

Attachment A

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Monterey County

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Board Report

Legistar File Number: 15-0409

April 28, 2015

Introduced: 4/21/2015

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

Public Hearing to consider:

- a. Addendum No 3 to the Final Environmental Impact Report for the 2010 Monterey County General Plan together with (#7-01, SCH #20071212001)("FEIR"); and
- b. Amendments to the 2010 Monterey County General Plan to implement litigation settlement agreements with LandWatch Monterey County and The Open Monterey Project.
(REF150010/General Plan Amendment No. 3)

PROJECT INFORMATION:

Planning File Numbers: REF150010

Applicant: County of Monterey

Project Location: County-wide (non-coastal)

CEQA Action: Addendum No. 3 to EIR#07-01, SCH#2007121001

RECOMMENDATION:

It is recommended that the Board of Supervisors consider the proposed amendments to the 2010 Monterey County General Plan ("General Plan") that would implement a settlement of litigation regarding the General Plan.

An ~~underline~~ version and summary of the proposed amendments are enclosed as **Attachments A and B**, respectively. A draft Addendum No. 3 is enclosed as **Attachment C**.

SUMMARY:

On October 26, 2010, by Resolution Nos. 10-290 and 10-291, the Board of Supervisors adopted the General Plan, certified its accompanying FEIR, and adopted findings, a Statement of Overriding Considerations and a Mitigation, Monitoring and Reporting Program. Subsequently, a total of four lawsuits were filed challenging the adoption and certification. Two lawsuits were settled, resulting in amendments to the General Plan in 2013. The remaining two lawsuits were filed in the name of LandWatch Monterey County and The Open Monterey Project challenging the adoption and certification of a variety of policies, including one of the 2013 amendments to the General Plan and its associated Addendum No. 1 to the Environmental Impact Report (EIR).

In December of 2014, the Board entered into settlement agreements with the remaining two litigant parties. This agreement requires the County to consider amendments to the 2010 General Plan, generally as follows:

- Long Term Sustainable Water Supply; Policy PS-3.1
- Agricultural Slope - Conversion of Previously Uncultivated Lands; Policies OS-3.5, OS-3.1, OS-3.9

- Wildlife Corridors; Policies OS-5.15, OS-5.24
- Agricultural Winery Corridor Plan (AWCP); Chapter 9-J, Glossary

Copies of the settlement agreements, which are identical except for the names of the settling party, are enclosed as **Attachments E** and **F**.

DISCUSSION:

Proposed amendments affect policies as follows:

- PS- 3.1 (long term sustainable water supply). Adds criteria for the 5-year study. Proposed changes do not conflict with amendments pursuant to a prior settlement agreement.
- OS-3.5 (agricultural conversion of uncultivated land on slopes). Prohibits conversion of lands over 25% in all areas except the AWCP and Cachagua planning area. Creates limitations for the amount of land that can be converted (100 acres/year, 15 acres per application, contiguous). Currently lands over 25% can be converted, subject to a discretionary permit. Area specific policy for North County (NC-3.10) adds criteria for Agricultural conversions.
- OS-3.1 (erosion control). Clarifies that the Best Management Practices would also address the prevention and remediation of other effects of erosion such as sedimentation and water quality impacts.
- OS-3.9 (conversion of hillside rangeland to cultivated croplands). Clarifies that the program is to be designed to avoid or minimize cumulative impacts and meet water quality standards.
- OS-5.16 (biological report) and OS-5.24 (wildlife corridors); Adds requirements for biological reports and studies, and creates/adds an illustrative map as part of the 2010 GP. If an ordinance is not adopted within 12 months of adopting this policy, no permits for projects requiring a corridor survey and mitigation recommendations shall be approved until the implementing ordinance is adopted.
- Agricultural Winery Corridor Plan; Removes the three (3) stand-alone restaurants and eight (8) stand-alone inns from the AWCP process along with adjunct winery uses and deletes related definitions in the Glossary. Clarifies creation of so-called "small lots" and places additional limits on how many of such small lots may be created by subdivision.

See **Attachment B** for details regarding the proposed amendments.

These proposed amendments were presented to the Planning Commission for consideration and recommendation to the Board on February 25 and March 25, 2015. On March 25, 2015, by a unanimous vote of 9-0; with one Commissioner absent, the Planning Commission adopted a resolution recommending that the Board deny the proposed amendments. The general basis for this action is that the 2010 GP was a compromise of policy adopted by the Board, so amending that compromise is a Board policy matter. A copy of the Planning Commission's resolution is enclosed as **Attachment G**.

In addition, these amendments were presented to the Board-appointed Agricultural Advisory Committee (AAC) on February 26 and March 26, 2015. They voted 8-0 to recommend that the Board of Supervisors not accept the proposed amendments. Some of the reasoning:

- Wildlife corridor changes create unknown requirements (consequences) with criteria and standards to be defined later by ordinance. Vineyard row could be considered a

"fence" and dictating direction of rows is not acceptable. "Illustrative" map seems very detailed (thorough), but at too small a scale to consider impact on existing row crops in the valley - corridors going through existing row crops.

