the best policies available for mitigating impacts to the County's water supply in light of all environmental, economic, legal, social, technological and other considerations. With these policies, the County has achieved the best feasible solution to the protection of water resources. Prohibiting new non-essential uses of water until a given groundwater basin is in balance would not be a feasible way to further reduce potential water supply impacts and would not substantially reduce impacts beyond the levels identified in the EIR. Please see the findings on impacts to water resources above for additional information.

With respect to requiring mandatory water recycling, Policy PS-3.12 (which was identified as Policy PS-3.14 in the Draft EIR and the March 2010 version of the Final EIR) requires the County to maximize the use of recycled water as potable water to offset water demands. Additional policies with respect to development of conservation strategies cited above that are comparable are provided in PS-3.10 and PS-3.11. Therefore, an additional mitigation measure requiring mandatory use of recycled water for all new development would not be any more effective than the policies already included in the General Plan. Because such a condition would have no substantial mitigating effect in practice, the County is not required to adopt it.

Impact WR-6. Commenters have proposed mitigation measures that would include development of watershed management plans and additional regional watershed management plans, require applicants to identify groundwater recharge areas within the hydrologic influence of a proposed project, require graywater systems for new development, and prohibit water extractions from the "Deep Zone" (the deepest of the aquifers below the Salinas Valley; lying beneath the 400-foot aquifer).

Finding. The Board of Supervisors finds that these mitigation measures are not required because they would not be any more effective than the policies already incorporated into the General Plan.

Rationale. The County is already participating in the development of the Greater Monterey County Integrated Regional Water Management Plan; therefore, addition of a measure to develop watershed management plans and additional regional watershed management plans is not warranted. In addition, Policy OS-3.9 requires the County to address cumulative hydrologic impacts and to convene a committee of technical experts which will address impacts beyond the individual project level. This measure will

have comparable benefits to the mitigation suggested from a programmatic perspective. Policy PS-2.8 and PS-2.9, which require project design to maximize recharge, are also comparable to the suggested mitigation. Further, the County already has a graywater ordinance (Monterey County Code 15.20 (Sewage Disposal)) and new standards have been adopted into the State Building Code (California Code of Regulations, Title 24, Part 5, Chapter 16A, Part 1). In addition, PS-3.8 encourages the use of gray water and cisterns for multi-family and commercial development. With respect to the suggested prohibition in the Deep Zone, this mitigation measure would be infeasible since it would interfere with property rights and could amount to a "regulatory taking" without compensation in contravention of the Fifth Amendment of the U.S. Constitution. Pursuant to California Water Law, the overlying land owner has the rights to groundwater at any depth. The County does not have the authority to unilaterally prevent the drilling of new wells to access groundwater.

Impact WR-7. Commenters proposed additional mitigation measures including adoption of regional groundwater management plans, and a prohibition on the drilling of wells within one mile of known seawater intrusion.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified by the public in their comments and testimony. The Board of Supervisors also finds that several of these mitigation measures are not required because they would not be any more effective than the policies already incorporated into the General Plan and the County has existing practices consistent with this measure.

Rationale. The County already participates in the Greater Monterey County Integrated Regional Water Management Plan process, and Policy OS-3.9 provides for the development of a program to address cumulative watershed effects. Therefore, this mitigation measure would not reduce impacts below the level already reduced by existing policy. With respect to a prohibition of wells within one mile of known seawater intrusion, this mitigation measure would be infeasible since such a broad prohibition of development could interfere with property rights and could amount to a "regulatory taking" without compensation in contravention of the Fifth Amendment of the U.S. Constitution. Furthermore, the suggestion would not be consistent with the third or fourth project objective discussed in DEIR Section 1.2.1.

Impact WR-12. Commenters have proposed mitigation that would prohibit new residential development in 100 year flood hazard areas and prohibit exportation of water to an outside location, i.e., to another County.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measure identified by commenters.

Rationale. A prohibition of all new residential development within the 100 year flood hazard area exceeds Federal floodplain regulations (discussed on page 4.3-53 of the DEIR), which allows limited development, provided that it does not inhibit flow and can be elevated above the estimated flood line. Policies S-2.1 and S-2.3 require that land use planning avoid incompatible structural development in flood prone areas and require conformance with FEMA guidelines, the National Flood Insurance Program, and County ordinances. A prohibition of all development is therefore not necessary to minimize the risk of flooding and would raise the issue of "regulatory takings" under the Fifth Amendment of the U.S. Constitution. CEQA requires mitigation measures to be "consistent with all applicable constitutional requirements." (CEQA Guidelines section 15126.4(a)(4)) Therefore, this measure would be infeasible. Additionally, prohibiting regulated water districts whose service area includes more than one county from supplying water from their water systems across county boundaries is beyond the regulatory authority of the County. Therefore, this measure would be infeasible.

Transportation Impacts

Impact TRAN-1B. Commenters have suggested mitigation measures that include placing conditions on new development to meet Monterey-Salinas Transit's (MST's) strategic goals of increasing transit ridership, expanding service and introducing new service, and inserting alternative language for CV-2.17 (which was identified as Policy CV-2.18 in the Draft EIR and the March 2010 version of the Final EIR) that would modify the policy to require that monitoring of traffic on Carmel Valley Road be based upon ADT and that the County adopt specific traffic volume standards and trigger volumes and trigger ratios measured in ADT rather than based upon LOS determined by peak hour values. Under this suggested approach, future projects would be evaluated against this standard and would be required to prepare an EIR if they are likely to exceed the standard. The project would not be approved unless the improvements necessary for meeting the standard are constructed.

Finding. The Board of Supervisors finds that finds that specific legal considerations make infeasible the mitigation measures identified by commenters and that these are measures are not required because they would not be any more effective than the policies already incorporated into the General Plan.

Rationale. The General Plan has already incorporated a comparable set of policies under Goal C-6 in the Circulation Element that encourages the use of public transit and alternative modes of transportation through land use designation and zoning. There are additional policies in the Land Use Element (LU-1.19, LU-2.4 and LU-2.23) that require new development to be located in proximity to multiple modes of transportation. Therefore, conditioning new development on compliance with MST's strategic goals would not be any more effective than the policies already included in the General Plan. Because such a condition would have no substantial mitigating effect in practice, the County is not required to adopt it.

With respect to the alternative language for CV-2.17, the County has utilized peak hour for determining project mitigation for the Carmel Valley fee program. As noted in Master Response 5, the County is utilizing a methodology for measuring traffic impacts that is consistent with the Highway Capacity Manual (HCM). ADT is not a direct measure of LOS because it only measures absolute daily traffic levels and does not take into account roadway capacity or hourly distribution of traffic over the day. The ADT thresholds defined in the CVMP are best interpreted as monitoring trigger levels as opposed to defined standards. ADT data thus do not, by themselves, indicate what delay or LOS exists on a particular roadway, and thus ADT would be an inappropriate standard. In addition, an ADT standard would result in mitigation that would require widening Carmel Valley Road to four (4) lanes and would therefore be inconsistent with Carmel Valley policies regarding retaining the rural character of the community and would create additional environmental impacts with respect to biological resources, soils and geology and aesthetics. Moreover, funding of such improvements would be economically infeasible during the timeframe of the General Plan and would result in a cost for impact fees that would make economic development and future residential development, especially to accommodate affordable housing, infeasible. Requiring that future projects be forestalled unless the improvements necessary for meeting the standard are constructed could result in a regulatory "takings" since the requirement could result in an exaction that exceeded an applicant's "fair share" of the cost for mitigating direct and cumulative impacts and because the construction of such improvements may not be within the jurisdiction of the County of Monterey and therefore, would be infeasible. See Master Response 5 in the Final EIR for additional information.

Impact TRAN-2B. In one segment of Carmel Valley Road in the Carmel Valley Village, conditions will drop from the current standard of LOS C to LOS D as a result of implementation of the General Plan. Multiple comments suggested keeping the standard proposed for Carmel Valley Road at LOS C by retaining the current Carmel Valley Master Plan Policy CVMP 39.3.2.1, and retaining the current County

policy embodied in Resolution 02-024 which would prohibit creation of new lots until a portion of Highway 1 was widened to four lanes as alternative mitigation.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified by the public in their comments and testimony.

Rationale. As explained in DEIR Section 4.6 (p. 4.6-73), Final EIR Master Response 5, and the rationale for the finding on Impact TRAN-2B, above, the mitigation measures adopted for Carmel Valley Road were proposed in consideration of the community's preference to avoid creation of additional 4-lane sections of this roadway and to retain the preserve the rural quality of the community. Maintaining an LOS C standard would have been incompatible with the character of the Village (e.g., a 4-lane roadway) or incompatible with adjacent residential use (e.g., routing traffic through adjacent residential areas) and would have created additional environmental impacts with respect to biological resources, soils and geology and aesthetics. Given the infeasibility of completing transportation improvements to SR1 near Carmel and on Carmel Valley Road within the Village to reduce impacts to a less than significant level, the General Plan EIR proposed two policy changes. The first is elimination of the policy that requires completion of improvements to SR1 before any development can occur. The second is the lowering of the LOS to D in the Carmel Valley Village. These modifications will allow the identified amount of development in the CVMP to occur while maintaining consistency with other CVMP policies. Retaining the current policies that would have limited future growth (Resolution 02-024) would have been contrary to the several goals of the General Plan with respect to accommodating residential and economic growth, and providing affordable housing. The incremental mitigating effect of reducing additional growth in Carmel Valley would be negligible in comparison to cumulative growth from other sources and will not prevent all further increases in traffic, as shown in the results of the CVTIP traffic study for the No Project scenario, due to the influence of traffic from outside the CVMP. The circulation policies adopted in the General Plan CVMP will not facilitate new development that would otherwise not be allowed by the CVMP land use designations and zoning. Instead, the circulation policies are designed as a series of mitigations to maintain traffic within the allowable LOS standards. Adopting a policy that would impose a restriction on growth pending construction of a roadway segment that is currently not planned on the TAMC constrained list and is not reasonably foreseeable could amount to a "regulatory takings" without compensation, in contravention of the Fifth Amendment of the U.S. Constitution. CEQA requires mitigation measures to be "consistent with all applicable constitutional requirements." (CEQA Guidelines Section 15126.4(a)(4))

In addition, State law does not allow a jurisdiction to require new development to pay more than its fair share of mitigation for an impact. The impacts on SR1 are predominantly an existing problem, caused to a great extent by traffic other than that generated from Carmel Valley. New development can only be required to pay impact fees proportionate to its contribution. These funds would not have been sufficient to pay for the widening of SR1. Without other sources of funds, the amount that could be collected from new development in the CVMP or other locations would be insufficient to fund widening of southbound SR1 in order to alleviate traffic congestion. At this time, there is no apparent source of other funding for this improvement. Therefore, widening SR1 to maintain the LOS C standard would not be legally or economically feasible. Consequently, the traffic impact on this segment will be significant and unavoidable. Ultimately, resolution of SR1 traffic issues will depend on whether external sources of funding, which could include a transportation sales tax measure, or state or federal funds, can be identified to implement the improvements.

