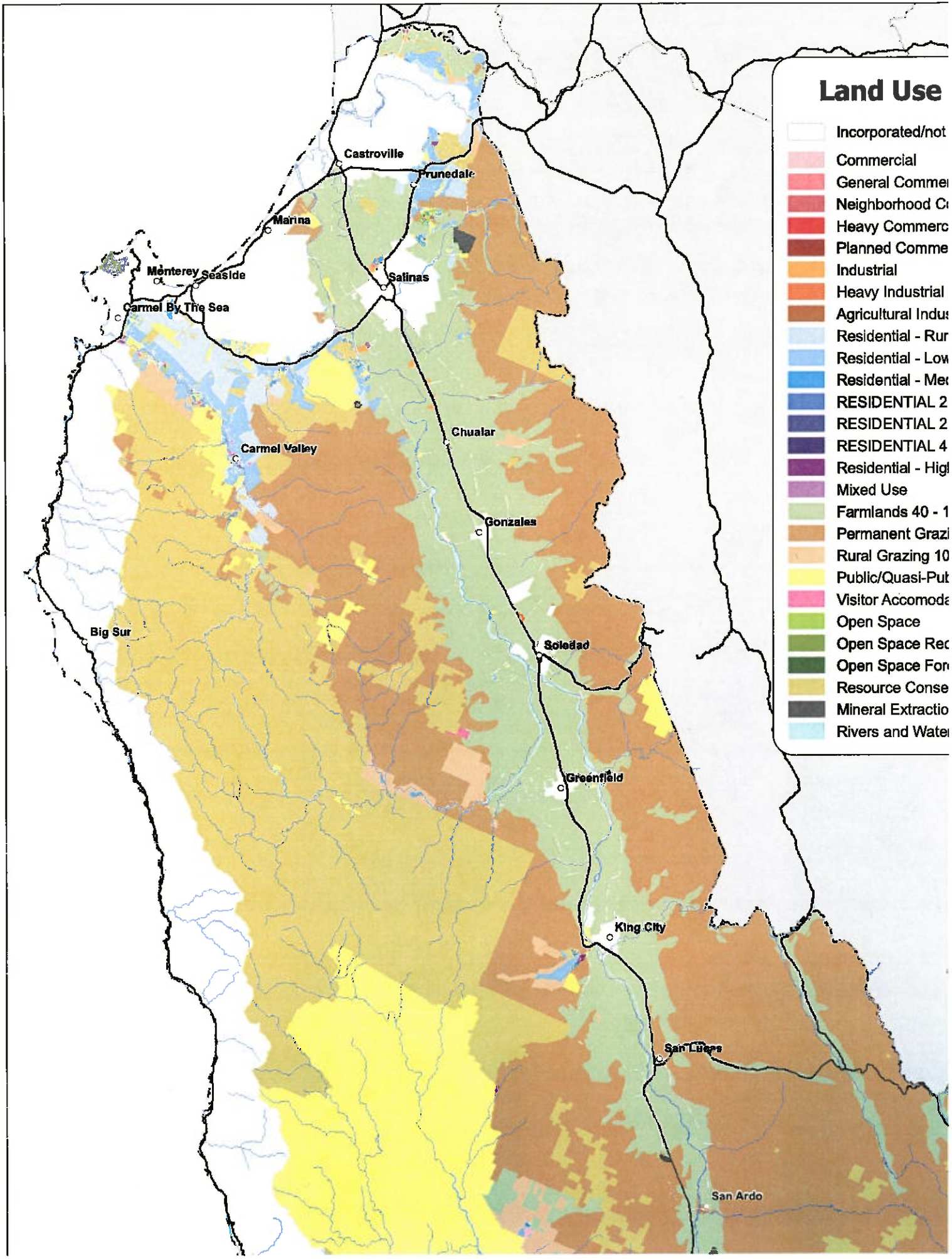


Land Use

- Incorporated/not
- Commercial
- General Commer
- Neighborhood Ci
- Heavy Commerc
- Planned Comme
- Industrial
- Heavy Industrial
- Agricultural Indus
- Residential - Rur
- Residential - Low
- Residential - Met
- RESIDENTIAL 2
- RESIDENTIAL 2
- RESIDENTIAL 4
- Residential - High
- Mixed Use
- Farmlands 40 - 1
- Permanent Grazi
- Rural Grazing 10
- Public/Quasi-Put
- Visitor Accomode
- Open Space
- Open Space Rec
- Open Space For
- Resource Conse
- Mineral Extractio
- Rivers and Water



Land Use Designations

- Incorporated/not covered by county general plan
- Commercial
- General Commercial
- Neighborhood Commercial
- Heavy Commercial
- Planned Commercial
- Industrial
- Heavy Industrial
- Agricultural Industrial
- Residential - Rural Density 5 Acres+/Unit
- Residential - Low Density 5 - 1 Acres/Unit
- Residential - Medium Density 1 - 5 Units/Acre
- RESIDENTIAL 2U/AC
- RESIDENTIAL 2.4U/AC
- RESIDENTIAL 4U/AC
- Residential - High Density 5 - 20 Units/Acre
- Mixed Use
- Farmlands 40 - 160 Ac Min
- Permanent Grazing 10 - 160 Ac Min
- Rural Grazing 10 - 160 Ac Min
- Public/Quasi-Public
- Visitor Accomodations/Professional Offices
- Open Space
- Open Space Recreation
- Open Space Forest
- Resource Conservation
- Mineral Extraction
- Rivers and Water Bodies

Comm Area: Pajaro

Comm Area: Castroville

Prunedale

Comm Area: Fort Ord/East Garrison

Marina

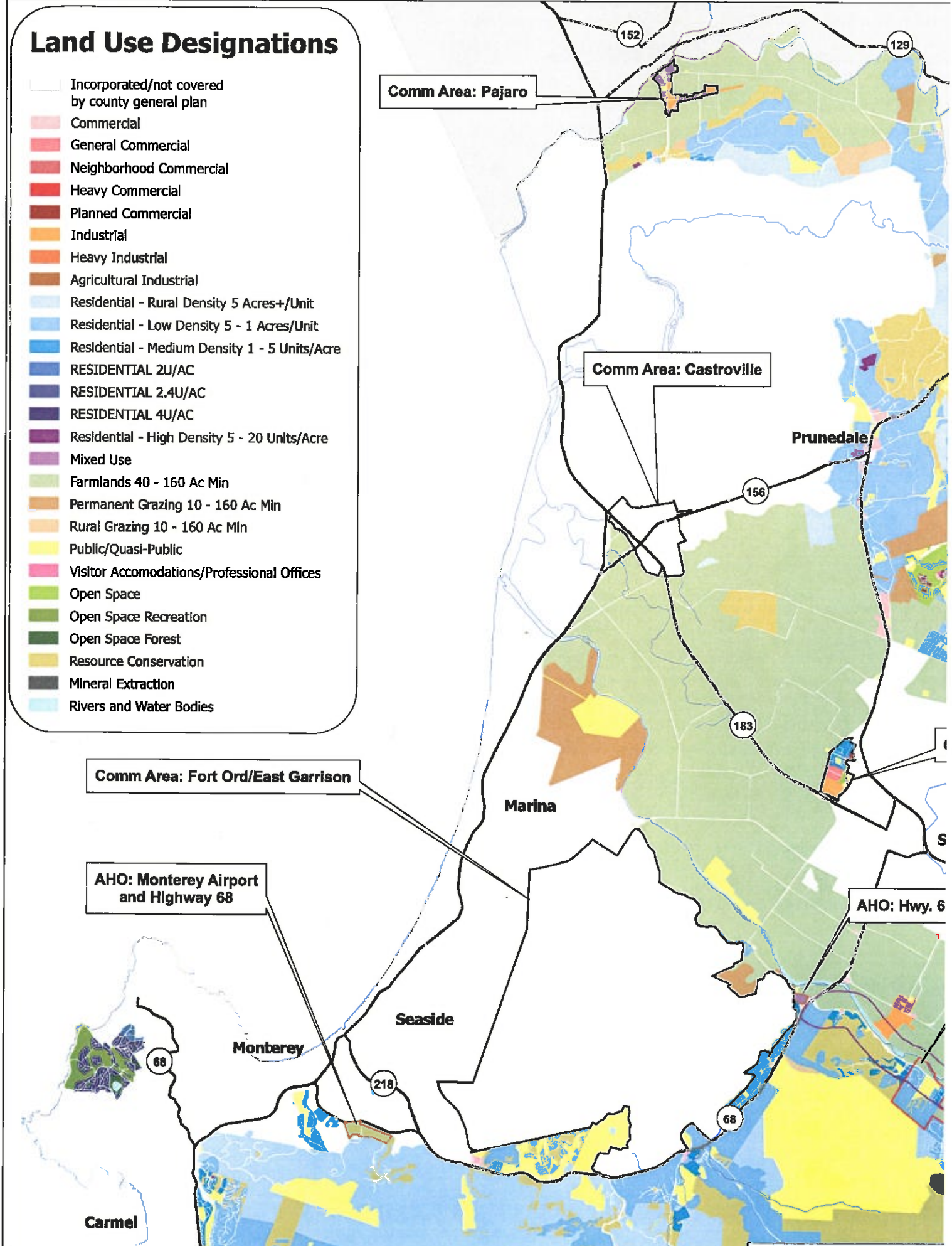
AHO: Monterey Airport and Highway 68

AHO: Hwy. 6

Monterey

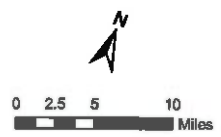
Seaside

Carmel





1 Pajaro
2 Castroville



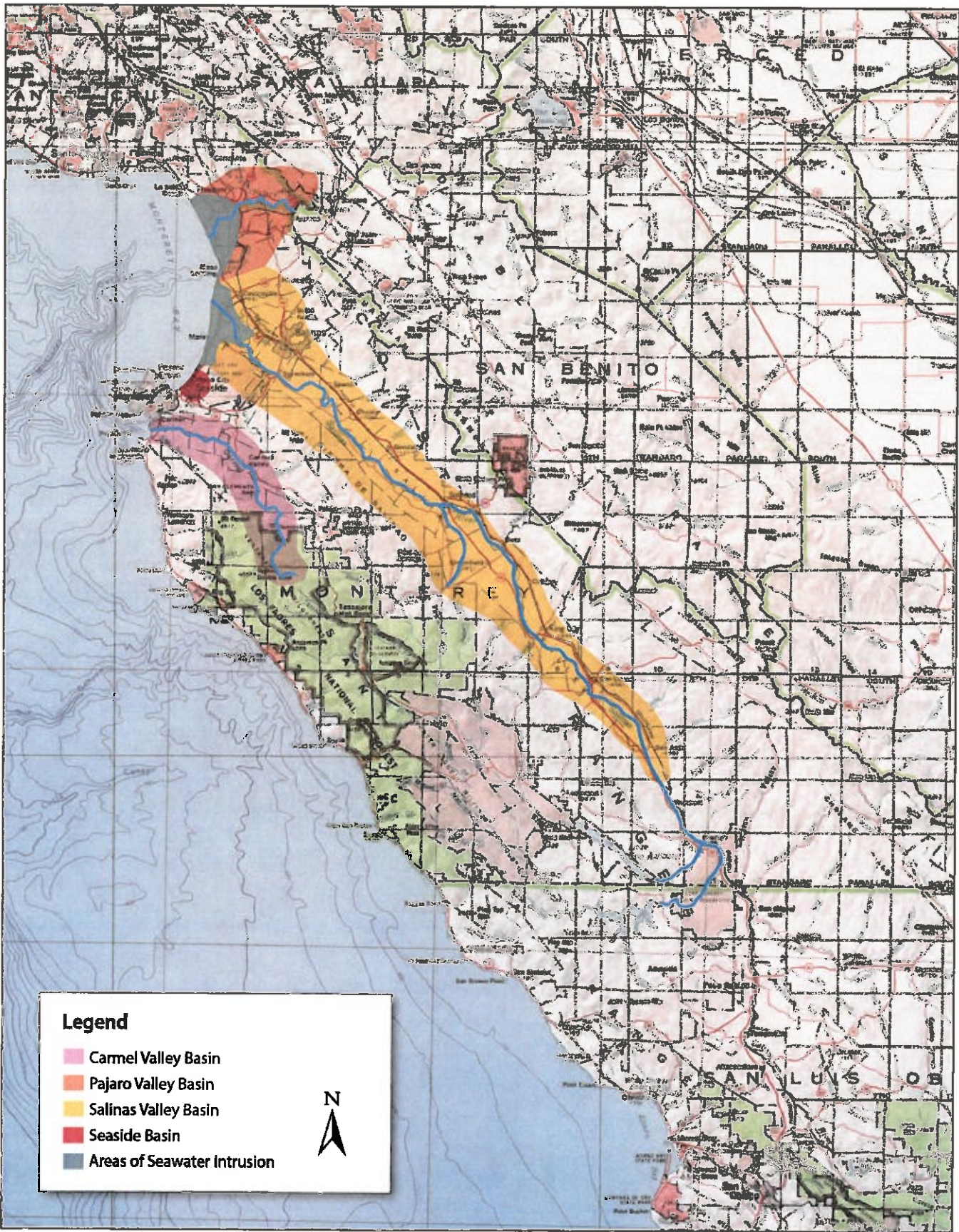
Planning Areas

Community Planning Areas	Rural Centers
AHO Areas	Wine Corridor
Highways	Streams

Exhibit 3.3
Community Areas, Rural Centers,
Affordable Housing Overlay Districts
and Agricultural Winery
Corridor Plan Map



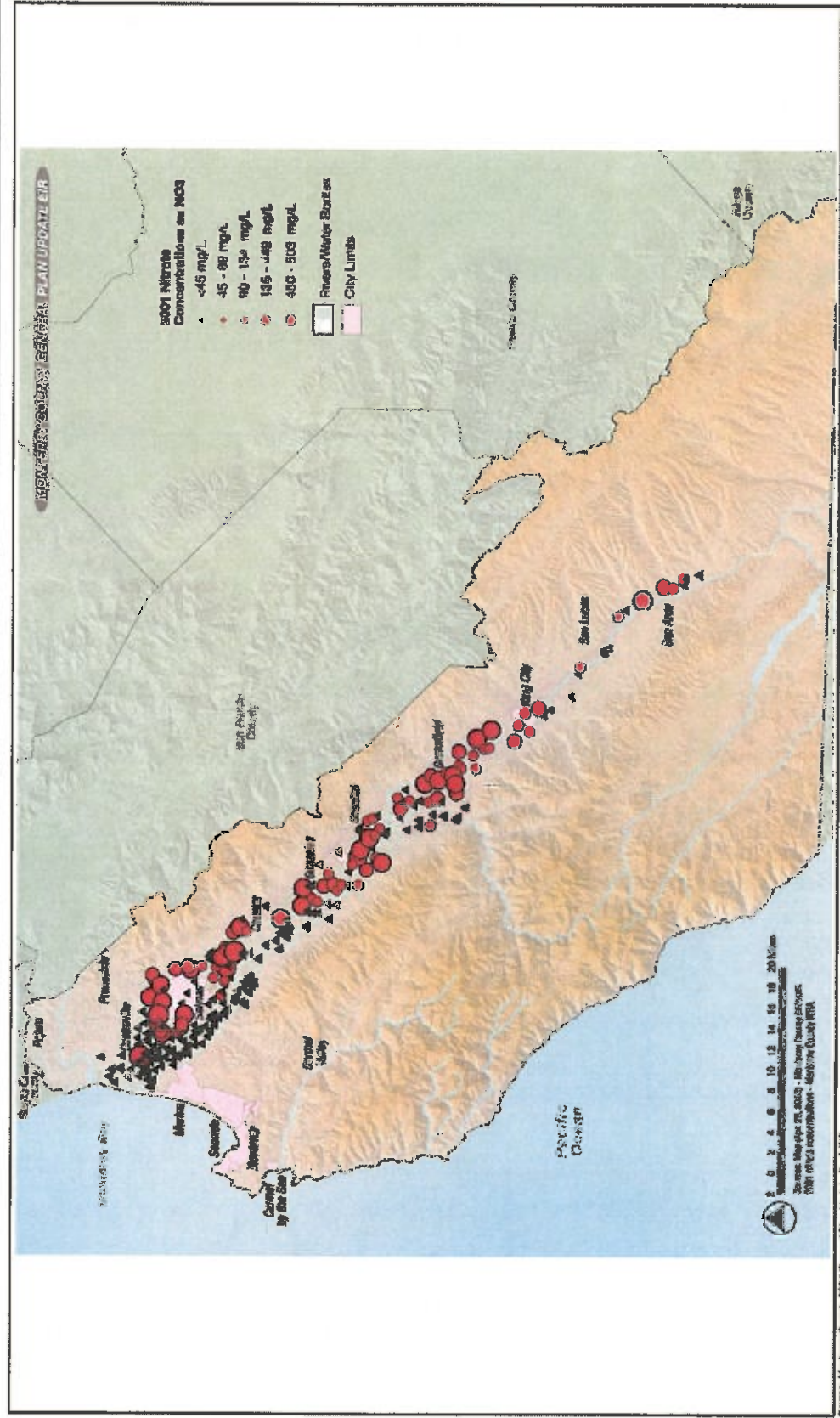
Sources:
County of Monterey, California Spatial Information Library.



Legend

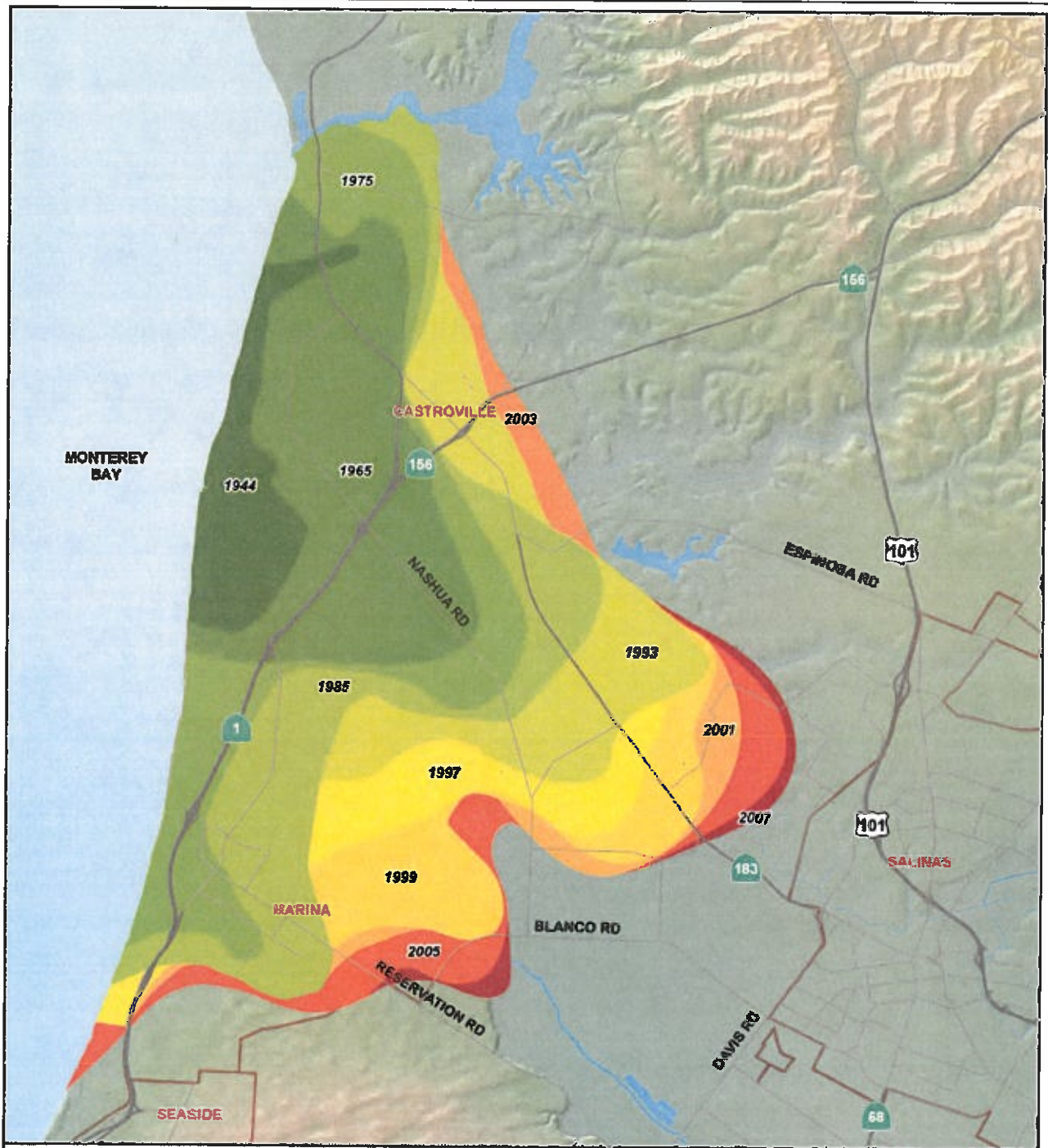
- Carmel Valley Basin
- Pajaro Valley Basin
- Salinas Valley Basin
- Seaside Basin
- Areas of Seawater Intrusion

00982.07 (01-10)



MONTEREY COUNTY GENERAL PLAN EIR

Exhibit 4.3.8
2001 Nitrate Concentrations for Wells in the Salinas Valley Groundwater Basin



Historic Seawater Intrusion Map
 Pressure 180-Foot Aquifer - 500 mg/L Chloride Areas

Legend

Seawater Intruded Areas By Year

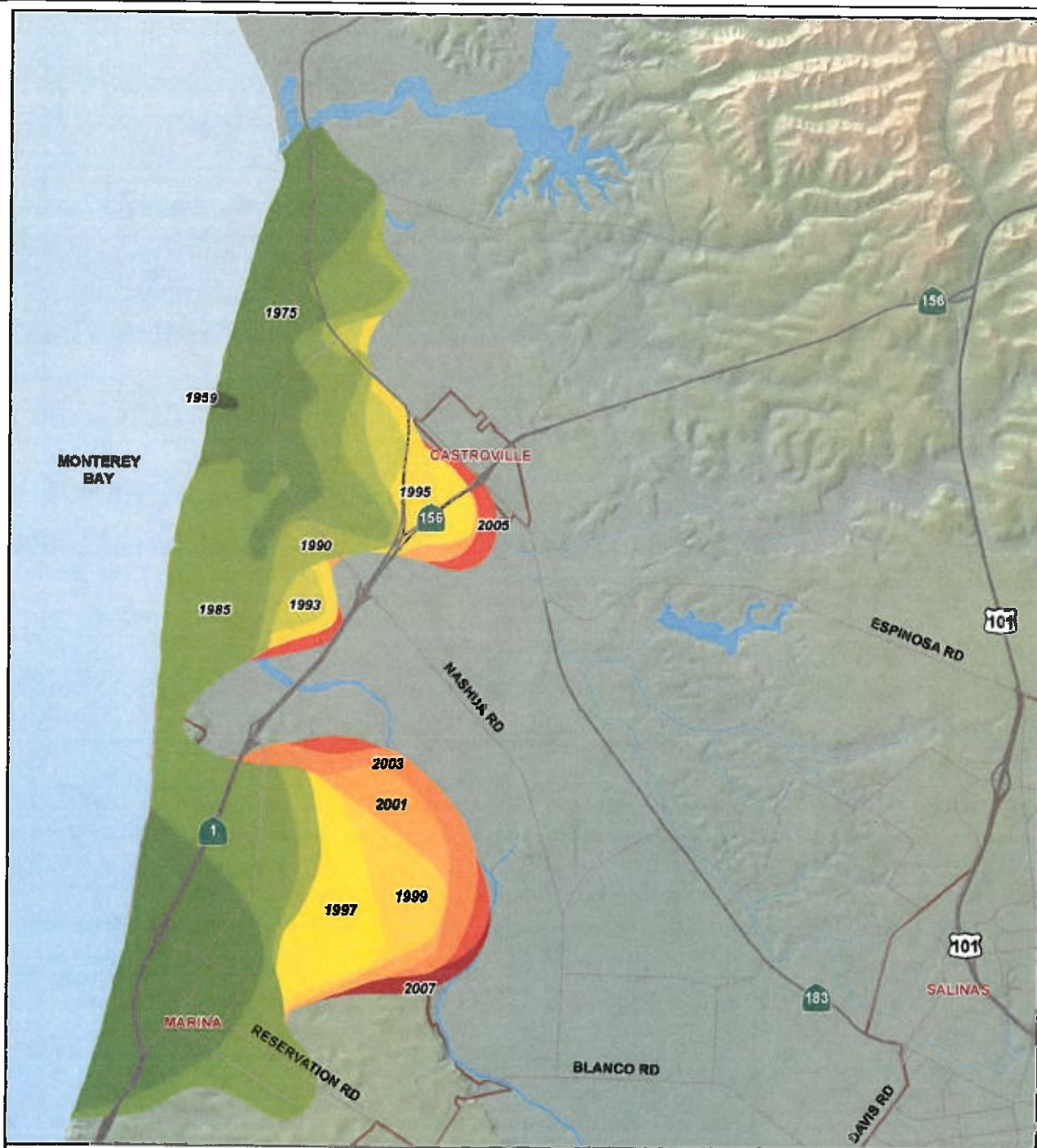
1944	1993	2003	Cities
1965	1997	2005	
1975	1999	2007	
1985	2001		



Scale: This scale is a simplification of all references shown based on approximately 1:100,000 scale and intended only for survey or design work.

Map Date: August 26, 2009

00982.07 (01-10)



Historic Seawater Intrusion Map
 Pressure 400-Foot Aquifer - 500 mg/L Chloride Areas

Legend

Seawater Intruded Areas By Year

- | | | | |
|--------|--------|--------|----------|
| ■ 1959 | ■ 1993 | ■ 2001 | □ Cities |
| ■ 1975 | ■ 1995 | ■ 2003 | |
| ■ 1985 | ■ 1997 | ■ 2005 | |
| ■ 1990 | ■ 1999 | ■ 2007 | |



Note: The scale and configuration of all intrusions shown herein are approximate and are not intended as a guide for zoning or design work.

Map Date: August 28, 2009

00982.07 (01-10)

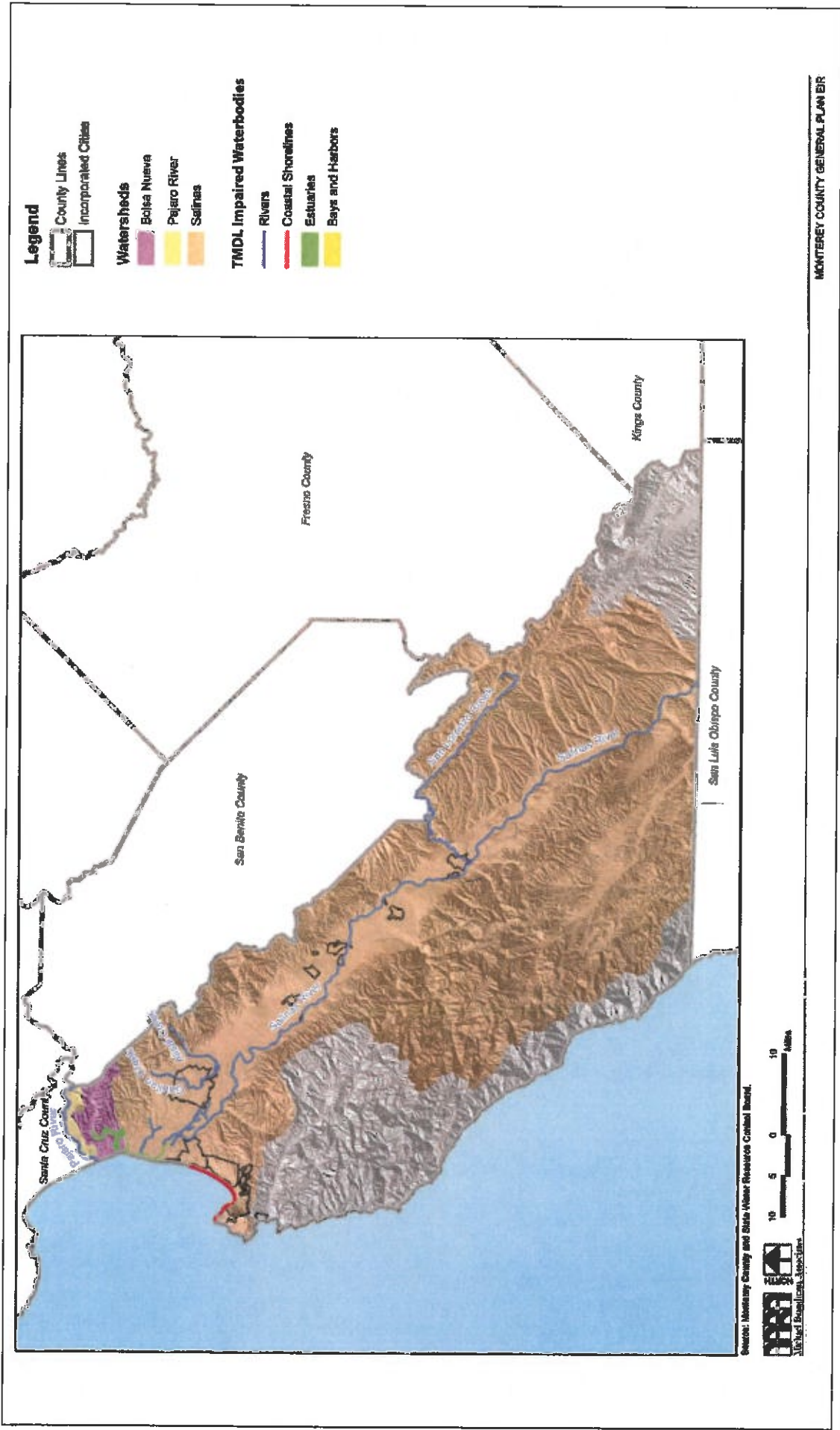
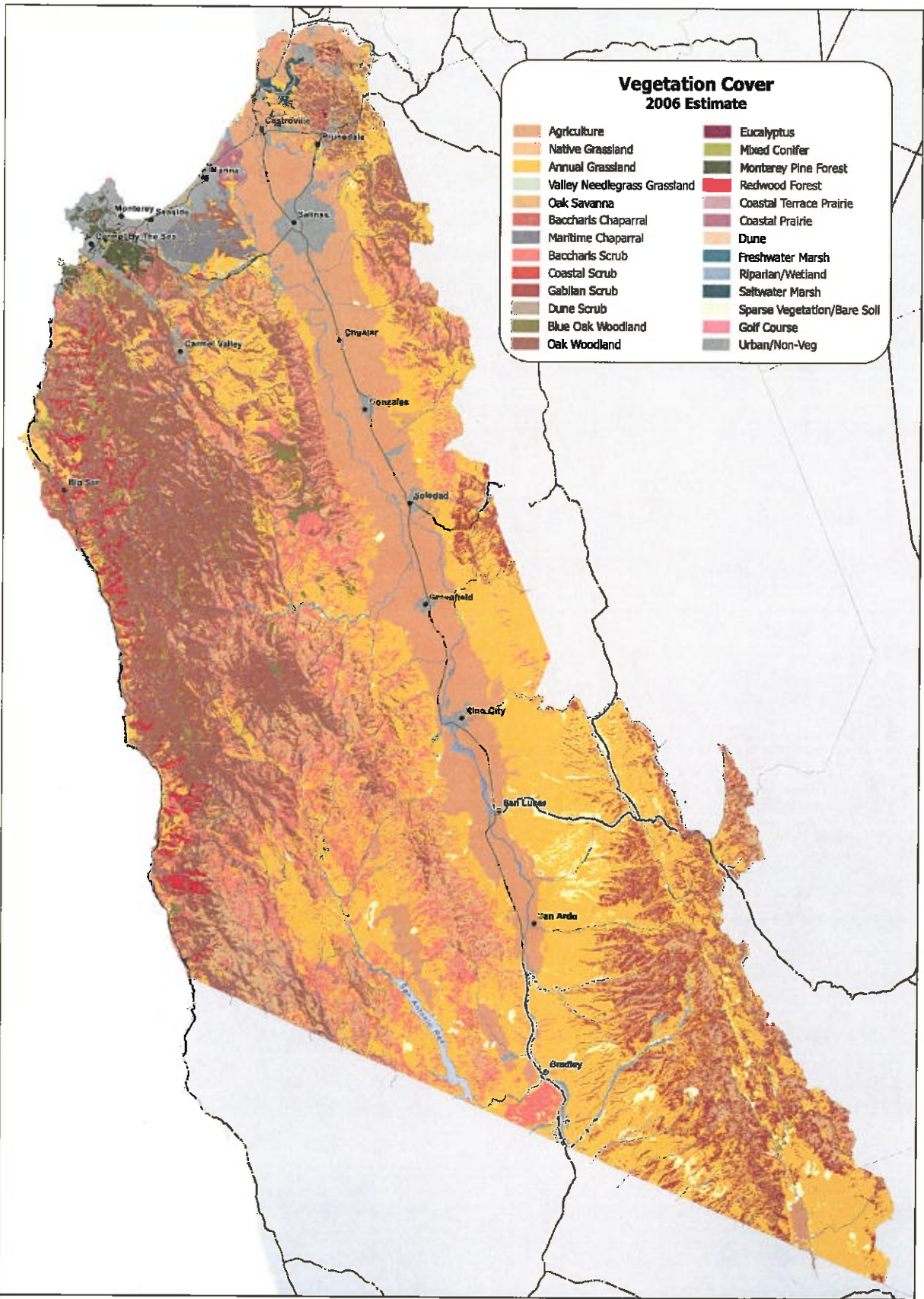
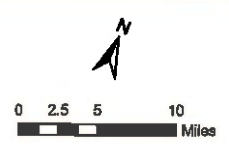