- Impact on economic (winery) development. AWCP has not been implemented due to lack of infrastructure. AWCP was designed with food (restaurants, delis) and ability to stay over (Inns) along corridor as part of the infrastructure. Proposal removes possibility to get infrastructure in place - guts economic viability (eliminates connection with hospitality that was part of the plan).
- More restrictive than Groundwater Sustainability Act (GSA); e.g. 2030 vs 2040.
- Zone 2C property outside AWCP pays for water, but slope conversion more restrictive than under existing policy.
- "Grapes on bench lands better than homes"
- Adjunct uses were included in the AWCP for assurance when ordinance got developed.
- A lot of hard work went into 2010 GP and compromises were made.
- Proposed amendments create ambiguity and raise questions.



OTHER AGENCY INVOLVEMENT:

The County Counsel's Office headed negotiations regarding the settlements. The Resource Management Agency (RMA); RMA-Planning; Monterey County Water Resources Agency and Environmental Health Bureau provided input into the settlements. At the request of several community groups, staff was invited to provide information regarding the proposed amendments. Over the last few weeks, staff met with the Refinement Group, the Grower Shipper Association that included representatives from the agricultural community at large, and the Community Housing Improvement Systems and Planning Association, Inc. (CHISPA).

FINANCING:

Funding for staff time related to processing these amendments is included in the FY 14-15 Adopted Budgets for the Office of County Counsel and the Resource Management Agency. The settlement agreements provide for the payment of attorney's fees if the agreements are implemented; those fees would be paid out of the General Liability ISF.

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cc: Front Counter Copy; Board of Supervisors; Wendy Strimling, County Counsel ; RMA-Public Works; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; Les Girard, Chief Assistant County Counsel; Carl Holm, Acting RMA Director; Jacqueline R. Onciano, RMA Services Manager; Melanie Beretti, RMA Services Manager; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); John H. Farrow; Janet Brennan; George Brehmer; Nancy Isakson; Pam Silkwood; Norm Groot; Darlene Din; Abby Taylor - Silva; Kevin Piearcy; Christine Kemp; Dale Ellis; Dick Cameron; Sasha

Gennet; Rachel Saunders; Tanya Diamond; Planning File REF150010

The following attachments are on file with the Clerk of the Board:

- Attachment A Underline/~~strikeout~~ of Policies
- Attachment B Summary with Figure OS-1: Draft Monterey Wildlife Corridors/Linkages Illustrative Map and Project Fact Sheet & Executive Summary
- Attachment C Draft Addendum No. 3 to certified Final EIR
- Attachment D CD of Final Environmental Impact Report (FEIR), Addenda, and related legislative documents (incorporated by reference)
- Attachment E Settlement Agreement LandWatch Monterey County
- Attachment F Settlement Agreement The Open Monterey Project
- Attachment G Planning Commission Resolution No. 15-026
- Attachment H Letters of Correspondence
- Attachment I Amendment No. 1 - Carmel Valley Association - Carmel Valley Master Plan
- Attachment J Amendment No. 2 - Salins Valley Coalition Et Al - 2010 Monterey County General Plan

Note: If you would like to access the 2010 Monterey County General Plan you may do so at:
<http://www.co.monterey.ca.us/planning/gpu/GPU_2007/2010_Mo_Co_General_Plan_Adopted_102610/2010_Mo_Co_General_Plan_Adopted_102610.htm>

ATTACHMENT A
PROPOSED AMENDMENTS

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ATTACHMENT A

Proposed Amendment to the Monterey County 2010 General Plan shown as changes to the 2010 General Plan policies adopted on October 26, 2010 and amended February 12, 2013 (Board Resolution Nos. 10-291 and 13-028).

1. PS.3-1: Except as specifically set forth below, 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:

- a. the first single family dwelling and non-habitable accessory uses on an existing lot of record; or
- b. 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
- c. development within Zone 2C of the Salinas Valley groundwater basin, provided the County prepares or causes to be prepared a study for the Board of Supervisors regarding Zone 2C, to be completed no earlier than October 31, 2017 and no later than March 31, 2018 that does the following:
 - 1) evaluates existing data for seawater intrusion and groundwater levels collected by Monterey County Water Resources Agency as of the date the study is commenced;
 - 2) evaluates the total water demand for all existing uses and future uses designated in the General Plan EIR for the year 2030;
 - 3) assesses and provides conclusions regarding the degree to which the total water demand for all uses designated in the General Plan for the year 2030 are likely to be reached or exceeded;
 - 4) evaluates on an annual basis during the study period groundwater elevations and the seawater intrusion boundary;
 - 5) based on historical data and the data produced by the study, evaluates and provides conclusions regarding future trends and any expected movement of groundwater elevations and the seawater intrusion boundary;
 - 6) should the study conclude that i) total water demand for all uses designated in the General Plan for the year 2030 is likely to be exceeded; or ii) groundwater elevations are likely to decline by the year 2030 and iii) the seawater intrusion boundary is likely to advance inland by the year 2030, the study shall make recommendations on measures the County could take to address any or all of those conditions; and

- 7) addresses such other matters as the Board of Supervisors determines are appropriate.