Impact TRAN-2B. Commenters have suggested additional mitigation measures to address cumulative traffic impacts including policies to require phasing of all projects that make a cumulatively considerable contribution to traffic, prohibit future development until the CIFPs are adopted, prohibit future

development projects until there is an adopted, funded program that results in construction of necessary improvements prior to occupancy of a proposed project, identify the improvements that would be necessary to mitigation all cumulative impacts, and policies to address existing LOS deficiencies caused by past development and identify an appropriate funding mechanism.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified by the public in their comments and testimony.

Rationale. CIFPs are long term funding mechanisms by design. As noted in Master Response 10.6 (FEIR pp. 2-186-2-188), under CEQA, paying a fee is permissible as effective mitigation if the fees are "part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing". (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1187; *Save Our Peninsula Comm. v. Monterey County Board of Supervisors* (2001) 81 Cal.App.4th 99, 141) The fees proposed in the General Plan are part of a comprehensive mitigation strategy. Phasing new development or imposing a moratorium on new development that contributes to cumulative impacts until the traffic improvements are fully constructed would negate the ability of the County to reasonably accommodate growth as is required under State law with respect to the adoption of a General Plan. This would also create significant economic and social impacts in the County by precluding creation of new jobs, and development of new housing. The impacts would be particularly severe on economically disadvantaged populations in the County. Moreover, with respect to cumulative traffic mitigation, requiring a development in the unincorporated area to fully mitigate impacts beyond the project's fair share has constitutional limitations. Development in the unincorporated area has historically constituted no more than 1/3 of the growth in the County and by 2030, the cumulative contribution would be approximately 20% of the new growth. (See Master Response 2, Section 2.1.2) Since the County cannot compel development in the incorporated areas to contribute towards concurrent improvements, and cannot require drivers who travel through the County and contribute traffic on state and county roads to contribute towards these improvements, requiring a development in the unincorporated area to fully mitigate impacts beyond its fair share would be an unfair burden on projects in the unincorporated area under the Mitigation Fee Act (see Government Code § 66000, et seq.). Therefore, the proposed mitigation measures are considered infeasible.

Including the specific projects that will be funded by the TAMC program in the General Plan as mitigation is unnecessary since applicants will be required to pay their fair share towards the overall fee program, not towards a specific improvement project. Moreover, the list of recommended programs will change over time. In addition, the County has not initiated the CIFP for County roads; accordingly, the General Plan cannot specifically enumerate the improvements that will be identified to mitigate cumulative traffic improvements to the County roadway system. Therefore, the suggestion to enumerate potential roadway improvements is infeasible.

Many of the deficiencies that will be addressed in the County CIFPs will address both current and future deficiencies by design. The County is not relying solely on fee programs to fund improvements; the County has and will continue to maintain a Capital Improvement Fund that is allocated towards road improvements in the unincorporated area. To limit or prohibit development until existing deficiencies are corrected would have comparable economic and social implications as the suggested measures to limit development until cumulative impacts created by new development are constructed with respect to creation of jobs, and the development of affordable housing. Also, as noted above, the County does not have a mechanism to require other jurisdictions or drivers from outside the County to participate in the program, thus making a program that fully mitigates existing deficiencies infeasible.

Aesthetics

AES-4 Commenters have suggested that additional mitigation measures be adopted including requiring attachment of shields on street lights, adoption of a comprehensive lighting policy or ordinance to address lighting types and levels, curfews on outdoor illuminated signs, correcting bad lighting practices during standard upgrades and adoption of a light and pollution General Plan element that would require more precise measurement of light, banning any activity that would direct light to interfere with star gazing and prohibiting any activity that would create a light trespass without consent of other parties.

Finding. The Board of Supervisors finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified by the public in their comments and testimony. The Board of Supervisors also finds that several of these mitigation measures are not required because they would not be any more effective than the policies already incorporated into the General Plan.

Rationale. The County modified LU-1.13 in response to one of the comments to require the County to develop enforceable design guidelines addressing lighting and glare impacts, including the use of light directing techniques such as shields were applicable. The balance of the specific measures suggested by commenters will be considered for inclusion in the design guidelines and related ordinances that will be developed pursuant to policy LU-1.13. Policies proposed in a light element that are excessively restrictive of private property and outdoor activity are unenforceable and, therefore, infeasible. General Plan policies already restrict growth to more urbanized areas and restrict ridgeline development. Additionally, specific policies in several area plans (CV-3.16, T-3.5, CACH-1.6 and standards in the AWCP) reduce light and glare impacts in these rural areas. Adding the measures suggested by commenters would not be any more effective than these policies.

VI. Findings on Project Alternatives

As discussed below for each of the project alternatives, specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the Final EIR for the General Plan Update. It is not contradictory to find any of the alternatives analyzed in the EIR to be infeasible, despite the fact that they were carried forward for analysis on the basis of their potential feasibility. CEQA requires consideration of feasibility at two stages: (1) at the draft EIR stage to determine the potential feasibility of alternatives (only those alternatives that are potentially feasible need to be carried forward for analysis); and (2) at the decision stage to determine the final feasibility of the alternatives in light of the EIR and other information in the record. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App. 4th 957)

VI.1 Alternatives Proposed in Comments on the Draft EIR

A number of comments on the Draft EIR proposed alternatives to the General Plan. These alternatives, as proposed, are infeasible, as explained below:

Proposal: GPU 5 without an AWCP. A commenter proposed that the County adopt the 2010 General Plan without an Agricultural Wine Corridor Plan or include one allowing far less intensity of development and requiring all development to undergo project-level CEQA review.

Finding: The Board of Supervisors hereby finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible and rejects this alternative.

Rationale: Elimination of the AWCP or a reduction in the scope of the AWCP would not meet the General Plan objective “to establish the AWCP to facilitate the development of wineries along a corridor in the central and southern Salinas Valley to achieve a balance between wine-grape production and wine processing capacity within the County.” (See EIR Section 3.2.1) As explained on pages 3-4 of the EIR, “the complexity of the general plan, with its interacting goals and policies, requires that it meet all of the following objectives to be effective.” Those objectives include the AWCP. Therefore, this alternative is not feasible. Further, it does not meet General Plan goals of promoting economic development in key industries to create jobs and business opportunities, and improve the business climate in Monterey County. Nor is there evidence that elimination of the AWCP would reduce any of the impacts identified in the EIR as significant and unavoidable for the proposed General Plan.

Further, as noted in the FEIR (pp. 3-427), the AWCP policies have been modified to require a biological study prior to approval of a permanent facility in the corridor and to require a traffic study until a CIPF has been adopted for the AWCP. If the biological study indicates the potential to significantly affect biological resources, the project will be subject to a discretionary permit and therefore, subject to CEQA review. This would allow for project-level CEQA review as appropriate and would help achieve what is intended in the proposed alternative.

Proposal: GPU 5 without any intensification of steep slope development beyond what is allowed in the 1982 General Plan. A commenter has proposed that the County adopt the 2010 General Plan with a policy that would prohibit intensification of development on steep slopes beyond what is current allowed in the 1982 General Plan.

Finding: The Board of Supervisors hereby finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible and rejects this alternative.

Rationale: The request to prohibit intensification of development on steep slopes beyond what is current allowed in the 1982 General Plan is vague and suggests an obligation to mitigate existing impacts, which CEQA does not require. Moreover, the commenter has not provided any evidence that the proposed alternative would reduce any of the impacts identified in the EIR as significant and unavoidable for the proposed General Plan. In addition, the slope policy in the 1982 General Plan prohibits development on slopes over 30% except where specific findings are made either that there is no alternative that would allow development on slopes less than 30% or that the proposal better achieves the resource protection objectives of the General Plan and all other applicable County Plans (Policy 26.1.10 of the 1982 General Plan). OS-3.5 in the 2010 General Plan is more restrictive since it limits development on slopes over 25% to specific circumstances and only upon approval of a discretionary permit. The discretionary permit must evaluate possible alternatives, erosion control and other matters. Accordingly, there is no evidence that the proposed alternative would reduce one or more of the impacts identified in the EIR as significant and unavoidable and, therefore, the County is not required to analyze or adopt it. (See CEQA Guidelines §15126.6(c))

Proposal: GPU 5 with a prohibition of development in overdrafted groundwater basins until various water-related issues are resolved. Commenters have proposed alternatives that would prohibit development in the County and/or in certain areas of the County until various water-related issues are resolved. These include adding a policy to the 2010 General Plan prohibiting development in all overdrafted groundwater basins until additional, sustainable, adequate supplies are provided and the basin comes into “long term sustainable balance”; adding a policy to the 2010 General Plan regarding tying build-out of the General Plan to the funding of new sources of water to address water demand; adding a policy to the 2010 General Plan tying build-out of the General Plan to the construction of new sources of water to address water demand; and adding a policy to the 2010 General Plan that would allow

build-out of the General Plan south of the City of Soledad, but delay build-out north of Soledad until new sources of water to address water demand are functioning.

Finding: The Board of Supervisors hereby finds that specific economic, legal, social, technological, or other considerations make these alternatives infeasible and rejects these alternatives.

Rationale: Adoption of any of the suggested alternatives would result in a de facto moratorium on growth in many areas of the County, which could amount to a “regulatory takings” without compensation in contravention of the Fifth Amendment of the U.S. Constitution. CEQA requires mitigation measures to be “consistent with all applicable constitutional requirements.”(CEQA Guidelines §15126.4(a)(4).)