Exhibit 4.3.10
 Impaired Waterbodies



Vegetation Cover 2006 Estimate

 Agriculture	 Eucalyptus
 Native Grassland	 Mixed Conifer
 Annual Grassland	 Monterey Pine Forest
 Valley Needlegrass Grassland	 Redwood Forest
 Oak Savanna	 Coastal Terrace Prairie
 Baccharis Chaparral	 Coastal Prairie
 Maritime Chaparral	 Dune
 Baccharis Scrub	 Freshwater Marsh
 Coastal Scrub	 Riparian/Wetland
 Gabilan Scrub	 Saltwater Marsh
 Dune Scrub	 Sparse Vegetation/Bare Soil
 Blue Oak Woodland	 Golf Course
 Oak Woodland	 Urban/Non-Veg



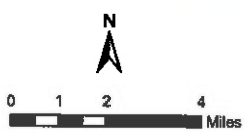
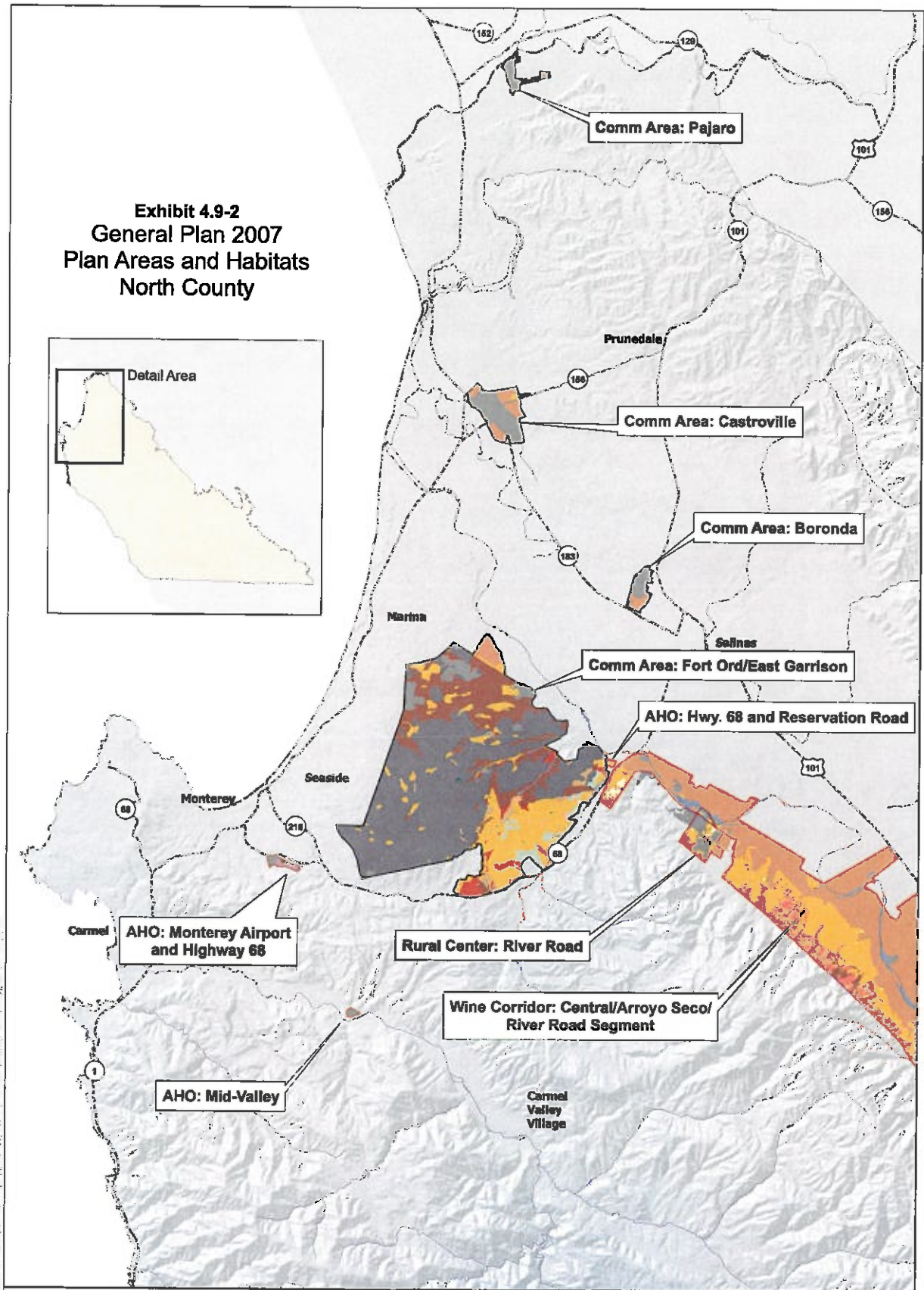
Highways
 Streams

Exhibit 4.9-1
Vegetation Cover, 2006
Monterey County



Sources:
 California Department of Conservation, Farmland Mapping and Monitoring Program, 1984, 1998, and 2006.
 County of Monterey, 1982 vegetation mapping.
 California Spatial Information Library.
 Monterey pine forest extent shown is for 2004 and is from the 2004 Final Environmental Impact Report for the Pebble Beach Company Del Marra Forest Preservation and Development Plan.

**Exhibit 4.9-2
General Plan 2007
Plan Areas and Habitats
North County**

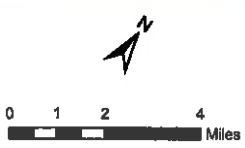
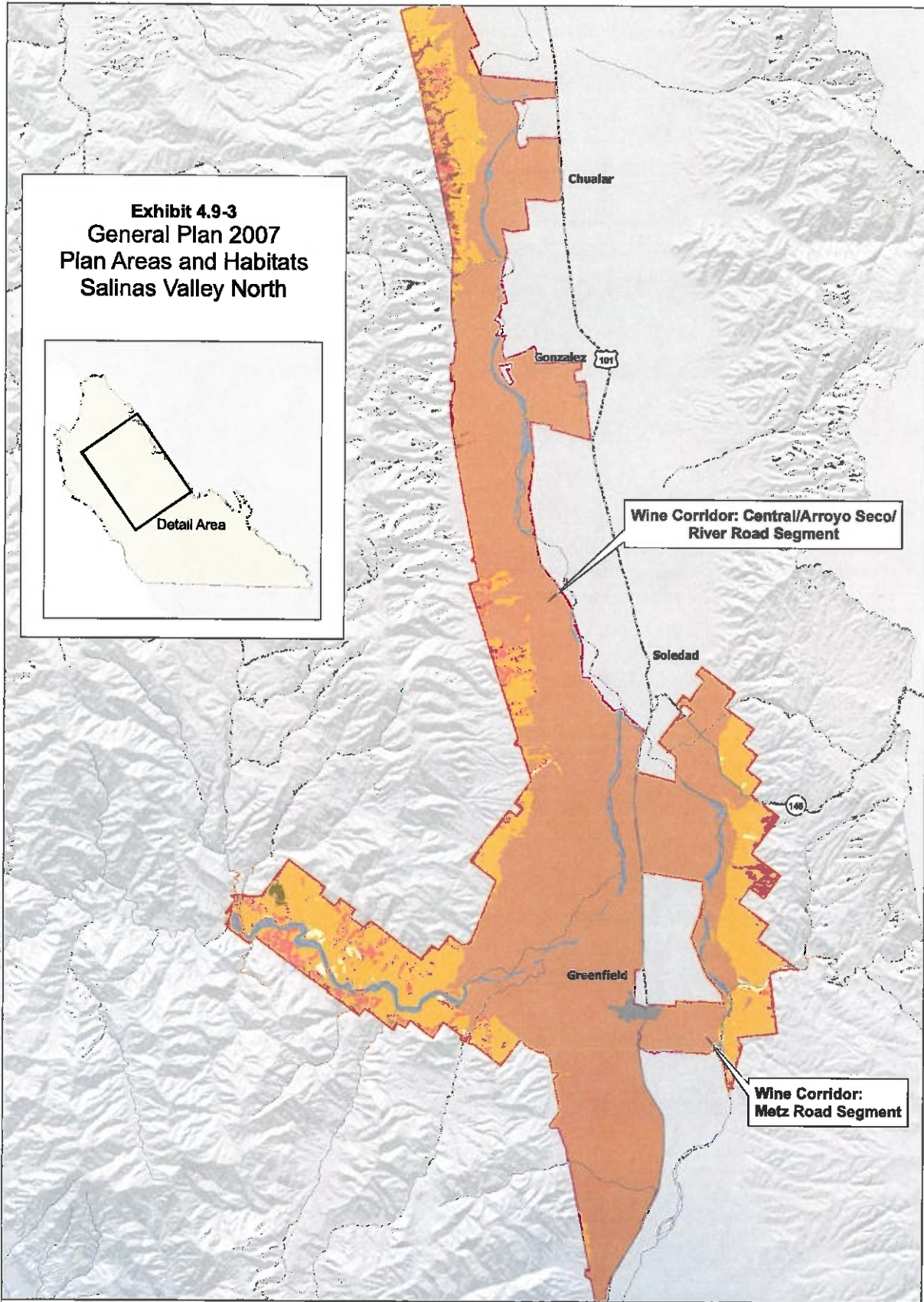
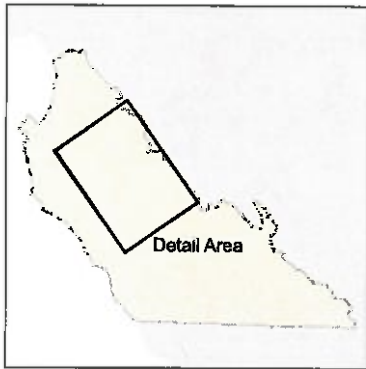


Habitat Types			
	Annual Grassland		Mixed Conifer
	Native Grassland		Freshwater Marsh
	Valley Needlegrass Grassland		Riparian/Wetland
	Oak Woodland		Sparse Vegetation/Bare Soil
	Blue Oak Woodland		Urban/Non-Veg
	Monterey Pine Forest		Agriculture
	Oak Savanna		
	Coastal Terrace Prairie		
	Coastal Prairie		
	Maritime Chaparral		
	Baccharis Scrub		
	Coastal Scrub		
	Gabilan Scrub		



Sources: California Department of Conservation, Farmland Mapping and Monitoring Program, 1984, 1986, and 2008. County of Monterey, 1982 vegetation mapping. California Spatial Information Library. Monterey pine forest extent shown is for 2006 and is from the 2004 Final Environmental Impact Report for the Pebble Beach Company Del Marra Forest Preservation and Development Plan.

**Exhibit 4.9-3
General Plan 2007
Plan Areas and Habitats
Salinas Valley North**



Habitat Types

- | | | |
|------------------------------|-------------------------|-----------------------------|
| Annual Grassland | Coastal Terrace Prairie | Mixed Conifer |
| Native Grassland | Coastal Prairie | Freshwater Marsh |
| Valley Needlegrass Grassland | Maritime Chaparral | Riparian/Wetland |
| Oak Woodland | Baccharis Scrub | Sparse Vegetation/Bare Soil |
| Blue Oak Woodland | Coastal Scrub | Urban/Non-Veg |
| Oak Savanna | Gambian Scrub | Agriculture |



Source: California Department of Conservation, Farmland Mapping and Monitoring Program, 1994, 1998, and 2000. County of Monterey, 1982 vegetation mapping. California Spatial Information Library.

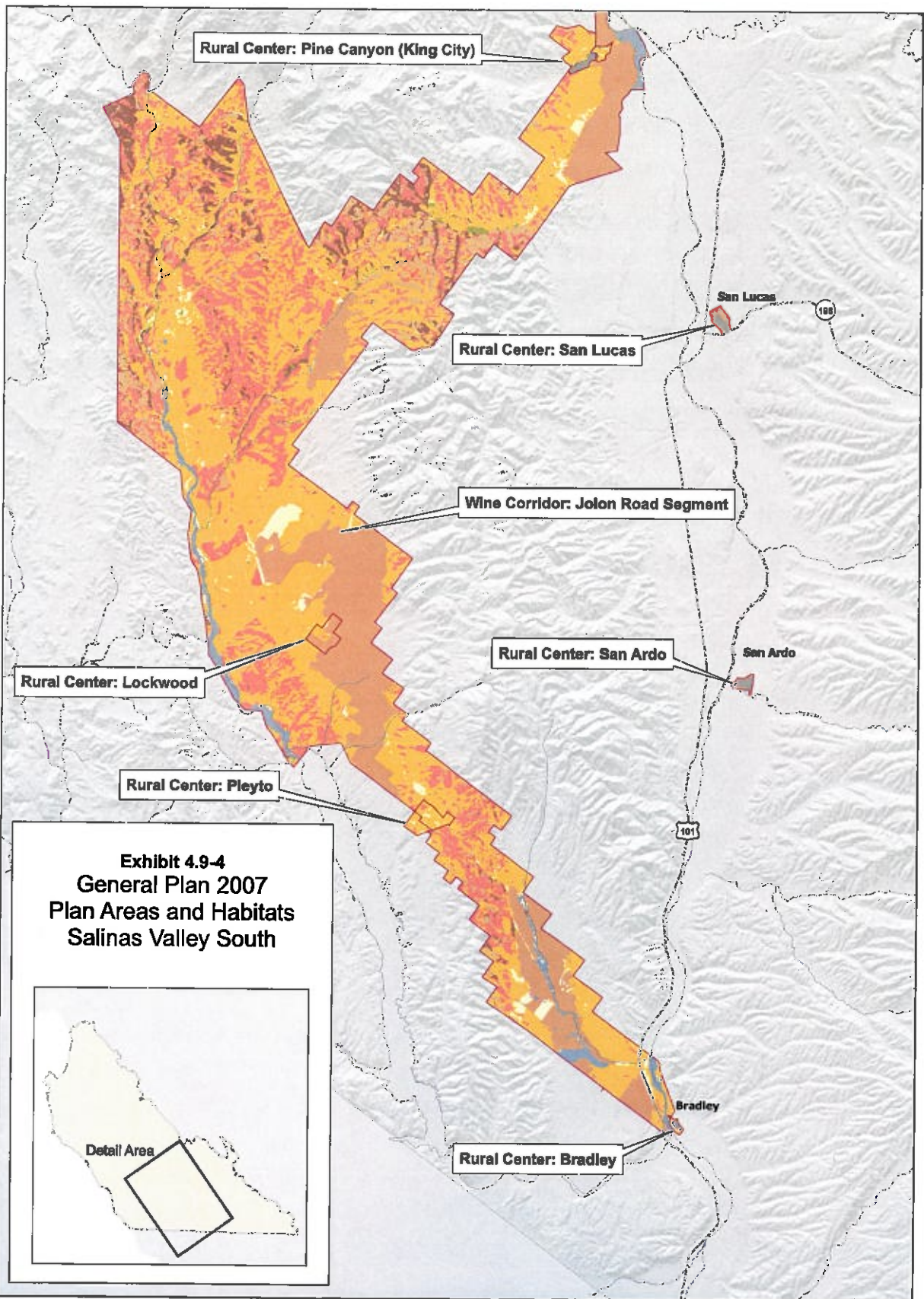
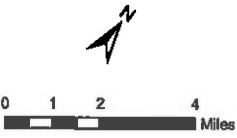


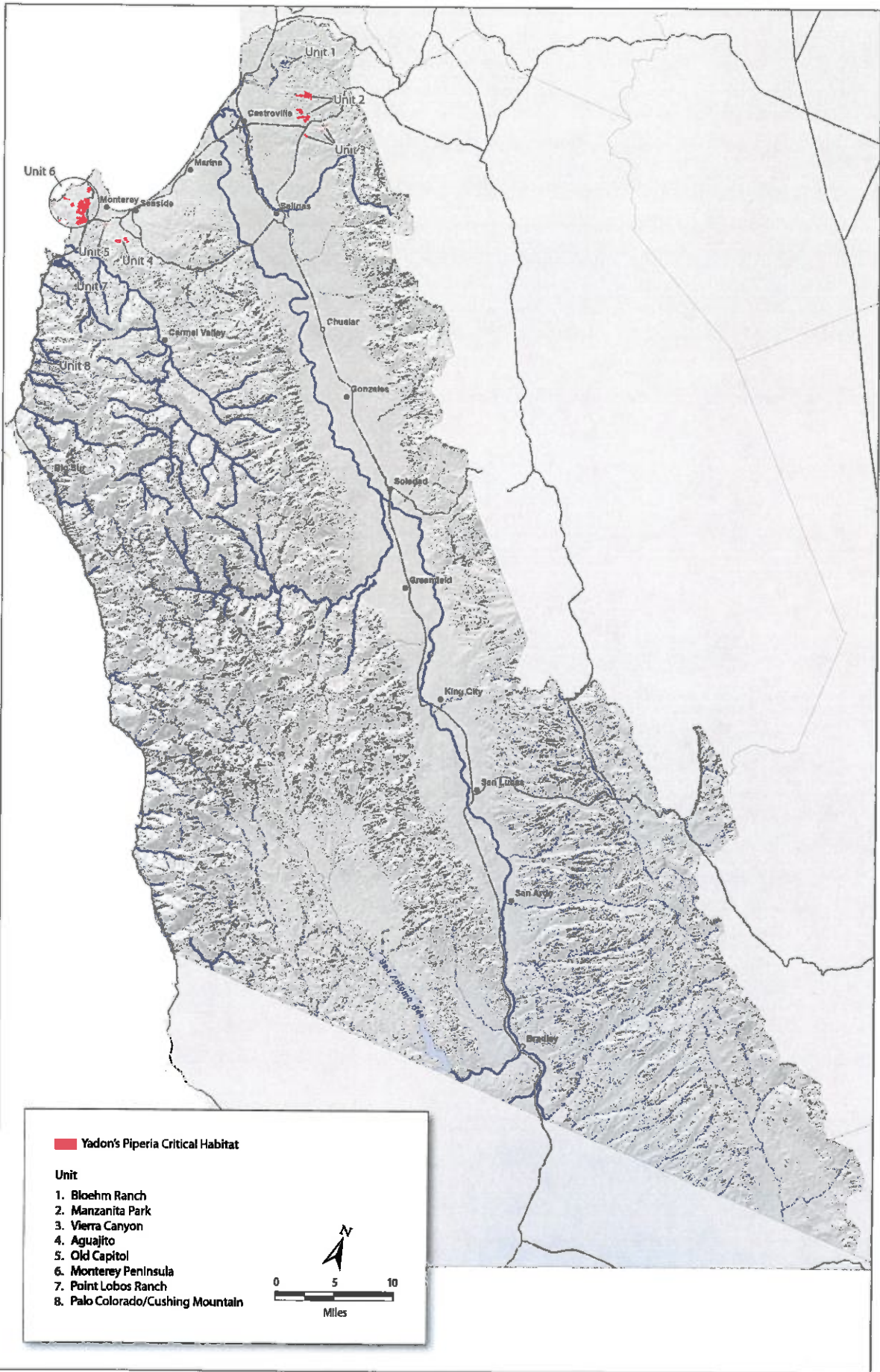
Exhibit 4.9-4
General Plan 2007
Plan Areas and Habitats
Salinas Valley South

Habitat Types

- | | | |
|------------------------------|-------------------------|-----------------------------|
| Annual Grassland | Coastal Terrace Prairie | Mixed Conifer |
| Native Grassland | Coastal Prairie | Freshwater Marsh |
| Valley Needlegrass Grassland | Maritime Chaparral | Riparian/Wetland |
| Oak Woodland | Baccharis Scrub | Sparse Vegetation/Bare Soil |
| Blue Oak Woodland | Coastal Scrub | Urban/Non-Veg |
| Oak Savanna | Gabilan Scrub | Agriculture |



Sources: California Department of Conservation, Farmland Mapping and Monitoring Program, 1984, 1986, and 2006. County of Monterey, 1982 vegetation mapping. California Spatial Information Library.



Chapter 5 Changes to the Draft General Plan Policies

This chapter consists of the proposed General Plan. As discussed in Master Response 1, *Changes to the General Plan* in Chapter 2 of this FEIR, the draft General Plan to be considered by the Planning Commission and Board of Supervisors includes a number of revisions from the “2007 General Plan” (also known as GPU5) that was analyzed by the DEIR in late 2008. The revisions have been analyzed and any changes to the conclusions and text of the EIR have been included in Chapter 4 of this FEIR.

Proposed revisions to the draft 2007 General Plan are shown with strikethrough text for deletions (~~strikethrough~~) and underlined text for additions (underline). Policies that are being deleted in their entirety are shown in strikethrough.

The proposed General Plan is bound separately.

Chapter 6 References

The following references include the references cited in both the FEIR and in the DEIR. References that are cited only in the FEIR are marked with highlighting.

All references (with one exception) are available in hard copy or on CDROM at the Front Counter of the Monterey County Planning Department, Salinas Permit Center, 168 W. Alisal St. 2nd Floor Salinas, CA 93901, (831) 755-5025. Where noted that the reference is available on CD ROM at the front counter, that means the file is available in electronic form for review on a CD ROM on a computer at the front counter. One reference (CNPS, 2001) is available at the California State University – Monterey Bay Library). Some of the references are also available on the internet. The internet links below may or may not be current. If a link does not work, then the document is still available at the front counter either on CDROM or in hard copy. If a location is not listed for a reference below it is available at the front counter either on CDROM or in hard copy.

The Salinas Permit Center is open Monday through Friday, from 7:30 a.m. to 5:00 p.m. For questions regarding these citations, or for assistance, please contact Carl Holm, Deputy Director, RMA-Planning at holmcp@co.monterey.ca.us or 831-755-5103.

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List of Comment Letters
Monterey County GPU5 FEIR
March 12, 2010

Comment

Letter No. Commenter

Federal Agencies

F-1 U.S. Dept. of Commerce - National Oceanic and Administration Fisheries

State Agencies

S-1 California Coastal Commission
S-2 California Department of Conservation
S-3 California Department of Fish And Game
S-4 Department of Forestry and Fire Protection
S-5 Department of Toxic Substances Control
S-6 California Department of Transportation, District 5
S-7 Native American Heritage Commission
S-8a Office of Planning and Research (transmittal letter)
S-8b Office of Planning and Research (transmittal letter)
S-8c Office of Planning and Research (transmittal letter)
S-9 California Regional Water Quality Control Board, Central Coast Region

Comment	
Letter No.	Commenter

Local Agencies

L-1a	Assoc. of Monterey Bay Area Governments
L-1b	Assoc. of Monterey Bay Area Governments
L-2	City of Gonzales
L-3	City of King City
L-4	City of Marina
L-5	City of Salinas
L-6	City of Seaside, Resource Management Services
L-7	County of San Benito
L-8	County of Santa Cruz
L-9	King City Airport Monterey Bay Unified Air Pollution Control District
L-10	Monterey Bay Unified Air Pollution Control District
L-11	Monterey Peninsula Regional Park District
L-12	Monterey Peninsula Water Management District
L-13	Monterey Salinas Transit
L-14	Moss Landing Harbor District
L-15	Salinas Union High School District
L-16	Transportation Agency of Monterey County

Organizations

O-1a	Ag Land Trust
O-1b	Ag Land Trust CRPB & MC - Concerned Residents of Pebble Beach and Monterey County
O-2	Alliance of Monterey Area Preservationists (AMAP)
O-3	California Native Plant Society
O-4	California Oaks Foundation
O-5a	Carmel Valley Association
O-5b	Carmel Valley Association
O-6a	Carmel Valley Traffic Committee
O-6b	Carmel Valley Traffic Committee
O-7	Citizens for Sustainable Monterey County
O-8	Coast Property Owners Association
O-9a	Friends, Artists, and Neighbors of Elkhorn Slough (FANS)
O-9b	Friends, Artists, and Neighbors of Elkhorn Slough (FANS)
O-10a	Helping our Peninsula's Environment (HOPE)
O-10b	Helping our Peninsula's Environment (HOPE)
O-10c	Helping our Peninsula's Environment (HOPE)
O-11a	LandWatch
O-11b	LandWatch
O-11c	LandWatch
O-11d	LandWatch
O-11e	LandWatch
O-11f	LandWatch
O-11g	LandWatch
O-12a	League of Women Voters
O-12b	League of Women Voters
O-13a	Monterey County Cattlemen's Association
O-13b	Monterey County Cattlemen's Association

Comment Letter No.	Commenter
O-14a	Monterey County Farm Bureau
O-14b	Monterey County Farm Bureau
O-15	Monterey Institute for Research in Astronomy (MIRA)
O-16	The Nature Conservancy
O-17	Plan for the People
O-18a	Prunedale Neighbors Group
O-18b	Prunedale Neighbors Group
O-19	Save Our Peninsula Committee
O-20a	Sierra Club, Ventana Chapter
O-20b	Sierra Club, Ventana Chapter
O-20c	Sierra Club, Ventana Chapter
O-21a	The Open Monterey Project
O-21b	The Open Monterey Project
O-21c	The Open Monterey Project
O-21d	The Open Monterey Project
O-21e	The Open Monterey Project
O-21f	The Open Monterey Project
O-21g	The Open Monterey Project
O-21h	The Open Monterey Project
O-21i	The Open Monterey Project
O-21j	The Open Monterey Project
O-21k	The Open Monterey Project

Individuals

I-1	Brennan, Janet
I-2	California Water Service Company
I-3	Clark, David and Madeline
I-4	Del Piero, Marc
I-5	Doering, John
I-6	General Farm Investment Company (C. Bunn)
I-7a	Haines, Jane
I-7b	Haines, Jane
I-7c	Haines, Jane
I-7d	Haines, Jane
I-7e	Haines, Jane
I-7f	Haines, Jane
I-7g	Haines, Jane
I-8	Hale, Robert
I-9	Houston, Lance
I-10	Kasunich, Doug and Susan
I-11	Knauf, Katherine and Don
I-12	L&W Land Company and Sakata Ranch
I-13	Mitchell, Eddie
I-14	Phelps Family and Omni Resources
I-15	Pratt, Nancy
I-16	Robbins, Margaret
I-17	Rosenthal, Richard H.

Comment	
Letter No.	Commenter
I-18	Sanders, Timothy
I-19a	Theyskens, William
I-19b	Theyskens, William (addendum)
I-20	Weaver, Mike
I-21	Zischke, Jaqueline

Late Letters

O-5c	Carmel Valley Association
O-10d	Helping our Peninsula's Environment (HOPE)
O-22	Action Pajaro Valley
I-22	Carver, Robert

Chapter 7 Comment Letters

This chapter contains the written comments received on the DEIR. The comments and responses are grouped in five categories: federal agencies, state agencies, local agencies, organizations, and individuals. Table 7-1 below identifies the commenters and assigns a number to their correspondence. Where more than one letter or correspondence was received from a commenter, the letters are given alphabetic subscripts with the commenter's number. For example, the numbers O-1a and O-1b would be applied to two letters that were submitted by the same organization.

The individual comment letters are marked to identify the specific issues raised in the letter, and numbered accordingly in the margin. The responses are organized in accordance with the appearance of the comment in the letter. So, response O-1a.1 would respond to the first comment in letter O-1a, response O-1a.2 to the second comment, and so on.

To reduce the size of this chapter, most comment letters have been reproduced two pages per printed page. Accordingly, most printed pages comprise two numbered pages.

Table 7-1. List of DEIR Commenters

Comment Letter Number	Commenter	Page Number
Federal Agencies		
F-1	U.S. Dept. of Commerce - National Oceanic and Administration Fisheries	7-5
State Agencies		
S-1	California Coastal Commission	7-9
S-2	California Department of Conservation	7-12
S-3	California Department of Fish And Game	7-14
S-4	Department of Forestry and Fire Protection	7-23
S-5	Department of Toxic Substances Control	7-34
S-6	California Department of Transportation, District 5	7-37
S-7	Native American Heritage Commission	7-41
S-8a	Office of Planning and Research (transmittal letter)	7-44
S-8b	Office of Planning and Research (transmittal letter)	7-48
S-8c	Office of Planning and Research (transmittal letter)	7-53
S-9	California Regional Water Quality Control Board, Central Coast Region	7-56

Comment Letter Number	Commenter	Page Number
Local Agencies		
L-1a	Assoc. of Monterey Bay Area Governments	7-73
L-1b	Assoc. of Monterey Bay Area Governments	7-74
L-2	City of Gonzales	7-75
L-3	City of King City	7-78
L-4	City of Marina	7-81
L-5	City of Salinas	7-84
L-6	City of Seaside, Resource Management Services	7-112
L-7	County of San Benito	7-115
L-8	County of Santa Cruz	7-117
L-9	King City Airport Monterey Bay Unified Air Pollution Control District	7-119
L-10	Monterey Bay Unified Air Pollution Control District	7-121
L-11	Monterey Peninsula Regional Park District	7-133
L-12	Monterey Peninsula Water Management District	7-163
L-13	Monterey Salinas Transit	7-168
L-14	Moss Landing Harbor District	7-170
L-15	Salinas Union High School District	7-171
L-16	Transportation Agency of Monterey County	7-320
Organizations		
O-1a	Ag Land Trust	7-331
O-1b	Ag Land Trust CRPB & MC - Concerned Residents of Pebble Beach and Monterey County	7-332
O-2	Alliance of Monterey Area Preservationists (AMAP)	7-368
O-3	California Native Plant Society	7-369
O-4	California Oaks Foundation	7-371
O-5a	Carmel Valley Association	7-375
O-5b	Carmel Valley Association	7-376
O-6a	Carmel Valley Traffic Committee	7-443
O-6b	Carmel Valley Traffic Committee	7-449
O-7	Citizens for Sustainable Monterey County	7-455
O-8	Coast Property Owners Association	7-458
O-9a	Friends, Artists, and Neighbors of Elkhorn Slough (FANS)	7-464
O-9b	Friends, Artists, and Neighbors of Elkhorn Slough (FANS)	7-465
O-10a	Helping our Peninsula's Environment (HOPE)	7-512
O-10b	Helping our Peninsula's Environment (HOPE)	7-526
O-10c	Helping our Peninsula's Environment (HOPE)	7-532
O-11a	LandWatch	7-544
O-11b	LandWatch	7-545
O-11c	LandWatch	7-547
O-11d	LandWatch	7-549
O-11e	LandWatch	7-551
O-11f	LandWatch	7-554
O-11g	LandWatch	7-557
O-12a	League of Women Voters	7-877

Comment Letter Number	Commenter	Page Number
O-12b	League of Women Voters	7-890
O-13a	Monterey County Cattlemen's Association	7-891
O-13b	Monterey County Cattlemen's Association	7-897
O-14a	Monterey County Farm Bureau	7-902
O-14b	Monterey County Farm Bureau	7-935
O-15	Monterey Institute for Research in Astronomy (MIRA)	7-939
O-16	The Nature Conservancy	7-942
O-17	Plan for the People	7-947
O-18a	Prunedale Neighbors Group	7-956
O-18b	Prunedale Neighbors Group	7-962
O-19	Save Our Peninsula Committee	7-970
O-20a	Sierra Club, Ventana Chapter	7-973
O-20b	Sierra Club, Ventana Chapter	7-975
O-20c	Sierra Club, Ventana Chapter	7-978
O-21a	The Open Monterey Project	7-993
O-21b	The Open Monterey Project	7-999
O-21c	The Open Monterey Project	7-1,001
O-21d	The Open Monterey Project	7-1,003
O-21e	The Open Monterey Project	7-1,038
O-21f	The Open Monterey Project	7-1,042
O-21g	The Open Monterey Project	7-1,049
O-21h	The Open Monterey Project	7-1,050
O-21i	The Open Monterey Project	7-1,051
O-21j	The Open Monterey Project	7-1,054
O-21k	The Open Monterey Project	7-1,055
Individuals		
I-1	Brennan, Janet	7-1,171
I-2	California Water Service Company	7-1,172
I-3	Clark, David and Madeline	7-1,177
I-4	Del Piero, Marc	7-1,178
I-5	Doering, John	7-1,179
I-6	General Farm Investment Company (C. Bunn)	7-1,180
I-7a	Haines, Jane	7-1,189
I-7b	Haines, Jane	7-1,190
I-7c	Haines, Jane	7-1,193
I-7d	Haines, Jane	7-1,197
I-7e	Haines, Jane	7-1,199
I-7f	Haines, Jane	7-1,202
I-7g	Haines, Jane	7-1,203
I-8	Hale, Robert	7-1,205
I-9	Houston, Lance	7-1,206
I-10	Kasunich, Doug and Susan	7-1,282
I-11	Knauf, Katherine and Don	7-1,284

Comment Letter Number	Commenter	Page Number
I-12	L&W Land Company and Sakata Ranch	7-1,285
I-13	Mitchell, Eddie	7-1,288
I-14	Phelps Family and Omni Resources	7-1,294
I-15	Pratt, Nancy	7-1,298
I-16	Robbins, Margaret	7-1,299
I-17	Rosenthal, Richard H.	7-1,317
I-18	Sanders, Timothy	7-1,318
I-19a	Theyskens, William	7-1,325
I-19b	Theyskens, William (addendum)	7-1,330
I-20	Weaver, Mike	7-1,332
I-21	Zischke, Jaqueline	7-1,335
Late Letters		
O-5c	Carmel Valley Association	7-1,337
O-10d	Helping our Peninsula's Environment (HOPE) (Later Letter)	7-1,346
O-22	Action Pajaro Valley (Late Letter)	7-1,349
I-22	Carver, Robert (Late Letter)	7-1,350

**Comment Letters
Federal Agencies**



F-1

UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL MARINE FISHERIES SERVICE
777 Saratoga Ave., Room 325
Santa Rosa, CA 95404-1781

October 17, 2008

In response to file #
2116187620080020380

Monterey County
Planning and Building
Inspection Administration

OCT 20 2008

RECEIVED

Carl Hahn, Assistant Director
Monterey County Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, California 93901

Dear Mr. Ehlken:

Thank you for the opportunity to comment on the September 2008 Draft Environmental Impact Report (DEIR) for the 2007 Monterey County General Plan. NOAA's National Marine Fisheries Service (NMFS) received a notice seeking written comments on the DEIR on September 5, 2008. Our comments on the September 2008 DEIR for the 2007 Monterey County General Plan are provided below. Please also refer to our October 2, 2006, comments we provided to the Monterey County Planning Department on the County of Monterey's Draft Program Environmental Impact Report for the 2005 Monterey County General Plan.