Within two months following the completion of the study, the Board of Supervisors shall hold an open and noticed public hearing on the results of the study. If the study reaches the conclusions for Zone 2C identified in subsection 6) i or 6) ii and 6) iii, the Board of Supervisors shall adopt one or more measures identified in the study, or other appropriate measures, to address the identified conditions. This exception for Zone 2C shall be a rebuttable presumption that a Long Term Sustainable Water Supply exists within Zone 2C, and the presumption shall remain in effect until and unless the study reaches the conclusion for Zone 2C identified in subsection 6) i or 6) ii and 6) iii. Development in Zone 2C shall be subject to all other policies of the General Plan and applicable Area Plan. The rebuttable presumption shall apply only to uses consistent with the 2010 General Plan as amended through October 1, 2014.

Unless the public hearing required by this policy is commenced and concluded within two months following the presentation of the study to the Board of Supervisors, then effective 60 days following the presentation of the study to the Board of Supervisors there shall no longer be a rebuttable presumption of a long term sustainable water supply for development in Zone 2C. This means that the exception in subsection c shall no longer apply, unless otherwise required by law, and the rebuttable presumption shall apply only to projects for which the County has determined the application to be complete and so advised the applicant and for which a public hearing has been noticed.

Within fourteen days of the conclusion of the public hearing required by this policy, or if there is no regularly scheduled meeting of the Board of Supervisors in that fourteen day period, at the next regularly scheduled meeting, the Board of Supervisors shall adopt findings based on substantial evidence as to whether any of the conditions identified in subsections 6.i, ii, and iii (the “Conditions”) are likely to occur by 2030. Only if the Board of Supervisors finds that none of the Conditions are likely to occur by 2030, may it find that there is a rebuttable presumption that a long-term sustainable water supply exists within Zone 2C through 2030 and make the discretionary decision to continue to except development within Zone 2C from the requirement under this Policy to provide proof, based on specific findings supported by evidence, that there is a long-term sustainable water supply. If the Board of Supervisors finds that any of the Conditions are likely to occur by 2030, new development within Zone 2C shall not be excepted from the requirement to provide proof of a long-term sustainable water supply, and there shall no longer be a presumption of a long-term sustainable water supply for development in Zone 2C except as required by law.

Unless the Board of Supervisors finds that none of the Conditions are likely to occur by 2030, the Board shall within nine months of the conclusion of the public hearing adopt, or find that other agencies have adopted, a program (“Program”) committing the County or those agencies to adopt measures that, based on substantial evidence, are sufficient to avoid and prevent by 2030 each of the Conditions that the Board of Supervisors has

found are likely to occur by 2030. Unless, at the time of the adoption of the Program identified in the prior sentence, the Board of Supervisors finds based on substantial evidence that capital projects will be funded and constructed in order to avoid and prevent by 2030 each of the Conditions that are found by the Board likely to occur by 2030, the County shall adopt, or find that other agencies have adopted, other sufficient measures (“Other Measures”) as authorized by law to avoid and prevent all those conditions by 2030.

As required and authorized by this General Plan and consistent with the intent and purposes of state law, including but not limited to the 2014 Sustainable Groundwater Management Act, the County shall take a proactive role in planning for a long-term sustainable water supply in Zone 2C. As required by Policy PS-3.7, and as may be required after the first 5-year assessment of Zone 2C water conditions in 2015 pursuant to Policy PS-3.15, the County shall by March 31, 2016 initiate, pursue, and support the identification and necessary planning for strategies, water supply projects, water management efforts, and multiple agency agreements that may be implemented as part of the Program or Other Measures. The County shall initiate this planning effort by March 31, 2016 and pursue and support it until completion of the study required by this policy to ensure that, should it be necessary to adopt a Program or Other Measures in response to the findings required by this Policy, the County and/or other agencies shall be able to define and adopt the Program or Other Measures, and to conduct necessary environmental review at the programmatic level within one year of those findings.

Following completion of the study described herein, and the adoption of measures as may be recommended in the study, if any, the County shall prepare a report to the Board of Supervisors every five (5) years for Zone 2C that examines the degree to which a) total water demand for all uses predicted in the General Plan EIR for year 2030 will be reached; or b) groundwater elevations, the seawater intrusion boundary have changed since the prior reporting period; and c) other sources of water supply are available.

Proposed Amendments to the Monterey County 2010 General Plan shown as changes from policies as adopted on October 26, 2010

Amend OS-3.5 (2) as follows:

2. OS-3.5

(2) Agricultural. Conversion of uncultivated land to cultivated land on slopes greater than 25% shall require a discretionary permit.

a) ~~The discretionary permit shall~~ Conversion of uncultivated land to cultivated land on slopes greater than 25% shall be prohibited, except as stated in subdivision b.

b) In the Agricultural and Winery Corridor Plan area (“AWCP”) and the Cachagua Plan area (“Cachagua”) only, conversion on slopes between 25% and 35% may be permitted pursuant to a use permit. In order to avoid the degradation of on-site and off-site natural resources, the use permit process shall:

1. Evaluate possible alternatives that better meet the goals and policies of the general plan.

2. Identify and require an Agricultural Management Plan including development and design techniques for erosion control, slope stabilization, visual mitigation, drainage, and construction techniques, incorporating the Best Management Practices developed pursuant to Policy OS-3.1 and the Program developed pursuant to Policy OS-3.9.