Proposal: GPU 5 with a Model Light Pollution and Radiation Safety Element A commenter has proposed an alternative that would add a Light Pollution Element and Radiation Safety Element to the 2010 General Plan to address sources of light and glare.

Finding: The Board of Supervisors hereby finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible and rejects this alternative.

Rationale: Although the General Plan analysis (DEIR Section 4.14) concluded that implementation of the general Plan could create substantial new sources of light and glare that would result in significant unavoidable impacts, there are numerous policies in the General Plan that promote compact development, reduce sprawl-related light sources and require that development reduce off-site glare and lighting impacts that further reduce potential impacts. The submitted model Element proposes a standard that is not reasonable and includes policies that are unenforceable as further described in response to comment O-10c.4 in Chapter 3 of the Final EIR. Therefore, this alternative is considered infeasible.

Proposal: GPU 5 with a Pesticide Safety Element A commenter has proposed an alternative that would add a Pesticide Safety Element to the 2010 General Plan to limit the use of pesticides.

Finding: The Board of Supervisors hereby finds that specific economic, legal, social, technological or other considerations make this alternative infeasible and rejects this alternative.

Rationale: The alternative does not address an impact that has been found to be significant and unavoidable in the EIR. The DEIR analyzed impacts of pesticide use under Impact HAZ-1 and concluded that the potential impact is less than significant. The analysis considered Draft General Plan policies and Area Plan policies in addition to Federal and State hazardous materials statutes and regulations. In addition to the policies cited in the DEIR (pp. 4.13-12 to 4.13-15), Master Response 3 Agricultural Growth and General plan Agricultural Policies, subsection 3 expands upon the list of regulations and programs that the County and other agencies enforce with respect to pesticides. See also Master Response 10 regarding the expected level of detail in a program EIR prepared for a general plan where no site-specific development project is being proposed. No additional mitigation is necessary for an impact that is less than significant. Therefore, a separate element is not necessary.

Proposal: GPU 5 with a Noise Element. A commenter has proposed an alternative that would add a Noise Element to the 2010 General Plan to address noises existing in Monterey County.

Finding: The Board of Supervisors hereby finds that specific economic, legal, social, technological or other considerations make this alternative infeasible and rejects this alternative.

Rationale: Based upon the proposed General Plan policies, including the various policies set forth under Goal S-7 in the Safety Element (maintain a healthy and quiet environment free from annoying and

harmful sources), the analysis in the EIR concludes that impacts from development and land use activities associate with the proposed project to noise-sensitive land uses would be less than significant (DEIR, Sec 4.8.5). The commenter has submitted a draft "noise (Free) Element for Monterey County's General Plan" for the county's consideration as "mitigation for noise existing in Monterey County. "Mitigation measures are not required for effects which are not found to be significant." (CEQA Guidelines §15126.4(a)(3).) Because the EIR determined that impacts would be less than significant and because the analysis in the EIR was based on substantial evidence, there is no requirement to include additional mitigation. Therefore, a separate element is not necessary.

Proposal: GPU 5 without any Community Areas, Special Treatment Areas, or AHOs in flood plains. A commenter has proposed that the County adopt an alternative that would include GPU 5 without Community Areas, Special Treatment Areas or AHOS in flood plains to reduce impacts from siltation, public services, hazards and other impacts.

Finding. The Board of Supervisors hereby finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible and rejects this alternative.

Rationale. The proposed alternative would not reduce one or more of the impact identified in the EIR as significant an unavoidable and therefore is not required. (See CEQA Guidelines §15126.6(c)) Further, all community areas, STAs and AHOs will require site-specific evaluation of flooding impacts, which may result in site-specific modifications to avoid significant flooding impacts. In addition, a prohibition of all new residential development within the 100 year flood hazard area exceeds Federal floodplain regulations(discussed on page 4.3-53 of the DEIR), which allows limited development, provided that it does not inhibit flow and can be elevated above the estimated flood line. Policies S-2.1 and S-2.3 require that land use planning avoid incompatible structural development in flood prone areas and require conformance with FEMA guidelines, the National Flood Insurance Program and County ordinances. A prohibition of all development in therefore not necessary to minimize the risk of flooding and would raise the issue of "regulatory takings" without compensation under the Fifth Amendment of the U.S. Constitution. CEQA requires mitigation measures to be "consistent with all applicable constitutional requirements."(CEQA Guidelines §15126.4(a)(4))

VI.2 No Project Alternative – Existing 1982 General Plan

The No Project Alternative considers an option to not accept any updates and retain the existing 1982 General Plan. This alternative consists of the 1982 General Plan with an amended Housing Element adopted in 2003. It also includes the existing four Local Coastal Programs (North County Land Use Plan, Del Monte Forest Land Use Plan, Carmel Land Use Plan, and the Big Sur Coast Land Use Plan) and eight Area Plans that are considered subsets of the 1982 General Plan.

The focus of growth under the 1982 General Plan is in urban areas (cities). New residential growth is to be concentrated in areas already committed to a degree of residential development and provide for an adequate level of services. Much of this would occur at low or rural density. The 1982 General Plan also designates four "Area of Development Concentration Study Areas" and establishes an urban reserve overlay area, which would be developed through annexation to an incorporated city. There are ten Special Treatment Areas (STAs) identified in the 1982 General Plan.

The No Project Alternative is described in more detail in EIR Section 5.3.

Finding/Rationale: The Board of Supervisors hereby finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible and rejects this alternative because

it would not meet most of the project objectives, as described in Section 3.0, Project Description, of the Final EIR. The reasoning for this conclusion is described in the following table.

Meeting Project Objectives

Objectives	The Alternative's consistency with the objective
Provide direction for growth that supports continued viability of agricultural production and preserves as much of the County's scenic and environmental resources as possible	The 1982 General Plan provides direction for the protection of agricultural production, as well as the county's scenic and environmental resources. Therefore, the No Project Alternative would meet this objective.
Provide decision makers, County staff, and the public with an updated General Plan that accurately reflects the existing physical conditions and constraints in the County and provides a range of comprehensive policies to guide future development based upon those conditions and constraints.	The No Project Alternative would not meet this objective because it would not update the General Plan and it does not accurately reflect existing conditions and constraints in the County.
Modify existing land use designations to patterns that accommodate the most-recent population growth, housing, and employment projections in an orderly manner that minimizes environmental impacts as feasible while meeting the County's obligations under California Planning Law to provide housing for all income levels.	The No Project Alternative would not change the existing 1982 General Plan land use designations. By definition, this would not modify existing land use designations to patterns that accommodate the most-recent population growth, housing, and employment projections and, therefore, would not meet this objective.
Direct new development to Community Areas and Rural Centers to facilitate the efficient provision of infrastructure and services while reducing the impacts of population growth, additional housing and employment opportunities on agriculture, water supplies, and environmental resources.	The No Project Alternative would not direct development to Community Areas and Rural Centers to accommodate and direct future growth within the unincorporated county. Therefore, it does not meet this project objective.
Establish policies that will conserve limited water supplies for current and projected future uses, including urban, rural and agricultural uses.	Although the 1982 General Plan contains some water conservation policies (e.g., three broad policies on the subject of protecting and conserving the county's water supply under Goal 6; 16 policies for the protection of water quality under Goal 21; and five broad policies for water service under Goal 53), the General Plan update includes more specific policies in each of these areas to address the changing regulatory environment and need for additional protections. There are six policies under Goal PS-1 relating to the provision of public services, including water, and 17 policies under Goals PS-2 and PS-3 relating to short- and long-term water supply. The No Project Alternative would meet this objective, albeit not to the same extent as the proposed General Plan update.
Establish new comprehensive policies and modify existing policies in the existing 1982 General Plan that reflect the latest legal, statutory, scientific, and technical changes and advances.	The No Project Alternative would not meet this objective because it would not update the General Plan to incorporate policies consistent with current environmental regulations. For example, the General Plan Update includes policy OS-5.23 establishing an oak woodland mitigation program consistent with California Public Resources Code Section 21083.4, which did not exist when the 1982 General Plan was adopted.
Consider advice, concerns, and suggestions regarding future growth and development from all segments of the County population and, to the extent feasible, address these issues through new or modified goals, policies, or	The No Project Alternative would not meet this objective because unlike the proposed General Plan update, the 1982 General Plan does not benefit from the advice, concerns, and suggestions received during the

land use concepts.	decade-long process of updating the General Plan. Further, the No Project Alternative would not add or modify the goals, policies, and land use concepts of the existing 1982 General Plan.
Support the continued viability of the agricultural industry by allowing routine and ongoing agricultural uses to proceed subject to standard regulations.	Although the 1982 General Plan provides for the preservation, enhancement, and expansion of agricultural uses, it does not include explicit policies relating to routine and ongoing agricultural uses. Therefore, the No Project Alternative would not meet this objective.
Establish the AWCP to facilitate the development of wineries along a corridor in the central and southern Salinas Valley to achieve a balance between the wine-grape production and wine processing capacity within the County.	The No Project Alternative would not meet this objective because it would not include an Agricultural Winery Corridor Plan, nor would it take actions to balance production with processing capacity.

Of the nine objectives identified for this project, the No Project Alternative would meet only two. Additionally, the No Project Alternative would have greater impacts on land use, agricultural resources, water resources, geology, soils and seismicity, transportation, air quality, greenhouse gas emissions, noise, biological resources, cultural resources, public services and utilities, parks and recreation, hazards and hazardous materials, aesthetics, and light and glare than the proposed General Plan Update. Further, the No Project Alternative would provide none of the benefits of the project, as set forth in the Statement of Overriding Considerations.

VI.3 21st Century Monterey County General Plan, February 2004 Alternative (GPU 3)

GPU3 is the third version of a comprehensive General Plan Update. This version was considered, but not adopted, by the Board of Supervisors in 2004. A Draft EIR was prepared and circulated for this document but not certified. GPU3 consolidates the four Local Coastal Programs into a single new Coast Area Plan. The county's eight Area Plans are incorporated into GPU3, but are amended with their own sets of vision statements, policies, and goals.