Many rivers, streams, and creeks within Monterey County support biologically-diverse South-Central California Coast (S-CCC) Distinct Population Segment (DPS) steelhead (*Oncorhynchus mykiss*, F1FR 839). Many of these watersheds are designated as critical habitat for S-CCC steelhead (50 FR 52488). NMFS is responsible for the protection of S-CCC steelhead pursuant to the Federal Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.) and implementing regulations promulgated thereunder.

NMFS has determined the S-CCC steelhead DPS is suffering a significant decline in overall abundance and productivity, is becoming increasingly fragmented, and that four sub-populations have become or are nearly extirpated. These population trends in conjunction with the large scale anthropogenic influences (e.g., water diversion, the influence of large dams, agricultural practices [including irrigation], urbanization, loss of wetlands and riparian areas, trawling, gravel mining, and logging) on habitat conditions lead to the conclusion that this DPS continues to decline toward extinction. Further adverse effects to steelhead and their designated critical habitat as a result of water use are of primary concern to NMFS relative to the DEIR.

Specific comments

Page 4.3-14 refers to "the central coast steelhead", but should be changed to South-Central California Coast steelhead.



F-1

2

Page 4.3-78 states, "Work in Salinas River and Arroyo Seco River channels is exempted if it is covered by a (U.S. Army Corps of Engineers) 5-year regional Section 404 permit, approved by the (California Department of Fish and Game), and approved by the (Monterey County Water Resources Agency)." This sentence is incorrect. The existing 5-year regional Section 404 permit expires on October 31, 2008, and does not include any channel maintenance activities in the Arroyo Seco River. We expect the Monterey County Water Resources Agency will apply for another 5-year regional Section 404 from the U.S. Army Corps of Engineers, which will require Federal Endangered Species Act consultation between NMFS and the U.S. Army Corps of Engineers; we do not expect the Monterey County Water Resources Agency will propose to authorize channel maintenance activities in the Arroyo Seco River.

Page 4.3-97: We support the development and adoption of a stream setback ordinance. Setbacks must be adequate to (1) sufficiently remove harmful human activities near watercourses, and (2) prevent channel incision and stream bank erosion in the stream ecosystem. The county setback ordinance should apply not only to urban rivers and creeks listed on page 4.3-97, but to all watercourses supporting steelhead. We would like to work with Monterey County on the development of a stream setback ordinance because local regulations affecting stream corridor health and function directly affect our ability to conserve and protect steelhead and their habitat.

Page 4.3-103; Area Plan Policies: Although some Area Plans have supplemental policies supporting water quality protection related to construction projects on soil erosion and sedimentation, all Area Plans should have policies regarding construction-related soil erosion and sedimentation.

Page 4.9-34: The DEIR should acknowledge that NMFS has listed approximately 432 miles of steelhead designated critical habitat in Monterey County for S-CCC DPS steelhead and describe how the General Plan will avoid impacts to steelhead/critical habitat.

Page 4.9-41: The DEIR does not address lagoons/estuarine within Monterey County. The DEIR should describe how the General Plan will avoid impacts to these important habitats.

Page 4.9-48: When referring to the issuance of a biological opinion, the DEIR should state that NMFS, in addition to the U.S. Fish and Wildlife Service, also issues biological opinions.

Page 4.9-47; Endangered Species Act: The ESA was enacted to identify species at risk of extinction, to provide a means to help such species recover, and to protect the ecosystems of which declining species are a part. Section 9 of the ESA prohibits on "take" applies to the activities of everyone - every state, city, and county government, every business, and every citizen. Local agencies are liable under the ESA for issuing permits which result in take of federally-protected species.

In addition to sections 7 and 10 of the ESA, section 4(d) has rules that include a set of limits on the application of the ESA "take" prohibitions for specific categories of activities that contribute

F-1

3


to the conservation of listed toothhead or adequately limit their adverse impacts. The limits can be thought of as exceptions to the 'take' prohibitions.

One of the limits, Limit No. 12 - Municipal, Residential, Commercial and Industrial Development and Redevelopment (MRCID), may be applicable to Monterey County. As a general matter, MRCID Development (and redevelopment) has a significant potential to degrade habitat and injure or kill toothhead in a variety of ways. With appropriate safeguards, MRCID development can be specifically tailored to minimize impacts on listed fish to the extent that additional Federal protections would not be needed to conserve the listed DPS. To be approved for a limit on ESA 'take' prohibitions, a program must adequately contribute to the conservation of salmonids and meet their biological requirements. By providing limitation from take liability, NMFS encourages governments and private citizens to adjust their programs and activities to be "salmon safe". For more information, contact NMFS or see <http://www.nmfs.noaa.gov/ESA-Salmon-Regulations-Permits/44-Rules/index.cfm>.

Page 4.9-55, Section 4.9.5.2: "NMFS" should be added to the end of the first two paragraphs, to read: "or regulations, or by the CDFG, USFWS, or NMFS..."

Page 4.9-74: Pursuant to Mitigation Measure BIO-1.3, we recommend the County contact NMFS when proposed projects may affect toothhead or their habitat. If the project will not take or harm listed fish, then there is no need to modify the activity, or to contact NMFS. If, however, after reviewing the project, it seems likely it will take or harm listed fish, or there is uncertainty about whether take or harm may occur, the acting agency, entity, or individual should contact NMFS to seek more information on enhancing the project's impacts and determining ways to avoid harming the fish and violating the ESA.

Thank you again for the opportunity to comment on the DEIR and we look forward to working with the County in the future. Please contact Mr. Bill Stevens at (707) 575-6066 or via e-mail at Bill.Stevens@noaa.gov, if you have any questions concerning these comments.


 Disk Butler
 Santa Rosa Area Office Supervisor
 Protected Resources Division

cc: Russ Storch, NMFS, Sacramento

11

12

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**Comment Letters
State Agencies**

FEB-02-09 04:00pm From Coastal Commission
 01-14-07/077 7-02 P 03/1/09 P-02

CALIFORNIA COASTAL COMMISSION
 CENTRAL COURT HOUSE OFFICE
 1000 STREET 4500
 SANTA CRUZ, CA 95062
 PHONE 831-427-4600
 FACSIMILE 831-427-4607


No. 00000000000000000000
 POC: [Redacted]
 Responsible Submitter: [Redacted]

FEB 03 04:00 PM
 RECEIVED
 4:28 PM

Carl Hobbs, Assistant Director
 Monterey County Planning Department
 168 West Alisal Street, 2nd Floor
 Salinas, CA 95001

Subject: Monterey County 2007 General Plan Draft EIR

In any event, we look forward to seeing a revised final EIR that addresses these and previous comments that we have submitted. Please contact me if you have any questions or would like to discuss our comments further.

Sincerely,

 Katie Morange
 Coastal Planner

cc: CCR, Changelaine
 AMBAG, Changelaine

FEB-02-09 04:00pm From Coastal Commission
 01-14-07/077 7-02 P 03/1/09 P-02

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FEB 03 04:00 PM
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 4:28 PM

Carl Hobbs, Assistant Director
 Monterey County Planning Department
 168 West Alisal Street, 2nd Floor
 Salinas, CA 95001

Subject: Monterey County 2007 General Plan Draft EIR

Dear Mr. Hobbs:

Thank you for the opportunity to comment on the Draft Program Environmental Impact Report (EIR) for the Monterey County 2007 General Plan. Please note that we have previously provided comment on the earlier version of this EIR (letter of April 2, 2004), on the Notice of Preparation for the EIR for the 2006 General Plan document (letter of March 14, 2006), on the Draft EIR for the 2006 General Plan document (letter dated October 15, 2006), and on the General Plan draft themselves, including, most recently our letter of July 25, 2006. Please continue to consider these previous comments as the County moves forward with subsequent General Plan drafts and environmental review. The purpose of this letter is not to reiterate those past comments, but rather to provide some general feedback regarding the relationship of the General Plan to the Local Coastal Program (LCP) and related CEQA documents.

As we have noted previously, we understand it is not the County's intent to use any part of the General Plan document as the basis for an LCP amendment or update. We further understand that any such LCP update amendments prepared by the County will be prepared separately in the future through their own planning processes. As a result, and due to ongoing budget and staffing shortfalls, we have not thoroughly reviewed the current documents, preferring instead to allow our specialists review time to future coastal zone documents and proposals. However, despite indications in the text that the General Plan and EIR are meant to cover only the inland portions of the County, a cursory review of the EIR document indicates that a significant amount of data collection appears to have been included for the coastal zone portion of the County, and is represented in various exhibits, tables, and text throughout the document (e.g., the Biological Resources chapter shows and describes vegetation cover, special-status species, and habitats in the entire County). Although we understand the need to provide overall context in the EIR, given the County's stated position regarding the General Plan's lack of relationship to the coastal zone, we have not reviewed this information in relation to coastal zone resources and potential LCP updates and/or amendments related thereto. Please clarify if our understanding is incorrect, and the EIR/General Plan is intended to form the basis for future LCP planning. If so, we may have more comments for you.

54-82-88 M-118a Free-Coastal Commission 831-427-8877 T-482 P.01/7/08 F-482

FAX TRANSMITTAL

California Coastal Commission
Central Coast District Office

DATE	2/2/09	NUMBER OF PAGES INCLUDING COMMENTS	3
PHONE DELIVERY TO	Carl Holm	FROM:	Katie Morange
COMPANY:			
PHONE NUMBER			CALIFORNIA COASTAL COMMISSION 725 Front Street, Santa Cruz, CA 95060-4008 Phone: (831) 427-4883 Fax: (831) 427-4877
FAX NUMBER	757-9516		

Please notify sender if you do not receive a clear or complete copy of this transmittal.

REMARKS:
General Plan DEIR comments

California Coastal Commission - Central Coast District Office

54-82-888 11-11 Free-Williston of Land Resource Protection 831-427-8877 T-482 P.01/02 M-118a

DEPARTMENT OF CONSERVATION
DIVISION OF LAND RESOURCE PROTECTION S-2

180 West Alisal Street, 2nd Floor
Salinas, CA 98071-2580

VIA FACSIMILE (831) 757-9516
Mr. Carl Holm, Assistant Director
Monterey County Resource Management Agency
180 West Alisal Street, 2nd Floor
Salinas, CA 98071-2580

February 2, 2009

Dear Mr. Holm:

Subject: Draft Environmental Impact Report (DEIR) for the 2007 Monterey County General Plan

The Department of Conservation's (Department) Division of Land Resource Protection (DLRP) has reviewed the DEIR for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's impacts on agricultural land and resources.

Project Description

The 2007 General Plan is a comprehensive update to the existing 1992 Monterey County General Plan providing goals and policies to guide future development and to preserve natural and agricultural resources from urban encroachment by 2035. The 2007 Plan covers all unincorporated portions of the County. The 2007 General Plan includes a new agricultural element and to designate farmland as Agricultural Resource Zones. As a result, the 2007 General Plan also provides strategies for long-term farmland protection.

Important Findings

The DEIR states there are 299,142 acres identified as Important Farmland and 1,095,577 acres of existing local, 793,309 acres are protected under Williamson Act contracts, Farmland Security Zone (FSZ) or other enforceable restrictions as of 2007. The DEIR does an admirable job of discussing the existing environmental setting. We suggest the following be included in the Final Environmental Impact Report (FEIR) related to changes in agricultural resources proposed by implementation of the 2007 General Plan.

The DEIR references that additional information pertaining to the Department's Important Farmland Map and Monterey can be found under section 4.2.2 (see section 4.2.3, reference to regulatory framework). The reference is incorrect; the correct reference is 4.2.4. Grazing lands are an important natural/agricultural resource in Monterey County. The Department suggests the FEIR include the Department's Monterey County Important Farmland Map. The 2008 Map is available at the Department's website and indicates the location of grazing lands in the County.

The Department of Conservation is pleased to provide this feedback and encourage you to contact us if you have any questions or need further information. Thank you for your attention to this project.

1

2

March 2, 2008 11:46 AM RECEIVED BY JUDY REAGAN DIRECTOR 11:47 AM P. OLIVER P-81
 Mr. Carl Helm Assistant Director
 February 2, 2008
 Page 2 of 2

S-2

The DER indicates that implementation of the 2007 General Plan will result in the conversion of 2,371 acres of important farmland to urban land uses. Of this amount, 476 acres of important farmland are within incorporated cities' spheres of influence. The DER states that the remaining acreage is most likely to occur in the Community Areas of Borwick, Castroville, Chualar, and Salinas. The Department recommends the PER include a table indicating the estimated breakdown of important farmland acreage figures per Area Plan. This table could be similar to Table A-52 that indicates the approximate acreage of different vegetation types by Community Areas.


The Department supports the County's proposed policy to adopt and implement a program to address the conversion of important farmland resulting from a change of land use designation or subdivision. Land of important farmland should be identified, and the County may wish to consider that the California Farmland Conservation Program is authorized to accept donations of funds if the Department of Conservation is the designating agency and it agrees to use the funds for purposes of the program in a county specified by the donor.

Williamson Act Land

The Department recommends that the County's more restrictive Williamson Act contract terms (20-year versus 10-year) be included in the discussion of Williamson Act contracts in Section 4.2.4.1. Additionally, we recommend that Exhibit 4.2.2 be updated with the Monterey County 2007 Williamson Act Map. The map is available from the Department for review and provides a complete aerial picture of the County Williamson Act prime and resource lands, Farmland Security Zone lands and lands undergoing conversion of the contract.

The DER states that implementation of the 2007 General Plan will result in the conversion of 41,674 acres of Williamson Act land to urban uses. The DER also indicates that 288 of the 41,674 acres of Williamson Act conversion are located within the sphere of influence of the County's incorporated cities. The Department supports the PER breakdown the 41,674 acres to the number of Williamson Act parcels comprising acres. Additionally, the PER could include a table that provides acreage breakdown of Williamson Act conversion of Williamson Act acreage is expected, i.e. 40 Williamson Act prime acres in the City of Castroville.

Thank you for the opportunity to comment on the DER. If you have questions on our comments, or require technical assistance or information on agricultural land conversion, please contact Adela Lagomastro at 811 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 445-9411.

Sincerely,

 Dana
 Program Manager
 Williamson Act Program
 cc: State Clearinghouse

03-03-08 11:46 AM RECEIVED BY JUDY REAGAN DIRECTOR 11:47 AM P. OLIVER P-81
 Mr. Carl Helm Assistant Director
 February 2, 2008
 Page 2 of 2

S-3

RECEIVED
 FEB 03 2008
 4:16 PM
 Monterey County
 Inspection Administration

February 3, 2008

Carl Helm
 Resource Management Agency -
 Planning Department
 County of Monterey
 168 West Alameda Street
 Salinas, California 93901

Subject: Draft General Plan 2007 (DGP)
 Draft Environmental Impact Report (DEIR)
 SCH No. 2007 121001

Dear Mr. Helm:

The Department of Fish and Game has reviewed the Monterey County Draft General Plan 2007 and the Draft Environmental Impact Report (DEIR) which addresses the adoption of the General Plan Update. We recognize this draft represents a monumental effort to update the 1962 General Plan and commend the County on its efforts to address the challenges of balancing various and competing needs into the foreseeable future. We express the guiding objectives of the DGP, and other comments with the intent of supporting implementation of those objectives.

The Department's comments are focused on helping the County identify and conserve the unique and characteristic natural resources found throughout Monterey County. We recognize the feasibility of continuing growth into those areas where there is existing or planned infrastructure and land use, the continued viability of agricultural lands in the County. We believe both these objectives are consistent with the objective of protection of areas of important natural resources. We offer the following comments to aid in general plan implementation and protection of public trust resources.

California Environmental Quality Act (CEQA) Authority: The Department is a Trustee Agency with the responsibility under CEQA for commenting on projects that could impact fish and wildlife resources. Pursuant to Fish and Game Code Section 1832, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitats necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities, as those terms are used under CEQA.

Conserving California's Wildlife Since 1870

S-3

Carl Hahn
February 3, 2009
Page 2

Habitat Connectivity: The Department supports incorporating open space goals and policies to provide for habitat connectivity between conservation lands within the County and between neighboring counties. General Plan Wildlife Element (http://www.co.monterey.ca.gov/planning/development/elements/wildlife.html) states that the Department should work with local agencies to protect unfragmented habitat areas, wildlife corridors, and interconnected ecotyped community types. The Department recommends a comprehensive approach to producing a map of existing and potential open space areas and a wildlife corridor system to connect those areas.

The Western Governor's Association (WGA) recently recognized the importance of maintaining wildlife corridors and crucial wildlife habitat with a 2007 policy resolution entitled "Protecting Wildlife Migration Corridors and Crucial Wildlife Habitat in the West." The WGA 2008 "Wildlife Corridors Initiative Report" summarized the importance of open space and wildlife corridors: "Large, intact and functioning ecosystems, healthy fish and wildlife populations, and public access to natural landscapes contribute to the West's quality of life and economic well-being. Important wildlife movement corridors and crucial wildlife habitats within these landscapes are critical to maintaining these Western qualities". The full report can be found at (<http://www.westgov.org/wildlifeactioncommission/index.htm>).

Development, agricultural conversion, and increase of water resources increasingly isolate the County's open space areas and reduce their fish and wildlife habitat value. Many of the protected open space areas are too small to maintain viable isolated wildlife populations. In many cases, only the surrounding unprotected open space areas allow species to persist within the protected areas by providing larger habitat patches and open corridors connecting to larger habitat patches. Maintaining species diversity within open spaces will require expanding protected areas and maintaining habitat connectivity between them. Incorporating wildlife corridors into the Conservation and Open Space Element would facilitate species conservation and, therefore, maintain the value of open space within Monterey County.

To facilitate conservation of habitat linkages, the Department recommends that the general plan include an overlay map of linkages required to maintain wildlife populations in protected areas and other important habitat patches which are likely to remain undeveloped. Without a map representing the important linkages, planning efforts are likely to slowly erode remaining habitat connectivity and result in projects with significant, unmitigated impacts. A general connectivity map can be developed without being participatory. General plan policy should be developed to protect connectivity in the mapped linkages.

S-3

Carl Hahn
February 3, 2009
Page 3

Some important linkages to maintain and/or enhance include the following: Santa Lucia to Gabilan Mountains, Gabilan/Diablo to Santa Cruz Mountains, Santa Lucia to Fort Ord, and the Monterey Peninsula to Santa Lucia. The Department would be happy to work with you on mapping these linkages, identifying other important linkages, and developing effective policy for their maintenance.

Goal AG-4 Proposed Winery Corridors: The proposed winery corridors fall within San Joaquin kit fox range. Associated policy should include requirements to minimize habitat fragmentation. In addition to kit fox habitat connectivity, linkages are necessary to allow wildlife movement between near corridors and riparian habitats, and between the Gabilan and Santa Lucia mountain ranges.

Where a project has the potential to inhibit wildlife movements, it should be designed to minimize the potential impacts to wildlife movement. To reduce crop damage and subsequent depredation permit requests to the Department, policy should require fencing to limit deer access to any new vineyards. General Plan policies should also require that any wire mesh fencing in San Joaquin kit fox range be constructed of mesh not smaller than six (6) inches at ground level or other designs which are permeable to kit fox. General Plan policies for winery corridors should require breaks every 0.25 miles to allow passage of all wildlife where winery projects would fragment wildlife habitat.

Goal AG-5: Goal AG-5 promotes compatibility between agricultural uses and environmental resources, specifically soil and water quality. We support the goal and require that policies under AG-5 also promote compatibility between agricultural uses and biological resources. The DWR facilitates sustainable riparian biological resources resulting from riparian agriculture and other uses under the proposed General Plan. For example, the DWR studies the loss of 7,709 acres of riparian grasslands, due to development, and 7,638 acres due to agricultural conversion, with no means currently identified to compensate for San Joaquin kit fox habitat losses.

Goal O&E: This proposed goal would "Conserve designated critical habitat for listed plant and animal species designated as federal or state threatened or endangered species and critical habitats designated in area plans." The Department recommends clarifying the term "critical habitat," revising the goal and subsequent policies to be consistent with the CEQA definition of "endangered, rare, or threatened species," and rewording the reference to area plan species lists since the area plans do not appear to contain species lists.

"Critical habitat" is a Federal designation applied to some Federally listed species. It applies only to Federal projects. The United States Fish and Wildlife Service (USFWS)

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S-3

Carl Hahn
February 3, 2009
Page 4

has not designated critical habitat for many Federally listed species. The State has no equivalent designation for State-listed species.

While the Department supports the goal of conserving critical habitat, we note that this goal and its supporting policies seem to misinterpret "critical habitat"—applying it to State-listed species, species designated by area plans, and Federally listed species which may have no critical habitat designation. Policies OS-1.7, 1.8, 5.1, 5.17, refer to different classes of resources with "critical habitat." This may lead to confusion when policies are applied to projects. Clarification of the term "critical habitat" and revising the goals and policies to reflect the CEQA definition of "endangered, rare, or threatened," may aid in more effective general plan implementation.

The CEQA Guidelines define "endangered, rare, or threatened" in Section 15380. Since the DGP is a "project," as defined by CEQA, and an intent of CEQA is to avoid, minimize, and (as a last resort) compensate for impacts to endangered, rare, or threatened species, Goal OS-4 should be consistent with the CEQA definition. The CEQA definition includes all species listed under the State and Federal Endangered Species Acts as well as those species which meet the criteria in Section 15380(b). For example, the California Native Plant Society maintains lists of rare species which meet the criteria for CEQA consideration, but are not on State or Federal endangered species lists.

The proposed OS-5 language referring to species listed in area plans is problematic because the area plans presented in the DGP do not designate species or critical habitats to be conserved. If the area plans will contain lists, they should be consistent with the CEQA definition of "endangered, rare, or threatened" as discussed above. Species which may not meet the criteria in Section 15380(b), but are of local importance, can be included in addition to those which meet the CEQA criteria. The area plans should also recognize that the status of species will change over time; any area plan lists should not be considered static.

Policy OS-5.4: The goal relies on the USFWS to prescribe mitigation measures for projects which affect critical habitat. This may be problematic because Federal critical habitat designations apply only to Federal projects. We are unaware of any mechanism that would require the USFWS to consult on non-Federal actions which may affect critical habitat. The Department recommends developing a general plan policy which parallels the Federal Endangered Species Act critical habitat regulations by requiring the County and its applicants to develop mitigation which avoids destroying or adversely modifying critical habitat.

6

7

01-03-08 11:48 1006-06 011 JAH/SH 1-202 P. 01/01/08 1-001

S-3

Carl Hahn
February 3, 2009
Page 5

Mitigation Measure BIO-1.3 and Policy OS-5.6: Mitigation measure BIO-1.3 in the DEIR and policy OS-5.6 in the DGP require biological surveys only for projects which the County determines would affect special status species or sensitive riparian communities. This may lead to a biological survey being conducted on when special status species are already known to occur on a project site. The Department recommends that this measure and policy be revised to require that biological surveys should be required to determine if projects would affect biological resources.

One reasonable trigger may be to require biological surveys when a project would disturb or remove naturally occurring (including naturalized) vegetation. Such a policy would correspond with the botanical survey guidelines developed by the Department (<http://www.dfg.ca.gov/botanical/srb/pdfs/guides.pdf>). Other circumstances may also warrant biological surveys even when naturally occurring vegetation would not be disturbed or removed, such as when building demolition could result in the loss of important bat roosts and the direct "take" of bats. Adopting a general plan policy to hire biological staff may aid in determining appropriate biological studies for each project.

Requiring surveys to determine if a project would affect biological resources, rather than requiring surveys when it is already known that a project may affect biological resources, would strengthen subsequent CEQA reviews in the following ways:

- assist in determining whether projects which would normally be categorically exempt from CEQA review because of Section 15380(a) and (b) circumstances which would go undetected in the absence of biological surveys
- assist in establishing baselines for CEQA reviews as required by CEQA Guidelines Section 15126
- assist in disclosing the impacts of a project
- assist in conserving biological resources which are currently undocumented

Policy OS-5.15: This policy requires Department consultation for impacts to "Areas of Special Biological Significance" (ASBS). While we support the underlying intent to protect these areas and provide resources in assessments of impacts to them, please note that these areas are designated by the State Water Resources Control Board. The extents of ASBSs do not overlap with the areas of special concern for biological resources, the Department is responsible for providing, as applicable, biological expertise to review and comment on environmental documents and impacts arising from all CEQA project activities.

S-3

Carl Helm
February 3, 2009
Page 6

Attainable Housing Overlay Area for the Monterey Airport and Vicinity: The Department requests that the area identified for affordable housing near the Monterey Airport be reconsidered. The area bounded by State Route 65, Chestnut Road, Via Mariposa, and the unnamed drainage to the east is an intact coastal terrace prairie dominated by native perennial grasses. The combination of the plant community with the rime-mound topography found on-site is exceptionally rare, often associated with rare endemic plant species, and typically comprises wetlands as defined by the California State Fish and Game Commission. This particular site is known to support several endemic, special status plant species, some of which include seasonal wetlands in coastal prairie:

Table 1. Special-Status Plant Species Known to Occur at the Attainable Overlay Area for the Monterey Airport and Vicinity

Species	Common Name	Status
<i>Allenrolobium</i>	Hickman's onion	CNPS 1B.2
<i>Cercocarpus rigida</i> ssp. <i>obovata</i>	obovate leaf's beard	SE, CNPS 1B.1
<i>Pipilo fuscus</i>	Yard's pipit	FE, CNPS 1B.1
<i>Trifolium polyodon</i>	Pasture Grove clover	SR, CNPS 1B.1
<i>Trifolium lucidum</i>	State Cruz clover	CNPS 1B.1

SE = Special-Status Endemic; SR = Special-Status Rare; FE = Federally Endangered; CNPS = California Native Plant Society; CNPS 1B.1 = California Native Plant Society extremely endangered; CNPS 1B.2 = California Native Plant Society rare.

Development of this site may require an incidental take permit, pursuant to Section 2080 of Department of Fish and Game Code. For State Fish and Game Code, the Department does not have a permit for this site. The Department requests that the area be managed for its significant natural resource value instead of being targeted for housing.

Lockwood Rural Center: The proposed Lockwood Rural Center boundaries include Critical Habitat for the Federal endangered vernal pool fairy shrimp (*Eurytemora affinis*). The proposed rural center area south of John Road, and a portion of the area north of John Road and west of Lockwood-John Road, overlaps entirely with Critical Habitat Unit 29A as designated by the USFWS. Designating this area as a rural center for development conflicts with the proposed general plan Goal OS-6, which would "conserve designated critical habitats..." In addition, much of the overlapping area appears to contain vernal pool and spring features. Please see our other comments above regarding Goal OS-6 and the use of the term "critical habitat."

S-3

Carl Helm
February 3, 2009
Page 7

Oak Tree Replacement: The North County and Carmel area plans require 1:1 oak tree replacement with 1-gallon plantings. The remaining area plans contain no oak tree replacement policies. All the planning areas contain oak woodlands. The Department recommends an oak woodland and oak tree policy for all planning areas. Policy should be developed to minimize or avoid the risk loss of oak woodlands.

The planting replacement ratios are typically greater than 1:1 to compensate for tree plantings which fail to reach maturity. Allowing a 1:1 ratio will likely lead to a net loss in trees, potentially resulting in unmitigated impacts.

In addition, tree plantings alone may not mitigate the loss of an oak woodland. Therefore, we recommend developing policy which requires replanting areas of oak woodlands within a project dependent oak woodland. Public Resource Code (PRC) Section 21083.4 outlines the tools available to offset significant oak woodland loss. The Department encourages project applicants to consider the provisions of PRC Section 21083.4. The Department also encourages oak woodland conservation easements or riparian area easements with a seven-year maintenance period, restoration of degraded oak woodlands, and contributions to the Oak Woodlands Conservation Fund. The Department is willing to provide a letter of support should the County submit a grant proposal to obtain funds to develop an oak conservation element for the general plan, oak protection ordinance, or an oak woodland management plan, pursuant to the Oak Woodlands Conservation Act.

Mitigation Measures 1BQ-1.2: The Department supports this measure and encourages its implementation, which includes riparian area conservation easements to be implemented in the Monterey State Park area for riparian habitat. A Natural Communities Conservation Plan may be an appropriate tool for the Salinas Valley and adjoining foothills.

Thank you for the opportunity to comment on the 2007 General Plan and DEIR. If you have any questions regarding these comments, please contact Dave Haddon, Environmental Scientist, at 3196 Higuera Street, Suite A, San Luis Obispo, California 93401, by telephone at (805) 994-0152, or email at dhaddon@agj.ca.gov.

Sincerely,
Andrew R. Stagle, PhD
Andrew R. Stagle, PhD
Regional Manager

cc: See Page Eight


84-48 1-48 800-94 1-82 F 81/208 P-88
84-21866 S-3

Carl Holm
February 3, 2010
Page 8

cc: United States Fish and
Wildlife Service
2483 Porbia Road, Suite 8
Ventura, California 93103

cc: Terry Peablene
Pete Hayward
Lara Connolly
Jeff Cain
Department of Fish and Game

84-48 1-48 800-94 1-82 F 81/208 P-88
84-21866 S-3

 FACSMILLE LEADER PAGE
California Department of Fish and Game
Central Region
Room 4114
1234 East Shore Avenue
Fresno, California 93710
INPO (888) 243-4017 FAX (559) 243-9004

DATE: 2/3/09 PAGE 1 OF 9

TO: Carl Holm

FROM: MARIANO GO. REZANO, MONTEREY COUNTY AGENCIES
PHONE: (821) 359-2025
FAX: (821) 359-2025

INSTRUCTIONS: Original to follow by mail.

STATE OF CALIFORNIA—THE NATURAL RESOURCES AGENCY

DEPARTMENT OF FORESTRY AND FIRE PROTECTION
100 West Alisal Street
Salinas, California 95301
Phone: (831) 335-2900

January 13, 2009

Carl Holm, Assistant Director
RMA-Planning Department
100 West Alisal Street
Salinas, California 95301

Dear Mr. Holm:

This letter is in response to your request for comments on the Comprehensive Update of the 1982 Monterey County General Plan. The California Department of Forestry and Fire Protection (CAL FIRE) administrative unit charged with wildland fire protection in Monterey County is known as the San Benito—Monterey Unit. CAL FIRE provides wildland fire protection to 1.3 million acres of State Responsibility Area (SRA) from seven fire stations and one conservation camp located in Monterey County. In addition to the CAL FIRE equipment located within Monterey County, there are two air tankers, an aerial command aircraft and a helicopter located in adjacent San Benito County. The state funded fire equipment located in Monterey County is sufficient to meet the stated CAL FIRE goal of controlling 95% of SRA wild fires in the first burning period.

Structural fire protection in the county (Local Responsibility Area or LRA) is the responsibility of local government and is provided by various fire protection districts and special districts, of which five have contracts with CAL FIRE to manage and staff their departments. Pebble Beach Community Services District, Cypress Fire Protection District, Carmel Highlands Fire Protection District, Atomas Tri-County Fire Protection District, and South Monterey County Fire Protection District all contract with CAL FIRE.

As I am sure you are aware, the State Board of Forestry and Fire Protection (BOFF) is required by the Government Code (GC) Section 65302.5 to review and make recommendations on the fire safety element of general plan updates. The review and recommendations apply to general plans which SRA (Public Resources Code 4125) or Very High Hazard Severity Zones (VHPHZ) (GC 51175).

COOPERATION IS WISE-HELP CALIFORNIA GREEN AND GOLDEN
PLEASE RETURN TO US ANY COMMENTS AND INFORMATION THAT MAY BE USEFUL TO US.

S-4

S-4

In order to assist you and your staff, I have attached a copy of the State Board of Forestry and Fire Protection General Plan Fire Safety Element Standard Recommendations. I am confident that you will find them useful in your revision process.

If I can be of further assistance, please do not hesitate to call.

Sincerely,
GEORGE W. HAINES
Unit Chief

By *Robert E. Taylor*
Robert E. Taylor
Assistant Chief

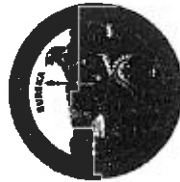
Attachment
cc: Brian Barreto
Chris Zinny

S-4

**General Plan Fire Safety Element
Standard Recommendations**

August 29, 2007

State Board of Forestry and Fire Protection



**Purpose and Background
Methodology for Review and Recommendations
Standard List of Recommendations**

Contents

S-4

Purpose and Background: The State Board of Forestry and Fire Protection (BOFF/Board) is required to review and make recommendations on the safety element of general plan updates in accordance with Government Code (GC) Section 50205. The review and recommendations apply to those general plans with State Responsibility Areas (SRA) (Public Resources Code 41225) or Very High Fire Hazard Severity Zones (VHFHSZ) (GC 51173).

The statutory requirements for the Board review and recommendations pursuant to GC 65302.5 (a)(1) and (2), and (b) are as follows:

- ⓐ "The draft elements... to the fire safety element of a county's or a city's general plan... shall be submitted to the Board at least 90 days prior to... the adoption or amendment to the safety element of its general plan [for each county or city with SRA or VHFHSZ]."
- ⓑ "The Board shall... review the draft or an existing safety element and report *its written* recommendations to the planning agency *within 60 days of its receipt of the draft or existing safety element*...."
- *Prior to adoption of the draft element...*, the Board of Supervisors... shall consider the recommendations made by the Board... If the Board of Supervisors... determines not to accept all or some of the recommendations..., the Board of Supervisors... shall communicate in writing to the Board the reasons for not accepting the recommendations.