3. Minimize development in areas where potentially unstable slopes, soil and geologic conditions, or sewage disposal pose substantial risk to public health and safety.

4. Limit such conversion permits as follows:

a. Maximum of 100 acres per year for both the AWCP and Cachagua combined, with no rollover of unconverted acres,

b. Maximum of fifteen (15) acres per permit per year per applicant, and

c. Land must be contiguous to already cultivated land.

c) Only lands cultivated and irrigated on slopes over 25% as of December 16, 2014 for which cultivation and irrigation were permitted or otherwise allowed by law may continue to be so cultivated and irrigated.

d) Conversion without a permit shall be considered a continuing public nuisance and may be enforced through a cause of action brought by any private party. The County retains and shall use its authority to enforce violations.

e) The County shall annually prepare and release to the public a map showing all new cultivation of slopes over 25% in the County and, separately indicated, all new cultivation of slopes over 35%. The County map shall show all new cultivation that is identifiable from publicly available crop and land cover data, such as the USDA's National Agricultural Statistics Service Cropscape Cropland Data Layer. The map also shall identify all permitted conversions and delineate the boundaries of each conversion permit, by permit number.

- f) A ministerial permit process shall be developed by ordinance and implemented for conversion of lands that have not been cultivated for the previous 30 years on slopes (i) between 15 and 24.5 percent (15-24.5%) except land in the North County Area Plan and Cachagua Area Plan, and (ii) 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~~ assures slope stabilization and prevents drainage and flood hazards, and to prevent potentially significant impacts to wildlife corridors and linkages.
- g) Conversion of slopes between 15% and 25% (15-25%) in the North County Area Plan and Cachagua Area Plan shall require a use permit and an Agricultural Management Plan.
- h) The County shall retain existing requirements for an Agricultural Management Plan for each use permit for conversions as currently set forth in County Code section 21.66.030 (as of Oct. 26, 2010).
- i) The County shall not approve permits pursuant to this policy OS-3.5(2) until the County has adopted ordinance(s) implementing OS-5.16, OS-5.22, and OS-5.24, Figure OS-1, a Program developed pursuant to OS-3.9, and conforming amendments to Zoning Code section 21.66.030.

Amend OS-3.1as follows:

3. OS – 3.1

Best Management Practices (BMPs) to prevent and repair erosion damage and to prevent and remediate other effects of erosion such as sedimentation and water quality impacts, shall be established and enforced by the County.

Amend OS-3.9 as follows:

4. OS-3.9

The County shall develop a Program to address the potential cumulative hydrologic impacts of the conversion of hillside rangeland areas slopes to cultivated croplands. The Program shall be designed to ~~avoid or minimize~~:

- a) avoid or minimize off-site soil erosion,
- b) avoid or minimize increased runoff, runoff-related stream stability impacts, and sedimentation impacts, and/or
- c) meet potential violation of adopted water quality standards.

The County shall convene a committee comprised of county staff, technical experts (including staff of the Natural Resources Conservation Service), and stakeholders to develop the Program, including implementation recommendations. This program shall be adopted within five (5) years of adoption of the General Plan.

Amend OS-5.16 as follows:

5. OS 5.16

A biological study shall be required for any development project requiring a discretionary permit and in the vicinity of a wildlife corridor/linkage as illustrated in Figure OS-1 or 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, or degrade a wildlife movement corridor/linkage.

An ordinance establishing minimum standards for a biological study and biological surveys shall be enacted. A biological study shall include field reconnaissance performed at the appropriate time(s) of year. Based on the results of the biological study, ~~biological~~ corridor surveys may be necessary to identify, describe, and delineate the habitats, wildlife movement corridors or linkages, or species that potentially could be impacted. The ordinance shall specify when a corridor survey is required and the minimum requirements for a corridor survey. The ordinance shall include design guidelines for development within corridors and linkages, including but not limited to: standards for design, landscaping, lighting, site layout including structures, and fencing. Said ordinance shall be adopted within 12 months of the adoption of this policy. Feasible measures to reduce significant impacts to a less than significant level shall be adopted as conditions of approval.

Amend OS-5.24 as follows:

6. OS-5.24

In order to preserve the functionality of existing wildlife corridors/linkages, and to promote and facilitate wildlife movement corridors/linkages, if Figure OS-1 or a biological study discloses evidence that a wildlife corridor or linkage exists in the vicinity of a project, a corridor survey shall be required to identify the boundaries of the movement corridor or linkage with respect to the project site. The corridor survey shall include mitigation recommendations from the ordinance required to be adopted pursuant to Policy OS-5.16 to retain a corridor or linkage of adequate size and quality to preserve the continued free movement of all wildlife based on the needs of the species occupying the habitat and using the corridor or linkage. The County shall require the use of wildlife friendly fencing to the extent allowed by law. ~~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.

Figure OS-1 shows the general location of some of the wildlife movement corridors/linkages in Monterey County. Figure OS-1 is illustrative only. The County shall engage a qualified wildlife consultant to make recommendations as to the implementing ordinances for OS-5.16, OS-5.22 and OS-5.24, and the conservation strategy required by OS-5.21, with regard to wildlife corridor/linkage issues. The County shall use the consultant's recommended protections as the primary basis of the implementing ordinances for OS-5.16, OS-5.22 and OS-5.24 and the conservation strategy required by OS-5.21, and the final ordinance language shall be the result of a collaborative process of the consultant and County staff.