GPU3 establishes eight Community Areas as targets for urban growth. These are unincorporated communities that have already begun to develop at urban densities, or have been planned for urban development for many years. These include Boronda, Castroville, Pajaro, a portion of Fort Ord, Rancho San Juan, Pine Canyon, San Lucas, and an expanded area of Rancho San Juan. Pine Canyon and the expanded area of Rancho San Juan would be developed in a second phase of Community Plan development. There are also 18 Rural Centers identified in this alternative that could ultimately be converted to Community Areas in the future, based upon a tiered system of phased growth. Policies establishing an agricultural wine corridor are proposed as part of this alternative. GPU3 included 16 Special Treatment Areas or "STAs" (including the 10 existing STAs from the 1982 General Plan).

GPU3 is described in more detail in EIR Section 5.4.

Finding/Rationale: The Board of Supervisors hereby finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible and rejects this alternative for the following reasons: the alternative is inconsistent with adopted goals and policies of the County, is inconsistent with and does not meet project objectives, and would increase impacts to land use, agricultural resources, geology and soils, greenhouse gas emissions, noise, hazardous materials, aesthetics, and population and housing. Further, the GPU3 Alternative does not include policies and preferences expressed during the years of intensive public discourse since 2004. In particular, whereas the GPU3 Alternative would establish eight Community Areas and 16 Rural Centers, the General Plan

update recommended by the Planning Commission contains five Community Areas and seven Rural Centers. Additionally, while the GPU3 Alternative would direct new development to Community Areas and Rural Centers to facilitate the efficient provision of infrastructure and services, it would not reduce the impacts of population growth, additional housing and employment opportunities on agriculture, water supplies, and environmental resources to the same extent as the proposed General Plan Update because it would provide for so many growth areas. Therefore, it would not meet the project objective to direct new development in a way that facilitates the efficient provision of infrastructure and reduces the impacts of population growth. In addition, because it would allow more growth than the proposed project, the GPU3 Alternative would have increased impacts on land use, agricultural resources, geology and soils, noise, hazardous materials, aesthetics, and population and housing as compared to the proposed project.

VI.4 General Plan Initiative Alternative (GPI)

GPI is a General Plan Initiative that was placed on the June 2007 countywide ballot, but did not pass. It amends part of the existing 1982 General Plan (primarily Chapter IV Area development, and the 2003–2007 Housing Element as well as the North County Coastal Land Use Plan and sections of each of the inland area plans). The remaining coastal plans would not be amended.

The GPI limits all new growth in the unincorporated area to five Community Areas: Boronda, Castroville, Pajaro, East Garrison portion of Fort Ord, and Chualar. Growth in Chualar is limited to 100 acres. No Rural Centers would be created. Subdivisions outside Community Areas are significantly constrained. A net increase in lots would require voter approval of a separate countywide initiative. Property owners are permitted to construct single-family residences on legal “lots of record.”

The GPI Alternative is described in more detail in EIR Section 5.5.

Finding/Rationale: The Board of Supervisors hereby finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible.

Specifically, GPI does not propose as many community areas and rural centers as the proposed GPU, but it also relies on lots of record to accommodate growth into the future. Accordingly, some of the impacts that would result from GPI are greater than the proposed GPU because of the dispersed growth patterns and impacts that would result from sprawl. Although individual development that is allowed under focused growth may be larger, the end result is a reduction in vehicle trips, and reliance on public water and sewer to support growth. Reliance on lots of record that could be on wells or septic systems may result in greater impacts for some resource areas, including biological resources.

Additionally, as explained in EIR Section 5.5.1.3, beginning on page 5-28, the GPI’s limitations on growth within the County would shift additional demand to the cities which, in turn, would mean that additional productive farmland would be lost. In comparison, the proposed General Plan would place a portion of that growth in Rural Centers located on less productive lands that are not in intensive agricultural use.

Further, as discussed in the response to Comment O-21k.356 in the Final EIR for the General Plan Update, certain of the policies of the GPI Alternative are infeasible and unenforceable. GPI Policies #22 and #23 together would, for practical purposes, exclude most of the unincorporated County jurisdiction from development. Under GPI Policy #22, uses within “significant ecological areas” (SEAs) would be limited to activities that are resource dependent and that do not adversely affect the SEAs. GPI Policy #23 does not provide an adequate exception to this policy because: (1) it would prohibit grant of a use permit when the project could not reduce the impact on an SEA below the level of significance, and (2) it would require meeting all federal and state permits before a County permit could be approved. The GPI

definition of SEA is so broad as to cover most of the unincorporated county. By establishing a broad definition of SEA, arguably any project that would eliminate habitat or encroach on an SEA could not be mitigated below a level of significance. In addition, consideration of federal and state permits is dependent upon the prior approval of a local permit, which creates a "Catch-22" for development permits. The County is the lead agency for permits under its jurisdiction, such as a use permit, and federal and state regulators will usually not act to approve the federal and state approvals necessary to the project being considered by the County until the County has granted approval. If federal and state agencies cannot act, then the project cannot demonstrate that it has met "all applicable federal and state regulations," and, therefore, the County permit cannot be approved.

Similarly, GPI Policy #24 would require substantial minimum setbacks from selected SEAs, including 300 feet from the top of the bank of perennial streams and rivers. This will apply to projects that are not otherwise within SEAs, with no exceptions. As a result, there will be properties that cannot be developed due to their proximity to SEAs. Under the U.S. Supreme Court decision in *Dolan v. City of Tigard* (1994) 512 U.S. 374 [dedications of a greenway and a bicycle path not related to impacts from store expansion are invalid], a legal property exaction must be linked to an impact resulting from the project and roughly proportional to the impact of the project on the resource. An across-the-board setback may not meet this test. In order to avoid a takings claim, the County would be obligated to pay or otherwise provide the property owner just compensation for the affected land.

GPI Policies #22, #23, and #24, along with the GPI's broad definition of SEA, establish a strong potential for extensive takings claims against the County. The County will choose to avoid situations that would lead to an unconstitutional taking (and the associated litigation) or that would require paying compensation to property owners for regulatory takings.

In addition, despite the provisions of the GPI Housing Element, the restrictions established by GPI Policies #22 and #23 would prevent the County from providing sufficient development opportunities to meet the Regional Housing Needs Allocation (RHNA) established for the County's Housing Element by the Association of Monterey Bay Area Governments under California housing element law (Government Code Section 65580, et seq.). The current AMBAG-assigned RHNA for the unincorporated County is 1,554 units for the 2009-2014 housing element cycle. This number cannot be reached by effectively halting all residential development outside of the five Community Areas identified in the GPI.

Finally, the GPI Alternative would result in greater impacts on agricultural resources, greenhouse gas emissions, biological resources, cultural resources, and hazards and hazardous materials than the proposed GPU. At the same time, it would not establish new comprehensive policies and modify existing policies in the existing 1982 General Plan that reflect the latest legal, statutory, scientific, and technical changes and advances; it contains minimal policies to address future employment growth and economic growth in the County in general or more specifically with respect to the agricultural industry; and it contains strict limitations on growth outside of designated areas that would limit the County's flexibility in accommodating growth to the planning horizon by requiring that amendment to the General Plan be approved by a majority of the voters.

The GPI Alternative is also undesirable from a policy standpoint in light of its defeat when put to the County's voters at the June 5, 2007 special election. The GPI Alternative (ballot Measure A) was rejected by a 12 percent margin (44% yes to 56% no).

VI.5 2006 General Plan Alternative (GPU4)

GPU4 is the 2006 General Plan which forms the basis for the proposed General Plan Update. It makes no changes to any of the Local Coastal Programs. GPU4 establishes 6 Community Areas and 11 Rural

Centers in locations where populations have developed over the past 20 or more years. GPU4 also proposes 17 Special Treatment Areas (including the 10 existing STAs in the 1982 General Plan) totaling 7,832 acres, plus three Study Areas to be evaluated for possible future designation as STAs. A separate agricultural wine corridor plan (ACWP) would be enacted in conjunction with GPU4.

GPU4 is described in more detail in EIR Section 5.6, and Section 5.6.1.1 sets forth the key differences between GPU4 and the proposed General Plan Update.

Finding/Rationale: The Board of Supervisors hereby finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. The GPU4 Alternative was put to the County's voters at the June 5, 2007 special election as ballot Measure C. Measure C was rejected by a 10 percent margin (45% yes to 55% no).

In response to the June 2007 election, the Board of Supervisors outlined a process for moving forward to account for diverse interests throughout the County. On July 10, 2007, the Board of Supervisors directed that the County would operate under the 1982 General Plan on an interim basis, and would use GPU4 as a starting point for proposing possible changes. The Board also directed the Planning Commission to appoint an ad hoc subcommittee consisting of one commissioner from each Supervisorial District to work with staff to offer policy recommendations for a new General Plan update, including specific recommendations on the following policy areas:

- Affordable Housing
- Community Areas
- Rural Centers
- Development Outside Community Areas and Rural Centers
- Special Treatment Areas
- Study Areas
- Traffic
- Water Supply

The General Plan Update approved by the Board is the result of the recommendations of the ad hoc subcommittee and the refined recommendations of the Planning Commission that resulted from the many subsequent public meetings held by the Commission in 2007, 2008, and 2010.

The GPU4 Alternative does not reflect either the will of County voters or the refined policy vision developed during the public deliberative process undertaken by the County Planning Commission and Board of Supervisors after the June 2007 special election.

The GPU4 would have greater impacts on agricultural resources, water resources, geology, soils and seismicity, transportation, air quality, greenhouse gas emissions, noise, biological resources, public services and utilities, parks and recreation, light and glare, and population and housing than the proposed General Plan Update. GPU4 would have similar impacts to the proposed General Plan Update with respect to land use, water mineral resources, hazardous material and cultural resources. It would not have any impacts that are less than those that would result from the proposed General Plan Update.

VI.6 Transit Oriented Development (TOD) Alternative

TOD (Transit Oriented Development) is an alternative that focuses new development in the Community Areas, Rural Centers, and Affordable Housing Overlay districts (AHOs) along existing and future transportation corridors. These existing and future corridors would be served by high-capacity and high-frequency public transportation. Public transportation in this alternative includes fixed-route bus service, rail, express bus service and Bus Rapid Transit (BRT). Development in these corridors would be concentrated at “nodes” adjoining public transportation stations.