Methodology for Review and Recommendations: The Board has created a standard list of fire protection evaluation factors and recommendations related to these factors. The factors and recommendations provide city planners general plan goals and policies for mitigation of fire hazard and risks. The factors and recommendations were developed using CAL FIRE technical documents and input from local fire departments.

The recommendations on the attached list are the Board's general recommendations for any entity.. Each entity should evaluate their general plan using the factors and include the appropriate recommendations from the list.

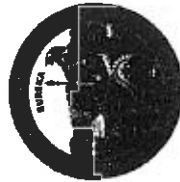
Page 2 of 9
BOF Fire Safety Element GP Review and Standard Recommendations
August 29, 2007

S-4

**General Plan Fire Safety Element
Standard Recommendations**

August 29, 2007

State Board of Forestry and Fire Protection



**Purpose and Background
Methodology for Review and Recommendations
Standard List of Recommendations**

Contents

S-4

Standard List of General Plan Safety Element Recommendations

1. General Plan References and Incorporates County or Unit Fire Plans: Yes Partial No

Recommendations: Identify, reference or create (if necessary) a fire plan for the entity. Plan should incorporate the general concepts and standards from any county fire plan, fire protection agency (federal or state) fire plan, and local hazard mitigation plan.

Recommendations: Ensure fire plans incorporated by references into the GP contain evaluations of fire hazards, assessment of assets at risk, prioritization of hazard mitigation actions, and implementation and monitoring components.

2. Land Use Designation:

2.1 Goals and policies include mitigation of fire hazard for future development. Yes Partial No

Recommendations: Ensure the fire safe development codes used as standards for fire protection for new development in the VHFHSZ portions of the entity's jurisdiction meet or exceed statewide standards used for State Responsibility Area in 14 California Code of Regulations Section 1270 et seq.

Recommendations: Include policies and recommendations that incorporate fire safe buffers and greenbelts as part of the development planning. Ensure that land uses designated near high or very fire hazard severity zones are compatible with wildland fire protection strategies/capabilities.

2.2 Disclosure of wildland urban interface hazards including Very High Fire Hazard Severity Zones designations and Communities at Risk designations: Yes Partial No

Recommendations: Specify whether the entity has a VHFHSZ designation and include a map of this zones. Clearly indicate any area designated VHFHSZ pursuant GC 51129. Adopt CAL FIRE proposed Fire Hazard Severity Zones including model ordinance terms and conditions developed by the Office of the State Fire Marshal for establishing VHFHSZ areas.

3. Knowledge:

3.1 Incorporation of current fire safe building codes. Yes Partial No

Recommendations: Adopt the International Fire Code Council Urban Interface Model Code for new development in wildland urban interface areas in State Responsibility Areas or local Very

BOF Fire Safety Element GP Review and Standard Recommendations
August 29, 2007
Page 3 of 9

S-4

High Fire Hazard Severity Zones. Adopt newly proposed Title 24 CCR Midland Urban Interface Building Codes.

3.2 Identification of substandard fire safe housing relative to fire hazard area. Yes Partial No

Recommendations: Identify plans and actions to improve substandard housing structure conformance with contemporary fire standards in VHFHSZ or SRA. Plans and actions should include structural rehabilitation, occupancy reduction, demolition, reconstruction, community education, and community based solutions.

3.3 Compatibility of development, construction and building standards relative to access, flammability and fire flow. Yes Partial No

Recommendations: Ensure existing residential structures, and other "legacy" substandard residential structures, meet current fire safe ordinances pertaining to access, water flow, signing, and vegetation clearing.

3.4 Consideration of occupancy category effects on wildfire protection. Yes Partial No

Recommendations: Ensure risks to uniquely occupied structures, such as seasonally occupied homes, multiple dwelling structures, or other structures with unique occupancy characteristics, are considered for appropriate and unique wildfire protection needs.

3.5 Urban development and wildfire encroachment resistance features. Yes Partial No

Recommendations: Ensure residential housing zoning provides minimum fire safe standards, particularly in VHFHSZ or SRA. For example, zone designations that allow less expansive housing should conform to contemporary fire safe building and development standards.

3.6 Fire engineering structures (sprinklers/alarms). Yes Partial No

Recommendations: Ensure new development proposals contain specific fire protection plans, such as referenced codes for fire engineering features for structures in VHFHSZ. Examples include codes requiring automatic sprinklers in VHFHSZ.

4. Conservation and Open Space:

4.1 Identification of critical natural resource values relative to fire hazard areas. Yes Partial No

Recommendations: Determine maximum acceptable wildfire size and initial attack suppression success rates for protection of critical natural resources.

BOF Fire Safety Element GP Review and Standard Recommendations
August 29, 2007
Page 4 of 9

S-4

4.2 Inclusion of resource management activities to enhance protection of open space (prescribed burning, fuel breaks, vegetation thinning and removal). Yes No

Recommendation: Provide vegetation management fire mitigation measures that provide protection of open space natural resources, reduce fire hazards to adjacent assets, and allow for safe fire suppression tactics.

4.3 Mitigation for unique pest/disease and other forest health issues leading to hazardous situations. Yes No

Recommendation: Establish goals and policies that address unique pest, disease, exotic species and other forest health issues in open space areas relative to reducing fire hazard.

4.4 Integration of open space fire safety effectiveness. Yes No

Recommendation: Establish goals and policies for reducing the wildland fire hazards within the entity's boundaries and on adjacent private wildlands, federal lands, vacant residential lots, and greenbelts. Wildland fuels should be treated in those areas to reduce the intensity of fire. Identify goals and policies for engaging adjacent wildland owners regarding hazard mitigation plans on lands with fire hazards that threaten the entity.

4.5 Policies for dedication, construction and maintenance of systematic fire protection improvements in open space. Yes No

Recommendation: Establish goals and policies for incorporating systematic fire protection improvements for open space. Specifics should include standards for adequate access for firefighting (e.g. fire hydrants for open space within and on the perimeter of the entity, and other fire prevention and suppression needs.

4.6 Urban forestry plans relative to fire protection. Yes No

Recommendation: Ensure residential areas have appropriate fire resistant landscapes and discontinuous vegetation adjacent to open space or wildland areas.

Recommendation: Evaluate and resolve existing laws and local ordinances which conflict with the protection requirements. Examples include conflicts with vegetation hazard reduction ordinances and listed species habitat protection requirements.

6. **Construction and Access:**

5.1 Existing and planned transportation system incorporates requirements for designs that minimize wildlife damage to natural resources and minimizes hazards to human life. Yes No

BOF Fire Safety Element GP - review and Standard Recommendations
August 29, 2007
Page 5 of 9

S-4

Recommendation: Incorporate adequate access for firefighting, especially for existing legacy neighborhoods in VHFHSZ, SRA. Goals for standards for access should be consistent to those in 14 CCR 1270.

5.2 Adequacy of existing and future transportation system to incorporate fire infrastructure elements such as turnouts, heliports and safety zones. No Yes

Recommendation: Establish goals and policies for transportation system fire infrastructure elements or otherwise reference appropriate supporting documents where these topics are addressed.

5.3 Adequate access to high hazard areas. Yes No

Recommendation: Establish goals and policies that delineate high hazard areas, establish adequate access that meets or exceeds standards in 14 CCR 1270 for lands with no structures, and maintaining conditions of access in a suitable fashion for suppression access or public evacuation.

5.4 Standards for evacuation of residential areas in high hazard areas. Yes No

Recommendation: Goals and policies should be established to delineate residential evacuation routes and evacuation plans in high fire hazard residential areas.

6. **Hazard Mapping and Fire Safety Regulations:**

6.1 Fire Hazard Mapping Designations Yes No

Recommendation: Specify whether the entity has an official VHFHSZ designation and include a map of the zones. Clearly indicate any VHFHSZ pursuant GC 51175. Adopt CAL FIRE proposed Fire Hazard Severity Zones.

Adopt or incorporate local fire safe ordinances which meet or exceed standards similar to those in 14 CCR § 1270 for State Responsibility Area. Yes No

Recommendation: Establish goals and policies for specific ordinances addressing evacuation and emergency vehicle access, water supplies and fire flow; fuel modification for defensible space; and home addressing and signage.

6.3 Geographic specific mitigation measures for fuel modification and fire risk reduction. Yes No

Recommendation: Establish goals and policies that identify structures that have adequate fuel modification or other features that provide adequate fire fighter safety when incite call for protection of a specific asset (i.e. which houses are safe to protect).

BOF Fire Safety Element GP Review and Standard Recommendations
August 29, 2007
Page 6 of 9

S-4

6.4 *Fuel Modification around Homes:* Yes No Partial No

Recommendation: Establish mitigations in VHFHZ for vegetation fire hazard reduction around structures that meet or exceed the Board of Forestry and Fire Protection's Defensible Space Guidelines, [http://www.fire.ca.gov/standards/SRA](#)

6.5 *Adequacy of defensible zones:* Yes No Partial No

Recommendation: Establish goals and policies for wildfire defense zones for emergency services including fuel breaks, back fire areas, or other staging areas that support safe fire suppression activities.

7. *Emergency Services:*

7.1 *Map/description of existing emergency service facilities and areas lacking services:* Yes No Partial No

Recommendation: Include descriptions, maps, and standards for levels of emergency services. Review, develop or incorporate Local Agency Formation municipal services review for existing level of service, response times, equipment condition levels and other relevant emergency service information.

Recommendation: incorporate goals and policies that establish emergency services consistent with state or national standards.

Recommendation: Ensure new development includes appropriate facilities to assist and support wildfire suppression.

7.2 *Assessment and projection future emergency service needs:* Yes No Partial No

Recommendation: Establish goals and policies for new development emergency service needs and ensure appropriate levels of service are established consistent with state or national standards.

7.3 *Adequacy of training:* Yes No Partial No

Recommendation: Establish goals and policies for emergency services training that meets or exceeds state or national standards.

7.4 *Inter-fire service coordination preparedness/mutual aid and multi-jurisdictional fire service agreements:* Yes No Partial No

Recommendation: Adopt the Standardized Emergency Management Systems for responding to large scale disasters requiring a multi-agency response. Ensure and review mutual aid and cooperative agreements with adjoining emergency service providers.

Page 7 of 9
BOF Fire Safety Element CP Review and Standard Recommendations
August 29, 2007

S-4

8. *Post Recovery and Maintenance:* The Recovery and Maintenance recommendations address an opportunity for the community and landowners to re-evaluate land uses and practices that affect future wildfire hazards and risk.

8.1 *Reevaluate hazard conditions:* Yes Partial No

Recommendation: incorporate goals and policies that provide for reassessment of fire hazards following wildfire events. Adjust fire prevention and suppression needs commensurate for both short and long term fire protection needs. Develop burn area recovery plans that incorporate comprehensive recovery and fire safe maintenance.

8.2 *Incorporate wildlife habitat/endangered species considerations:* Yes Partial No

Recommendation: Establish goals and policies for consideration of wildlife habitat/endangered species into long term fire area recovery and protection plans.

8.3 *Native species reintroduction:* Yes Partial No

Recommendation: Incorporate native species habitat needs as part of long term fire protection and the restoration plans.

8.4 *Evaluation of redevelopment:* Yes Partial No

Recommendation: In high and very hazardous areas, ensure redevelopment utilizes state of the art fire resistant building standards with 100 foot set backs (when possible) to ensure adequate defensible space is maintained around structures.

8.5 *Long term maintenance of fire hazard reduction mitigation projects:* Yes Partial No

Recommendation: Provide policies and goals for maintenance of fire hazard reduction projects, activities, or infrastructure.

9. *Flood and Landslides:* Recommendations for flood and landslides hazards, risks and vulnerabilities relative to past wildfire should be developed to mitigate potential losses to life, human assets and critical natural resources.

9.1 *Establish flood and landslide vulnerability areas related to post wildfire conditions:* Yes Partial No

Recommendation: Establish goals and policies that address the intersection of flood landslides/post fire burn areas into long term public safety protection plans. These should include treatment assessment of fire related flood risk to life, methods to control storm runoff in burn areas, revegetation of burn areas, and debris/crossing debris maintenance.

Page 8 of 9
BOF Fire Safety Element CP Review and Standard Recommendations
August 29, 2007

- 10. **Terrorist Preparedness and Homeland Security Impacts on Wildlife Rehabilitation:**
These recommendations are included to ensure that for crisis preparedness actions do not substantially increase the risk of unduly restrict emergency response.
- 10.1 **Communication channels during incidences.** D Yes No N/A
- Recommendation:** Establish goals and policies consistent with the Governor's Blue Ribbon Fire Commission of 2005 for communications and interoperability. Example goals and policies should address the personnel capability to communicate effectively across multiple frequency bands and updates and expansion of current handheld and mobile radios used on major mutual aid incidents.
- 10.2 **Fire prevention barriers.** E Yes No N/A
- Recommendation:** Identify goals and policies that address vital access routes that if removed would prevent the lighter access (bridges, dams, etc.). Develop an alternative emergency access plan for these areas.
- 10.3 **Prioritizing asset protection from fire with least of suppression forces.** E Yes No N/A
- Recommendation:** Identify and prioritize protection needs for assets at risk in the absence of response forces.
- Recommendation:** Establish fire defense zones that provide adequate fire protection without dependency on air attack.

BOF Fire Safety Element GP Review and Standard Recommendations August 25, 2007



Department of Toxic Substances Control

Marvin F. Conner, Director
4000 Cal Center Drive
Sacramento, California 95825-3000



Linda S. Adams
Secretary for
Environmental Protection

October 31, 2008

Mr. Carl Holm
Planning Manager
Monterey County Planning Department
188 W. Alisal Street, 2nd Floor
Salinas, California 93901

REVIEW OF THE MONTEREY COUNTY 2007 GENERAL PLAN (AMENDED) DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR), 8CPH 82007121001 DATED SEPTEMBER 2008

Dear Mr. Holm:

Thank you for providing the Department of Toxic Substances Control (DTSC) the opportunity to review the Monterey County 2007 General Plan Draft Environmental Impact Report dated September, 2008.

DTSC is the State's lead agency for the environmental cleanup and realignment of closing military bases and maintains jurisdiction over all hazardous substance and hazardous waste issues with the exception of petroleum contamination. The basis for DTSC's regulatory authority is found in California Health and Safety Code, Division 20, Chapter 6.6 (Hazardous Waste Control), Chapter 6.8 (Hazardous Substances Account Act), and California Code of Regulations, Title 22, Division 4.5.

The Central Coast Regional Water Quality Control Board (CCRWCQB) has authority over the remediation of petroleum sites and the protection of the waters of the State of California. The CCRWCQB regulatory authority is found in the Porter-Cologne Water Quality Control Act, California Water Code and California Code of Regulations, Title 23, Division 3, Chapter 15 and 16. In addition, the Air Resources Board would be concerned with impacts to air quality.

DTSC generally reviews the environmental documents to determine whether the proposed project could have potential impact on public health and worker safety because of the possible presence of residual chemical contaminants and/or munitions and explosives of concern (MEC).

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S-5

Mr. Carl Holm
October 31, 2008
Page 2

Please ensure that any reuse planned for property on the former Fort Ord facility is consistent with the approved Fort Ord Reuse Plan dated June 1987. This is the document that the regulators use to ensure cleanup levels support reuse of various parcels.

The comments below were previously submitted to your agency for the 2006 General Plan DEIR. These are being resubmitted to ensure completeness of our review.

Table 1-2 Executive Summary Table, Mitigation Measure 4.3 Water Resources. Volatile Organic Compounds and other contaminants have been found to impact the groundwater resources at numerous sites in Monterey County, and the most notable is the former Fort Ord. Although the Fort Ord and Monterey Peninsula Airport prohibition zones and the associated County Ordinance are mentioned briefly in Section 4.3 (Page 4.3-72) of the DEIR, DTSC encourages the County to research the extent of groundwater impacts that have been identified in Monterey County. For instance, the former Fort Ord drinking water wells have been impacted with low concentrations of Trichloroethane (TCE). These other organic contaminants should be added to mitigation measure Table 1-2 and other appropriate tables throughout the document, information with respect to the status of the former Fort Ord cleanup program can be found at www.fortordcleanup.com. You can also view various Land Use Covenants for groundwater use restrictions for Fort Ord on the DTSC's web page, www.emptestor.dhs.ca.gov.

Section 4.3.4, Page 4.3-100 Well Completion and Adverse Well Interference. This section describes the impacts of wells in close proximity or adjacent to each other that can be thought of as competing for the same groundwater resources. It should be noted that interference with groundwater contaminant plumes should also be avoided. If upon pumping, the cone of depression interferes with a contaminated groundwater plume, adverse effects will result.

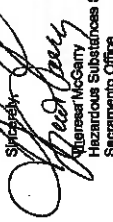
Section 4.13, Hazardous and Hazardous Materials. The presence of MEC has been identified in the former Fort Ord area. The MEC areas are being identified, evaluated and remediated by the Army, although DTSC feels that MEC should be listed as a hazardous material on page 4.13-2. In addition, the Army feels that reasonable and prudent actions be taken when performing intrusive activities on the former Fort Ord site. The Army recommends that consultation personnel involved in intrusive activity attend MEC recognition and safety training as ordered by the Army in accordance with Record of Decision, No Further Action Related to Munitions and Explosives of Concern

S-5

Mr. Carl Holm
October 31, 2008
Page 3

Track 1 Sites, February 2005. The Army requires to be notified, by the landowner, prior to the start of planned intrusive activities. The link for registering for this training can be found at www.fortordcleanup.com.

If you have any questions, please feel free to contact me at (916) 255-3664.

Signature


Agnes McCann
Hazardous Substances Scientist
Sacramento Office
Brownfields and Environmental Restoration Program

cc: Ms. Gail Youngblood
Fort Ord BRAC Environmental Coordinator
Department of the Army
Environmental and Natural Resources
Post Office Box 5004
Presidio of Monterey, California 93944-5004

Mr. Grant Himebaugh
Regional Water Quality Control Board
Central Coast Region
895 Agrostia Place, Suite 101
San Luis Obispo, California 93401
Office of Planning and Research
State Clearinghouse
1400 Tenth Street
Post Office Box 3044
Sacramento, California 95812-3044

Mr. Guenther Moskat
California CEQA Tracking Center
1001 I Street, 25th Floor
Post Office Box 808
Sacramento, California 95812-0808

S-6

2007 Monterey County General Plan
October 28, 2008
Page 2

planning purposes, but should not be used for design and operations decisions (assumptions may include an average shoulder width, average frequency of driveways or turn lanes, etc.).

4. The Transportation Agency for Monterey County conducts traffic counts in April and August each year, and may be coordinating their counts with the Santa Cruz County Regional Transportation Commission, the Council of San Benito County Governments, and the Association of Monterey Bay Area Governments (AMBAG). This type of data is valuable for AMBAG's regional travel demand model. If it has not already been done, AMBAG should be contacted to discuss coordinated count efforts with the County of Monterey.

5. The network of Armatix thoroughfares that pass through Monterey County and connect to the intercity rail lines should be mentioned, along with their impact on regional traffic.

6. We support the conclusions in the Transit Oriented Development (TOD) alternative, noting that funding for the second and third tier (the Rapid Transit and Light Rail) will be difficult to obtain. Furthermore, it should be noted that lower frequency and lower quality service is unlikely to yield successful TOD. The assumptions about transit system characteristics must be reviewed thoroughly before any conclusions can be drawn about regional impacts on either traffic or land development.

SPECIFIC COMMENTS

1. The definition of archeology should not be limited to prehistoric resources, and archaeological resources can be older than 10,000 years (4.10.2).

2. Please include a discussion of the Salinan Indians, whose main territory is Monterey County (4.10.2.2).

3. The citation of "California Register of Historic Places" should actually be "California Register of Historical Resources" (4.10.3.1).

4. The second sentence of the Open Space and Conservation Element has one unclear phrase: "on such matters archaeological resources." Also, the term "Native American descendants" should be replaced with "Native Americans" (4.10-17).

5. Please include the proposed bicycle bridge over the Salinas River (Specielets Boulevard/Reservation Road Bicycle Path and Bridge).

6. On page 4-6-39 there is a statement suggesting that an increase in county truck volume from 12,600 to 18,600 per day would be insignificant in terms of capacity-related impacts. The potential significant impact of such a change should be considered, noting that there are very few north-south and east-west shipping corridors in the region, and that impacts may be regional in nature.

"Caltrans approves mobility across California"

S-6

SC#H: 2007121001

October 28, 2008

Carl Holm
County of Monterey, Resource Management Agency
168 West Alisal Street, 2nd Floor
Salinas, CA 95901-2680

RE: 2007 MONTEREY COUNTY GENERAL PLAN

Dear Mr. Holm:

The California Department of Transportation (Caltrans), District 5, has reviewed the 2007 General Plan Draft Environmental Impact Report and offers the following comments.

GENERAL COMMENTS

1. Caltrans supports the county's adoption of the Regional Development Impact Fee Program that originated from the Transportation Agency for Monterey County's 2005 Needs Study, and its use for the mitigation of cumulative regional traffic impacts in Monterey County. The program is consistent with both California Environmental Quality Act (CEQA) guidelines and Caltrans objectives, assuming that project-specific impacts will continue to be addressed on a case-by-case basis to determine appropriate mitigation. Impacts to maintain transportation facilities must be considered in addition to access points.

2. Caltrans supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and best accommodate interregional and local travel and development.


3. Because Caltrans is responsible for the safety, operations, and maintenance of the State transportation system, our Level of Service (LOS) standards are used to determine the significance of the project's impact. We endeavor to maintain a target LOS of the transition between LOS C and LOS D on all State transportation facilities. In cases where a State facility is already operating at an unacceptable LOS, the Department would consider additional trips to be a potentially significant cumulative traffic impact, and they should be addressed. The methodologies used to calculate the LOS should be consistent with the methods in the current version of the *Highway Capacity Manual*. Also, some of the general assumptions that may have been used to calculate LOS for this report may be suitable for

"Caltrans approves mobility across California"

2007 Monterey County General Plan
October 28, 2008
Page 3

7. In reference to the above comment, we suggest a policy that encourages placement of agricultural processing, industrial and manufacturing oriented land uses adjacent to existing or probable railroad spur, yard, and sidings. There is no discussion of the possibility of an intermodal transfer facility for freight containers on trains. Planning strategies today that align shipping modes in future years will provide opportunities to growers and shippers when the economics of increased rail use (as a business framework) and the economics of climate change and air quality requirements (in a regulatory framework) set the conditions to compel rail use. The environmental benefits of transferring freight from truck to rail can be substantial, with one full freight train eliminating 280 trucks or 1100 cars from regional roadways. The American Association of State Highway and Transportation Officials (AASHTO) *Freight-Rail Boston Line Report*, which provides the source figure of 4 to 5 trucks per rail car, may be found at <http://freight.transportation.org> or <http://www.aashto.org>.

District 5 staff will continue to be committed to working closely with you to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel. If you have any questions or need further clarification on items discussed above, please do not hesitate to contact David Kuperman at (805) 549-3131 or david_kuperman@dot.ca.gov.

Sincerely,

 DAVID MURRAY, Chair
 District 5 North Region


cc: Nick Papadakis (AMBAG)
 Debbie Hale (TAMC)

California improves mobility across California


2007 Monterey County General Plan
October 28, 2008
Page 4

Bev: Steve Price
 Aileen Lee
 Tim Gubbins
 Gacy Ruggenone
 Doug Leumann
 Dave Murray
 Chris Shaeffer
 Dan Kemm
 Paul McClintic
 Judy Lang

California improves mobility across California



STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



Monterey County
Planning and Building
Inspection Administration
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October 29, 2008

Carol Egan
Monterey County
168 W. Alisal Street, 2nd Floor
Salinas, CA 95001-5689
SC#6: 2007121001

Subject: 2007 Monterey County General Plan
SC#6: 2007121001

Dear Carl Hobler:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. This review period ended on October 23, 2008, and the comments from the agencies are listed on the enclosed report. If there are any comments, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21106(a) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities that are the responsibility of that agency or which are required to be carried out or approved by the agency. These agencies shall be requested by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 444-0313 if you have any questions regarding the environmental review process.

Sincerely,
Jerry Roberts
Terry Roberts
Director, State Clearinghouse

Enclosures:
see Attachment Agency

1400 10th Street, P.O. Box 2064, Sacramento, California 95833-2064
(916) 445-0013 FAX (916) 322-5913 www.sccag.org

Document Details Report
State Clearinghouse Data Base

SC#6: 2007121001
Project Title: 2007 Monterey County General Plan
Lead Agency: Monterey County

Type	ER	Draft EIR
Description	None Supplement/Subsequent, Program EIR	
<p>The General Plan serves as the blueprint for growth in unincorporated inland areas of Monterey County by designating land for various urban and non-urban uses including agriculture, commercial, industrial, residential, and public-use-public. GP-2007 carries over most of the policies and land use designations that composed GP-2006, with a number of key revisions. The following describes GP-2007, with items that represent a change from GP-2006 marked with an asterisk or listed under "Other GP-2007 Provisions."</p>		
Lead Agency Contact	Carl Egan Monterey County Agency Phone (916) 752-5103 Fax Address 168 W. Alisal Street, 2nd Floor City Salinas State CA Zip 95001-5689	
Project Location	County Monterey City Carmel-by-the-Sea Parcel No. Range Section Subsection	
Proximity to:	Highways multiple Airports multiple Waterways multiple Wetlands multiple Schools multiple Land Use This is an update to the 1982 General Plan effective county-wide. Various zoning and land use designations	
Project Issues	Aesthetics/Vision; Agricultural Land; Air Quality; Archaeology/History; Cumulative Effects; Drainage/Inundation; Economic/Jobs; Food/Palm/Fooding; Forest Land/Fire Hazard; Geology/Seismic; Growth Including Landmarks, Minerals, Mines, Population/Housing Balance; Public Services; Redevelopment/Peris; School/Universities; Seismic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetlands/Recreation; Wildlife	
Reviewing Agencies	Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Cal Fire; Department of Parks and Recreation; Office of Emergency Services; California Division of Assessing; California Highway Patrol; California, District 5; Department of Housing and Community Development; Air Resources Board; Transportation Projects; Regional Water Quality Control Board, Region 5; National American Heritage Commission; Public Utilities Commission	
Date Received	09/08/2008	Date of Review 10/29/2008

Note: Entries in data fields result from insufficient information provided by lead agency.

S-7

RECEIVED
SEP 17 2008
STATE CLEARING HOUSE

September 12, 2008

Clara (08/01)

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
800 CAPITOL Mall, Room 504
Sacramento, CA 95833
(916) 933-4282
(916) 933-6280 - Fax

County of Monterey, Resource Management Agency
100 W. Alisal Street, 2nd Floor
Salinas, CA 93901-2680

RE: 00146207121001 2007 Monterey County General Plan Monterey County.

Dear Mr. Miller:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of historical resources, which includes archaeological resources, it is significant and requires the preparation of an archaeological impact report. The NAHC is pleased to advise that the project will have an adverse impact on historical resources within the area of project effect (APE), and it is to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Conduct the appropriate regional archaeological information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the possibility is high that cultural resources may be present.
 - If the project is likely to disturb, or high that cultural resources may be present.
- ✓ If an archaeological inventory survey is required, the final steps in the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site photographs, and mitigation measures should be submitted immediately to the NAHC for review and approval.
 - The final report should be submitted within 3 months after work has been completed to the appropriate agency.
- ✓ Conduct the appropriate information Center for:
 - A Sacred Lands File Check. USGS 7.4 Eutrophia subwatershed areas, Scripps, Bugeo and section 141414.
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures.
- ✓ Lack of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of potentially discovered archaeological resources, per California Environmental Quality Act (CEQA) §15094.5(f). In cases of significant archaeological resources, a certified archaeologist and a culturally affiliated Native American, with appropriate permits, should be present during the project.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts. In consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. In cases of discovery of human remains, the project should be suspended until the appropriate agencies are notified and the appropriate steps are taken to protect the remains to be followed in the event of an accidental discovery of any human remains in a location other than a designated cemetery.

Sincerely,
Kathy Sanchez
Kathy Sanchez
Program Analyst

CC: State Clearinghouse

S-8a

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NOV 9 7 2008
City of Salinas (see) on 11/9/08

November 5, 2008

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT
2007 MONTEREY COUNTY GENERAL PLAN

Arnold Estrada, Director
100 W. Alisal Street, 2nd Floor
Salinas, CA 93901-2680

Subject: 2007 Monterey County General Plan
SCFH# 2007121001

Dear Carl Hahn:

The enclosed comments (0) on your Draft EIR was (were) received by the State Clearinghouse after the end of the 60-day review period, which closed on October 29, 2008. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.



The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to address these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-mentioned project, please refer to the six-digit State Clearinghouse number (2007121001) when contacting this office.

Sincerely,
Jerry Seitz
Jerry Seitz
Senior Planner, State Clearinghouse
cc: Monterey Agency

1400 10th Street, P.O. Box 3044, Sacramento, California 95833-3044
(916) 445-4013 FAX (916) 335-3818 www.oprc.ca.gov

S-8a
See S-5

Department of Toxic Substances Control

Merrilee F. Gerson, Director
2800 Cal Center Drive
Sacramento, California 95825-3200

Lisa S. Adams
Secretary for
Environmental Protection

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October 31, 2008

Mr. Carl Holm
Planning Manager
Monterey County Planning Department
168 W. Main Street, 2nd Floor
Salinas, California 93901

REVIEW OF THE MONTEREY COUNTY 2007 GENERAL PLAN (AMENDED) DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR), SCH #2007121001 DATED SEPTEMBER 2008

Dear Mr. Holm:

Thank you for providing the Department of Toxic Substances Control (DTSC) the opportunity to review the *Monterey County 2007 General Plan Draft Environmental Impact Report* dated September, 2008.

DTSC is the State's lead agency for the environmental cleanup and reclamation of closing military bases and maintains jurisdiction over all hazardous substance and hazardous waste issues with the exception of petroleum contamination. The basis for DTSC's regulatory authority is found in California Health and Safety Code, Division 20, Chapters 8.5 (Hazardous Waste Control), Chapter 8.8 (Hazardous Substances Account Act), and California Code of Regulations, Title 22, Division 4.8.

The Central Coast Regional Water Quality Control Board (CCRWCQB) has authority over the remediation of petroleum sites and the protection of the waters of the State of California. The CCRWCQB regulatory authority is found in the Porter-Cologne Water Quality Control Act, California Water Code and California Code of Regulations, Title 23, Division 3, Chapter 15 and 16. In addition, the Air Resources Board would be concerned with impacts to air quality.

DTSC generally reviews the environmental documents to determine whether the proposed project could have potential impact on public health and worker safety because of the possible presence of residual chemical contaminants and/or munitions and explosives of concern (MEC).

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S-8a
See S-5

Mr. Carl Holm
October 31, 2008
Page 2.

Please ensure that any reuse planned for property on the former Fort Ord facility is consistent with the approved Fort Ord Reuse Plan dated June 1997. This is the document that the regulators use to ensure cleanup levels support reuse of various parcels.

The comments below were previously submitted to your agency for the 2006 General Plan DEIR. These are being resubmitted to ensure completeness of our review.

Table 4-3 Executive Summary Table, Mitigation Measure 4.3 Water Resources. Volatile Organic Compounds and other contaminants have been found to impact the groundwater resources at numerous sites in Monterey County, and the most notable is the former Fort Ord. Although the Fort Ord and Monterey Peninsula Airport prohibition zones and the associated County Ordinance are mentioned briefly in Section 4.3 (Page 4.3-72) of the DEIR, DTSC encourages the County to research the extent of groundwater impacts that have been identified in Monterey County. For instance, the former Fort Ord drinking water wells have been impacted with low concentrations of trichloroethene (TCE). These other organic contaminants should be added to mitigation measure Table 1-2 and other appropriate tables throughout the document. Information with respect to the status of the former Fort Ord cleanup program can be found at www.fortordcleanup.com. You can also view various Land Use Covenants for groundwater use restrictions for Fort Ord on the DTSC's web page, www.emfscfor.dtic.mil.

Section 4.3.4, Page 4.3-100 Well Competition and Adverse Well Interference. This section describes the impacts of wells in close proximity or adjacent to each other that can be thought of as competing for the same groundwater resources. It should be noted that interference with groundwater contaminant plumes should also be avoided. If upon pumping, the cone of depression interferes with a contaminated groundwater plume, adverse effects will result.

Section 4.15, Hazards and Hazardous Materials. The presence of MEC has been identified in the former Fort Ord area. The MEC areas are being identified, evaluated and remediated by the Army, although DTSC feels that MEC should be listed as a hazardous material on page 4.13-2. In addition, the Army feels that reasonable and prudent actions be taken when performing intrusive activities on the former Fort Ord site. The Army recommends that construction personnel involved in intrusive activity attend MEC recognition and safety training as offered by the Army in accordance with Record of Decision. No Further Action Related to Munitions and Explosives of Concern

S-6a
See S-5

Mr. Carl Holm
October 31, 2008
Page 3

Track 1 Sites, February 2005. The Army requires to be notified, by the landowner, prior to the start of planned intrusive activities. The link for registering for this training can be found at www.fort Ord.army.mil.

If you have any questions, please feel free to contact me at (916) 255-3664.