Until the ordinance required by Policy OS-5.16 is adopted, if Figure OS-1 or a biological study discloses evidence that a wildlife corridor or linkage exists in the vicinity of a project, the corridor survey shall make recommendations for design based upon best practices related to the needs of the species occupying the habitat and species using the corridor or linkage, and the County's wildlife consultant shall review and research the application and make recommendations within the scopes of Policy OS-5.16 and this Policy OS-5.24, and such projects may only be approved if the contents of those recommendations are adopted as conditions of approval. Until Figure OS-1 is adopted, the County's wildlife consultant shall review and research each application and make recommendations. If the ordinance required by Policy OS-5.16 is not adopted within 12 months of adoption of this policy, no permits for projects requiring a corridor survey and mitigation recommendations shall be approved until the implementing ordinance is adopted.

This policy shall not apply retroactively to projects constructed legally.

Amend Agricultural Winery Corridor Plan as follows:

7. 3.0 DEVELOPMENT STANDARDS/DESIGN GUIDELINES

3.1 GENERAL REGULATIONS

The number of facilities allowed to be processed under this Plan shall be as follows:

- A. *Artisan Winery*: A maximum of 40 new artisan wineries as follows:
 - 1. River Road Segment; up to 24;
 - 2. Metz Road Segment; up to four (4); and
 - 3. Jolon Road Segment; up to 12.

- B. *Full-Scale Winery*: a maximum of 10 new full-scale wineries as follows:
 - 1. River Road Segment; up to five (5);
 - 2. Metz Road Segment; up to two (2); and
 - 3. Jolon Road Segment; up to three (3).

- C. *Winery Tasting Rooms*; a maximum of 10 new, stand-alone, facilities as follows:
 - 1. River Road Segment; up to five (5);
 - 2. Metz Road Segment; up to two (2); and
 - 3. Jolon Road Segment; up to three (3).

- D. ~~*Restaurant*. A total of three (3) new restaurants with no more than one restaurant per segment.~~

- E. ~~*Delicatessen*. A total of five (5) new delicatessens on the same site as a winery with no more than three (3) delicatessens within the River Road Segment and no more than one (1) delicatessen within each of the remaining two segments.~~

- F. ~~*Inns*. A maximum of eight (8) new Inns as follows:
 - 1. River Road Segment; up to five (5);
 - 2. Metz Road Segment; one (1); and
 - 3. Jolon Road Segment; up to two (2).~~

- GE. *Business Cluster*. One consolidated area may be identified for an overlay designation where a cluster of wine industry related businesses (bottle and cork production, label design, etc.) may develop. This business center should be located near an urban area with adequate facilities. A business cluster within the AWCP overlay area shall be considered consistent with the General Plan; however, a zoning change may be required to achieve the appropriate zoning designation. Site specific development would be subject to the standard County requirements and CEQA and not part of the ministerial review process created under this Plan.

HF. *Visitor Centers.* Visitor centers that provide visitor information about the Corridor should be established within the vicinity of Highway 101/Arroyo Seco and/or near Highway 68.

3.2 ALLOWED USES

The following uses shall be allowed at facilities approved under the AWCP located within the designated corridor.

A. ~~*Winery Adjunct Uses.*~~

B. ~~*Industry-wide events.*~~

CB. *Winery-Related Events up to 150 people at any one venue at any one time.* Events include:

1. Advertised fund raising events.
2. Winemaker Dinners open to the general public.
3. Weddings.

DC. *Private Winery Events* such as:

1. Company Holiday Party.
2. Employee-Related Private Parties (e.g. harvest celebration).

3.3 PERMITTED USES, MINISTERIAL PERMIT REQUIRED IN EACH CASE

[No changes.]

3.4 PERMITTED USES, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE

This Section includes a list of uses that can be permitted with an Administrative Permit for properties within the designated Agricultural and Winery Corridor. These uses are subject to the General Regulations established in [Section 3.1](#) and Development Standards established in [Section 3.5](#) of this Agricultural and Winery Corridor Plan.

A. ~~*Restaurant or Delicatessen; subject to the following criteria:*~~

- ~~1. Located within five (5) miles from an urban limit line, community area, or rural center or within one (1) mile of an arterial or collector.~~
- ~~2. Parking shall be provided as required by Chapter 21.58, Monterey County Code.~~

B. *Inn, on-site with a winery facility; subject to the following criteria:*

1. The Inn is clearly incidental, related, and subordinate to the primary operation of the winery as a production facility.
2. Separate structure(s) shall be built expressly for an Inn.
3. Includes no more than ten (10) guest rooms, and a family does not need to be in permanent residence within the Inn facility.

4. Design shall use a consistent style for all buildings on the same lot.
5. Parking shall be provided as required similar to a bed and breakfast use.

~~C. Inn, stand alone; subject to the following criteria:~~

- ~~1. The facility is located:

 - ~~a. more than 500 feet from a parcel on which any other Inn facility is located;~~
 - ~~b. no closer than 400 feet to any existing residence outside the ownership of the applicant.~~~~
- ~~2. Parking shall be provided as required similar to a bed and breakfast use.~~

DB. *Winery, Full-scale*, including tasting facilities and a catering kitchen as part of the winery. Events included as part of the permit for a full-scale winery shall not be subject to other permit requirements of Sections 3.3E or 3.6.