Under the TOD Alternative, new development outside the Community Areas, Rural Centers, and AHOs would be restricted to the first single-family home on existing legal lots of record in the North County, Greater Monterey Peninsula (along the Route 68 corridor only) Greater Salinas, and Toro (along the Route 68 corridor) Area Plans. The Bradley and Lockwood Rural Centers would be considered third tier development priority areas. They would not be developed until the transit system is funded and built to King City. Otherwise, this alternative would share the same policies as the 2007 General Plan. Areas subject to subdivision restrictions would be designated as “sending” sites under a Transfer of Development Rights (TDR) program, with cities, Community Areas, Rural Centers, and AHOs identified as “receiving” areas. In effect, development credits could be transferred from the sending areas to the receiving areas, resulting in more intense development at the latter.

The TOD Alternative is described in more detail in EIR Section 5.7.

Finding/Rationale: The Board of Supervisors hereby finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible and rejects this alternative for the following reason: the transit system necessary to serve the TODs is not economically viable either at the present time or in the foreseeable future.

As described below, there is currently some transit in the County and more planned. However, there are not sufficient economic resources to provide the transit required under TOD Alternative.

The 2010 Regional Transportation Plan (RTP) adopted by the Transportation Agency of Monterey County (TAMC) plans and programs the expenditure of local, state, and federal transportation funds for transportation projects in Monterey County for the next 25 years pursuant to state and federal requirements. The RTP identifies existing and future transportation related needs, considers all modes of travel (e.g., road, transit, bicycle, etc.), and identifies what can be completed with anticipated available funding. The RTP constitutes the blueprint for future transportation system investments in Monterey County.⁹

Under the 2010 RTP, TAMC plans to extend rail service from Gilroy south to Salinas. The extension will include two new station stops in Monterey County – Castroville (a Community Area) and Salinas. The train will operate on the existing Union Pacific Railroad track; offering two round trips per day from Salinas to San Jose, increasing to four or more round trips as demand warrants, probably within 10 years after the start of service. TAMC is also actively pursuing the Monterey Peninsula Fixed Guideway that would provide light rail transit service along the existing Monterey Branch line, connecting to the planned commuter rail service in Castroville. Local stations would be in Monterey, Seaside, Sand City, and

⁹ Transportation Agency of Monterey County. 2010. *2010 Regional Transportation Plan*. Executive Summary, Chapter 2, and Chapter 4. Salinas, California.

Marina/CSUMB, none of which are Community Areas, Rural Centers, or AHOs, as required under the TOD alternative.

Monterey-Salinas Transit (MST) provides bus service to much of the County. It operates from six key transit centers, none of which are located in a Community Area, Rural Center, or AHO. MST began working on a BRT feasibility study in 2007. The study identified several key high-traffic corridors in the county as likely candidates for upgrading to BRT service. Late in 2009, MST submitted an application to the Federal Transit Administration requesting funding for improvements along Lighthouse Avenue, Foam Street and Fremont Street in Monterey and Fremont Boulevard in Seaside, ending at the Edgewater Shopping Center in Sand City. The projected BRT lines would not directly serve any Community Area, Rural Center, or AHO established under the General Plan update. The County's 2008 transportation sales tax measure would have provided a portion of the funding had it passed.

BRT service may be available to Fort Ord sometime after the other lines are operating, provided that funding is available. The Fort Ord Multimodal Corridor memorandum of understanding will reserve right of way along 8th Street and Intergarrison Road for a multimodal corridor eventually accommodating BRT service between Salinas and Monterey. The service would connect to TAMC's planned light rail service along the Monterey Branch Line at the proposed 8th Street station site parallel to State Route 1. While this service will benefit the County, it does not provide the transit required under the TOD Alternative.

According to the 2010 RTP, MST is projecting a \$4 million deficit in its budget for the 2010-11 Fiscal Year. Without an additional local funding source, MST will be forced to cut service in the near future as its costs continue to rise. The capital cost alone of the service expansions discussed above is \$122.2 million over the next 20 years, of which only \$22.5 million is secured and/or programmed, leaving a current shortfall of \$99.7 million. The 2010 RTP also notes that due to the current economic downturn (and, presumably, the state budget deficit) the State Legislature continuously raided State Transit Assistance (STA) funding between 2007 and 2009 that had been used to fund paratransit operating costs and vehicle replacements. In Fiscal Year 2010, the STA program was de-funded in the preliminary state budget in order that its funds could be transferred elsewhere to cover general fund shortfalls. Although legislation signed in March 2010 will fund the STA from the sales tax on diesel, this does not make up for prior funding raids and the legislation specifically eliminates the previous dedicated source of transit funding from the gasoline tax.¹⁰ The 2010 RTP states that it is not clear whether or not this funding will be restored for transit.

A transit-specific local tax could make up part of this shortfall, however the potential for voter approval of such a tax is low, given the failure of past proposals initiated by TAMC and the 2/3 majority approval required by State law. Two separate proposals for a ½-cent sales tax for transportation were presented to County voters in 2006 (Measure A) and 2008 (Measure Z) for the purpose of funding specific road improvements, maintenance, and transit. Both of these proposals were defeated (Measure A getting 57% approval) and Measure Z getting just under 63% approval¹¹, indicating that future approval is unlikely.

Statewide sources of funding for transit are minimal. The Strategic Growth Council is allocating only \$60 million to assist in planning for development of sustainable communities beginning in fiscal year 2010/11. While TOD planning is called-out as a funding category in the Council's grant application, the

¹⁰ Streetsblog San Francisco. March 23, 2010, "Gov Signs Transit Funding Bills, Money Coming for Local Operators." <sf.streetsblog.org>

¹¹ Information from the Monterey County Elections website:
http://www.montereycountyelections.us/election_results.htm.

dollars will be distributed statewide, and transit agencies are not eligible for the grants. Even if the County is successful in receiving TOD planning funds, no monies would be allocated for transit construction or operations.

VII. Responses to Comments on the Draft EIR, Revisions to the Final EIR, and Revisions to the draft General Plan

The Final EIR includes the comments received on the Draft EIR and responses to those comments, as well as additional information provided in response to comment received during both the Planning Commission and Board of Supervisors hearings on the General Plan. The focus of the responses to comments is on the disposition of significant environmental issues as raised in the comments, as specified by CEQA Guidelines § 15088(b). Additionally, since publication of the Final EIR, minor revisions have been made to a number of the General Plan policies analyzed in the EIR.

Finding. Responses to comments made on the Draft EIR, responses to comments made before the Planning Commission and the Board of Supervisors, and all subsequent revisions to the Final EIR merely clarify and amplify the analysis presented in the document legally adequate EIR and do not trigger the need to recirculate the EIR per CEQA Guidelines §15088.5(b). Similarly, revisions to the General Plan policies since publication of the Final EIR do not result in any new significant impacts or any substantial increases in the severity of an environmental impacts, and do not trigger the need to recirculate per CEQA Guidelines §15088.5(b).

Rationale. All changes to the General Plan subsequent to release of the DEIR have been presented and discussed in public hearings before the Planning Commission and the Board. Many of the changes and revisions to General Plan policies are intended to clarify the text and make grammatical and other corrections without changing the substantive meaning of the original draft language. Other revisions are the result of policy discussion and deliberation and public input. The numerous public hearings on the General Plan and EIR have provided members of the public a meaningful opportunity to comment on the environmental effects of the project and of feasible ways to mitigate or avoid significant environmental effects of the project as a whole. The Board has considered proposed changes to the General Plan through comments on the Draft 2007 General Plan, the Draft EIR, the input and comments provided to the Planning Commission, and input and comments provided to the Board. The potential environmental effects of changes to policy were reviewed as part of the preparation of the Final EIR, and no new significant impacts or substantially more severe impacts of the changes policies was identified compared to those disclosed for the Draft 2007 General Plan at the time of the Draft EIR.

The changes to Policy OS-3.5 and Policies PS-3.1, PS-3.2, PS-3.7, and PS-3.9 are discussed in detail below. Changes to all other policies that result from policy discussion, deliberation and public input are discussed in Table F-4. Policies changed by or added by EIR mitigation measures are discussed above in Section III of these Findings.

Policy OS-3.5

General Plan Policy OS-3.5 regulates non-agricultural development and agricultural conversion on steep slopes. The Board of Supervisors adopted changes to draft Policy OS-3.5 subsequent to release of the Draft EIR). These changes are discussed below.

With respect to non-agricultural development, draft Policy OS-3.5, as evaluated in the DEIR, prohibited development on slopes over 30 percent with some narrow exceptions. The final Policy OS-3.5 is similar to the draft policy, except that the final policy extends the prohibition (with the same narrow exceptions) to less steeply sloped land. The trigger for this prohibition was lowered from 30 percent slope to 25

percent slope in the final policy. Lowering the threshold to 25 percent means that more non-agricultural development projects (i.e., those located on slopes between 25 and 30 percent) will be subject to the special findings concerning alternatives and resource protection and to the specific discretionary permit process. The final policy is thus slightly more protective of habitat because the regulations would apply to relatively more land. The impact of non-agricultural development on steep slopes under the revised policy will be less than the impact of development under the draft policy and thus would not result in any new significant impacts or any substantially more severe significant impacts compared to those disclosed in the Draft EIR.

With respect to agricultural conversions, the final policy requires a discretionary permit for all conversions of uncultivated land over 25 percent slope; by comparison the draft policy would have required an Agricultural Permit for previously uncultivated land with specific criteria for water quality, biological resources, cultural resources, erosion control, drainage, and flood hazards, and a ministerial permit process for projects subject to other programs regulating agricultural irrigation on steep slopes or where the sloped area was a small portion of the project. The final policy is more restrictive in two important ways: (1) the final policy applies to all uncultivated land, rather than to "previously uncultivated" land, which was defined in the Draft EIR as land which had not been cultivated in the previous 20 years; and (2) the final policy does not include a ministerial permit process for projects on steep slopes (greater than 25 percent) subject to other programs regulating agricultural irrigation on steep slopes or where the sloped area was a small portion of the project. As such, the final policy requires a greater level of scrutiny overall because all conversions would be subject to a discretionary permit and thus, CEQA review, which guarantees review of all resource subject areas. The final policy also establishes a ministerial permit process for conversion of lands on slopes between 15 and 24 percent and slopes between 10 and 15 percent with highly erodible soils that have not been cultivated for the previous 30 years. Consistent with the objective of final Policy OS-3.5, the ministerial permit process will be required to include considerations of impacts to water quality and biological resources.