[Signature]
Sincerely,
Barbara McHenry
Sacramento Office
Brownpicks and Environmental Restoration Program

cc: Ms. Gisi Youngblood
FOR-Ord BRAC Environmental Coordinator
Department of the Army
Environmental and Natural Resources
Post Office Box 5004
Presidio of Monterey, California 93944-5004

Mr. Grant Hirschaugh
Regional Water Quality Control Board
Central Coast Region
885 Anovela Place, Suite 101
San Luis Obispo, California 93401

Office of Planning and Research
State Clearinghouse
1400 Tenth Street
Post Office Box 3044
Sacramento, California 95812-3044

Mr. Glenither Moskat
California CEQA Tracking Center
10011 Street, 25th Floor
Post Office Box 806
Sacramento, California 95812-0806

S-8b

24

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

December 3, 2008

Carl Holm
Monterey County
143 W. Alisal Street, 2nd Floor
Salinas, CA 93901-2480

Subject: 2007 Monterey County General Plan
SCBR 2007121001
See S-5

Dear Carl Holm:

The State Clearinghouse advised the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. This review period closed on December 2, 2008, and the Clearinghouse has notified the appropriate agency (as) in (an) enclosed. If the comments provided to the Clearinghouse are not addressed, please notify the State Clearinghouse immediately. Please note that the project's draft State Clearinghouse number is future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within its area of expertise. Comments that are not requested by the applicant or approved by the agency. These comments shall be supported by specific documentation.

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the corresponding agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents prepared in accordance with the State Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-6633 if you have any questions regarding the environmental review process.

Sincerely,
[Signature]
Terry Tolbert
Director, State Clearinghouse

Enclosed:
cc: Monterey Agency

1400 10th Street, P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-6633 FAX (916) 255-3035 www.spc.ca.gov

S-8b
See S-5

Mr. Carl Holm
October 31, 2008
Page 3

Track 1 Sites, February 2005. The Army requires to be notified, by the landowner, prior to the start of planned intrusive activities. The link for registering for the training can be found at www.fortordcleanup.com.

If you have any questions, please feel free to contact me at (916) 255-3664.

Stephan
Stephan

Hazards Scientist
Sacramento Office
Brownfields and Environmental Restoration Program

cc: Mr. Gail Youngblood,
Fort Ord BRAC Environmental Coordinator
Department of the Army
Environmental and Natural Resources
Post Office Box 5004
Pleasanton, California 94566-5004

Mr. Grant Hinebaugh,
Regional Water Quality Control Board
Central Coast Region
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Sacramento, California 95812-0806

S-8b
See S-5

Mr. Carl Holm
October 31, 2008
Page 2

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The comments below were previously submitted to your agency for the 2006 General Plan DEIR. These are being resubmitted to ensure completeness of our review.

Table 4.3-2 Executive Summary Table, Mitigation Measure 4.3 Water Resources. Volatile Organic Compounds and other contaminants have been found to impact groundwater resources at numerous sites in Monterey County, and the most notable is the former Fort Ord. Although the Fort Ord and Monterey Peninsula Airport prohibition zones and the associated County Ordinance are mentioned briefly in Section 4.3 (Page 4.3-72) of the DEIR, DTSC encourages the County to research the extent of groundwater impacts that have been identified in Monterey County. For instance, the former Fort Ord drinking water wells have been impacted with low concentrations of Trichloroethylene (TCE). These other organic contaminants should be added to mitigation measure Table 1-2 and other appropriate tables throughout the document. Information with respect to the status of the former Fort Ord cleanup program can be found at www.fortordcleanup.com. You can also view various Land Use Covenants for groundwater use restrictions for Fort Ord on the DTSC's web page, www.dfwfcofscbox.dtsc.ca.gov.

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STATE OF CALIFORNIA - THE RESOURCE AGENCY
CALIFORNIA COASTAL COMMISSION
 CENTRAL COAST DISTRICT OFFICE
 720 FRONT STREET, SUITE 200
 MONTEREY, CALIFORNIA 93940
 PHONE: (831) 427-4800
 FAX: (831) 427-4777

S-9c
See S-1

February 2, 2009

RECEIVED
 FEB 04 2009
 STATE CLEARING HOUSE

2007121001

Carl Holm, Assistant Director
 Monterey County Planning Department
 168 West Alisal Street, 2nd Floor
 Salinas, CA 93901

Subject: Monterey County 2007 General Plan Draft EIR

Dear Mr. Holm:

Thank you for the opportunity to comment on the Draft Program Environmental Impact Report (EIR) for the Monterey County 2007 General Plan. Please note that we have previously provided comments on the earlier version of the EIR (letter of April 2, 2004), on the Notice of Preparation for the EIR for the 2006 General Plan document (letter of March 14, 2006), on the Draft EIR for the 2006 General Plan document (letter dated October 16, 2006), and on the General Plan draft themselves, including most recently our letter of July 25, 2006. Please continue to consider these previous comments as the County moves forward with subsequent General Plan drafts and environmental review. The purpose of this letter is not to reiterate issues past comments, but rather to provide some general feedback regarding the relationship of the General Plan to the Local Coastal Program (LCP) and related CEQA documents.

As we have noted previously, we understand it is not the County's intent to use any part of the General Plan document as the basis for an LCP amendment or update. We further understand that any such LCP update amendments passed by the County will be pursued separately in the future through their own planning processes. As a result, and due to ongoing budget cut and staffing shortfalls, we have not thoroughly reviewed the current document, preferring instead to offer our available review time as future coastal zone documents and proposals. However, despite indications in the text that the General Plan and EIR are meant to cover only the inland portions of the County, cursory review of the EIR document indicates that a significant amount of data collection appears to have been included for the coastal zone portions of the County, and is represented in various exhibits, tables, and text throughout the document (e.g., the Biological Resources chapter shows and describes vegetation cover, special-status species, and habitats in the entire County). Although we understand the need to provide overall content in the EIR, given the County's stated position regarding the General Plan's lack of relationship to the coastal zone, we have not reviewed this information in relation to coastal zone resources and potential LCP updates and/or amendments-related datasets. Please clarify if our understanding is incorrect and the EIR/General Plan is intended to form the basis for future LCP planning. If so, we may have more comments for you.

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See S-1

February 5, 2009

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 FEB 10 2009
 Monterey County
 Planning and Building
 Inspection Administration

2007121001

Carl Holm
 Monterey County
 168 W. Alisal Street, 2nd Floor
 Salinas, CA 93901-2490


Subject: 2007 Monterey County General Plan
 SCHE: 2007121001

Dear Carl Holm:

The enclosed comment (c) on your Draft EIR was (never) received by the State Clearinghouse after the end of the state review period, which closed on February 2, 2009. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to request to late comments. EIRs are not to be amended after the public comment period has ended. Comments are to be submitted in a timely manner to the State Clearinghouse and to the local environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 444-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-enclosed project, please refer to the six-digit State Clearinghouse number (2007121001) when contacting this office.

Sincerely,

 Terry Roberts
 Senior Planner, State Clearinghouse
 Resources Agency

1400 18th Street, P.O. Box 9884, Sacramento, California 95812-3844
 (916) 445-9613 FAX (916) 335-5618 www.cpr.ca.gov

S-8c
See S-1

Carl Holm, Monterey County
2007 General Plan Draft EIR
February 2, 2009
Page 2

In any event, we look forward to seeing a revised final EIR that addresses these and previous comments that we have submitted. Please contact me if you have any questions or would like to discuss our comments further.

Sincerely,
Kathy Morange
Kathy Morange
Coastal Planner
or OPS Coordinator
ARBAG Chairperson



California Regional Water Quality Control Board Central-Coast Region

Central-Coast Region
Regional Office, 2007
168 West Alisal Street, 2nd Floor
San Luis Obispo, CA 93401
Phone (805) 463-0177 FAX (805) 545-0097

February 5, 2009

Carl Holm
Planning and Building
Inspection Administration
Monterey County
168 West Alisal Street, 2nd Floor
San Luis Obispo, CA 93401

BY ELECTRONIC MAIL

Monterey County
Planning and Building
Inspection Administration

FEB 05 2009

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by e-mail 2-5-09 4:20 PM

Dear Mr. Holm:
DRAFT ENVIRONMENTAL IMPACT REPORT, 2007 MONTEREY COUNTY GENERAL PLAN, MONTEREY COUNTY, SCH# 2007121001

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the 2007 Monterey County General Plan (General Plan). The Central Coast Regional Water Quality Control Board (Water Board) is a responsible agency under the California Environmental Quality Act (CEQA). Water Board staff understands that the project is a comprehensive update of the existing 1982 Monterey County General Plan.

General/Opening Comments

Water Board staff supports and commends Monterey County for developing the goals and policies contained within the General Plan addressing issues critical to effective watershed protection such as the development of sustainable water supplies, groundwater recharge area protection, stream setbacks, habitat protection, centralized development, water conservation and reuse, centralized wastewater treatment and recycling, and collaborative regional planning. The successful implementation of policies addressing these critical issues should effectively restore and protect water quality (i.e. help mitigate potential cumulative impacts from projected land use activities). Monterey County is on the forefront of addressing some of these critical issues.

In some cases, the DEIR does not appear to link policies within the General Plan that could be applicable to impacts as mitigation measures. Given the DEIR Executive Summary Table (1-2) is not specific regarding which General Plan goals and policies apply, and the environmental impact discussions within DEIR section 4 neglect to identify all applicable General Plan policies as mitigation measures, we must assume that all policies within the General Plan are binding mitigation measures pursuant to the DEIR. We did not attempt to identify and itemize General Plan policies as DEIR mitigation measures for each and every discussed "issue/impact." As such, our comments below are generally in the form of issue discussions accompanied by

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<p>County of Monterey Resource Management Agency, Planning Department</p>	<p>2</p>	<p>February 6, 2009</p>	<p>S-8</p> <p>suggested modifications to or additional policies within the General Plan that should be implemented as measures to mitigate the environmental impact of General Plan implementation.</p> <p>Sustainable Water Supply & Healthy Watershed Functions – Segment Comments</p> <p>Water demand for the existing developed areas of Monterey County is currently not sustainable and is resulting in cumulative watershed (both surface and groundwater) impacts. This should be in various portions of the DEIR Water Resources section. The DEIR indicates the development and implementation of new water sources, complex use savings, and conservation and reuse are required to meet future demand. However, the DEIR does not recognize that these measures along with the restoration and protection of existing water resources are required to meet existing demand in a sustainable manner. Monterey County must take more holistic approach to protect and manage water resources. A holistic water resource management approach requires healthy watershed functions as the primary goals and includes actions for meeting sustainable water supply demand. This holistic approach also includes a clear understanding of the interrelationships between surface and groundwater resources within and between each of the watersheds. The economic viability and environmental health of Monterey County (particularly the health of its watersheds) are inextricably dependent on one another.</p> <p>Sustainable water supplies for future development can only be achieved within healthy functioning watersheds. Abundant and clean water does not exist in watersheds that do not function properly. Therefore, the goal for achieving sustainable water supplies to meet existing and future water demand should be met first and foremost through restoring and maintaining healthy watershed functions. We agree the potential impacts to water supply (surface waters and groundwater basins) are significant as a result of future growth within Monterey County. However, we are confident they are also avoidable (not unavoidable as indicated in the DEIR) should demand be met through sustainable practices and comprehensive watershed management programs that restore and maintain healthy watershed functions. The development of sustainable water supplies to meet future demand is predicated on restoring healthy watershed functions under existing developed conditions prior to placing additional demands on the already stressed watersheds.</p> <p>Healthy watersheds have physical and biological integrity, with conditions that are observable and measurable. Healthy watersheds meet all of the following conditions:</p> <p>¹ The Shields Aquifer and Pajero Valley Groundwater Basin are currently in overdraft resulting in seawater intrusion and other water quality impacts associated with diminished aquifer capacity and depletion of the aquifer. The Carmel River watershed is currently in overdraft due to the California American Water Company's over allocation of approximately 10,700 acre-feet per year from the Carmel River which is the primary public water supply (approximately 75%) for most of the Monterey Peninsula. DEIR section 1.6.1.2 states: "The three major watersheds in the County (Salinas, Carmel and Pajero Rivers) are all in state of overdraft." In addition, there are extensive and well documented nitrate impacts throughout the Salinas Valley.</p> <p><i>California Environmental Protection Agency</i> Report Page</p>
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<p>County of Monterey Resource Management Agency, Planning Department</p>	<p>3</p>	<p>February 6, 2009</p>	<p>S-9</p> <p>Rainfall surface runoff at pre-development levels; Watershed storage of runoff, through infiltration, recharge, baseflow, and interflow, at pre-development levels; Watercourse geomorphic regimes within natural ranges (stream banks are stable within natural range; sediment supply and transport within natural ranges); and Optimal riparian and aquatic habitats (including: stream flow, in-channel, water column, and benthic conditions).</p> <p>Consequently, the restoration and maintenance of healthy watershed functions could be achieved by watershed management plans that:</p> <ul style="list-style-type: none"> • Maximize infiltration of clean storm water, and minimize runoff volume and rate; • Protect riparian areas, wetlands, and their buffer zones; • Minimize pollutant loading to surface water and groundwater; • Protect recharge areas; • Maximize groundwater recharge (that will not result in groundwater impacts); • Minimize and eliminate overdrift; • Maintain surface water basins; • Promote water conservation and reuse; • Provide sufficient ongoing monitoring; and • Provide long-term watershed protection. <p>The General Plan contains numerous goals and policies addressing various components of what Water Board staff would consider a comprehensive watershed management program. However, the DEIR and General Plan do not link them together as part of a long-term comprehensive watershed management strategy. The General Plan should include a clear strategy that considers healthy watershed functions as necessary to assure sustainable water supplies. The strategy should establish realistic goals that can be evaluated by measurable outcomes.</p> <p>Regional Watershed Management</p> <p>The water supply issues facing Monterey County require a collaborative and integrative approach to the development of sustainable water supplies. Monterey County's ongoing collaborative development and implementation of watershed management plans and groundwater management plans is discussed in section 4.3.2.2 of the DEIR and the DEIR proposes additional policies (PS-3.16, PS-3.17 and PS-3.18) under mitigation measures MR-1 and MR-2 for the collaborative development of new water supply projects. However, Water Board staff could not find any additional specific policies within the General Plan or mitigation measures within the DEIR specifically identifying regional watershed management as a priority. Water Board staff strongly supports Monterey County's current efforts in developing regional solutions to developing sustainable water supplies given they clearly identify management of the watersheds as ecosystems and not just that of a water (supply) resource.</p> <p><i>California Environmental Protection Agency</i> Report Page</p>
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<p>Monterey County</p> <p>4</p> <p>February 5, 2009</p>	<p>S-9</p> <p>DEIR Impact WR-3: Agricultural and resource development (i.e., limited timber harvesting and mineral resources extraction) land uses consistent with the General Plan would increase sediment and nutrients in downstream waterways and violate water quality standards. (Less-Than-Significant Impact);</p> <p>To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to conduct or require a third party to conduct a regional, collaborative (with San Luis Obispo County) fluvial geomorphology study of the Salinas River watershed to evaluate impacts associated with in-stream and off-channel sand and gravel mining and other activities. This policy statement could fit in the General Plan under Mineral Resources Goal OS-2.</p> <p>DEIR Impact WR-1: 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. (Less-Than-Significant Impact);</p> <p>To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to add "impacted soil and groundwater sites" to General Plan Public Services Policy PS-2.6.</p> <p>DEIR Impact WR-4: Land uses and development consistent with the 2007 General Plan would exceed the capacity of adding water supplies and necessitate the acquisition of new supplies to meet expected demands (Significant and Unavoidable Impact);</p> <p>DEIR 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. (Significant and Unavoidable Impact);</p> <p>DEIR Impact BIO-2: Potential Adverse Effects on Sensitive Riparian Habitat, Other Sensitive Natural Communities and on Federal and State Jurisdictional Wetlands and Wetlands (Less Than Significant with Mitigation for 2030 Planning Horizon and Significant and Unavoidable with Mitigation for Buildout);</p> <p>DEIR Impact BIO-3.1: Potential Disturbance and Loss of Native Fish and Wildlife Species Movement Corridors (Less Than Significant with Mitigation for 2030 Planning Horizon and for Buildout);</p> <p>To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop a policy to continue the collaborative development and implementation of watershed planning and for Buildout;</p> <p>² See June 4, 2008 RWQCS letter to San Luis Obispo County Department of Planning and Building regarding "Vegetation Integrated Negative Declaration (Conditional Use Permit E007-062)."</p> <p><i>California Environmental Protection Agency</i></p> <p><i>Request Paper</i></p>
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<p>Monterey County</p> <p>6</p> <p>February 6, 2009</p>	<p>S-9</p> <p>management plans" and develop additional regional watershed management plans as necessary to ensure healthy functioning watersheds and sustainable water supplies. All new watershed management plans or updates to existing plans shall include performance goals, metrics and monitoring specifically focused on restoring and maintaining healthy watershed functions. This policy statement could fit in the General Plan Public Services Policy statement under Water Quality and Supply Goal PS-2.</p> <p>DEIR Impact WR-4, WR-8, BIO-2 and BIO-3.1:</p> <p>To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop a policy to continue the collaborative development and implementation of groundwater management plans and develop additional regional groundwater management plans as necessary to ensure healthy functioning watersheds and sustainable water supplies. All new groundwater management plans or updates to existing plans shall include performance goals, metrics and monitoring specifically focused on restoring and maintaining healthy watershed functions. This policy statement could fit in the General Plan Public Services Policy statement under Water Quality and Supply Goal PS-2.</p> <p>DEIR 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. (Significant and Unavoidable Impact);</p> <p>DEIR Impact WR-8: Land uses and development consistent with the 2007 General Plan would result in an increase in the number of private wells in unincorporated areas of the county. Appraisal of wells in these areas would result in well interference impacts. (Less-Than-Significant Impact);</p> <p>DEIR Impact WR-4, WR-6, BIO-2 and BIO-3.1:</p> <p>To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to modify General Plan Public Services Goal PS-3.15 as follows and include a realistic near term timeline for development and implementation of the proposed guidelines:</p> <p>To ensure accuracy and consistency in the evaluation of water supply availability, Monterey County Health Department, in coordination with the MCVWA, shall develop guidelines and procedures for conducting water supply assessments and determining water availability. Water supply assessments shall be based on cumulative sustainable demand required to maintain healthy watershed functions (i.e., will not result in deficits).</p> <p>² Salinas River Watershed Management Action Plan; Carmel River Watershed Assessment and Action Plan; Pajaro Watershed Water Quality Management Plan; Pajaro River Watershed Integrated Regional Water Management Plan; Monterey Wetlands, Carmel Bay and Soledad Monterey Bay Integrated Regional Water Management Plan.</p> <p><i>California Environmental Protection Agency</i></p> <p><i>Request Paper</i></p>
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Monterey County	6	February 5, 2009	8-9
<p>on stream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life, including mitigation potential for dissolved and to prevent overbank and seasonal flooding. Adequate availability and provision of water supply, treatment, and conveyance facilities shall be assured to the satisfaction of Monterey County prior to approval of final subdivision maps or any changes in the General Plan Land Use or Zoning designations.</p>			
<p>DEIR Impact WR-1, WR-3 and WR-4:</p>			
<p>To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to actively participate in this development and implementation of the Salinas Valley groundwater recharge study required pursuant to Senate Bill 1, Peris (Water quality, flood control, water savings, and wildlife preservation) adopted on September 30, 2006. This policy could fit in the General Plan Public Services Policy statement under Water Quality and Supply Goal PS-2.</p>			
<p>General Plan Public Services Goal PS-2: Assure an adequate and safe water supply to meet the county's current and long-term needs:</p>			
<p>To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to modify General Plan Public Services Goal PS-2 in the following manner:</p>			
<p>Assure healthy functioning watersheds to provide an adequate, sustainable and safe water supply to meet the county's current and long-term needs.</p>			
<p>Groundwater:</p>			
<p>Groundwater management is an integral component of watershed management given the interrelationships between surface water and groundwater quality and quantity. The primary groundwater quality and quantity issues within Monterey County are overbank, seawater intrusion, contaminant loading (especially nitrate and salt) and recharge area protection. Water Board staff commends Monterey County for their current regional efforts and for developing goals and policies within the General Plan that address these issues. Subsequently, our recommended mitigation measures below are generally programmatic in nature and build upon the existing General Plan policies and various regional projects currently being developed or implemented by Monterey County.</p>			
<p>DEIR Impact WR-1 and WR-6:</p>			
<p>To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop a policy requiring project applicants for new development to identify and delineate groundwater recharge areas within the hydrologic subunit of the proposed project. This policy statement could fit in the General Plan Water Quality and Supply Goal PS-2.</p>			
<p><i>California Environmental Protection Agency</i> Report Page</p>			

Monterey County	7	February 8, 2009	8-9
<p>Monterey County should use these data to update and maintain the Hydrologic Resource Constraints and Hazards Database within Monterey County Geographic Information System (GIS) identified in General Plan Public Services Policy statement PS-2.6.</p>			
<p>DEIR Impact WR-1:</p>			
<p>To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop an ordinance prohibiting the siting of commercial and industrial facilities producing or handling hazardous chemicals (i.e. gas stations, dry cleaners, fertilizer/herbicide/pesticide facilities, etc.) within known groundwater recharge areas or sole source (water supply) aquifers. This policy could fit in the General Plan under Water Quality and Supply Goal PS-2.</p>			
<p>Wastewater Management—General Comments</p>			
<p>To mitigate the environmental impacts of development consistent with the General Plan, Monterey County should include a mitigation measure requiring the Basin Plan and other surface water and groundwater protection policies established within Monterey County. Requirements of these plans and policies should protect surface water and groundwater beneficial uses and ensure proper wastewater treatment system planning, design, construction, operation, and maintenance mechanisms.</p>			
<p>The Basin Plan emphasizes the pursuit of regional wastewater management and includes the following Management Principle (Chapter V, Section 11B):</p>			
<p>"The number of waste sources and independent treatment facilities shall be minimized and the consolidated systems shall maximize their capacities for wastewater reclamation, assure efficient management of, and meet potential demand for reclaimed water."</p>			
<p>That principle conforms to the Basin Plan goals (Chapter IV, Section 1):</p>			
<p>"To manage municipal and industrial wastewater disposal as part of an integrated system of fresh water supplies to achieve maximum benefit of fresh water resources for present and future beneficial uses and to achieve harmony with the natural environment, and to continually improve waste treatment systems and processes to assure consistent high quality effluent based on best economically achievable technology."</p>			
<p>To achieve Basin Plan goals and management principles, use of onsite septic systems should be minimized where a regional wastewater system is available. To mitigate the environmental impacts of development consistent with the General Plan, the EIR should</p>			
<p><i>California Environmental Protection Agency</i> Report Page</p>			

<p>Monterey County</p>	<p style="text-align: right;">S-9</p> <p style="text-align: center;">February 5, 2009</p> <p>Include a mitigation measure requiring Monterey County to consider onsite systems as temporary measures until access to a regional wastewater system is feasible.</p> <p>To mitigate the environmental impacts of development for 2030 and 2092 ("Buildout") consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to have policies that: a) strongly favor new developments being annexed into regional Monterey County wastewater treatment system service areas, connected to the nearest urban or rural center collection system, or b) require Monterey County to build a new wastewater treatment system to meet the needs of the planned development. To justify a new wastewater treatment system, the Water Board would require: a) a detailed third party evaluation indicating connection to the nearest Monterey County regional, urban, or rural center wastewater and reclamation facility is not feasible, or b) Monterey County to develop a Water Board approved Urban Area Wastewater Master Plan.</p> <p>It is the joint goal of the Water Board and the Monterey County Environmental Health Division (EHD) to protect water quality and public health from impacts associated with onsite wastewater discharges (i.e., septic systems). A memorandum of understanding (MOU) between the Water Board and the EHD has historically been in effect but is in the process of renewal. This MOU defines cooperative roles for the EHD and the Water Board with respect to compliance with the purpose and intent of statewide standards, Basin Plan criteria, and applicable local regulations governing onsite wastewater systems. The Water Board intends this MOU to assist in creation of a partnership between the Water Board and the EHD to protect water quality and public health in areas where the utilization of onsite wastewater systems occur. Under the MOU, the EHD shall ensure that the siting, design, approval, installation, operation, maintenance, and monitoring of all onsite wastewater systems shall be in conformance with Basin Plan requirements.</p> <p>To mitigate the environmental impacts to groundwater and surface water of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to establish a policy regarding the removal of and adherence to the MOU between the Water Board and EHD. The MOU should be updated as needed.</p> <p>To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop and implement an onsite wastewater management plan in urbanizing areas to investigate and mitigate long-term cumulative impacts resulting from continued use of onsite wastewater systems. This plan should be a comprehensive planning tool to specify onsite wastewater system limitations to prevent groundwater or surface water degradation.</p> <p>Wastewater Management - Home Owner Associations and Community Service Areas Comments indicate that Monterey County wastewater treatment systems, reclamation, and disposal facilities operated by home owners associations (HOAs), developers, or other similar private organizations have often lead to environmental impacts, since no</p>
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<p>Monterey County</p>	<p style="text-align: right;">S-9</p> <p style="text-align: center;">February 5, 2009</p> <p>responsible party is available to address the falling wastewater systems. Highland Sanitary Association and the various Los Palmaris Homeowners Associations are noteworthy examples. The DEIR should address this environmental impact. The General Plan Public Service Policies PS-4.3 and PS-4.7 do not state criteria specifying that these organizations be omitted as an acceptable "provider" of new wastewater systems.</p> <p>To mitigate the environmental impacts to surface water and groundwater from new wastewater systems developed under the General Plan, the EIR should include a mitigation measure requiring Monterey County to adopt an enforceable regulation prohibiting HOAs, developers, or other similar private organizations from being designated service providers, unless it is infeasible for Monterey County to establish a community service area (CSA) or similar public service provider. A CSA or similar should have the ability to levy additional fees as necessary to ensure an adequate funding and management structure is in place for operation and maintenance of the wastewater systems. At a minimum, mitigation measures should include policies that require financial guarantees (e.g., performance bonds) for the operation and maintenance of the system. Such systems also must be operated by an appropriately qualified and licensed operator. Property deed restrictions may be necessary in some instances to ensure adequate long term operation and maintenance.</p> <p>Wastewater Management - Salt Management Salts (sodium, chloride, and total dissolved solids) loading from wastewater is a major cause of groundwater quality degradation. Salt wastewater also inhibits a community's ability to recycle water. The DEIR should address this environmental impact. To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to adopt an enforceable regulation requiring all brine disposal to be performed onsite at a certified brine receiving facility, or be disposed of in a manner that will not have an effect on groundwater quality. In addition, mitigation measures for salt management should include a prohibition of self-regenerating water softeners (those which discharge salt) in all new development. These mitigation measures are key to reducing the environmental impacts of wastewater discharge.</p> <p>Wastewater Management - Water Recycling In California Water Code Section 14510, the state legislature declares, "that the people of the state have a primary interest in the development of facilities to recycle water containing waste to supplement existing surface and underground supplies and to assist in meeting the future water requirements of this state." The Water Board strongly encourages the use of recycled water for irrigation and other non-potable uses. To this end, the EIR should include a mitigation measure requiring Monterey County to be an active participant in the implementation of the adopted State Water Resources Control Board Water Recycling Policy by:</p>
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* Currently available for public review and pending approval of the February 3, 2009 State Water Resources Control Board meeting. Information available at: http://www.sarad.ca.gov/water/development/2008/2009_wrcb/water_recycling_policy.html

Monterey County	10	February 5, 2009	S-8
<p>a. Promoting and mandating water recycling for new development projects within Monterey County's jurisdiction.</p> <p>b. Actively participating in the locally driven and controlled collaborative process for the preparation of salt and nutrient management plans for each business-basin within Monterey County, including compliance with CEQA.</p>	19		
<p>DER Impact WR-6: Land uses and development consistent with the 2007 General Plan would increase the demand for water storage, treatment, and conveyance actions that would have significant secondary impacts on the environment. Significant and Unavoidable Impact;</p>	20		
<p>DER Impact WR-8: Land uses and development consistent with the 2007 General Plan would result in sewer- and septic-related water quality impacts, including the association with release of treated water and migration of septic tank leachfield treatment effluent to groundwater that would violate water quality standards. (Less-Than-Significant Impact)</p> <p>To mitigate the environmental impacts of development consistent with the General Plan, the ER should include a mitigation measure requiring Monterey County to include conservation and recycling in General Plan Public Services Statement PS-3.9.</p>	21		
<p>Wastewater Management – Grey Water Ordinances</p> <p>DER Impact WR-4 and WR-5:</p> <p>To mitigate the environmental impacts of development consistent with the General Plan, the ER should include a mitigation measure requiring Monterey County to include a policy to develop a countywide grey water ordinance in support of General Plan Public Services Policy Statement PS-3.10.</p>	22		
<p>Wastewater Management – Sewage Disposal</p> <p>DER Impact WR-8:</p> <p>To mitigate the environmental impacts of development consistent with the General Plan, the ER should include a mitigation measure requiring Monterey County to update its sewage disposal ordinances contained within Chapter 15.20 of Monterey County Code to be consistent with the development of onsite wastewater management plans and the most current onsite wastewater system criteria with the Basin Plan.</p>	22		
<p>Wastewater Management – Future Connection Mandates</p> <p>State Water Resources Control Board proposed Water Recycling Policy addresses the following topics: benefits of recycled water; mandates for its use; interagency roles; collaborative development of basin-basin submittal management plans; landscape irrigation projects including streamlined permitting; groundwater recharge projects; infiltration; emerging contaminants/chemicals of emerging concern; and incentives for the use of recycled water.</p>			
<p style="text-align: center;"><i>California Environmental Protection Agency</i> Regional Office</p>			

Monterey County	11	February 5, 2009	S-8
<p>General Plan Public Service policies PS-4.5 and PS-4.6 require Monterey County staff to develop criteria and provide proof of the adequacy of wastewater treatment services for new facilities. These policies do not apply the requirement to existing satellite wastewater systems for possible future connections. Continuance of existing satellite wastewater treatment systems can have cumulative impacts to surface waters and groundwater. To mitigate for the environmental impacts of development consistent with the General Plan, the ER should include a mitigation measure requiring Monterey County to include a Public Service Policy stating existing satellite wastewater treatment systems must establish a connection to regional, urban, or rural center wastewater treatment system when these systems become available.</p>	22		
<p>In addition, the mitigation measure should require adoption of an enforceable regulation requiring any new development's wastewater collection system be tied into the nearest county regional, urban, or rural center wastewater treatment facility when available, followed up by abandonment of an existing satellite system, if applicable. Monterey County should require assurances that the existing wastewater system is capable of, and agrees to accept maximum projected wastewater flows from the project at ultimate build-out. These mitigation measures are key to reducing impacts to surface water and groundwater.</p>	23		
<p style="text-align: center;">Agriculture – Stream Sediment</p>			
<p style="text-align: center;">DER Impact BIO-2:</p>			
<p>According to the DER, existing agricultural land use is not considered a significant impact on Sensitive Riparian Habitat because of General Plan policies AG-5.1 and AG-5.2. These policies support programs and policies that reduce erosion and protect surfaces and ground water, but they do not directly protect Sensitive Riparian Habitat, other sensitive natural communities or federal and state jurisdictional waters and wetlands. To mitigate the environmental impacts of development consistent with the General Plan, the ER should include a mitigation measure requiring Monterey County to develop policies that explicitly ensure the compatibility of agricultural uses and riparian and aquatic habitat.</p>			
<p>The stream setback ordinance required as mitigation for Impact BIO-2 would be a valuable measure to protect riparian habitat. The description of this mitigation measure recommends that the ordinance apply to discretionary development and to conversion of previously uncultivated agricultural land on slopes greater than 10% for erodible soils and greater than 15% for normal soil. To mitigate the environmental impacts of developed agricultural lands and conversion of existing agricultural uses to more intensive crops that may have greater impact on the environment, such as strawberries, nursery and greenhouse crops, intensive agriculture has a high potential to impact riparian habitats on all slopes and soil types. The ordinance should remove slope as a requirement for applicability.</p>			
<p style="text-align: center;"><i>California Environmental Protection Agency</i> Regional Office</p>			

<p>Monterey County</p> <p>Agriculture – Food Safety and Environmental Protection</p> <p>DEIR Impact BIO-3.1:</p> <p>Environmental issues and impacts from agricultural land use are not acknowledged and assessed in the DEIR. The impacts of irrigated agriculture on biological resources have intensified in recent years because of food safety concerns, such as potential exposure of crops to pathogens such as E. Coli and salmonella. Some produce buyers have required growers to demonstrate and document that potential vectors for these pathogens such as wildlife and domestic livestock are excluded from production fields and that there are distinct zones between cultivated production and habitats. Currently, common food safety practices include the removal of vegetated buffers, installation of riparian wildlife exclusionary fences along corridors, removal and trimming of riparian vegetation, installation of rodent and bird poison bait stations between habitats and fields, removal of trees and non-productive vegetation from field edges, and the draining or treating of reservoirs and basins.</p> <p>To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop supporting policies that ensure safe food supplies and protection of environmental resources. Monterey County should develop a program that coordinates food safety and environmental protection requirements for growers.</p> <p>Agriculture – Pesticides and Antacry Coordination</p> <p>DEIR Impact WR-3:</p> <p>The DEIR Impact WR-3 summary states that nutrients and sediment in downstream waterways are impacts from agricultural land uses. Pesticides should be included along with sediment and nutrients. Several water bodies in Monterey County are on the Clean Water Act Section 303(G) list for impairments from pesticides. Recent water quality monitoring data for agricultural drainages in Monterey County indicate the presence of currently applied agricultural pesticides at concentrations that have been documented to cause toxicity to aquatic species.</p> <p>Policies in the Agricultural Land Use section of the General Plan support programs and policies that protect and enhance surface and ground water resources. In addition to supporting these programs, the EIR should include a mitigation measure requiring Monterey County to develop programs with County Agricultural Commissioner and Monterey County Water Resources Agency that work directly with agriculture to protect and enhance water quality from agricultural discharges. These programs should coordinate with the Water Board Conditional Waiver for Irrigated Agriculture Program and other Water Board programs.</p> <p>Bioremediation</p>	<p>24</p>	<p>25</p>
<p>Monterey County</p> <p>Stormwater Management</p> <p>DEIR Impact PSU-7:</p> <p>Development and land use activities contemplated in the General Plan may result in the need for new or expanded stormwater drainage facilities. (Less-Than-Significant Impact);</p> <p>DEIR Mitigation Measure PS-1: 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.</p> <p>Properly implemented LID is appropriate mitigation to prevent adverse water quality and beneficial use effects from runoff of developed areas, not just to decrease the need for LID or expanded stormwater drainage facilities. The stated mitigation measure looks at LID on a lot-by-lot basis (understood to be a Best Management Practices) level. To be effective, LID needs to be included as a design approach and implemented into the early site design and planning phases.</p> <p>A development that only incorporates some LID techniques into an otherwise conventional design would not likely achieve the water quality benefit that comes from a project that is designed using LID principles. To mitigate for the environmental impacts of the General Plan, the mitigation measure should require projects to contain all of these elements. The DEIR also does not document the potential cumulative environmental impacts to watershed hydrology from existing and other planned development in the area.</p>	<p>26</p>	<p>26</p>