3.5 DEVELOPMENT STANDARDS

The following standards shall apply for approved uses within the Winery Corridor only:

A. *Parcel Size*. Minimum five (5) acres:

1. Creation through subdivision of ~~a five-acre lot or any~~ one lot smaller than the zoning minimum parcel size, but of a minimum size of five (5) acres (a "Small Lot"), is permissible provided:

a. ~~The remaining parcel still~~ All other parcels included as part of the subdivision conforms to the minimum parcel size of the underlying zoning district. In order to encourage utilization of existing substandard sized lots, An exception to subdivide lots- (minimum 5 acres) from a legal non-conforming lot not meeting the minimum lot size for the land use designation (e.g. 10-acre lot with 40-acre minimum designation) may be allowed to subdivide one Small Lot from one legal non-conforming lot that is at least 10 acres in size but does not meet the minimum lot size for the zoning designation (e.g., a 20-acre lot in a 40-acre minimum designation could be divided to create one 5-acre lot and one 15-acre lot) based on substantial evidence that this action would:

- 1) reduce the number of conforming agricultural lots from being subdivided because the parcel is located in an area where AWCP facilities would likely locate; and
- 2) limit development in a manner to retain the rural character of the corridor. For purposes of this finding the rural character refers to parcels that conform to the minimum parcel size in the underlying zoning district and that contain agricultural uses.

b. Development of the Small Lot must be in conformance with Allowable Uses and Permitted Uses identified in this

Agricultural and Winery Corridor Plan only, which will be memorialized by a recorded deed restriction on the Small Lot.

c. The total number of Small Lots created does not exceed 66 lots within the AWCP as adopted. In addition, the number of Small Lots created within each segment shall not exceed the number of wineries and/or tasting rooms allowed for that segment (Section 3.1 AWCP).

d. Where a Small Lot is created by subdivision under this Plan, all lots and parcels included as part of that subdivision shall be restricted from further subdivision of Small Lots as described in this
section.

2. Subdivision of parcels under Williamson Act contract shall be in conformance with Williamson Act regulations.

3. Creation of Small Lots through subdivision within the Corridor is permissible subject to the Subdivision Map Act and County Subdivision Ordinance.

Amend GLOSSARY as follows:

~~**AGRICULTURAL LAND USES** means those uses of an agricultural nature that occur on farmlands designated as prime, of statewide importance, unique, or of local importance. Agricultural land uses also include grazing and any other uses that occur on properties designated as agricultural on the General Plan and/or Area Plan land use map(s).~~

WINERY means an agricultural processing plant used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes crushing, fermenting, blending, aging, storage, bottling, warehousing, wine tasting facility, administrative office functions including wholesale and retail sales of associated wine and wine related items, and events. ~~Winery Adjunct Uses may also be considered as accessory to a winery when specifically requested and addressed as part of the discretionary permit application for the winery or as a subsequent permit application process.~~

WINERY, ARTISAN [No change.]

WINERY, FULL-SCALE [No change.]

~~**WINERY ADJUNCT USES** means uses not considered an inherent part of a winery, but frequently associated with wineries and the agricultural tourism industry. Winery Adjunct Uses include, but are not limited to, restaurants, delicatessens, events, and concerts. Such uses may be considered as accessory to a Winery or Winery Tasting Facility when specifically requested and addressed as part of the discretionary permit application for the Winery or as a subsequent permit application process.~~

WINERY CORRIDOR [No change.]

WINERY TASTING FACILITY means a bonded Winery Tasting Facility, also known as an "on or off winery premise," as provided by federal law under the jurisdiction of the Tax and Trade Bureau. A Winery Tasting Facility shall accommodate wine tasting, an administrative office, retail sales of associated wine and wine related items, events, warehousing, and storage. ~~Winery Adjunct Uses may be considered as accessory to a Winery Tasting Facility when specifically requested and addressed as part of the discretionary permit application for the Winery Tasting Facility or as a subsequent permit application process.~~

**ATTACHMENT B
SUMMARY
WITH
FIGURE OS-1
AND
PROJECT FACT SHEET
&
EXECUTIVE SUMMARY**

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ATTACHMENT B

SUMMARY OF PROPOSED AMENDMENTS

1. PS-3.1 - LONG - TERM, SUSTAINABLE WATER SUPPLY

Policy PS-3.1 generally requires all development in Zone 2C to prove a long-term sustainable water supply and lists specified development, uses and conditions that would be exempted from that requirement. It further sets forth conditions under which a rebuttable presumption regarding a long term sustainable water supply shall exist and requires the County to undertake a 5-year study of Zone 2C. The proposed amendment generally requires the County to make a stronger commitment to address by 2030 certain conditions that may be concluded by the study, including groundwater elevations, seawater intrusion, and the balance of total water demand to 2030. The amended policy would require that, within two months (2) following the completion of the 5-year study, the County would be required to hold a public hearing on the conclusion of the report. If the public hearing is not concluded within 2 months following the conclusion of the study there shall no longer be a rebuttable presumption of a long term sustainable water supply for development in Zone 2C and all development shall need to prove long term sustainable water supply. Within fourteen days of the public hearing on the study results or at the next regularly scheduled meeting of the Board of Supervisors, the Board must adopt findings, based on substantial evidence, whether any of the conditions identified in the study are likely to occur by 2030. If the Board finds that the conditions will not occur by the year 2030 then the Board may find that there continues to be a rebuttable presumption of a long term sustainable water supply within Zone 2C and development applications can continue to be processed. However, if the Board finds that some of the conditions may be reached by 2030, the Board shall adopt measures or a program, or find that another agency has adopted measures or a program, designed to address the identified conditions by 2030.