For agricultural conversions on lands with slopes between 15 percent and 25 percent (or between 10 percent and 15 percent on highly erodible soils), both the draft policy and the final policy would require a ministerial permit to address erosion, slope stabilization, drainage and flood hazards. The only difference between the draft policy and the final policy is that the draft policy would have applied to land that had not been cultivated in the last 20 years whereas the final policy applies to land that has not been cultivated in the last 30 years. This will not make a substantive difference in the amount of land to which this policy would apply. Monterey County supports extensive areas of agricultural production, few if any of which are left uncultivated for such long periods of time. Thus, in most cases, it is expected that land that has been uncultivated for 20 years has probably also been uncultivated for 30 years. Although this change in final policy might, in theory, allow more agricultural conversions on land with slopes between 15 percent and 25 percent (or between 10 percent and 15 percent) without a ministerial permit compared to the draft policy, this change is more than offset by the more stringent restrictions on conversions over 25 percent in the final policy compared to the draft policy. Further, as noted above, the ministerial permit process for agricultural conversions will include considerations of impacts to water quality and biological resources.

For these reasons, the change in Policy OS-3.5 would not increase overall the expected amount of agricultural conversions with the 2007 General Plan compared to that estimated in the Draft EIR nor reduce overall the effectiveness of this policy in addressing environmental impacts of such conversions. The final policy is considered equally effective if not more effective than the draft policy. The Board of Supervisors finds that the change in policy after the Draft EIR would not result in any new significant impacts nor any substantially more severe impacts compared to those disclosed in the Draft EIR.

Policy PS-3.1

Policy PS-3.1 was modified to add three exceptions to the need for proof of a long-term sustainable water supply : 1) specified public or private infrastructure that provides critical or necessary services to the public within minor or insubstantial net use of water; 2) development related to agricultural uses in Zone 2C in the Salinas Valley as long as the estimated 2030 demand is not on a trajectory to exceed that estimated in the EIR for the 2007 General Plan; and 3) development in Zone 2C that is in a Community Area or Rural Center, that is in basin with a minimum of 75 years of freshwater storage for all uses, and for which the benefits outweigh any adverse impact to the groundwater basin. This first exception would only apply to infrastructure projects with minor or insubstantial net use of water; such development would not result in substantial changes in water balances in the County's water basins compared to that disclosed in the Draft EIR. The second exception would only apply to Zone 2C of the Salinas Valley. As shown in Chapter 4.3, Water Resources in the Draft EIR, Master Response No. 4, Water Resources and Chapter 4 in the FEIR, with projected development and agricultural expansion allowed by the 2007 General Plan, water supply and demand will be roughly in balance in 2030 and will not result in further groundwater overdraft or further seawater intrusion compared to baseline conditions. Beyond 2030, Mitigation Measure WR-2 requires advance planning for additional water supply to meet urban and agricultural demands for the years beyond 2030. As such, the exception for agricultural-related development in Zone 2C would not result in a new significant impact or substantially more severe impact for 2030 or beyond than disclosed in the Draft EIR to water supply, groundwater overdraft, or seawater intrusion in the Salinas Valley groundwater basin. The third exception is limited to Community Area or Rural Center development in Zone 2C in a basin with 75 years of supply in storage for all uses. As described above, up until 2030, such development is within the estimated demand predicted in the EIR to be roughly in balance with supply in the Salinas Valley groundwater basin and Mitigation Measures WR-2 requires advance planning to supplement the supply beyond 2030, thus since this exception is limited to Zone 2C, the exception would not result in demand not anticipated in the EIR and no significant new impacts or substantially impacts than those disclosed in the Draft EIR are anticipated from this change in policy.

Draft Policy PS-3.2

Draft Policy PS-3.2, which provided credit for up to 50% of average annual water use of 10 of the last 20 years to be counted as part of a long-term sustainable water supply, has been deleted. As a result, establishing proof of long-term sustainable water supply for a project will require consideration of the cumulative demand and supply conditions within the source basin (or other source) in light of the project's demand. Deletion of this policy does not preclude the possibility that a long-term sustainable water supply may be established, in part, by existing use, but the General Plan will not mandate that reduction of historic use must be credited in part or in whole as a long-term sustainable water supply. Instead, the proposed source will have to be considered in light of cumulative demand and the criteria set forth in final Policy PS-3.2, which sets out comprehensive requirements for criteria to be considered in establishing the requirements for a long-term sustainable water policy.

Draft Policy PS-3.3/Final Policy PS-3.2

Draft Policy PS-3.3 (final Policy PS-3.2) was changed as follows after the DEIR:

- Policy now applies to all discretionary development, whereas the draft policy only applies to residential or commercial subdivisions;
- The advice of the General Manager of the Monterey County Water Resources Agency and the Director of the Environmental Health Bureau is required during ordinance development
- The factors for developing criteria for proof of a long-term sustainable water supply were modified as follows:

- Production capability, recovery rates, and effects on wells in the immediate vicinity in the draft policy were combined into a factor defined as production capacity pursuant to regulatory permits, production capability, and adverse effect on economic extraction of water or other effects on wells including recovery rates.
- A factor for the source of water and rights to that source was added.
- The cumulative impacts factor was expanded to include existing and projected future demand for water and the ability to reverse adverse trends.
- The factor for status and surety of planned new water supply projects in the draft policy was changed to a factor of completion and operation of new projects
- A factor for the effects on instream flows for biological resources was added (per Mitigation Measure BIO-2.3).
- Hauling of water was defined as not considered a long-term sustainable water supply (which was originally in draft Policy PS-3.7 and was moved into this policy).

The revisions to draft Policy PS-3.3 (reflected in final Policy PS-3.2) would result in an equivalent or more stringent criteria for proof of a long-term sustainable water supply because the requirement would apply to more development (all discretionary development, not just subdivisions), the addition of expert advice will result in a more informed ordinance, the factor for production capability is more extensive, the factor for water rights will mean that sources that cannot be sustained legally would not be relied upon, the factor for cumulative impacts is more expansive, the factor for new water supply projects requires consideration of completion and operation (not just planning surety), and the factor for instream flows will result in greater consideration of biological effects of new supply. The change from a specific basin by basin determination (per draft policy PS-3.7) to a determination based on consideration of the source and the cumulative impacts on that source is more appropriate to consideration of all potential multiple sources (groundwater, surface water, recycled water, desalination, aquifer storage and recovery, etc.) without reducing the need to consider impacts to the source. In the case of a groundwater basin, the final policy will still require consideration of the effects on the source basin, and thus will result in an equally stringent interpretation of what constitutes a long-term sustainable water supply. Thus, the changes to this policy would not result in any new impacts or substantially more severe impacts to water supply, groundwater overdraft, or seawater intrusion compared to that disclosed in the Draft EIR.

Policies PS-3.7

Draft Policy PS-3.7 was incorporated into final Policy PS-3.2 as described above. The requirement on hauled water was incorporated without revision and the revised evaluation of water sources in the final policy PS-3.2 is equivalent to the basin by basin determination in the draft Policy PS-3.7 as discussed above.

Draft Policy PS-3.11/Final Policy PS-3.9

Draft Policy PS-3.11 (final Policy PS-3.9) concerning proof of a long-term sustainable water supply for subdivision map approval was revised to delete specific reference to a recommendation from the Director of Health Services and the General Manager of the Monterey County Water Resources Agency and specific reference to the water quality and quantity standards in California Code of Regulations, Title 22 and County water systems and well regulations (Chapters 15.04 and 15.08 of the Monterey County Code). The deleted language is partially replaced with the addition of specific reference to the inclusion of the Environmental Health Bureau and the Monterey County Water Resources Agency in the development of the criteria for proof of a long-term sustainable water supply and inclusion of the advice of the Monterey County Water Resources Agency in final Policy PS-3.2. The water quality standards in Title 22 remain in effect as state law regardless of their mention in General Plan policy, and thus their

deletion in policy reference does not reduce or change their applicability to Monterey County. Similarly, deleting specific reference to existing Monterey County code does not reduce the stringency of factors of water quantity and water quality determinations made pursuant to final Policy PS-3.2. Since state regulations will remain in force, and the Environmental Health Bureau and Monterey County Water Resources Agency will be involved in the ordinance defining the water quality and water quantity standards for proof, the revised policy will be as effective or more effective in protecting water sources in terms of quantity and quality. As a result the changes to draft policy PS-3.11 would not result in any new significant impacts or any substantially more severe impacts than disclosed in the Draft EIR.

Other Policy Changes Since Draft 2007 General Plan – Table F-4

The policies discussed in Table F-4, below, have been modified between the draft 2007 General Plan version (November 2007) and the Final General Plan (October 2010) as a result of policy discussion, deliberation and public input. The table below discusses the nature of the changes and explains why these changes do not result in new significant impacts or a substantial increase in the severity of impacts compared to those disclosed in the Draft EIR. Policies changed by or added by EIR mitigation measures are discussed separately above in Section III of these Findings.

Table F-4 Monterey County 2010 General Plan Other Policy Changes Since Draft 2007 GP			
Final GP Policy	Subject	Draft EIR Policy or Mitigation Measure	Change
Rationale			
LAND USE ELEMENT			
LU-1.13	Exterior lighting	LU-1.13	Added specific direction on criteria to be developed for exterior lighting.
LU-2.10	Accessory units	LU-2.10	Deleted reference to APFS, clarified adequate water and sewer facilities, added long-term sustainable water supply requirement.
LU-2.11 - OLD	Allowable density - accessory units	LU-2.11	Deleted policy
LU-2.11	Affordable/Workforce housing	LU-2.12	Clarified requirements for replacement of Workforce II housing with market-rate units, deleted reference to CEQA, deleted reference to limiting to Community Areas if infrastructure deficiencies exist, and clarified tax increment financing use.
LU-2.12	Affordable housing	LU-2.13	Clarifies consistency with redevelopment law to apply to affordability provisions
LU-2.28	Rural centers	LU-2.29	Deleted reference to "community vision"; rest of changes are only minor wording changes.
CIRCULATION ELEMENT			
C-1.2	Circulation Improvements	C-1.2	Deleted requirement to be completed by 2027 and replaced with 5-year required evaluation in terms of meeting LOS standard. Clarified language. Notes other funding sources beyond TIF.