<p>Monterey County</p> <p>Stormwater Management</p> <p>DEIR Impact PSU-7:</p> <p>Development and land use activities contemplated in the General Plan may result in the need for new or expanded stormwater drainage facilities. (Less-Than-Significant Impact);</p> <p>DEIR Mitigation Measure PS-1: 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.</p> <p>Properly implemented LID is appropriate mitigation to prevent adverse water quality and beneficial use effects from runoff of developed areas, not just to decrease the need for LID or expanded stormwater drainage facilities. The stated mitigation measure looks at LID on a lot-by-lot basis (understood to be a Best Management Practices) level. To be effective, LID needs to be included as a design approach and implemented into the early site design and planning phases.</p> <p>A development that only incorporates some LID techniques into an otherwise conventional design would not likely achieve the water quality benefit that comes from a project that is designed using LID principles. To mitigate for the environmental impacts of the General Plan, the mitigation measure should require projects to contain all of these elements. The DEIR also does not document the potential cumulative environmental impacts to watershed hydrology from existing and other planned development in the area.</p>	<p>24</p>	<p>25</p>
<p>Monterey County</p> <p>Stormwater Management</p> <p>DEIR Impact PSU-7:</p> <p>Development and land use activities contemplated in the General Plan may result in the need for new or expanded stormwater drainage facilities. (Less-Than-Significant Impact);</p> <p>DEIR Mitigation Measure PS-1: 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.</p> <p>Properly implemented LID is appropriate mitigation to prevent adverse water quality and beneficial use effects from runoff of developed areas, not just to decrease the need for LID or expanded stormwater drainage facilities. The stated mitigation measure looks at LID on a lot-by-lot basis (understood to be a Best Management Practices) level. To be effective, LID needs to be included as a design approach and implemented into the early site design and planning phases.</p> <p>A development that only incorporates some LID techniques into an otherwise conventional design would not likely achieve the water quality benefit that comes from a project that is designed using LID principles. To mitigate for the environmental impacts of the General Plan, the mitigation measure should require projects to contain all of these elements. The DEIR also does not document the potential cumulative environmental impacts to watershed hydrology from existing and other planned development in the area.</p>	<p>26</p>	<p>26</p>

<p>14</p> <p>February 6, 2009</p> <p>Monterey County</p>	<p>S-#</p> <p>DER Impact WR-10: Land use and development consistent with the General Plan would result in alterations to existing drainage patterns. Such changes would increase erosion, both in channel flow paths and in drainage swales and creeks. (Less-Than-Significant Impact).</p> <p>The DEIR discussion for WR-10 states that development consistent with the General Plan would result in a gradual increase in impervious cover. To mitigate for the environmental impacts of developing consistent with the General Plan, the DEIR should include a mitigation measure requiring Monterey County to implement a policy to limit the percentage of impervious cover for developments and to estimate the effect of imperviousness on a watershed scale.</p> <p>Detention ponds as a mitigation approach for hydrologic changes are not sufficient because they replace only a scant fraction of the storage capacity of hillslopes that was lost, connect what was once spatially distributed at a surface water outlet and reduce the rate and change the location of groundwater recharge and subsequent discharge. To mitigate the environmental impacts of development consistent with the General Plan, the DEIR should include a mitigation measure requiring Monterey County to require, where feasible, new development to be consistent with a Low Impact Development project as described above.</p> <p>DER Impact WR-11: Land uses and development consistent with the General Plan would result in increases in stormwater runoff and peak discharge. Existing storm drain systems, including urban creeks and rivers, may be incapable of accommodating increased flows, potentially resulting in increased on-site or off-site flooding. (Less-Than-Significant Impact).</p> <p>General Plan Safety Element Policy S-3.1 requires post-development, off-site peak flow drainage limited to pre-development peak flow drainage. While controlling the peak flow is important for flood control and stream erosion, the environmental impacts of development consistent with the General Plan altering the hydrology and sedimentation addressed by only limiting the peak flow. If one only controls the peak, the resulting drainage can cause downstream channel aneomorphification and impact water quality and fish habitat.</p> <p>Riparian and Wetland Buffer</p> <p>DER Impact BIO-2:</p> <p>DER Mitigation Measure BIO-1.1: Baseline inventory of Landcover, Special Status Species Habitat, Sensitive Natural Communities, Riparian Habitat, and Wetlands in Monterey County.</p> <p><small>*Murrell, G.A. & Smith, D. (2003). Hydrologic changes in urban streams and their ecological significance. <i>American Fisheries Society Symposium</i>, 37:167-177</small></p> <p style="text-align: right;"><small>California Environmental Protection Agency</small></p>
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<p>15</p> <p>February 6, 2009</p> <p>Monterey County</p>	<p>S-8</p> <p>DER Mitigation Measure BIO-2.1: Stream Setback Ordinance:</p> <p>The functions of riparian corridors include streambank stability, sediment reduction, and flood protection. The EIR should include a mitigation measure requiring Monterey County to complete a Riparian Corridor Study in order to develop a riparian protection ordinance for Monterey County. In addition, Monterey County should establish realistic near term timelines for the implementation of mitigation measures BIO-1.1 and BIO-2.1 regarding the identification and mapping of critical habitat and the development of a countywide stream setback ordinance. (Note: These mitigation measures are currently required to restore and protect riparian habitat under existing developed conditions.) Mitigation measure BIO-2.1 should include the following language: "Monterey County shall coordinate with the Central Coast Regional Water Quality Control Board for the development and review of the county-wide stream setback ordinance."</p> <p>The proposed mitigation measure BIO-2.1 develops a stream setback ordinance but does not address setbacks to wetlands. Wetlands are both a highly productive and sensitive resource biologically, support a great diversity of plant and animal species, provide essential habitat for a high number of special-status species and serve critical water purification and groundwater recharge functions. Development setbacks are necessary around wetlands to provide a buffer to prevent disturbance of important wildlife habitat, and to filter sediments and pollutants from disturbed areas and urban runoff. To mitigate the environmental impacts of the proposed General Plan development, in addition to the proposed Stream Setback Ordinance, Monterey County should develop an ordinance for wetland setbacks. The Greater Monterey Peninsula Plan calls for a setback to wetlands. The remainder of Monterey County should have a similar wetland setback requirement. Development should be set back a minimum distance to protect the wetland and provide an upland buffer. Larger setbacks should apply to wetlands supporting special-status species or associated with riparian systems and lands under tidal influence.</p> <p>Cumulative Impacts Analysis – Water Resources</p> <p>DER Impact CUM-2: Surface Water Quality:</p> <p>The cumulative impacts analysis does not consider the interrelationships between groundwater and surface water quantity and quality. This is likely the result of the lack of a specific framework for the development and implementation of a long term watershed management strategy as part of the General Plan.</p> <p>The incremental effects of the land use related impacts and increased water supply demand on "surface water quality" is "cumulatively considerable" not "less than cumulatively considerable" as stated under CUM-2 of the Executive Summary Table (2-1) and section 6.4.3.3 of the DEIR. Existing land use conditions and water supply demand has resulted not only in well documented surface water quality impacts, but also surface water quantity related impacts. Surface water quality impacts are primarily attributable to contaminant loading (i.e. sediment, nutrients, pathogens and herbicide/pesticides, etc.) and loss of riparian habitat (duffers). Water quantity related</p> <p style="text-align: right;"><small>California Environmental Protection Agency</small></p>
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S-9

February 4, 2009

Monterey County 18

Habitat impacts resulting in the loss or degradation of aquatic and riparian habitat are attributable to overdrift – both surface water diversion and groundwater pumping – and loss of recharge due to impervious surfaces and storm water runoff that result in decreased surface water and subsurface base flows. By virtue of the interrelationship between groundwater and surface water quantity and quality alone, a cumulative impacts analysis and point of “cumulatively considerable” for surface water quality would be anticipated. This would be in agreement with that of the cumulative impacts analysis results for groundwater quality.

The analysis outlined in DEIR section 6.4.3.3 only considers surface water quality related impacts and suggests cumulative surface water quality impacts will be primarily mitigated via the Water Board's implementation of TMDLs and the irrigated agriculture general water program, along with a handful of policy statements within the General Plan. We could evaluate the appropriateness of mitigation measures if the DEIR described the Monterey County measures that will be implemented to address TMDLs. Additional General Plan policies and mitigation measures related to storm water runoff, groundwater recharge, sustainable water supply development and stream subtasks also warrant discussion within the cumulative impacts analysis. Although we anticipate measurable success in mitigating additional surface water quality impacts with these programs/policies on a project by project basis, the potential cumulative impacts of all the land use related potential water quality impacts will go unchecked without a long term watershed management strategy that links them all together.

In addition, for a long term watershed management strategy to be effective, it needs to be based on clearly identified performance goals and metrics for achieving them that are based on the physical, chemical and biological parameters of healthy watershed functions. Only then will Monterey County be able to provide long term sustainable water supplies for projected growth.

Monterey County's sweeping authority over land use practices and water supply is the primary controlling factor in mitigating potential water quality and quantity impacts on a watershed basis above. Therefore, the collaborative development and implementation of a successful long term watershed plan lies primarily within County oversight. That responsibility cannot be considered separately from the General Plan.

Thank you for your attention to this letter. We look forward to your response in the EIR. If you have questions, or would like to meet to discuss these comments, please contact Jennifer Epp at (805) 894-8181, or Matt Thompson at (805) 548-3168.

Sincerely,

Agnes H. McConn
 Roger W. Brigg
 Executive Officer

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California Environmental Protection Agency
 Proposed Paper

S-9

February 5, 2009

Monterey County 17

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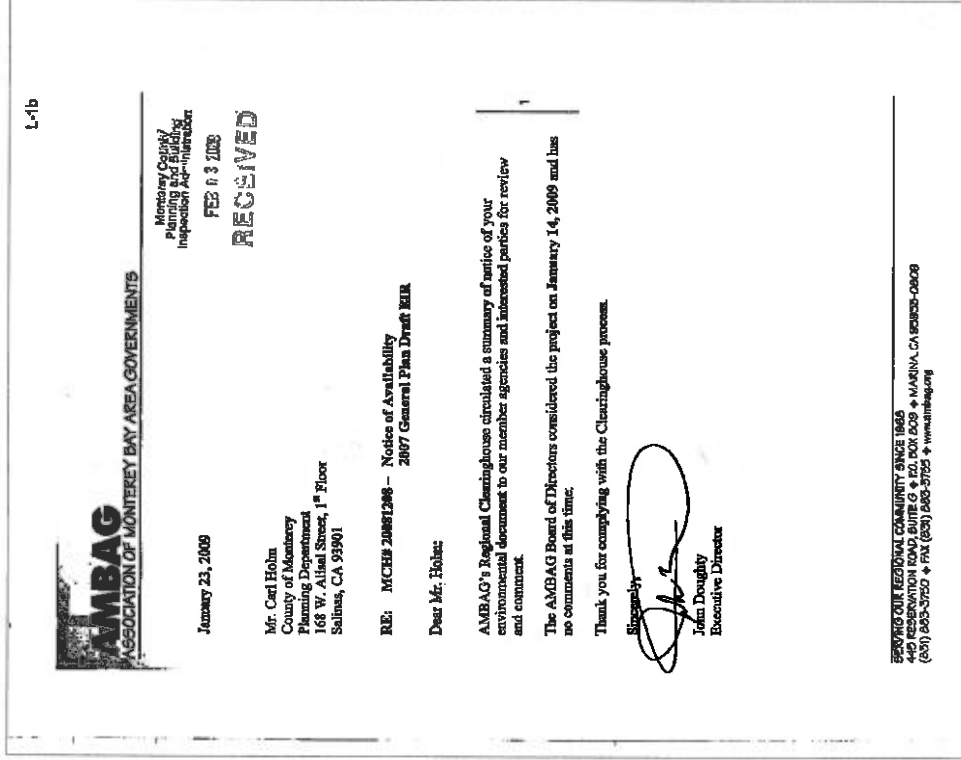
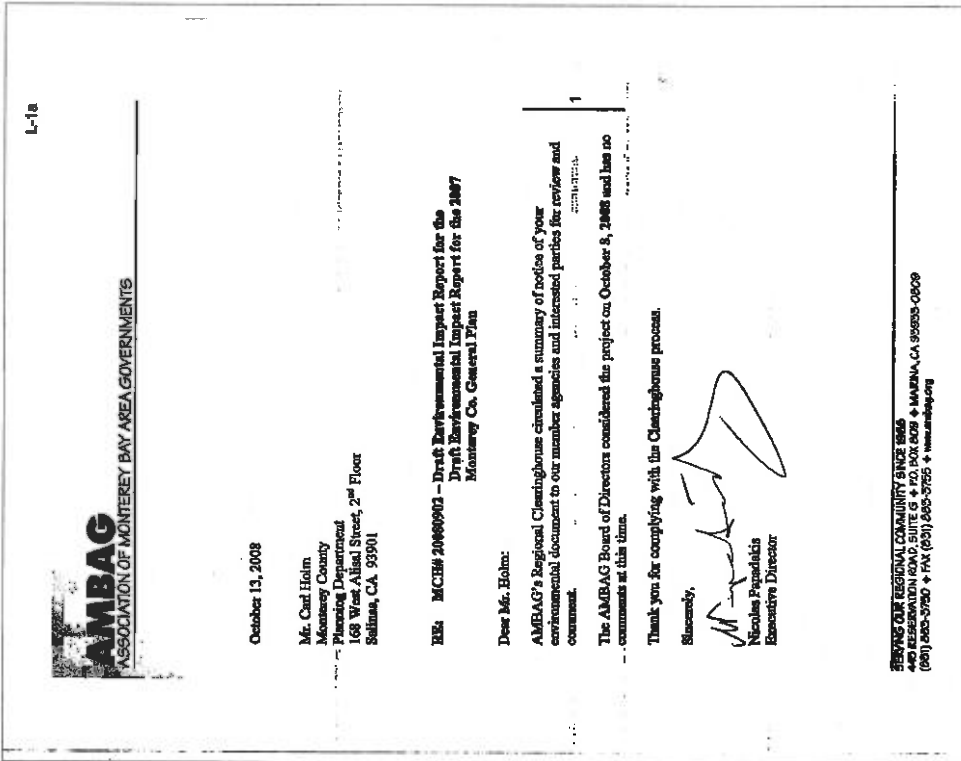
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California Environmental Protection Agency
 Proposed Paper

**Comment Letters
Local Agencies**



City of Gonzales

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168 W. ALFORD STREET, FLOOR 1
SALINAS, CA 93901

RECEIVED
JAN 05 2006

FORWARDED
JAN 05 2006

RE: City of Gonzales, Comments on 2007 Monterey County General Plan Update

Dear Chairman Armata and Members of the Board of Supervisors:

The City of Gonzales continues to follow the evolution of the Monterey County General Plan Update because our interest in the future of the County and because of the Update's potential effects upon the City of Gonzales. At several times during the County General Plan Update process the City has offered comments, most recently by letters on November 21, 2006 and December 4, 2006.

The City appreciates that the County has made various adjustments to certain plan policies along the lines that we previously requested. However, we believe that several parts of the plan text still warrant adjustment. Attached to this letter, and indicated by *italics*, are comments on specific policies that we recommend be modified. These are the same comments that the City made on these specific policies in the letter of November 21, 2006. The County policies of concern are included for reference.

Please accept our congratulations that the General Plan Update is nearing completion. We will appreciate your further considerations of our attached recommendations.

Sincerely,
Mimi G. Co. 1/5/06

Billie Annabel, City Clerk
168 W. Alford Street, Floor 1
Salinas, CA 93901
Phone: (831) 755-1100
Fax: (831) 755-1101

Comments will continue to be a safe, clean, family-friendly community, diverse in heritage, and committed to working collaboratively to preserve and retain its small town charm.

**CITY COUNCIL
CITY OF GONZALES**
January 5, 2006

COMMENTS ON SELECTED GENERAL PLAN UPDATE POLICIES

L-2

Policy LL2.13 "Work with AMBAG and, cities to direct the majority of urban growth including higher density housing development into cities and their sphere of influence with an emphasis on redevelopment and infill."

Comment: Gonzales is essentially built-out with only a handful of remaining vacant or under-utilized parcels, all of which are small and together cannot provide for more than about ten additional dwellings. These cannot make a dent in the level of residential demand projected for the area. Further, the City's ability to promote redevelopment of residential properties is almost non-existent, and has been made even more limited by recent case law. Any real response to growth pressures for residential, commercial, industrial and public uses will have to be through conversion of unincorporated agricultural properties general east of and outside the City's current boundaries.

This proposed General Plan policy has the effect of forcing higher density development into the cities that already have relatively high density, while the county General Plan Update continues, to allow low-density, upscale housing in the outlying areas. It is important to keep in mind that the cities need some areas of relatively lower density, large lot residential development in order to encourage higher-end housing and a socioeconomic balance and all the benefits that can bring to the life of the city. If the County wishes to retain this policy then it should conform to the same community development standards as the cities and the Plan should be amended to make that happen so that County development is also at higher densities.

Policy LL2.19 The County shall critically review development proposals and general plan amendments within the cities to assure that the impacts of growth in the cities on the County's infrastructure are adequately quantified and fully mitigated."

Comment: Projects upon which the County should comment are precisely defined by the inter-governmental referral process defined in the government code. There are generally new projects in the local jurisdictions. Mitigation requirements, are typically established through CEQA, compliance documents. We do not disagree that local government officials often affect County infrastructure but it is equally true that County development affects the infrastructure of the cities. The City of Gonzales is heavily impacted by traffic, especially heavy trucks that originate in the County and bears the attendant housing that supports agricultural workers within the County and bears the related service costs. What is needed is an overall assessment of future infrastructure impacts and a mutually acceptable program for mitigation. Short of that, the County could fund the cities demanding mitigations of all kinds for County projects. This policy should be the counties will continue to be a safe, clean, family-friendly community, diverse in heritage, and committed to working collaboratively to preserve and retain its small town charm.

L-2

deleted as revised to state that "The County will coordinate with the cities to evaluate development proposals both within the County and within the cities to ensure no double review is required, except as to utilities, which would impact an respective jurisdiction."

Policy AG-2.1 through 2.3

AG-2.1 "Agricultural support facilities such as coopers, odd storage, warehouses, parking lots, greenhouses, temporary and permanent worker housing and offices, processing equipment and facilities, agricultural research facilities, loading docks, worksheds established to serve on-site and/or off-site farming and ranching activities shall be considered compatible and appropriate uses in the Farmlands, Permanent Grazing, and Rural Grazing land use designations. The County shall establish an ordinance that determines which uses require a discretionary permit."

AG-2.2 "The establishment and retention of a broad range of agricultural support businesses and services to enhance the full development potential of the agricultural industry in the County shall be encouraged and supported."

AG-2.3 "Agricultural processing facilities for products grown in and out of the County are compatible and appropriate land uses in the Farmlands, Permanent Grazing and Rural Grazing land use designations."

Comment: These policies are a major expansion of the range of uses allowed by the County in the past, and in essence allow gradual conversion of the County's best agricultural lands into an agricultural industrial park. For many years the County's policy, which worked well, was to limit uses on agriculturally zoned property to those uses supporting agriculture on that site. The current draft Plan language is a major change in the County's former proactive treatment of the agricultural areas. This new language will result in conversion of significant areas into inappropriate uses, and increase rural traffic and roadway safety problems that are already significant in several areas of the Salinas Valley. These policies encourage isolated work environments instead of providing workers within cities where they can be housed and enjoy services. These policies work against creating a good job housing balance within the cities and County.

Agricultural support and processing facilities are needed, but most of these facilities should be located within the designated agricultural industrial parts of the Salinas Valley cities, where infrastructure has been developed at considerable public expense. The encouragement of office uses outside the cities undermines the financial viability of the established and traditional farm service centers. If the County wishes to allow a range of agricultural support uses on the farms, then these should be limited to the point of allowing only those uses that must be located on the farm in function as all other uses are only that farm property. The City opposes these policies, the reason is direct farm, agricultural support and processing uses to established industrial parks in the incorporated cities. When allowed for rural farming areas should be limited to those uses that are site dependent or that cannot efficiently, sustain except on the farm site and which serve only that farm site.

Commenter will continue to be a safe, clean, family-friendly community, where in heritage, and committed to working collaboratively to preserve and retain its small town charm



Send Via E-mail and Certified Mail

January 29, 2009

Cari Holm, Assistant Director
County of Monterey
Planning Department
608 West Alameda Street, 2nd Floor
Salinas, CA 95071

Subject: Comments on 2007 Monterey County General Plan Draft Environmental Impact Report (September 2008) - County File # PLN070825

Dear Mr. Holm,

Thank you for the opportunity to comment on the 2007 Monterey County General Plan Draft Environmental Impact Report (DEIR). The purpose of this letter is to provide comments on the DEIR. The City of King's primary considerations pertain to impacts on agricultural lands and city-centered growth.

The following comments provide an overview of the policy and mitigation considerations that the City of King would like the County to address in the 2007 Monterey County General Plan and DEIR.

Impact AG-1 (Loss of Important Farmland) states that 2,671 acres of Important Farmland will be removed from the agricultural land use designation through General Plan buildout. The DEIR should describe the type, amount, and location of farmland conversion resulting already or indirectly from both project implementation and growth independent. Feasible mitigation measures should be considered if implementation of the project will result in any loss of Important Farmland. Consideration should be given to the amount of Important Farmland that would be converted to other uses, such as partial conversion for the direct loss of agricultural land, as well as to the mitigation of growth including and cumulative impacts on agricultural land. Conservation easements can protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guidelines §15370.

Impact AG-1 (Loss of Important Farmland) evaluates policies from the General Plan Agricultural Support Facility that would impact agricultural lands. The General Plan Agricultural Support Facility includes the following policies: (1) Support the development of Important Farmland to non-agricultural uses. (2) Encourage the development of agricultural knowledge in the city-centered growth concept supported by the General Plan and Policies AG-2.1 and AG-2.2. These policies promote the development of agricultural support and processing facilities in the unincorporated area on lands designated as Farmland, Permanent Grazing and Rural Grazing. The General Plan is overly vague in its definition of agricultural support facilities.

AGRICULTURAL SUPPORT FACILITY means the use of a structure, land or land and structure principally established to support on-site and/or off-site farming or

L-3 7-A

Monterey County
Planning Department
Industrial Administration
RECEIVED
MAIL ROOM
JAN 29 2009
Need CRA Comments
2/1/09 6:20pm

L-3

Page 2


ranching activities including but not limited to coolers, cold storage, loading docks, and workshops.

2 While the City of King strongly supports the agricultural industry, Policies AG-2.1 and AG-2.3 could lead to the development of a more industrial character in the unincorporated areas of the County, rather than preserve the rural environment and important farmland. To be consistent with the city-centered growth concept, the County should include mitigation measures or General Plan programs to direct these industrial facilities to more appropriate areas within the incorporated cities and close to infrastructure and housing.

3

- Impact AG-2 (Agricultural Use Zoning and Williamson Act Contracts) discusses potential impacts on current and future agricultural operations, land-use conflicts, and potential increases in property values and taxes from project implementation.
 - Additional impacts the project may have on lands under Williamson Act contract should be discussed.
 - Whether the project may result in zoning precluding agricultural use in agricultural preserve areas as defined in the Williamson Act (Government Code § 51230).
 - Impacts on current and future agricultural operations, land-use conflicts, and potential increases in property values and taxes from project implementation.

Thank you again for the opportunity to comment on the DEIR. The staff contact in this office is Maricruz Aguilera, Assistant Planner. Please contact her as needed with any questions (831) 385-6515.

Sincerely,

 Maricruz Aguilera
 Assistant Planner
 City Manager

cc: City Manager
 City Council
 Community Development Department
 City Clerk

212 S. VANDERBURST AVENUE • KING CITY, CA 93930
 PHONE: (831) 385-3281 • FAX: (831) 385-6857
 WWW.KINGCITY.CA.GOV

Page 1 of 1
L-3

Calderon, Vanessa A. x5188

From: Maricruz Aguilera [mailto:maguilera@kingcity.com]
 Sent: Monday, February 02, 2009 6:20 PM
 To: ccopacomm@kingcity.com
 Subject: City of King Comment Letter - County GP DEIR

To Whom It May Concern:

I am attaching an electronic copy of the City of King's comments regarding the Monterey County's General Plan Draft BIK. Please feel free to contact me if you have any questions.

Original will follow.

Thank you,

Maricruz Aguilera, Assistant Planner

02/03/2009



City of Marina
 755 BRADLEY AVENUE
 MARINA, CA 93953
 531-466-1238 Fax 531-466-1948
 www.cityofmarina.ca.gov

October 27, 2008

Carol Holton, Planning Manager
 Monterey County Planning Department
 300 Main Street, 3rd Floor
 Salinas, California 93901

RE: CITY OF MARINA COMMENTS ON THE MONTEREY COUNTY GENERAL PLAN DRAFT EIR

Dear Mr. Holton,

On October 21, 2008, the City of Marina held a public meeting to discuss and consider the Monterey County General Plan Draft Environmental Impact Report (Draft EIR) as it pertains to the City of Marina. At the meeting, the City Council adopted Resolution No. 2008-213 authorizing their response to the County. This letter forwards the City Council's comments.

1. County Draft General Plan's Extension and Urban Sprawl Element

While the draft General Plan does include policy GMP-3.2 to limit the visual impact of new development on canyon edges and filltops and while the County did add a policy to prohibit development on slopes greater than 30 percent, there is still no specific language in response to fill tops and fill tops in permanent open space that can be utilized by many future generations.

The City believes that the existing, easle-shaped fill tops and fill tops within the County, and in particular within the Greater Monterey Peninsula Area Plan (GMAP) are protected and preserved. The City believes that any development at the top of these hills will have a significant impact and that the only acceptable mitigation is to prohibit their development. Such impact and mitigation should be addressed in the EIR.

2. County Draft General Plan and Draft EIR Environmental Impact Interpretation Level of Service D

The County draft General Plan and Draft EIR continues to set a level of Service D as the impact threshold for County municipalities.

L-4

City of Marina's comments on the Monterey County Draft EIR

2
 The City believes that the County should set a minimum level of Service C for major County investments to limit impacts to local jurisdictions. Since approximately 75 percent of the County's residents are located within city boundaries, a level of Service C should be addressed in the EIR.

3. County Draft General Plan, Public Services Element, Availability of Hospital Beds

The County has not added language to the draft General Plan to emphasize that new residential development located adjacent to the City of Marina should seek mitigation to the City to reflect the impact on City services by paying their fair share of impact fees.

3

The City believes that new development within the County, but adjacent to local jurisdictions will greatly impact those jurisdictions, because it is within the local jurisdiction that most of the public services are concentrated. For example, if a Marina fire station is the closest fire station to an emergency in adjacent County land, Marina will respond and take care for police services. These types of public services impacts have not been addressed in development to local jurisdictions should be addressed in the EIR.

4

4. Draft EIR Table 3.11.1, Sheriff's Station Support

The Draft EIR includes a table that summarizes the service areas for the Central, Coastal, and South County regional stations. The City suggests leaving the Royal Oaks area as a neighborhood that is also served by the Central Sheriff's station.

4

5. Draft EIR Page 4.11.16, Safety Element, Policies

The City recommends revising the last paragraph to provide more detail regarding the types of resources needed in an emergency situation as follows:

5

"As stated in Impact 1, Safety (for San Rafael, So. A), through S-2.2, the County should have adequate resources to meet the demands of the 2011 population. Policies S-6.1 through S-6.8 would decrease impact on Sheriff's stations by ensuring that persons have the adequate resources in an emergency situation, which include emergency vehicles, resources, personnel, and equipment. Information on the levels of emergency provided and prohibiting development in areas that cannot be reached by emergency vehicles."

L-4

March 22, 2010
Re: City of Marina's Request for Comments, Draft Environmental Impact Report (EIR)

6. Draft EIR, Page 4.11-1.2, Significance Determination

The City suggests strengthening the third to last paragraph to emphasize that there are entirely unrepresented areas that are already underserved, as follows:

There are no plans by the various firms that describe the design features of operational characteristics of these facilities. Therefore, their environmental impacts cannot be determined with any certainty and are examined at only a general level of detail. New facilities and services would serve the Community Area and Rural Centers where demand is expected to be greatest and likely would be located in these areas. Their impacts would be an undistinguishable part of the impacts of the community as a whole. These facilities are typically low-key. For example, traffic is generally insignificant because it is spread throughout the day. Noise is similarly low because of the limited number of employees and because vans are seldom if ever used when vehicles leave the premises unlike a fire station. **Restrooms, Best facilities must be generously located in these underserved areas that historically have been underserved and have the highest concentration of population and crime.**

In summary, the City of Marina appreciates the effort by the County to address the concerns of our community as you move forward with your General Plan adoption. However, we believe that the above concerns are critical to Marina's future. Thank you for the opportunity to comment.

Shirley
Shirley J. Alford
City Manager

L-6



City of Salinas

OFFICE OF THE CITY MANAGER
200 Lincoln Avenue Salinas, California 95905

(831) 758-7500, Fax: (831) 758-7500

January 8, 2009

Carl Holm, Assistant Planning Director
County of Monterey RMA
Planning Department
108 West Alisal Street, 2nd Floor
Salinas, CA 95901

Monterey County
Planning Department
Request on Administrative

758-7500
758-7500

SUBJECT: 2007 GENERAL PLAN AND DRAFT PROGRAM ENVIRONMENTAL
IMPACT REPORT

Dear Mr. Holm:

The City of Salinas submits the following comments on the County of Monterey's 2007 General Plan and Draft Program Environmental Impact Report. Many of the City's comments have been previously submitted in response to the 2006, version of the General Plan Update. These concerns remain applicable where similar policies exist. Copies of the City's prior correspondence dated October 6, 2006 and September 25, 2007 are attached.

Land Use

Greater Salinas Area Plan Policies GS-1.1 through GS-1.12 identify multiple Special Treatment Areas (STAs) and Study Areas (SAs), including Butterfly Village, Spence/Potter/Perennial Road and Highway 68/Foster Road among others. These STAs and SAs are intended to establish standards to guide development at those locations. In some cases, this is accomplished quite effectively. For example, GS 1.4 stipulates that development would only be allowed under specific conditions, within the identified land use boundaries shown in the Area Plan. In other areas, discussed further below, the Greater Salinas Area Plan does not establish clear guidelines for orderly development or does so in a manner that is inconsistent with the Greater Salinas Area Memorandum of Understanding (GSA-MOU).

As you know, the Greater Salinas Area Memorandum of Understanding (GSA-MOU) was adopted at a historic joint session of the Monterey County Board of Supervisors and Salinas City Council on August 29, 2006.

Some of the key elements of the GSA-MOU (excerpted and paraphrased below) were:

- City growth to the North and East, except as provided in the agreement;
- County support for the City's Future Growth Area annexation proposal to LAFCO;

L-5

Carl Holm
2007 Monterey County General Plan
January 6, 2009

County support for the City's Fresh Express and Uni-Kool annexation proposals, subject to appropriate environmental review, and subject to appropriate agricultural conservation easements;

- Agricultural easements to the west and south;
- Consultation with the City in the planning process for any development in the Greater Salinas Planning Area;
- No development by County contiguous to the City limits if those proposals require either or both a General Plan amendment or a rezoning. Proposals requiring such changes shall be referred to the City for consideration and possible annexation;
- City and County support for regional transportation system (TAMC);
- County development of a County-wide Traffic Impact Fee within 18 months of the adoption of the County General Plan;
- City and County cooperation regarding the alignment of the Farmers Westside Bypass which shall establish a development boundary for the City;
- Development in areas west of Davis Road and east of the future Westside Bypass, excluding the Boronda Redevelopment Area, shall be limited to expansion of City's retail sales capacity and shall take place after annexation;
- City and County to work cooperatively to address impacts on the Reclamation Ditch Watershed Area, recognizing that a comprehensive financing program is needed. County to complete a nexus study and bearing process, within 36 months of adoption of the GSA-MOU (August 29, 2009).

Our review of the 2007 General Plan and Draft Program EIR has focused first and foremost on an analysis of consistency with the GSA-MOU. The City of Salinas is pleased to see that the Land Use Map for the Greater Salinas Area has been amended to restore an Agricultural land use designation to those lands previously considered in the prior versions of the Rancho San Juan Specific Plan (pre Butterfly Village). The exception being those existing developed commercial parcels adjacent Highway 101 at the northerly entrance to the City. As we have mentioned in our informal monthly City - County staff meetings, it would be appropriate to designate that area northwesterly of the City as a Special Study Area (SA) subject to specific planning requirements and its potential annexation into the City of Salinas.