2. OS-3.5 (2) –AGRICULTURAL CONVERSION OF PREVIOUSLY UNCULTIVATED LAND ON SLOPES

Policy OS-3.5 (2) generally allows the consideration of the conversion of slopes in excess of 25% in all areas, subject to specific requirements, through the discretionary permit process. The proposed amendment to Policy OS-3.5 (2) would prohibit the conversion of uncultivated land with slopes greater than 25% to cultivated land throughout the County except in the Agricultural Winery Corridor Plan (AWCP) and the Cachagua Plan areas. In the AWCP and Cachagua Plan areas conversion for agricultural uses on slopes between 25% and 35% may be allowed through a use permit. The use permit process shall:

1. Consider alternatives to the proposed development that better meet the goals and policies of the general plan;
2. Require the preparation of an Agricultural Management Plan (AMP) that incorporates Best Management Practices per policy OS-3-1 and address cumulative hydrologic impacts of the conversion of hillside rangeland areas to cultivated croplands in accordance with policy OS -3.9 to include the following:

- a. Include design techniques that address drainage, on-site and off-site erosion control, slope stability, construction techniques and visual mitigation using Best Management Practices per policy OS-3.1;
- b. If applicable, address runoff-related stream stability impacts; and
- c. Meet water quality standards.

The proposed amendment would also limit the number of use permits that could be issued for such conversions as follows:

- a. Limits the amount of combined acreage converted in both the AWCP and Cachagua plan areas to 100 acres per year; and
- b. Limits applicants to 15 acres per year per property.
- c. Land considered under the use permit shall be contiguous to land currently in cultivation.

Finally, only lands cultivated and irrigated that were permitted or have been allowed to be in production prior to December 16, 2014 may continue in cultivation and will be considered consistently cultivated per the amendment.

Annually, the County would be required to prepare a map showing all new cultivation on slopes over 25% and indicating lands with slopes greater than 25% that have been granted use permits, after December 16, 2014, for cultivation. Conversion without a permit would be designated a continuing public nuisance that may be enforced by a private right of action.

Policy OS-3.5 (2) currently requires the development of a ministerial permit process to address slope stabilization, drainage and address potential impacts to wildlife corridors and linkages. The proposed amendment would require a use permit and an Agricultural Management Plan for conversions in the North County Plan Area and the Cachagua Plan Area on slopes between 15% and 25%.

Finally, the proposed amendment would mandate that no permits, either ministerial or discretionary, could be approved until the County has adopted the Conservation Strategy that would implement the following policies: OS - 5.16 (Biological Report Requirement), OS – 5.22 (Stream Setback Ordinance), OS – 5.24 (Wildlife Corridors) and an illustrative map of wildlife corridors in the County (Figure OS – 1, discussed below; along with OS – 3.9 (a program to address Hydrologic Impacts of Hillside rangeland conversion).

3. OS-3.1 – EROSION CONTROL - BEST MANAGEMENT PRACTICES (BMPs)

Policy OS-3.1 currently requires the County establish and enforce BMPs to prevent and repair erosion damage impacts. The proposed amendment would clarify that the BMPs would also address the prevention and remediation of other effects of erosion such as sedimentation and water quality impacts.

4. OS-3.9 – CONVERSION OF HILLSIDE RANGELAND TO CULTIVATED CROPLANDS

Policy OS-3.9 requires the County to develop a program to address potential cumulative impacts of hillside rangeland areas to cultivated croplands. The proposed amendment clarifies that the program is to be designed to avoid or minimize cumulative impacts, and meet water quality standards.

5. OS-5.16 - BIOLOGICAL STUDY REQUIRMENTS AND OS-5.24 - WILDLIFE CORRIDORS

Policy OS-5.16 describes when biological studies and surveys are required for new development. Standards are to be developed by ordinance. Policy OS-5.24 currently requires new development to maintain movement corridors of adequate size to accommodate continued use of the corridor by wildlife. The proposed amendments to these policies would call for the inclusion of an Illustrative Map generally showing wildlife corridors and linkages in the County. The proposed map (Figure OS-1) is attached. The map delineates the general location of wildlife movement corridors and linkages. The map is designed to be illustrative only, and is not definitive regarding the location of movement corridors and linkages; the General Plan always required the preparation of a biological study and, depending on the results of the study, a biological survey in order to determine if a movement corridor or linkage exists on the property subject to the discretionary permit.

The proposed amendment would also require the development of design guidelines for new development in identified corridors or linkages such as landscaping, lighting, site layout including structure locations, and fencing. The ordinance implementing the biological report requirements would be required to be adopted within 12 months of the adoption of the policy amendment.