Additional policy direction does not change aesthetic impacts disclosed in the Draft EIR.

Policy is functional equivalent or more restrictive than original policy. Policy contains reference to adequate water and sewer facilities as well as long term sustainable water supply. Regarding traffic, Draft EIR disclosed significant and unavoidable impact due to infeasibility of being able to always build sufficient facilities to maintain LOS standards throughout entire County.

Original policy excluded consideration of accessory units in calculating density. Deletion of this policy promotes consideration of more accurate densities that are more representative of conditions on the ground. Change does not result in greater level of buildout.

Change of requirements relative to affordable housing would not result in greater level of housing growth than predicted in the Draft EIR.

Clarification of policy does not result in an increase in development intensity or extent.

Original reference to "community vision" did not provide any specific policy intent for rural centers. As such, deletion does not weaken policy.

Draft EIR disclosed significant and unavoidable impact for traffic assuming that mitigation of all traffic conditions not meeting LOS standard was not feasible. Deletion of 2027 reference acknowledges that it may not be feasible to meet all LOS standards. Intent of policy unchanged.

**Table F-4
Monterey County 2010 General Plan
Other Policy Changes Since Draft 2007 GP**

Final GP Policy	Subject	Draft EIR Policy or Mitigation Measure	Change	Rationale
C-1.3	Circulation improvements	C-1.3	Clarified language regarding mitigation for different impact tiers.	No substantive change in requirements for project mitigation assumed in the Draft EIR.
C-1.4	Circulation improvements	C-1.4	Clarified requirements for project-level mitigation and added exception for non-residential projects with minor trip generation.	Exception only applies to development with minor trip generation and thus will not change overall level of expected traffic from that described in the Draft EIR.
C-1.5	Circulation improvements	C-1.5	Added language to support collection of impact fees for City/County/regional impacts.	Additional fee collection will help to mitigate traffic impacts.
C-1.11	Regional Traffic Impact Fee	C-1.11	Deletion of a requirement to adopt the fee and an interim policy.	A regional traffic fee was adopted by the Transportation Agency of Monterey County (TAMC).
C-3.6	Proof of access	NA	Added policy	More stringent environmental requirements than original 2007 GP policy.
CONSERVATION AND OPEN SPACE ELEMENT				
OS-4.4	Harbor facilities	OS-4.5	Deleted "commercial" expanding support to all facilities.	Change in policy would not substantially change the intensity or extent of allowable development.
OS-4.4 - OLD	Marine-related industries	OS-4.4	Deleted	2007 GP does not apply to coastal or marine areas. Deletion of policy does not change inland development or impacts.
OS-4.6 - OLD	Offshore oil drilling	OS-4.6	Deleted	2007 GP does not apply to coastal or marine areas. Deletion of policy does not change inland development or impacts.
OS-4.7 - OLD	Shoreline processes	OS-4.7	Deleted	2007 GP does not apply to coastal or marine areas. Deletion of policy does not change inland development or impacts.
OS-5.1	Inventory of species information	OS-5.1	Clarified intent is to apply to listed species.	Policy was reworded to clarify original intent which was specific only to listed species.
OS-5.2	Inventory of species habitat	OS-5.2	Clarified intent is to apply to suitable habitat for listed species.	Policy was reworded to clarify original intent which was specific only to listed species habitat.
OS-5.3	Development relative to critical habitat	OS-5.3	Clarified intent is to apply to federal critical habitat.	Policy was reworded to clarify original intent which was specific only to listed critical habitat.
OS-5.4	Development relative species and critical habitat.	OS-5.4	Clarified requirement for avoidance, minimization and mitigation of impacts to listed species and critical habitat.	Policy was reworded to clarify original intent which was specific only to listed species and critical habitat.

**Table F-4
Monterey County 2010 General Plan
Other Policy Changes Since Draft 2007 GP**

Final GP Policy	Subject	Draft EIR Policy or Mitigation Measure	Change	Rationale
OS-8.4	Burial site protection	OS-8.4	Clarified requirements relative to burial sites.	Language clarification only.
OS-10.11	GHG Reduction Plan	OS-10.11	Revised goal from 28% below 2020 BAU to 15% below current levels per CARB Scoping Plan and added carbon sequestration as covered item.	Revised goal would require similar levels of GHG emissions reduction as original GPU policy. Reference to 15% below current levels is consistent with goals for local municipalities recommended by California Air Resources Board to be consistent with AB-32. At state level, 15% below current levels is roughly equivalent to 28% below 2020 "business as usual" levels and with 1990 levels.
SAFETY ELEMENT				
S-4.27	Emergency routes	S-4.27	Deleted language regarding process for consideration of emergency routes in planning for Community Areas and Rural Centers (see S-5.17)	Deleted language is redundant with Policy S-5.17. Deletion in this policy thus does not lessen the requirements for emergency route planning for Community Areas and Rural Centers.
S-4.33	Fuel modification zones	S-4.33	Added language defining homeowners as responsible for maintenance.	Clarification only makes clear that responsibility for maintenance of fuel modification zones lies with homeowners. This does not change the level or amount of maintenance assumed for new development.
PUBLIC SERVICES ELEMENT				
PS-1.1	Adequate Public Facilities and Services (APFS)	PS-1.1	Split this policy into two (PS-1.1 and PS-1.2), consolidated old PS-1.2 language into PS-1.1	Policy language remains the same, and has simply been separated into two policies)
PS-1.1 Table PS-1	Public service standards	PS-1.1 Table PS-1	Changed solid waste standard to "garbage/recycling pickup" from "owner responsibility".	Requirement of pickup is more stringent than owner responsibility as it provides a more assured removal of solid waste by authorized haulers to approved facilities.
PS-1.2	CIFPs	PS-1.1	Moved CIFP language from old PS-1.1.	Relocation of policy only.
PS-2.2	Well monitoring	PS-2.2	Moved prior standard language into PS-1.1 Added reference to CIFP as source of funding.	Additional funding source reference does not change expected policy outcomes.
PS-2.5	WQ testing for wells	PS-2.5	Limited application to domestic wells (see PS-3.4 re: agricultural wells). Changed "considered" to "developed".	Water quality requirements included in Policy PS-3.4. Change to "developed" provides greater assurance of applicability of criteria than "considered".

**Table F-4
Monterey County 2010 General Plan
Other Policy Changes Since Draft 2007 GP**

Final GP Policy	Subject	Draft EIR Policy or Mitigation Measure	Change	Rationale
PS-2.6	Hydro constraints and hazard database	PS-2.6	Changed septic tank reference to on-site wastewater treatment system Added "saltwater intrusion" to constraint list	Change of prior reference to septic tank reference to wastewater treatment system is more expansive and thus more protective of water quality. Saltwater intrusion maps are already prepared by MCWRA; their inclusion here in constraint mapping set does not change expected environmental outcomes.
PS-3.3	New domestic wells	PS-3.4 and MM BIO-2.3	Limited application to domestic wells (see PS-3.4 re: agricultural wells), Moved Carmel Valley and North County requirements to area plans, excluded replacement wells.	Requirements for agricultural wells in PS-3.4 functional equivalent of requirements in this policy. Relocation of specific CVMP and North County policies to area plans does not change policy requirements.
PS-3.4	New agricultural wells	PS-3.5 and MM BIO-2.3	Added requirements for effect on wells and instream flows and excluded replacement wells. Changed requirement of pump tests or hydrogeological studies to assessment of impacts on adjacent wells and in-stream flows.	Draft EIR analysis presumed continuation of existing wells; thus exclusion of replacement wells does not change impacts disclosed in the Draft EIR. Addition of analysis of effects on wells and instream flows consistent with 2007 GP policy at time of Draft EIR and inclusion of instream flows consistent with MM BIO-2.3. Change of requirement of pump tests and/or hydrogeological studies to assessment of impacts on wells and in-stream flows does not diminish effectiveness of policy in protecting these uses.
PS-3.5	Wells in area of seawater intrusion	PS-3.6	Reworded policy to same intent.	Reworded policy does not change policy intent or expected outcomes.
PS-4.8	Sewage disposal systems	PS-4.8	Deleted consideration of alternative systems from criteria.	Deletion of reference to alternative systems does not change the intent or the expected outcome of the policy which is to protect groundwater resources and water quality.
PS-4.12	On-site wastewater management plans	PS-4.12	Split policy into two policies	Change in format of policy only.
PS-4.13	On-site wastewater management plans	NA	Second part of original PS-4.12	Change in format of policy only.

Table F-4 Monterey County 2010 General Plan Other Policy Changes Since Draft 2007 GP			
Final GP Policy	Subject	Draft EIR Policy or Mitigation Measure	Change Rationale
AGRICULTURE ELEMENT			
AG-1.2	Agricultural buffers	AG-1.2	Added requirements that any buffer drainage, shading, vegetation, and erosion control be beneficial to the adjacent agriculture and reworded policy to same as original intent. Additional requirements for drainage, shading, vegetation and erosion control would better protect adjacent agricultural uses than original policies.
AG-2.6	Agricultural research and activities	AG-2.6	Added organic farming Additional mention of organic farming does not change anticipated level of research activities.
ECONOMIC DEVELOPMENT ELEMENT			
ED-4.8	Broadband	NA	Added policy to promote and support broadband expansion. Policy of support will not change environmental impacts. Broadband infrastructure project required to go through permitting process. Given nature of such buried utility projects, new significant impacts not expected.
AGRICULTURAL WINE CORRIDOR PLAN			
AWCP (3.3)	Biological Study	NA	Added requirement for biological study for permanent facilities and administrative permit if study indicates a potential for a significant impact. More stringent environmental requirements than original 2007 GP policy.
AWCP (4.5)	Financing Plan	AWCP 4.5	Changed to reference PS-1.1 and C-1.12 Substantive financing requirements unchanged as PS-1.1 and C-1.12 provide adequate financing mechanisms for needed improvements.
GLOSSARY			
Glossary	Various terms	NA	Added: adequate water supply system, highly erodible soils, industry-wide event, key industry clusters, NOx, on-site wastewater treatment system, package treatment plan, phase 1/2/3 (archaeological study), PM10, substantial adverse effect Added definitions would not result in changes in the intensity or extent of impacts disclosed in the Draft EIR, nor change the effectiveness of 2007 GP policies or of mitigation in controlling environmental impacts.