The City maintains its advocacy of city-centered growth and was therefore concerned to see an acknowledgement of the potential for the development of general commercial uses in the vicinity of the Salinas River and Highway 68.

The City appreciates the agricultural-tourism nature of 77th Farm, as addressed in Policy GS-

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L-5

Carl Holm
2007 Monterey County General Plan
January 6, 2009

1.3, however, the addition of general commercial uses as contemplated by Policy GS-1.5, or any commercial uses other than row-crop agriculture along this agricultural, scenic corridor would not be appropriate.

The City of Salinas has been diligent in its adherence to maintaining a distinct urban boundary. Unfortunately, that distinction is often blurred by commercial ventures at important gateways into the City. Of particular note is the cluster of heavy commercial, storage and even a mobile home park at the northerly entrance to the City as viewed from US 101. We fear that similar conditions are evolving along Highway 68 just south of Salinas as a series of retail buildings, ostentatiously "fruit stands" are being developed. The aforementioned Policy GS-1.5 affirms the City's concern in this regard.

The City also questions Policy GS-1.6 addressing the potential development of commercial uses on commercially designated parcels between Harrison Road and Highway 101 to the north of the City. It is the City's position that any commercial development along this city gateway should be limited to only the redevelopment of those properties containing existing development. Additional development is inherently in conflict with the idea of city-centered growth and in conflict with the spirit of the Greater Salinas Area Memorandum of Understanding. Absent further consultation with the City, any undeveloped properties between Harrison Road and Highway 101 should be designated and limited to agricultural farmland use.

If not limited to row crop production, as a gateway into the City of Salinas (if not annexed into the City of Salinas), at minimum the properties should be developed to a very high architectural standard.

Policy GS-1.11 establishing a study area for Epitroca Road suggests the intention of the introduction of industrial uses in this location. Consideration of a General Plan policy and the establishment of a Special Study Area would be an appropriate solution to a code enforcement concern. The introduction of industrial uses in this location - in near proximity to the City of Salinas is in conflict with the principles of city-centered growth and again in conflict with the Greater Salinas Area Memorandum of Understanding.

The City of Salinas is also concerned regarding Policy GS-6.2 permitting the development of coolers, cold rooms, loading docks and farm equipment shops on agriculturally designated land. These are industrial activities and as such should be located in an appropriate industrially designated, city-centered location.

Circulation

The discussion regarding the public transportation services provided by Monterey-Salinas Transit fails to mention the service provided to South County.

The City is pleased to see that the Capital Improvement and Financing Plan (CIFP) are to be completed within the 18 month period established by the Greater Salinas Area Memorandum of Understanding (GSA-MOU). It is interesting that the County has determined that Level of

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L-5

Carl Holm
2007 Monterey County General Plan
January 6, 2009

Service (LOS) D is being proposed as a County standard. LOS D is more typically an urban rather than rural standard. LOS D may be appropriate in designated Community Areas, however as an overall standard for the County, it may condone traffic congestion in rural locations where traffic problems are typically not anticipated. Regrettably, the electorate did not see the ultimate value in Measure Z (the 2 cent sales tax initiative to address regional and local serving roads) which makes it all the more imperative that the County of Monterey along with other regional entities adopt timely transportation congestion/safety policies.

Conservation and Open Space

The City of Salinas questions Policy OS-1.1 encouraging the establishment voluntary restrictions to the development potential of property located in designated visually sensitive areas. Monterey County is visually stunning. Areas which are deemed to be visually sensitive should have development regulations and public review processes established to ensure that Policies OS-1.2 through OS-1.9 remain viable.

Regarding Policy OS-3.7 encouraging the voluntary preservation of a coordinated resources managers plan in watersheds of State designated impaired watersheds: the City of Salinas encourages the County of Monterey to require the preservation of stormwater management and control plans meeting the requirements as imposed on the City by the state Central Coast Regional Water Quality Control Board. This is particularly relevant to those properties within the Zone 9 watershed area as defined by the Monterey County Water Resources Agency.

Salinity

Safety policy S-2.3 provides for an exemption to the guidelines established by FEMA and the National Flood Insurance Programs as well as ordinances enacted by the Monterey County Board of Supervisors for grading activities carried out in the course of routine agricultural operations. It has been the City of Salinas' experience that the greatest contributor to the salinization of the creeks and their tributaries flowing through the City is a result of upstream agricultural grading practices. The City of Salinas recommends an agricultural grading policy that would result in the deflection/retention of storm and irrigation water on-site. Table PS-1 indicates that agricultural lands result in no net increase in harmful run-off. This statement is contrary to the herbicide and pesticide measurements that have been collected in the stream corridors flowing through the City as a result of upstream agricultural operations. Drainage and agricultural management and mitigation monitoring plans should be required for run-off into the regional watershed.

Agriculture

The 2007 General Plan update anticipates the conversion of approximately 2,371 acres of Important Farmland to non-agricultural uses. Although the Draft Environmental Impact Report (DEIR) states that no mitigation beyond the 2007 General Plan policies is feasible, the City was pleased to see the commitment to the preparation, adoption and implementation of a program to mitigate for the loss of that farmland in Policy AG-1.2. The City of Salinas recommends that the

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L-5

Carl Holm
2007 Monterey County General Plan
January 6, 2009

County of Monterey consider the Agricultural Land Preservation Program established in conjunction with the County of Monterey as a potential regional model (Resolution No. 19A22 (NCS)) for the loss of important farmland.

Water Resource Management

The Water Resources section of the Draft Environmental Impact Report for the 2007 Monterey County General Plan update commendably addresses many of the hydrologic conditions throughout the County of Monterey. However, with the attention that the community has given Can Lake, and with the concerns expressed by the Monterey County Water Resources Agency, the City was surprised to note that Section 4.3 Water Resources did not address this significant natural stormwater management facility along with the accompanying 1907 Reclamation Ditch that was created to enable the cultivation of this waterated feature.

It is vital that the County implement Paragraph #13 of the GSA-MOU and work in good faith with the City and other interested parties to complete its comprehensive financing program for the Reclamation Ditch, including finalization of the nexus study and hearing process.

The City did note the reference to existing storm drain systems and the potential that they may be insufficient to accommodate future "Special Treatment Areas" outside of the city limits. The properties within these "Special Treatment Areas" must be included in the solution to address the deficiencies identified by the Monterey County Water Resources Agency.

The Reclamation Ditch is a man made feature connecting the regions natural watercourses: Gehlilan and Natividad Creeks and Alisal and Tembladero Sloughs. As these natural and man-made riparian and drainage features are improved the City of Salinas encourages the County to establish policies that would establish a recreation trail extending from the foothills of the Gehlilan Mountains to the beach at Moss Landing for the benefit of all our respective residents.

The City of Salinas appreciates that the County of Monterey has had many challenges throughout its lengthy General Plan Update process. The City also acknowledges that the adoption of the GPU initiates the requirements to bring all of the County's land use, zoning and development policies into conformance with the General Plan. In this regard, the City of Salinas urges the County of Monterey to limit the permissive and conditionally permissive land uses and development that may be considered in Agriculturally Designated lands which surround the cities of the Salinas Valley to maintain the distinct unseasonal boundaries that contribute so significantly to the beauty and bounty of this region.

5

Carl Hedin
2007 Monterey County General Plan
January 6, 2009

The City is grateful for the progress that has been made and hopes that its comments assist in improving the document and ensuring that mitigation measures are consistent with the GSA-MOU.

Respectfully submitted,
CITY OF SALINAS


AKTE FIELDS
City Manager

Enclosures

Correspondence dated October 6, 2006 and September 25, 2007
Resolution No. 19422 establishing an Agricultural Land Preservation Program
cc: Mayor and Salinas City Council
Monterey County Board of Supervisors
City Attorney
Deputy City Manager / City Engineer



City of Salinas

OFFICE OF THE CITY MANAGER
200 Lincoln Avenue, Salinas, California 95061 (831) 758-7201 Fax: (831) 758-7206

September 25, 2007

BY LAND MAIL ONLY

Chairman Darryl Potter
Vice-Chair Fernando Arambola and Members of the
Monterey County Board of Supervisors
168 West Allard St., 1st Floor
Salinas, CA 95061

Re: City of Salinas Comments re Planning Commission Recommendations for GPU-5

Dear Chairman Potter and Members of the Board:

Please accept these comments on behalf of the City of Salinas concerning the recommendations by the Planning Commission and the Planning Commission Ad Hoc Subcommittee for GPU-5. The City commends the County's efforts to arrive at a comprehensive and credible comprehensive General Plan update document.

The City's primary considerations pertain to policies in support of City-Centered Growth and development in the Greater Salinas Area. The Greater Salinas Area Memorandum of Understanding (GSA-MOU), approved by the Monterey County Board of Supervisors and the Salinas City Council on August 29, 2006 (attached as Exhibit A) establishes a framework of guiding principles to ensure orderly and appropriate development for the Greater Salinas area.

This is consistent with our previous communications to the County, most recently in October 2006 (copy of letter attached as Exhibit B).

It is critical to the City of Salinas that (GPU-5) be consistent with the GSA-MOU and that the GSA-MOU be amended and reviewed as part of the regular planning and environmental review process for any project or development in the Greater Salinas Area or Monterey County. Specific comments pertaining to the Planning Commission recommendation are as follows:

- **Ranchito San Juan:** The City positively considers the deletion of Ranchito San Juan/Butterfly Village as a "Community Area" in GPU-5.
- **Development in the Greater Salinas Area:** The City notes that under the GSA-MOU, the City and County agreed that "developments within the area designated by the County General Plan as the Greater Salinas Planning Area shall only occur after consultation with the City in the planning process." (GSA-MOU, Paragraph 6 (emphasis added)).



L-5

Monterey County Board of Supervisors
September 25, 2007
Page 2

10 : **Community Area general:** Community Area policies that establish designated areas for urban uses are not generally consistent with basic and widely accepted "smart growth" principles which are city-centered and take advantage of existing urban infrastructure, transit and public and emergency services. Any development within designated "Community Areas" (including redevelopment areas) should not proceed prior to the adoption of a Community Plan or Specific Plan.

11 : **Boronada:** With respect to the designation of Boronada as a "Community Area", the City notes that any development in the undeveloped southern portion of the Boronada Redevelopment area must be consistent with Paragraph 14-15 of the GSA-MOU.

12 : **Affordable Housing Ordinance:** The City notes that under the GSA-MOU, the City and County agreed to support and offer to construct affordable housing in the Boronada area in compliance with the Fair Share Housing Allocation as approved by the Association of Monterey Bay Area Governments (AMBAG). (GSA-MOU, Paragraph 16 (emphasis added)) The City commends the County's efforts to promote affordable housing throughout the County.


13 : **Traffic:** In addition to the Planning Commission's recommendation that the Board require the adoption of a concept-level Capital Improvement Financing Plan (CIPF), the City notes that the (GSA-MOU) also requires the County "in developing a County-wide Traffic Impact fee program for the improvement of major County roads in accordance with the County's adopted General Plan." (GSA-MOU, Paragraph 10.) Also, please note our previous concerns with the traffic modeling assumptions prepared for the 2006 General Plan Draft Program Environmental Impact Report.

14 : **Amendments:** The City and County have also agreed "to work cooperatively and conditionally in transportation matters consistent with this agreement." (GSA-MOU, Paragraph 8.)

These comments are not intended to be negative, and merely highlight some of the provisions of the GSA-MOU that have application to GPU-5.

The City is available and welcomes the opportunity to meet and consult with County staff concerning any of these comments.

Thank you for your consideration.

Sincerely,

 DAVE MORAN
 City Manager

L-5

Monterey County Board of Supervisors
September 25, 2007
Page 3

Enclosures:
 Exhibit A - City of Salinas Letter to Mila Navo dated October 6, 2006
 Exhibit B - GSA-MOU

cc: Mayor and City Council (w/without enclosure)
 Vanessa Yullman, City Attorney (w/ enclosure)
 Robert C. Russell, PE, Deputy City Manager/City Engineer (w/o enclosure)
 Jorge Rifa, Deputy City Manager (w/o enclosure)
 Mila Navo, Monterey County Planning Department (w/ enclosure)
 Wayne Tamba, Resource Management Agency (w/ enclosure)
 Charles McKeel, County Counsel (w/ enclosure)

L-5

**GREATER SALINAS AREA
MEMORANDUM OF UNDERSTANDING**

Exhibit

The negotiated terms of the Greater Salinas Area Memorandum of Understanding (MOU) will replace the previous Records Memorandum of Understanding between the City of Salinas and the County of Monterey and shall be adopted only after a joint public meeting of the Monterey County Board of Supervisors and the Salinas City Council. In order to be eligible to sign any provision of this MOU by a third party, such provision shall be removed from the Greater Salinas Area MOU.

This Memorandum of Understanding (MOU), by and between the County of Monterey (County) and the City of Salinas (City), is set forth certain agreements between the parties to express their intent to jointly pursue action to ensure orderly and appropriate land use development in the area designated in the General Plan of Monterey County as the Greater Salinas Area. The City of Salinas, specific opposition to be addressed through the implementation of the MOU, is the City of Salinas. The MOU sets the preservation of certain agricultural land, the provision of future growth areas, and the provision of adequate financing for the services and facilities of benefit to the residents of the Greater Salinas Area Plan area and the City. It is recognized that, with respect to some of the provisions set forth herein, numerous actions must be taken pursuant to State and local laws and regulations before such policies can be implemented. The City and County agree that the following actions shall be taken by the County Environmental Quality Act (CEQA), the need to hold public hearings and other activities seek public input before making binding decisions, and the need to obtain approvals from other agencies such as the Local Agency Formation Commission (LAFCO). For all such provisions, this MOU shall be understood to constitute tentative policy commitments that can only become fully binding after all such legal prerequisites have been satisfied. Even so, both parties agree to make a good faith effort to follow and implement the provisions of this MOU subject to the foregoing.

The City and County do hereby mutually agree to the following:

City/County

1. City and County agree that the future growth direction of the City shall be to the south and east of the current City limits, except as otherwise provided for in this MOU.
2. County supports the City's 2005 Preliminary Sphere of Influence/Annexation Proposal to LAFCO in the north and east of the City's existing City Limits. ~~Annexation~~
3. County supports the City's 2005 Preliminary Sphere of Influence/Annexation Proposal to LAFCO to the south of the City's existing City Limits (Exhibit A) for the exclusive purpose of agricultural processing and processing capacity (Fresh Bayshore). County further supports future City Sphere of Influence/Annexation proposals to the

L-5

**GREATER SALINAS AREA
MEMORANDUM OF UNDERSTANDING**

south of the City's existing City Limits for the exclusive purpose of agricultural processing and processing capacity (Fresh Bayshore), subject to the establishment of appropriate agricultural conservation easements.

4. City and County agree to use reasonable best available scientific and technical information to determine the appropriate location and extent of agricultural conservation easements in the unincorporated areas to the west and south of the City's Sphere of Influence boundary or the easements are consistent with the adopted General Plan of the two jurisdictions.
5. City and County agree to work cooperatively and in concert with the affected property owners to acquire agricultural conservation easements (e.g., through Agricultural Land Use Transfer, Agricultural Land Use Bank, or other mechanisms) to transfer existing County easement facilities (e.g., farmstead) upon future City acquisition that support those areas subject to the property owners paying any required acquisition system construction fees established by MWRPCA. It is recognized that an initial effort consistent with this annexation commitment shall be cooperation by all parties to consider and, where the proposed Chapter Ruggs agricultural easement incentive or other mechanisms is consistent with the provisions of LAFCO.
6. City and County agree that development within the City's 2005 Preliminary Sphere of Influence/Annexation Proposal shall only occur after annexation to the City and that the City shall consult with the County in the planning process. City and County agree that development within the area designated by the County General Plan and the City's 2005 Preliminary Sphere of Influence/Annexation Proposal shall only occur after consultation with the City in the planning process.
7. City and County agree that the County shall not process any proposals for development in areas contiguous immediately adjacent to the City's City Limits / Sphere of Influence / Annexation Proposal for development consistent with the intent of a rezoning shall be referred to the City for consideration and possible annexation to the City.
8. City and County agree to work cooperatively and expeditiously to annexation insofar as consistent with this agreement.
9. City and County agree to support fees and taxes needed to mitigate the collective impact of new and existing development on the regional transportation system to the extent that the fees and taxes reflect the overall financing program adopted by LAFCO.
10. City and County agree that County will develop a County-wide Traffic Impact Fee Program that will be consistent with the County's General Plan and LAFCO's adopted General Plan. The County fee schedule will be developed in consultation with LAFCO and Monterey County cities. It is recognized that there

Page 101

L-5

MEMORANDUM OF UNDERSTANDING
GREATER SALINAS AREA

will be development within the City of Salinas related to the anticipated acquisition of land to the north and east of the existing City limits, and to the future development of the City of Salinas. The County hereby agrees to support the project and to support the City of Salinas in its efforts to secure the necessary permits and approvals for the project. The County agrees to support the City of Salinas in its efforts to secure the necessary permits and approvals for the project. The County agrees to support the City of Salinas in its efforts to secure the necessary permits and approvals for the project.

11. City and County agree to work cooperatively in establishing the alignment for the future roadway. City and County agree to support the City of Salinas in its efforts to secure the necessary permits and approvals for the project. The County agrees to support the City of Salinas in its efforts to secure the necessary permits and approvals for the project. The County agrees to support the City of Salinas in its efforts to secure the necessary permits and approvals for the project.

12. City and County agree that future development between the area west of Davis Road and east of the future Westside Bypass, excluding the Bonanda Redevelopment Project area, will be limited to expansion of the City's retail sales capacity and shall be done after consultation.

13. City and County agree to work cooperatively to address the collective impact of current and anticipated land uses in the Redevelopment West Waterland Area. There is a recognition that a comprehensive financing program is needed that includes grants, bond assignments, appropriate special interest areas, and other financing mechanisms. The County agrees to support the City of Salinas in its efforts to secure the necessary permits and approvals for the project. The County agrees to support the City of Salinas in its efforts to secure the necessary permits and approvals for the project.

Bonanda Redevelopment Project Area

14. City and County agree that in the undeveloped southern portion of the Bonanda Redevelopment Project Area (Labeled) the County shall take the lead in the planning, review, and approval process subject to concurrent City review so that the final approved project is consistent with existing City development standards. City recognizes the County's ability and intent to pursue development that is consistent with the current adopted Bonanda Community Plan and other applicable policies. The County agrees to support the City of Salinas in its efforts to secure the necessary permits and approvals for the project. The County agrees to support the City of Salinas in its efforts to secure the necessary permits and approvals for the project.

Page 10 of 10

L-5

MEMORANDUM OF UNDERSTANDING
GREATER SALINAS AREA

consequently to ensure that those commitments will result from and through the planning process for the project. The County hereby agrees to support the project and to support the City of Salinas in its efforts to secure the necessary permits and approvals for the project. The County agrees to support the City of Salinas in its efforts to secure the necessary permits and approvals for the project.

15. City and County agree that future development in the northern portion of the Bonanda Redevelopment Project Area (Labeled) will continue to be processed by the County subject to consultation with the City.

16. City and County agree that property located within the Bonanda Redevelopment Area shall continue to be subject to the Bonanda Redevelopment Area Plan. Upon completion of the current (January 1, 2010) adopted Redevelopment Project Plan, the County shall be allocated between the City and the County in a 50/50 split.

Anticipated Housing

17. City and County agree to support each other's efforts to construct affordable housing throughout the County necessary to achieve the Fair Share Housing (FSH) goal as approved by the Association of Monterey Bay Area Governments (AMBAG).

18. City and County agree that if the 10% affordable housing project on Roger Road approved by the County in 2016 is successful by the City, that the project shall be credited to the County's Fair Share Housing Allocation.

Other

19. City and County mutually agree that neither will pursue future development related litigation against the other insofar as the subject development is consistent with this agreement.

CITY OF SALINAS
A municipal corporation of the State of California
By: Anna Caballero, Mayor
Date: 3/20/10

COUNTY OF MONTEREY
A political subdivision of the State of California
By: Jerry Smith
Chairman of the Board of Supervisors
Date: 03/22/10

Page 10 of 10

L-6

GREATER SALINAS AREA
MEMORANDUM OF UNDERSTANDING

ATTESTED TO:
Christy Campbell
County Clerk

County Clerk

Re: M&S

L-5

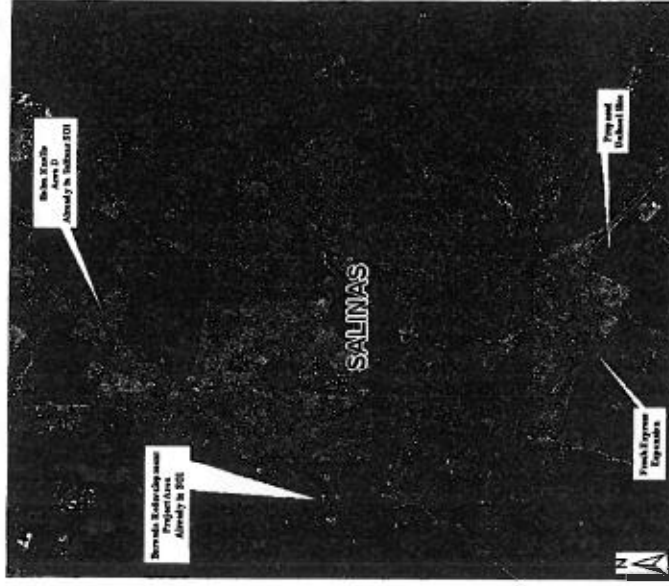
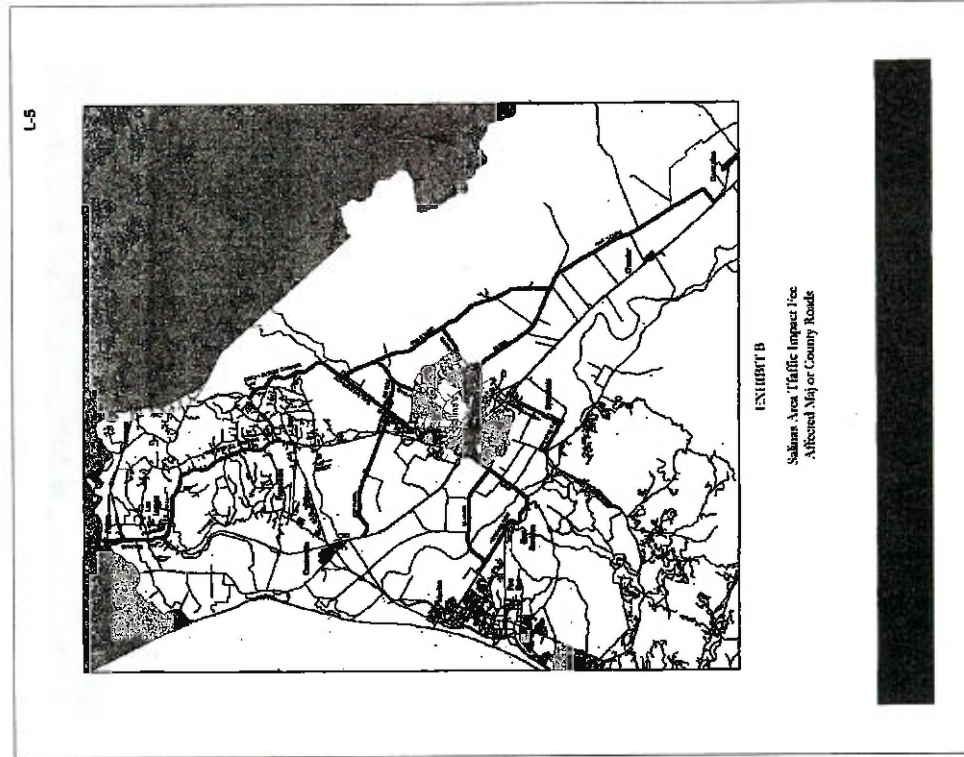
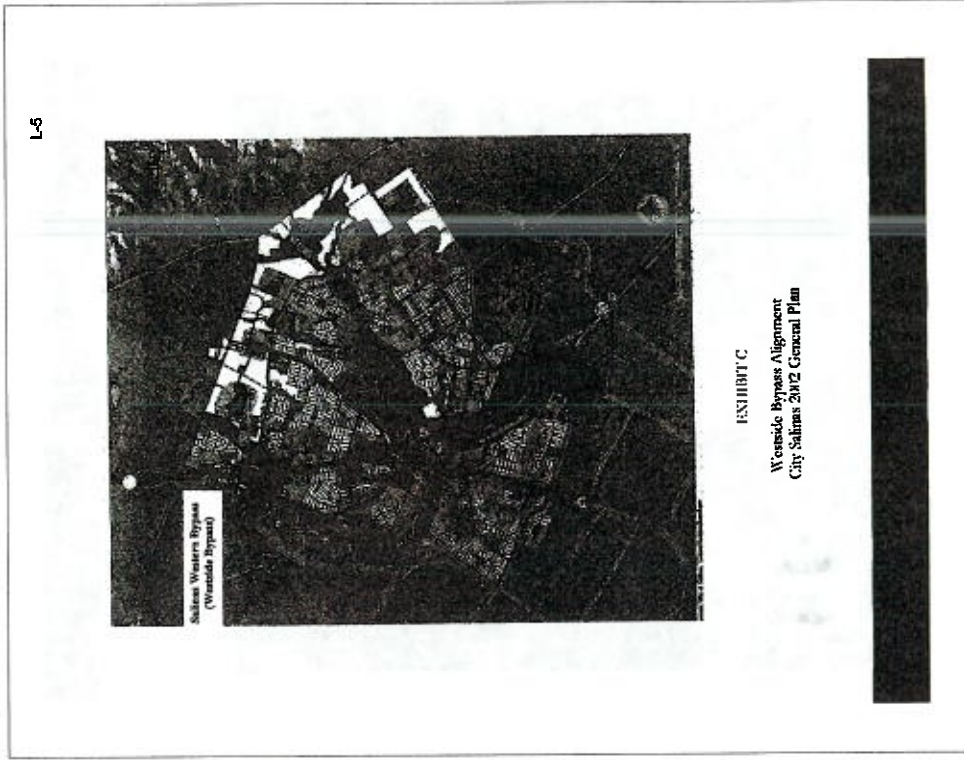


EXHIBIT A
Salinas 2005 Preliminary Sphere of Influence (SOI)
Anticession Proposal Map



L-5

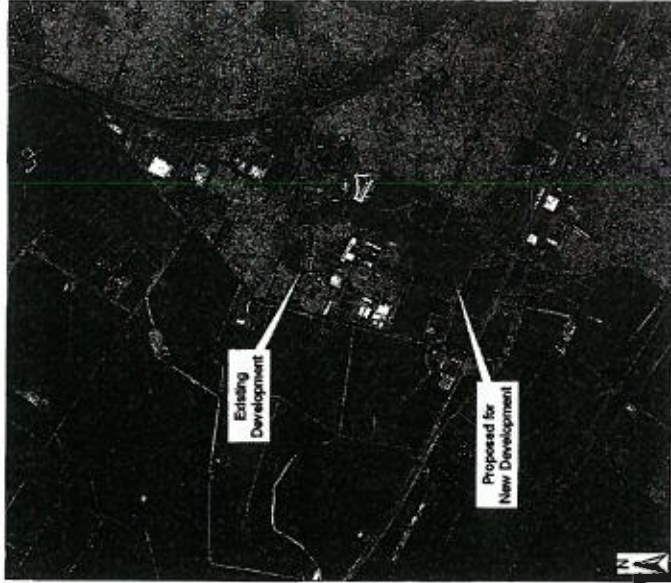


EXHIBIT D

North Boreodon Redevelopment Project Area
South Boreodon Redevelopment Project Area



L-5



City of Salinas

OFFICE OF THE CITY MANAGER
200 Union Avenue, Salinas, California 95074

(831) 754-7261 Fax (831) 751-7789

October 6, 2006

Mike Novis, Interim Planning Director
County of Monterey, Resource Management Agency
Planning Department
148 West A Street, Second Floor
Salinas, CA 95001

SUBJECT: 2006 MONTEREY COUNTY GENERAL PLAN AND GENERAL PLAN EIR

Dear Mr. Novis:

The August 15, 2006 Monterey County staff presentation to the Salinas City Council was beneficial and assisted the City Council to identify areas of importance to the City of Salinas and its residents. The City's primary considerations pertain to policies in support of City Centered Growth and the Greater Salinas Area. It is acknowledged that the Greater Salinas Area Memorandum of Understanding (GSA-MOU), approved by the Monterey County Board of Supervisors and the Salinas City Council on August 29, 2006 (copy attached) establishes a framework of guiding principles to ensure orderly and appropriate development for the Greater Salinas area.

The following comments provide an overview of the policy considerations that the City of Salinas would like the County of Monterey to address in the 2006 Monterey County General Plan (2006 GSA-MOU). The City of Salinas expects the adopted County General Plan to be consistent with the GSA-MOU.

City Centered Growth

- Policies LU-2.1—LU-2.4 should cross reference City Centered Growth policies LU-2.15-2.19.
- Policy 2.15 does not acknowledge the sovereignty of local jurisdictions and reads as if it were a policy for other jurisdictions to implement. As such, an appropriate revision to this policy would be encourage rather than emphasize redevelopment and infill.
- Development proposals that are contiguous to current or planned city limits should be directed to the respective city for consideration and development.
- Policy LU-2.17a should be expanded to direct, to the greatest extent possible, development in the existing incorporated cities within the Salinas Valley, in accordance with the jurisdiction's adopted General Plan.
- Policy LU-2.17b is overly broad. Establishing a "demonstrable benefit to the residents of the County as a whole" is quite vague and bears no relationship to the findings that LAFCO must establish for the determination of a jurisdiction's sphere of influence. The

15

EXHIBIT



Mike Nervo
October 6, 2006
Page 3 of 6

- Policy C-4.3 implies that agricultural uses take precedence over all other uses – the design of an efficient circulation system is a benefit for all including agricultural users. All public rights of way should include appropriate provisions for drainage and utilities; however, agricultural drainage should not be a part of the public infrastructure.
- Policies C-5.1-C-5.6 support scenic roads and highways. As such, all of the County's roads and highways should be considered scenic. Monterey County and its incorporated cities rely on the quality of the landscape to support its principal economic activities: agriculture and tourism. This also supports Policy LU-1.12 that discourages off-site advertising. The City of Salinas has prohibited the erection of new billboards and off premise advertising structures for many years and recommends that Monterey County also consider such a prohibition.
- Policy C-6.5 is recommended to include a reference to City Combined Growth as urban development allows for more viable transit options.

Commercial and Open Spaces

- Policy OS-1.1 encouraging voluntary restrictions to the development potential of property located in the historic area is appropriate. Development in visually appropriate areas should be linked to an implementation program or mitigation measure as appropriate.

Emergency Services

- Policy E-6.5 (introduced in Policy T-6.5) indicates service levels for urban (Community Area), suburban (Rural Centers) and rural areas. The response time for urban area is established as 8 minutes or less, 90% of the time. The County may wish to consider a more aggressive response time similar to the City of Salinas. The emergency response service level adopted in the City's General Plan is 6 minutes, 90% of the time.

Public Services

- Policy PS-3.2.4 in determining whether there is a long term sustainable water supply, credit may be given for a significant reduction in the historic water use on site. Up to 30% of the average annual water use of 10 of the previous 20 years may be conserved for the proposed development. The intent of this policy is to encourage water conservation and to detect that the policy is intended to conserve water and the desire of conservation rights and benefits to the policy. It is intended to conserve water and the right to the reasonable use of the water basin. The County may wish to consider the right to the reasonable use of the water basin in typically established by creating a water balance demonstrating that the use will use no more water than the historic use. This policy seems to imply that the "reasonable use" for a year use is one-half that of the historic use on the property. This policy appears iniquitous.

Mike Nervo
October 6, 2006
Page 2 of 6

- City recommends that this policy be deleted.
- Policy LU-2.18: *The County shall critically review development proposals and general plan amendments within cities to ensure that the County's general plan objectives are not compromised in cities on the County's transportation corridor. The County shall identify and lift any provisions embedded in an ordinance that do not reflect the spirit of cooperation embodied in the County's General Plan. (It is recommended that this policy be either deleted or revised to indicate that the County will coordinate with cities to cooperatively evaluate development proposals both in the County and within the cities to discuss issues of mutual concern, and to mitigate, when feasible, impacts on infrastructure.*
- Community Area Policies LU-2.20-2.27 establishing designated areas for urban uses is contrary to the fundamental principle of City Combined Growth.
- Policy LU-2.25 should be revised to prohibit development within designated Community Areas (including redevelopment areas) prior to the adoption of a Community Plan or Specific Plan.

- Agricultural Policies AG-2.1 and AG-23 Pt 1: the development of agricultural support and processing facilities in the unincorporated area on lands designated to Permanent, Permanent Center and Rural Grazing. These policies are contrary to City Combined Growth. These policies allow for the conversion of prime agricultural lands into industrial business parks. Agricultural support and processing facilities are a critical component of agricultural production and should be encouraged. Industrial facilities are most appropriately located in the incorporated cities where infrastructure has been developed and where the workforce resides.

Conclusion

The discussion regarding public transit services should be expanded to address MST's services to South County.

- Policy C-1.1 implies that Levels of Service (LOS) may be reduced through a Community Plan. This policy should be reconsidered. If LOS cannot be maintained at the appropriate standard, the approving authority may make findings of overriding consideration in conjunction with the consideration of the environmental impact report for the Community Plan.

Policy C-1.8 is similar to Policy LU-2.18 discussed above. The City recommends that the policy be revised to indicate that the County will coordinate with cities to cooperatively evaluate development proposals both in the County and within the cities to discuss issues of mutual concern and to mitigate, when feasible, impacts on the circulation system.