The proposed amendment would also require the County to work with a qualified wildlife consultant to prepare the Conservation Strategy that would implement the following policies: OS - 5.16 (Biological Study Requirement), OS – 5.22 (Stream Setback Ordinance), and OS – 5.24. The County has already retained such a consultant who has assisted in the preparation of proposed Figure OS-1.

The proposed amendment would also require that, until the adoption of the Conservation Strategy specified in OS-5.21 and the design guidelines specified in OS-5.16, projects requiring a discretionary permit would be reviewed by the County's wildlife consultant and the consultant's recommendations would be incorporated as conditions of approval. If the ordinance required by Policy OS-5.16 is not adopted within 12 months of adoption of this policy, no permits for projects requiring a corridor survey and mitigation recommendations shall be approved until the implementing ordinance is adopted.

6. CHAPTER 9-J - AGRICULTURAL WINERY CORRIDOR PLAN (AWCP)

The proposed amendment modifies the allowed facilities and uses that could be developed using the streamlined procedures under the AWCP. It removes the three (3) stand-alone restaurants and eight (8) stand-alone inns from the AWCP process along with the adjunct winery uses. Additionally, it removes stand-alone restaurants and delicatessens and stand-alone inns from the permitted use lists. With regard to development standards, language is clarified to prohibit the serial creation of so-called “small lots” that do not meet the minimum acreage of the AWCP, and places limits on how many of such small lots may be created by subdivision.

7. GLOSSARY

The proposed amendment would remove the definitions of Agricultural Land Uses and Winery Adjunct Use along with references to winery adjunct uses located in the winery tasting facility definitions, as these definitions would no longer be used in the General Plan.

FIGURE OS-1

Monterey County Wildlife Corridors/Linkages

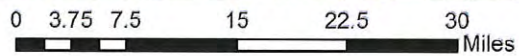


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Legend

Habitat Suitability for Wildlife Movement

- Marginal Habitat
- Suboptimal Habitat
- Suitable Habitat
- Highly Suitable Habitat
- Optimal Habitat
- Protected Lands CPAD 2014
- Modeled Wildlife Corridors/Linkages
- Monterey County line



Map by: Pathways for Wildlife
 Data: Caltrans, Bay Area Critical Linkages, Pathways for Wildlife, EMC Planning Group, & CA Protected Areas Database.



This map shows the general location of some of the wildlife movement corridors/linkages in Monterey County. It is illustrative only.

Monterey Wildlife Corridors/Linkages
Project Fact Sheet & Executive Summary

Prepared for the County of Monterey

By Pathways for Wildlife



March 2015

Goals:

- 1) To provide an illustrative map of known and potential wildlife corridors/linkages throughout Monterey County.
- 2) To validate modeled corridors/linkages with wildlife presence and movement data where applicable.

Map Description:

The map was created by a computer modeled simulation of animal movement which indicates areas that are, or most likely are, important for animal movement. Several of the resulting wildlife corridors (linkages) from the analysis have been validated from available wildlife connectivity and survey studies.

Methods:

- 1) A GIS tool, Linkage Mapper (developed by Brad McRae), was used to analyze and produce a network of wildlife corridors that provide the best habitat available for wildlife species to travel between networks of preserved lands. For more information about this tool, please see:

<https://code.google.com/p/linkage-mapper/>

a) This analysis involves the creation of **habitat suitability layers** for several species including; San Joaquin Kit fox, bobcat, and CA Tiger Salamander. Habitat suitability layers reflect how suitable to unsuitable the landscape is for each species based on their habitats needs. The GIS layers used to create the habitat suitability layers include; vegetation, creeks/rivers, topography, roads/highways, and land use layers and were developed by the *Bay Area Critical Linkages* project.

b) The Linkage Mapper analysis then creates **cost surface layers** from each suitability layer. This calculates the cost of movement for an animal to move through the landscape. A high cost reflects poor habitat that is difficult for an animal to move through, for example; human development with many roads, and habitats that the animals typically are not found in.

c) The next step performed by Linkage Mapper is to **create wildlife corridors/linkages** which show the most highly suitable habitat available for animals to move through in traveling from one preserved land to another. A wildlife corridor/linkage is the easiest route for animals to travel through the landscape based on the habitat suitability layer. For example, an ideal wildlife corridor for bobcats would include; creeks/rivers within oak woodland habitat without roads or human development. However, most landscapes are often fragmented by roads and human developments and as a result many wildlife corridors include fragmented habitats. These locations are typically in need of increasing the ability of wildlife to move through these impacted corridors.

d) The final steps entail **overlaying the wildlife corridors designed for San Joaquin Kit fox, bobcat, and CA tiger salamander into a single overlay**. This results in displaying multiple corridors that facilitate movement through the landscape for multiple species and reflects the habitat needs by each.

2) **Validation of modeled wildlife corridors/linkages.** In areas where species presence or movement data was available, the data was overlaid into the map to validate if animals were within the designed wildlife corridors/linkages. This data was not comprehensive for the whole county. As data becomes available it would be helpful to overlay into the map to continue to ground truth the wildlife corridors/linkages.