**Table F-4
Monterey County 2010 General Plan
Other Policy Changes Since Draft 2007 GP**

Final GP Policy	Subject	Draft EIR Policy or Mitigation Measure	Change	Rationale
Glossary	Various terms	NA	Deleted: endangered species, erodible soils, rare species, special status species, threatened and endangered species	Certain species term were deleted to clarify that specific 2007 GP policies only apply to listed federal and state species. Does not change analysis in Draft EIR because both listed and non-listed special status species impacts are fully disclosed as required by CEQA and analysis is unchanged with deletion of definitions from 2007 GP glossary. "Erodible soil" definition deleted in favor of added "highly erodible" soil definition, which is the same technical definition. See narrative discussion in Section VII under Public Services Policies PS-3.1, PS-3.2, and PS-3.9.
Glossary	Long term sustainable water supply	NA	Added definition of long term sustainable water supply.	See narrative discussion in Section VII under Conservation/Open Space Policy OS-3.5.
Glossary	Previously uncultivated lands	NA	Deleted definition	
CACHAGUA AREA PLAN				
CACH-3.4	Native tree removal	CACH-3.4	Deleted reference to other plans and specific permit requirements in favor of development of specifics at the ordinance phase.	Ordinance development expected to result in as strict or stricter requirements than original 2007 GP policy.
CARMEL VALLEY MASTER PLAN				
CV-1.1	Rural character	CV-1.1	Expanded intent of preserving rural character and added rural architectural theme language.	Addition of rural architectural theme improves ability of plan to preserve rural character.
CV-1.6	CVMP residential growth controls	CV-1.6	Included AHO units in 266 cap; allowed auxiliary units on existing lots 5 acres or more; prohibited auxiliary units on new lots; reserved units for Delino. Added County review at 5 year intervals to determine if lowering cap is warranted.	More restrictive policy than original 2007 GP policy will result in lower level of buildout in CVMP. Slightly higher buildout in other parts of County by 2030, but no substantial increase in severity of impacts.
CV-1.11	Exemption of low/moderate income units from annual allocation	CV-1.11	Deleted exemption in favor of allowing twice the normally allowable density for low/moderate income senior units, accounted the same as other units for cap purposes.	Overall level of buildout unchanged per this policy.

**Table F-4
Monterey County 2010 General Plan
Other Policy Changes Since Draft 2007 GP**

Final GP Policy	Subject	Draft EIR Policy or Mitigation Measure	Change	Rationale
CV-1.15	Visitor accommodations	CV-1.15	Added specific limits on visitor-service units and required compliance with inclusionary housing ordinance. Clarified limit west of Via Mallorca is a total of 175 units. Added County review of visitor serving cap at 5 year intervals to determine if lowering cap is necessary..	Addition of specific unit limits more restrictive than original 2007 GP policy and thus level of buildout in CVMP more constrained.
CV-1.27	STA: Rancho Canada Village	CV-1.27	Added additional APNs to STA, while maintaining size and density requirements.	No change in buildout intensity or extent, and will not result in residential development in the floodplain.
CV-1.28	CVMP Amendments	NA	Added requirement for public forum for CVMP amendments.	Change in public process only, no assumed change in environmental outcome.
CV-2.19	Rio Road Official Plan Line	NA	Added requirement that County initiate proceedings for an abandonment of the Official Plan Line for the Rio Road Extension	An evaluation of the Rio Road extension was completed for the traffic study for the Carmel Valley Transportation Improvement Program (CVTIP) (DKS Associates, 2007). That study found that the Rio Road extension was not necessary to maintain traffic within established LOS standards for Carmel Valley Road or any other roads in the CVMP area. As such, the removal of the plan line would not result in the need to construct additional roadway facilities in some other portion of the CVMP area in order to maintain LOS standards. As such, this policy would not introduce any new significant impacts or substantially more severe impacts than disclosed in the Draft EIR.
CV-3.21	Equestrian uses	NA	Added policy to encourage equestrian uses consistent with rural character.	Acknowledgement of equestrian uses does not substantially change allowable development in CVMP.
CV-6.4	Slope in CVMP	CV-6.4	Deleted previously uncultivated	More restrictive policy than original 2007 GP policy will result in less agricultural expansion on steep slope.
CV-6.5	Slope in CVMP	NA	Added specific prohibition for development on slopes > 25% on highly erodible soils	More restrictive policy than original 2007 GP policy will result in less development on steep slopes.
CENTRAL SALINAS VALLEY AREA PLAN				
CSV-1.1	STA: Paraiso Hot Springs	CSV-1.1, MM CUL-1	Deleted mineral water bottling from uses; added consideration of cultural resource protection and sewage disposal to requirements for plan.	More stringent environmental requirements than original 2007 GP policy.

**Table F-4
Monterey County 2010 General Plan
Other Policy Changes Since Draft 2007 GP**

Final GP Policy	Subject	Draft EIR Policy or Mitigation Measure	Change	Rationale
CSV-1.4	Study Area: Spence/Potter/Encinal	CSV-1.4	Clarified designation as study area for alternative land uses to support agricultural industry.	Revised language only provides clarification of what is to be studied. As a study area, no authorization of new or expanded use.
CSV-1.7	STA: Miller's Lodge	CSV-1.7	Clarified amount of replacement use.	Clarified amount of replacement only and thus no change in extent or intensity of allowed development.
CSV-5.2	Recreation and visitor-serving uses	CSV-5.2	Changed "septic" to on-site "wastewater treatment systems".	Expanded application to all on-site wastewater treatment systems is more protective of water quality than original 2007 GP policy.
GREATER MONTEREY PENINSULA AREA PLAN				
GMP-2.10 (OLD)	Marine tanker traffic	GMP-2.10	Deleted	2007 GP does not apply to coastal or marine areas. Deletion of policy does not change inland development or impacts.
GMP-3.1	Scenic areas	GMP-3.1	Clarified policy applies to "common public viewing" areas	EIR analysis focuses on public viewing areas. Addition of language does not change aesthetic impacts disclosed in the Draft EIR.
GMP-3.5	Tree removal	GMP-3.5	Revised the policy to acknowledge tree removal required under certain conditions to be defined at ordinance phase.	Ordinance development expected to result in as strict or stricter requirements than original 2007 GP policy.
GMP-3.11	Riding and hiking trails	GMP-3.11	Added Carmel River Parkway Trail to priority list.	Addition of trail to priority list does not change environmental impacts disclosed in the Draft EIR. Trail projects subject to project review and mitigation.
NORTH COUNTY AREA PLAN				
NC-1.5	Limitation to legal lots	NC-1.5	Added exclusion of one 3.9 acre property.	Exclusion of one small property does not substantially increase development intensity or extent disclosed in the Draft EIR.
NC-3.4	Tree removal	NC-3.2	Deleted specifics for tree removal requirements in favor of development of specifics during ordinance development.	Ordinance development expected to result in as strict or stricter requirements than original 2007 GP policy.
NC-3.8	Well criteria - North County	NA	Moved this policy from Public Services to North County Area Plan.	More stringent environmental requirements than original 2007 GP policy.
NC-3.9	Slope in North County	NA	Added specific prohibition for development on slopes > 25% on highly erodible soils that drain into Elkhorn and Moro Cojo Sloughs.	More stringent environmental requirements than original 2007 GP policy.

**Table F-4
Monterey County 2010 General Plan
Other Policy Changes Since Draft 2007 GP**

Final GP Policy	Subject	Draft EIR Policy or Mitigation Measure	Change	Rationale
NC-3.10	Slope in North County	NA	Added specific prohibition for agricultural conversions on uncultivated land on slopes > 25% on highly erodible soils that drain into Elkhorn and Moro Cojo Sloughs.	More stringent environmental requirements than original 2007 GP policy.
NC-3.11	Slope in North County	NA	Added requirement for development of BMPs to control erosion/off-site runoff to be incorporated into ministerial permit per OS-03.5 for lands in N.C. Planning area.	More specific requirements than original 2007 GP policy.
NC-5.4	Wells in North County	NA	Permit process for all new wells.	More stringent environmental requirements than original 2007 GP policy.
TORO AREA PLAN				
T-1.7	Residential development limits in Toro related to infrastructure	T-1.7	Clarified that legal lot limitation is within Toro Groundwater Basin. Added allowance for recognition of new legal lot due to conveyance to or from a government agency or through eminent domain	Policy revision does not change substantive intent to prevent subdivisions for residential or commercial development where infrastructure constraints exist, but allows for minor subdivisions to occur when necessary for government purposes. Change was added after discussion with Caltrans re: SR-68 and the need for subdivision of land at times. Change would not increase the amount of expected development in the Toro Area expected with the 2007 GP.
T-1.8	STA: Moshini/Samoske	NA	Added STA for approved development	The Moshini/Samoske development application was approved in June 2009 by the Board of Supervisors including a General Plan Amendment to the 1982 General Plan. The added policy incorporates the approved project into the 2007 General Plan. The addition does not change the amount of future allowed development under the 2007 General Plan, as this is an approved project.
T-3.7	Tree removal in Toro	T-3.7	Deleted general language of discouraging tree removal and promoting oak tree preservation with reference to ordinance development.	Ordinance development expected to result in as strict or stricter requirements than original 2007 GP policy.

VIII. Custodian of Records

The documents and other materials that constitute the record of proceedings on which the Project findings are based are located at the offices of the Monterey County Resource Management Agency--Planning Department, 168 W. Alisal Street, 2nd Floor, Salinas, CA 93901. The custodian for these documents is Carl Holm, Assistant Director. This information is provided in compliance with Public Resources Code § 21081.6(a)(2) and CEQA Guidelines § 15091(e).