Milko Novo
October 6, 2006
Page 4 of 6

- Policy PS-4.5, "New development proposed in the service area if existing wastewater collection, treatment and disposal should seek services from these facilities whenever possible." The City recommends that this policy emphasize City Centered Growth and be strengthened to require situtations into a another agency's jurisdiction.

Agriculture

- The inconsistency of policies AG-2.1 and AG-2.3, that support the conversion of farmland and grazing lands to agricultural support and processing facilities with the recommendations of City Centered Growth is discussed above. "The use of farmlands and grazing lands should be limited to raising crops and grazing livestock. The addition of industrial uses in locations outside of incorporated jurisdictions exacerbates traffic conditions on rural roads not designed to accommodate significant movements of trucks, traffic. In addition, these policies have the potential to create isolated work areas, in the event of appropriate urban services and housing to serve the workforce. Additionally, the conversion of farmland and grazing to support industrial processing would result in the erosion of the scenic quality of the lands used for row crop production and livestock grazing to the detriment of the region's attractiveness as a rural destination."

Economic Development

- Policies AG-2.1 and AG-2.3 policies conflict with Economic Development policy ED-2.3 which states: "Work, visit sites to place commercial and industrial development in the most appropriate locations."
- Policy ED-2.3 should reference and reinforce City Centered Growth.

Greater Salinas Area Plan, Supplemental Policies

- FIGURE #10 Land Use Plan Greater Salinas
This map and insert coincide to reflect urban land uses in the area formerly designated as March San Juan with significant portions of the property designated for high density because the City's recommendations that industry and uses be designated as Agricultural. Farmland and the study's completed map of the Community Plan or Specific Plan in conjunction with the annexation into the City of Salinas.

Further, the City also recommends that the lands located northwestern of the City's Future Growth Area (the generally triangular, shaded area formed by the extension of San Juan Grade road [both sides] and Old Stage Road as it crosses to Cross Home Canyon Road be designated as a Study Area. Development within this area should be prohibited until the adoption of the required Community Plan or Specific Plan in conjunction with the annexation into the City of Salinas. The insert map entitled

L-5

15



L-5

Milko Novo
October 6, 2006
Page 5 of 6

- Buttery Village and Rancho San Juan should be revised to include only the approved Buttery Village project reflecting the Board of Supervisor's action. The inclusion of balance of the former Rancho San Juan area in this detail is misleading as Rancho San Juan is now limited to only Buttery Village.

The Greater Salinas Area Land Use Map should also acknowledge the City's Future - Growth Area initially adopted by the City in 1988, and affirmed with the City's adoption of its 2002 General Plan.

- Policy CS-1.1 discusses the requirement for a special study for the area located north of Russell Road between Harrison Road and San Juan Grade Road adjacent the 671-acre Buttery Village (a.k.a. Revised Rancho San Juan Specific Plan). Included in the discussion is a list of affected participants -- the City of Salinas must be included in this discussion as should opportunities for City Centered Growth.

In addition to the above referenced General Plan policies, the City of Salinas has a potentially significant concern with the traffic modeling assumptions prepared for the 2006 General Plan North Bay Area by Peir & Peers. The focus of this concern stems from the work completed by Peir & Peers in their report regarding the transportation impacts and implications of the Salinas Future Growth Area proposal using the AMBAG Regional Traffic Demand Forecasting Model. Specifically, this traffic model includes a number of assumptions regarding trip distribution that appear to be flawed. The "news" seems to undermine the validity of the "regional model." Peir & Peers have indicated that the model may be able to be utilized, however, it will take a significant effort in time and resources to correct the problems. Given the controversial nature of transportation related concerns, the City of Salinas would urge the comment period for the Draft Environmental Impact Report be extended until the concerns with the AMBAG Regional Traffic Demand Forecasting Model can be resolved.

15

Milko Novo
October 6, 2006
Page 5 of 6

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L-6

Milko Nero
October 8, 2006
Page 6 of 6

Thank you for providing these concerns and considerations to the Planning Commission and Board of Supervisors.

Sincerely,

/s/

DAVE MORLA
City Manager

Cc: Mayor and City Council
Yanessa Villarica, City Attorney
Robert C. Russell, PE, Deputy City Manager/City Engineer
Jorge Rife, Deputy City Manager



L-5

RESOLUTION NO. 19432 (N.C.S.)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALINAS
APPROVING THE AGRICULTURAL LAND PRESERVATION PROGRAM

WHEREAS, the City of Salinas has adopted and implemented various policies and mitigation measures in its 2002 General Plan and General Plan Final Program EIR relating to the conversion of agricultural lands to urban uses;

WHEREAS, these policies and measures include cooperation and agreements with the County of Monterey to confirm the general growth direction of the City to the north and east, as memorialized in the 2006 Greater Salinas Area Memorandum of Understanding (GSA-MOU);

WHEREAS, these policies and measures adopted in the 2002 General Plan also include priority to redevelopment and rural projects, as well as City Council growth preference right to farm notions to ensure respect for farming rights, and balance between agricultural and non-agricultural uses, amongst other General Plan policies and City codes that support and preserve agricultural lands;

WHEREAS, the City in the 2000 General Plan and in the 2006 GSA-MOU expressed its commitment to the development of an agricultural land conservation program;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Salinas wishes to clarify and state the basic elements of the City's Agricultural Land Preservation Program;

NOW THEREFORE, BE IT FURTHER RESOLVED that the Council approves and adopts the attached Agricultural Land Preservation Program attached hereto and incorporated by reference;

PASSED AND ADOPTED this 8th day of April 2006, by the following vote:

AVISE: Councilmembers Barnos, Barona, Sanchez, Villages, and Mayor Donohue

NEWS: Councilmember Lohs

ABSENT: Councilmember De La Rosa

Mayor Donohue, Mayor

ATTEST:

Anne Canaf, City Clerk

L-5

CITY OF SALINAS AGRICULTURAL LAND PRESERVATION PROGRAM

The City adopted and hereby submits to the following mitigation measures in 2002 General Plan Final Program EIR relating to the conversion of agricultural lands to urban uses:

AG-1. The City will implement Implementation Program COS-9, which requires the City to minimize in cooperation with the County of Monterey to implement the Resource Management Plan (RMP) and the Statewide General Plan (SGP), which directs that City growth occur generally to the north and east away from the most productive farmland.

AG-2. The City will implement Implementation Program LIJ-7, which requires the City to give priority to redeveloping land that will project that reduce development of agricultural lands. The City shall prioritize projects, such as priority parks, processing and assembly facilities for such developments.

AG-3. The City will implement the Implementation Program COS-11, which requires the City to work with the County of Monterey to Right-to-Farm Ordinance and the Ordinance with the City of Monterey. The City shall also work with the Monterey Draft General Plan, revise the City's Zoning Ordinance to require the reevaluation of a Right-to-Farm Notice as a condition of discretionary permit approval for residential development within 1,000 feet of an established agricultural operation. The purpose of the Notice is to acknowledge that residents in the area may experience adverse impacts and discomfort associated with the agricultural operation. The City shall also work with the Monterey Draft General Plan specifically state that a variety of restrictions may occur that may be incompatible with the proposed development and that an established agricultural operation is full compliance with applicable laws, and not be considered a nuisance due to changes in the surrounding area. The Notice shall also state that a plaintiff's right to recover under a nuisance claim against these activities may be restricted.

AG-4. The City will implement Implementation Program COS-10, which requires the City to encourage the provision and maintenance of buffers, such as roadways, topographic features, and open spaces, to prevent incompatibilities between agricultural and non-agricultural land uses. A number of factors shall be used to determine the appropriate buffer, including type of agricultural use, topography, and product and machinery use, among others.

L-5

CITY OF SALINAS Agricultural Land Preservation Program

AG-3. The City will work with the County of Monterey, and other local jurisdictions, to create and implement an agricultural land conservation easement program including such measures as recording the dedication of easements or by paying a mitigation fee that could be used to purchase easements through a mitigation bank.

200 Crocker Salinas Ave. Mitigation of Understanding (CSA-MCU)

#4. City and County agree to the creation and implementation of agricultural conservation easements in the unincorporated areas to the west and south of the City's Sphere of Influence in order to be consistent with the City's adopted General Plan of the two jurisdictions. (Emphasis added)

Program will include the addition to ADI—GIS-coded above:

Text Sharing Agreement that confirms the growth-direction of the City and County, and that the City shall not be consistent with the City's established 2002 adopted General Plan and/or City-County Policy (i.e., CSA-MCU).

For development in the west and south of City, the City shall require the dedication of agricultural conservation easements to provide for the permanent protection of agricultural land. For example, the proposed Salinas Ag-Industrial Business Park (HabitatCo property) includes agricultural conservation easements that will be established prior to final approval by the City, consistent with CSA-MCU paragraph #3. Another CSA-MCU identified growth area to the south of the Wardsville Business area, generally shown on Exhibit C to the CSA-MCU and development in the Borenda Redevelopment project area shall be subject to their own separate environmental review and appropriate mitigation measures.

For development of lands within the CSA-MCU identified growth areas to the north and east of Highway 101, agricultural conservation easements shall be required to protect agricultural lands and other resources. Agricultural lands currently designated by the California Department of Conservation's Farmland Mapping and Monitoring Program as "Prime" or "of Statewide Importance."

April 8, 2008

3

L-5


City of Salinas
Agricultural Land Preservation Program

- For purposes of this program, "GSA-MOU identified growth areas" means amendments or changes in organization in the following areas: the north and east of the City limits that existed in 2003 and that are referenced in Figure D1-1 of the 2002 City General Plan, as well as the other areas identified in the GSA-MOU, including but not limited to Block 100 and the Salinas River Growth Program areas within the boundary of the final alignment of the Westside Bypass, the proposed Fresh Express expansion and the proposed Linkbook Site to the south of Highway 101, and the Exports Redevelopment Project Area, all as shown on Exhibits A and C to the GSA-MOU. A copy of the GSA-MOU is attached to this Program as Exhibit A.
- Any agricultural mitigation fees assessed by the City pursuant to this Program shall be used by the City to fund the following types of activities designed to preserve and promote agriculture in the Greater Salinas Area (that is not intended to be all inclusive):
 - o University level agricultural research, e.g. scientific research for solving agriculture's world (e.g. food safety).
 - o Increased agricultural educational program in local high schools and community colleges.
 - o Marketing and promotion of local agricultural products.
 - o Promoting success in agriculture (e.g. seminars).
 - o Contributions to non-profit associations dedicated to agricultural education, promotion or preservation.
 - o Contributions to USDA, and the University of California Cooperative Extension.

The City of Salinas Agricultural Land Preservation Program shall apply to all lands subject to the 2002 Salinas General Plan, and the GSA-MOU identified growth areas noted above.

April 8, 2008

L-6



RESOURCE MANAGEMENT SERVICES
440 Hearcourt Avenue
Seaside, CA 93955
Telephone (531) 899-8787
FAX (531) 899-8211
TDD (531) 899-6707

October 24, 2008

Monterey County
Attn: Carl Hehn
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

RE: City of Seaside Comments on General Plan Update 5

Dear Mr. Hehn:

The following comments provide an overview of the policy considerations that the City of Seaside believes should be considered by the County of Monterey in its review of the rearticulation of the Environmental Impact Report for General Plan Update 5.

Water

Page 4.3-35: EIR references later basin transfer of water for affordable housing overlay in the Seaside Basin. Under what authority would be an inter-basin transfer occur?

Page 4.3-91: All new projects should be required to retain all stormwater on-site per 100-year return event.

Page 4.3-96&97: New development should be required to include on-site drainage systems; some on-site drainage should apply to the Greater Monterey Peninsula.

Page 4.3-115: What is footnote (4) referencing in Table 4.3-8.

Page 4.3-138: Reference to proposal by Cal-Am for the construction of injection wells should be noted and how much additional water would be diverted with the establishment of Cal-Am ASR wells.

Page 4.3-140: EIR should reference proposed development on Ft. Ord Marine Plan and identify how existing infrastructure is adequate to serve projected build-out.

Page 4.3-179: Amended mitigation measures to require retention of storm water for new development per 100 year storm event.

Greater Monterey Peninsula Master Plan

The County should coordinate with Caltrans to determine what infrastructure must be submitted with the application for the designation of a Scenic Highway between the City of Seaside and the City Marina and how Monterey County and applicable jurisdictions must coordinate on the application.

03/17/04
L-8

CITY OF SEASIDE

Monterey County General Plan Update 5 EIR Comments
Page 2 of 3

Local Use

The City of Seaside has the following concerns related to the Fort Ord Marine Plan Area:

Residential Land Use Policies

The Fort Ord Marine Plan should acknowledge and discuss the City's future growth potential west of the urban boundary line. The City of Seaside is considering the following projects within its city limits:

1. Reclamation of City of Seaside Corporation Yard to Polygon 18 on Figure 2; and
2. Development of a Veterans Cemetery on Polygon 20s on Figure 2; and
3. Stephen H Speciale Plan on Polygon 20s on Figure 2.

Characteristics Element

Of particular concern to the City of Seaside are the potential impacts that could be generated by residential and commercial development within the Fort Ord Area Marine Plan and designated Affordable Housing Overlay within the County Monterey Peninsula. The City of Seaside recommends that the traffic study for the General Plan Update 5 include an evaluation of the cumulative impacts associated with the City of Seaside's and City of Marina's approved and planned projects in relation to the build-out of the County lands on Fort Ord and Fort Ord Business and Operations Plan (Appendix B of Future Plan) and study the following intersections/roadways:

Intersections

- General Jim Moore and Light Fighter Drive
- General Jim Moore and Gigling Road
- General Jim Moore and Cor Avenue
- Light Fighter Drive and Seaside Avenue
- Highway 1 and Light Fighter Drive
- Highway 1 and SR 218
- Del Monte Boulevard and SR 218 (Canyon Del Rey Blvd.)
- Del Monte Boulevard and Broadway Avenue
- Del Monte Boulevard and Playa Avenue
- Fremont Boulevard and Broadway Avenue
- Fremont Boulevard and Del Gordo Avenue
- Fremont Boulevard and Del Monte Avenue
- Gigling Road and 6th Avenue
- Monterey Road and Fremont Boulevard
- Monterey Road and Cor Avenue

03/17/04
L-8

CITY OF SEASIDE

Monterey County General Plan Update 5 EIR Comments
Page 3 of 3

Recreation

- Broadway Avenue between Del Monte Boulevard and General Jim Moore Road
- Del Monte Boulevard between Canyon Del Rey Boulevard and Fremont Boulevard
- Fremont Boulevard between Canyon Del Rey and Broadway Avenue
- Fremont Boulevard between Broadway Avenue and Highway 1
- General Jim Moore between SR 218 and Light Fighter Drive
- Seaside Avenue
- Gigling Road between 6th Avenue and General Jim Moore Road
- Light Fighter Drive between General Jim Moore and Highway 1

Hydrology and Water Quality

- Update EIR to include identification of potential reservoir and water impoundment areas that would be located within the City of Seaside on the former Fort Ord and/or its sphere of influence as designated by LAYCO.
- The Mission Coast Water District shall be included in list of water agencies to mitigate further seawater intrusion.

If you have any questions or comments regarding the City of Seaside's comments on the re-submission of the Environmental Impact Report for General Plan Update 5, you can contact me at (931) 899-8756.

Sincerely,
Rick Medina
Rick Medina
Senior Planner

CC: Diana Janssens, Deputy City Manager-Resource Management Services
Barbara Nelson, Planning Services Manager

061 28 08 031:56p S B C 0316275324 P. 2 L-7

COUNTY OF SAN BENITO
PLANNING & BUILDING INSPECTION SERVICES

5024 Shorelands Road
 Hollister, CA 95033
 email: scip@sanbenito.org web: sanbenito.org
 Phone: 831-497-8810 Fax: 831-497-8854

October 28, 2008

Carl Hahn, Planning Manager
 Monterey County Planning Department
 168 W Alisal St., 2nd Floor
 Salinas, CA 95071-2438

Subject: Comments regarding Monterey County's 2007 General Plan Update (5) DEIR

Dear Mr. Hahn:

Thank you for the opportunity to review and comment on the 2007 Draft Environmental Impact Report for the Monterey County General Plan. Staff would like to express its support for the coordinated effort to complete this General Plan update. As a neighboring agency, San Benito County has a continued interest in this process. Decisions made within your jurisdictional boundaries may have significant effects on our County. Therefore, listed below are some comments submitted by staff in October of 2006, related to General Plan update number 4, and new comments staff believes that the document should address in more detail. While past the official comment period, our Board will be reviewing this matter on November 4 and may also have some comments.

The County's previous comments regarding the 2006 General Plan Update (update 6) Draft Environmental Impact Report, and subsequent comments follow.

- We encourage Monterey County to work with San Benito County in improving locations along our shared border in areas such as near Gonzales, Shedd and King City in addition to the Arroyo and Fremontville areas.

Although this comment does not need to specifically be addressed in this DEIR document, San Benito would like to emphasize the ongoing need for governmental cooperation when considering development projects or policies for development for which the effects would reach across County boundaries and potentially conflict with current San Benito County policies.

- We are also interested in better coordinating public safety and transportation planning especially in those areas in particular along La Gracia Grade that in some problems occur there from time to time.

This comment relates directly to transportation corridor planning. Monterey County is in a unique position as it borders San Benito County, which has a number of unincorporated outdoor recreation areas. One area in particular, The Frenches, is working toward National Park status and as such may require increased attention from both San Benito and Monterey Counties in order to ensure access to the park is convenient, safe, and desirable.

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- We also would like to cooperate with you again in protection of the ridge-line areas that we share and in minimizing the impact of nighttime lighting in the rural areas.


Lead Use Element Policy 11D-113 appears to appropriately address light and glare. Open Space and Conservation Element 08-112 appears to prohibit ridge-line development. Therefore, staff believes this 2006 comment has been adequately addressed. Thank you.

Staff requests the final DEIR for the 2007 General Plan update address the following additional concerns:

Transportation:
 Regional transportation impacts are addressed in Section 4.6 of this document. TRAN-1A, TRAN-2B, TRAN-3B describe that implementation of the 2007 General Plan would have significant impacts to roads within and external to Monterey County. In addition, TRAN-1A describes that neither the County nor TAMC projects listed as capital improvement projects, which are to be funded by regional impact fees, will fully mitigate the impacts of the 2007 plan. Staff feels that the development of policies should reach outside the established boundaries of Monterey's policies. In addition, if regional traffic created by an authority's planning guidelines may substantially degrade neighboring jurisdiction roadways for which higher standards are in place, the governing authority has the responsibility to ensure traffic impacts are mitigated accordingly. Currently, San Benito County has established policy describing a minimum LOS of C for roadways within our County. Areas within San Benito which may be affected by Monterey County traffic impacts primarily include the Arroyo area and State Highway 101. Monterey County's planning guidelines may have a significant effect on surrounding jurisdictions and should be sensitive in nature in order to provide continuity with all surrounding regional planning guidelines standards. By encouraging full mitigation of any potential impacts Monterey County would not place additional burden on neighboring jurisdictions.

Air Quality:
 Both San Benito and Monterey Counties are located within the Monterey Bay Unified Air Pollution Control District's jurisdiction. Both counties are in a compliance with both a short-term standard included in the environmental document that addresses this concern and the probable significant effects such as high levels of traffic congestion along the 101 corridor could have on attainment levels within either jurisdiction.

Thank you again for the opportunity to comment.

Sincerely,

 Art Hantous
 Director of Building and Planning

Cc: Susan Thompson, CAO
 Board of Supervisors

Monterey County
 2007 General Plan Update DEIR Page 2 of 2 October 28, 2008



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 464-2880 Fax: (831) 454-2181 TDD: (831) 464-2123
TAMARA BUNDS, PLANNING DIRECTOR

February 2, 2009

Cari Holm
RMA-Planning, Salinas Permit Center
188 W. Alisal St. 2nd Floor
Salinas, CA 95001

Dear Mr. Holm,

Thank you for the opportunity to comment on the 2007 General Plan Update and the 2007 General Plan Draft EIR. The Planning Department has reviewed both documents. We wish to express our concerns regarding significant and unavoidable impacts to the Pajaro groundwater basin identified in the EIR, particularly as this may impact future development within Santa Cruz County.

As noted in Section 1.4 of the EIR, development consistent with the Monterey County 2007 General Plan would result in "significant and unavoidable impacts" to groundwater resources in the Pajaro basin, exacerbating existing groundwater overdraft and saltwater intrusion (Section 1, page 39 of EIR). Overdraft of the aquifer is anticipated, even with recycling and conservation measures.

To address significant and unavoidable impacts to the Pajaro groundwater basin, mitigation measure WR-1 would implement a regional group to identify and support a variety of new water projects, water management programs, and multiple agency agreements to provide additional domestic water supplies for Monterey Peninsula and Seaside basin, while continuing to protect the Salinas and Pajaro River groundwater basins from saltwater intrusion. However, even with the proposed mitigation measures, impacts to the Pajaro groundwater basin are anticipated to be "significant and unavoidable" (page 1-39).

We believe that mitigation measure WR-1 is inadequate to address the significant impacts to the Pajaro Groundwater Basin. The Santa Cruz County Planning Department is particularly concerned that the Pajaro area is proposed as one of five community areas, with development planned at an urban level. Such intensive development is likely to further exacerbate groundwater overdraft and saltwater intrusion within the Pajaro groundwater basin. Such impacts are likely to restrict future development in those portions of the Pajaro community within Santa Cruz County.

L-8 54

Monterey County
Planning Department
RECEIVED
February 2, 2009
Cari Holm
Comments 2/2/09

L-8

Calderon, Vanessa A. x5108

From: Annie Murphy (PLN400@co.santa-cruz.ca.us)
Sent: Monday, February 02, 2009 11:57 AM
To: Vanessa Calderon
Subject: Comments from County of Santa Cruz Planning Department on the 2007 General Plan Update and Draft EIR



Letter to Monterey
County.doc... Mallo Cheryl,

Hope you and everyone in the Department are doing well!

Attached are the comments from the Santa Cruz County Planning Department regarding the Monterey County 2007 General Plan Update and Draft EIR.

Annie Murphy
Planning Director
Monterey County
Salinas, CA 95060
Phone: (831) 454-3111
Fax: (831) 484-2131
Mail: plan@mon.co.santa-cruz.ca.us
e-director@monterey-county.com

RECEIVED
February 2, 2009
Monterey County
Planning Department

Message Page 1 of 2 L-9 See 1-22

Holm, Carl P. x5103

From: Holm, Carl P. x5103
Sent: Thursday, October 16, 2008 8:58 AM
To: 'Hagan, Kristin A.'
Cc: 'Powers, Brian'
Subject: RE: 2007 General Plan Update

The ALUC asked for further information on a site near the Monterey Airport...it is planned to return to the ALUC on October 27. The Commission was not concerned with the area around King City because it had not changed from what they considered and accepted in GPU4. Figures 4 in GPU4 illustrated the location of planned Community Areas. Land use designations around King City are illustrated on the South County Area Plan Land Use map (Figure LU-9). In addition, the Agricultural Winey Corridor Plan (AWCP) includes area around King City. All of this is available for review on our website at: http://www.co.monterey.ca.us/planning/gpu4_2007.html

If after reviewing this information you have questions, please feel free to contact me.

Sincerely,
Carl P. Holm, AICP
RMA - Planning Department
Assistant Director

-----Original Message-----
From: Hagan, Kristin A. [mailto:kahagan@kingcity.com]
Sent: Wednesday, October 15, 2008 11:57 AM
To: Carl P. Holm
Cc: Powers, Brian
Subject: 2007 General Plan Update

Carl,

Thanks for you return call yesterday. For your request I'm sending you an e-mail regarding my questions pertaining to the 2007 General Plan Update. As indicated in my message, I posted a comment on the Monterey County Airport Land Use Commission received at its last meeting on September 22, 2008, an update regarding the status of the 2007 General Plan Update. I was wondering if at that meeting the Commission voted to take any action with respect to reviewing and consolidating the 2007 General Plan Update.

I also noticed that in the 2006 General Plan Update (GPU4), there is a reference to a Figure 4, which illustrates the proposed land uses within jurisdiction of the King City Airport. I'm trying to confirm whether or not this figure is referenced and used in the 2007 General Plan Update. If so, I would like to get a copy of this figure.

Any assistance you can provide is greatly appreciated. Thanks for your time.

Take care,
Kristin

11/06/2008


Message

Page 2 of 2 L-9 See 1-22



The information contained in this e-mail is confidential and intended only for the individual named. If you are not the named recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, copying, or distribution of the information contained herein is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by e-mail and delete this e-mail from your computer and immediately notify the sender. Thank you.

11/06/2008



MONTEREY BAY
San Luis Obispo County
168 West Allied Street, 2nd Floor
Salinas, CA 93901

L-10 60

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 FEB 02 2009
 Monterey County
 Planning Department
 168 West Allied Street, 2nd Floor
 Salinas, CA 93901

February 2, 2009

Mr. Carl Holm, Assistant Planning Director
 Monterey County RMA/Planning Department
 168 West Allied Street, 2nd Floor
 Salinas, CA 93901

SUBJECT: 2007 MONTEREY COUNTY GENERAL PLAN DRAFT EIR (GPEU)

Dear Mr. Holm:

The Air District submits the following comments for your consideration:

4.7.2 ENVIRONMENTAL SETTING

2.4.7.2. Air Pollution

Please note the Table 4.7-1, which is referenced in this section, is missing. This table was to summarize current State and Federal Ambient Air Quality Standards (AAQS). Table 4.7-1 on page 4.7-6 of the DEIR presents the distribution of statewide wide formation emissions by month rather than information in a format that could be compared to applicable AAQS. Current AAQS are summarized in the attached PDF table and can be accessed at <http://www.arb.ca.gov/research/faq/faq2.pdf>

2.4.7.3. Ozone, Normal vs. Man-Made VOC

This section blends a discussion of natural and anthropogenic (man-made) emissions. The first and second sentences on this page indicate that current NCCAB emissions of VOC are estimated to be 100 to 125 tons per day and that most of the emissions come from its oak and coastal chaparral environment. As described in the first paragraph on page 4.7 of 2008 AQMP, these figures actually refer to naturally occurring VOC emissions and not man-made or anthropogenic emissions. The 2008 AQMP focuses on man-made emissions, which is the category of emissions subject to regulation. As illustrated in Figure 4-3 in the 2008 AQMP, 2007 NCCAB anthropogenic emissions of VOC are estimated to be 70 tons per day.

2.4.7.3. Ozone, Normal vs. Man-Made NOx

Similarly, the third sentence indicates that NCCAB emissions of NOx are in the 1 to 3 tons per day range and are highest during wildfire events. Again, these figures pertain to naturally occurring emissions and not regional man-made NOx emissions. Man-made emissions of NCCAB NOx are illustrated in Figures 4-7 of the 2008 AQMP and are estimated to be 81 tons per day. The District would be glad to provide additional information on this subject.

2.4.7.3. Ozone, Discussion of Federal Standard

The first sentence of the first full paragraph on this page indicates that on June 15, 2004 the EPA replaced the 1979 one-hour standard with more stringent 8-hour standard. The EPA adopted the 0.08 ppm 8-hour standard in 1997 and on June 15, 2004 the EPA designated the NCCAB as an attainment area for the 8-hour standard. The 1979 one-hour standard was then revoked one year later on June 15, 2005. The eight-hour federal standard adopted by EPA in 1997 is 0.08 ppm. Please refer to pages 5 through 7 of the District's 2007 Federal Maintenance Plan for further discussion. This can be accessed at <http://www.unisat.net/index.cfm?DocId=51>. After the Maintenance Plan was prepared, EPA adopted a more stringent eight-hour standard of 0.075 ppm on March 12, 2008.

2.4.7.3. Ozone, Discussion of State Standard

The second sentence of the second full paragraph on this page indicates that the new State 8-hour standard is 0.07 ppm. It should be noted that the State Standard is 0.070 ppm, with three significant figures. This is important because it reduces round-off play when averaging data. Currently, the State ozone standard is more stringent (health protective) than the corresponding federal standard.

2.4.7.3. Carbon Monoxide

State and federal standards were not exceeded during 2005-2007, which is the most recent three years of data. As part of the Environmental Setting discussion, it should be mentioned that ambient CO readings in the NCCAB are low and have a history of being well within applicable standards.

2.4.7.3. Nitrogen Oxides

In order to make this section to the NCCAB, the Draft EIR should have specified that major sources of NOx in the NCCAB include cement emissions from on-road motor vehicles, off-road mobile sources and industrial sources. These are illustrated in Figure 4-5 of the 2008 AQMP. There are no industries in the NCCAB.

The NCCAB is designated attainment for the State NOx standard and Unclassified/Attainment for the federal NOx standard. Current NCCAB designations for all criteria pollutants are presented in Table 2-2 on page 2-5 of the 2008 AQMP.

2.4.7.4. Particulate Matter

To make this section to the NCCAB, please note that primary sources of particulate matter in the NCCAB include fugitive dust from unpaved roads, agricultural tilling, agricultural wind-blown fugitive dust, prescribed fire and construction dust. These are summarized in Table 4-2 of the District's 2005 Particulate Matter Plan, which is available at <http://www.sabtoprod.org/mater.cfm?Doc=358>.

L-10

1

Comment Letters
Local Agencies

March 2010
ICF 06852.07

Final Environmental Impact Report
Monterey County 2007 General Plan

Final Environmental Impact Report
Monterey County 2007 General Plan

L-10	9	<p>P. 4.7.4. Volatile Organic Compounds The third sentence indicates that major sources of VOCs include oil refineries, and oil-fired power plants. There are no oil refineries or oil-fired power plants in the NCCAB. Major sources of VOCs in the NCCAB include exhaust emissions from on-road motor vehicles, solvent evaporation, and exhaust emissions from off-road mobile sources (See Figure 4-3 from the 2008 AQMP). Wineries are a minor contributor to regional VOCs representing less than 1% of the NCCAB VOC inventory.</p>
	10	<p>P. 4.7.5. Wine Fermentation Discussion The third paragraph on this page reads in a comma. Please complete the sentence or make the necessary typographical correction.</p>
	11	<p>P. 4.7.5. Discussion on Wine Making Process The extended discussion on how wine is made, while informative, deviates from the general discussion on VOCs and would fit better in a separate section.</p>
	12	<p>P. 4.7.6. Table 4.7.1. Site-wide Wine Fermentation The monthly distribution of wine fermentation emissions shown in the table would be more informative if they were specific to the amount of wine actually fermented in Monterey County. Also, the discussion introduces the fermentation figures as being harvest figures. Because wine grapes can be exported to other areas, the amount of wine grapes harvested in Monterey County is not relevant unless the Dept ER specifies</p> <ul style="list-style-type: none"> • the amount of grapes that are grown locally • the amount and increase of the local harvest that is fermented locally • the amount and increase / decrease of local harvest that is shipped outside Monterey County • and a comparison of the potential increase in emissions from Monterey County fermentation and wine aging, compared to the decrease in emissions (VMT) that would be avoided by a decrease in shipment of local grapes to out-of-county grape processors / winemakers and wine aging.
	13	<p>P. 4.7.7. Table 4.7.1. Toxic Air Contaminants The first sentence in the third paragraph on this page indicates that CABB has listed particulates matter as a TAC. The sentence should be corrected to specify that this listing pertains to diesel particulate matter (diesel exhaust) and not particulate matter in general.</p>
	14	<p>P. 4.7.7. Attainment Status Many of the designations described in this section are dated. Please refer to Table 2-2 on page 2-5 of the 2008 AQMP for current designations. For instance, in relation to the State ozone standard, the ARB's most recent designation (July 26, 2007) shows that the NCCAB is nonattainment. The moderate nonattainment and nonattainment transitional designations are no longer applicable. The first sentence of the second paragraph under Attainment Status states that EPA has designated the NCCAB as a moderate maintenance</p>

L-10	14	<p>area for ozone. There is no such thing as a moderate maintenance area and EPA has designated the NCCAB as an attainment area for ozone.</p>
	15	<p>P. 4.7.8. Air Quality Monitoring Data Please note that Table 4.7-2 referenced in this section is missing. This table was to summarize the most recent three years of data for Monterey County. Table 4.7-2 in the DEIR (page 4.7-11) summarizes wine fermentation and aging emissions.</p>
	16	<p>P. 4.7.8. Air Quality Monitoring Data The third sentence in this section indicates that the Salinas station is the monitoring station for Monterey County. Please note that the Salinas site is not the only air monitoring station operated in Monterey County as there are two other air monitoring stations: one in King City and one in Carmel Valley. Including data from these sites would more accurately portray air quality in Monterey County.</p>
	17	<p>4.7.3 REGULATORY FRAMEWORK: P. 4.7.3. EPA The second sentence in this section states that the NAAQS are set to the maximum ambient (background) level considered safe. The NAAQS are set according to the maximum safe level in the ambient breathable outdoor air, and according to background. Background is typically a much lower concentration than levels that include man-made emissions.</p>
	18	<p>P. 4.7.3. CABB It should be noted that State law vests California Air Resources Board (CARB) with direct authority to regulate pollution from motor vehicles registered in California, as well as fleets and consumer products sold in the State.</p>
	19	<p>P. 4.7.9. MBUAPCD The overall role of the MBUAPCD should be mentioned before introducing the specific construction mitigation measures. For reference, as required by the California Clean Air Act and Amendments (HSC Section 49910 et seq.) and the Federal Clean Air Act and Amendments (42 U.S.C. Section 7401 et seq.), the District is responsible for air monitoring, permitting, enforcement, long-range air quality planning, regulatory development, education and public information activities related to air pollution. California Health and Safety Code Sections 39002, et seq. and 40000, et seq. require local districts to be the primary enforcement mechanism for controlling pollution from local business and industry. Air districts must have rules and regulations for the attainment and maintenance of federal and state ambient air standards.</p>
	20	<p>P. 4.7.10. MBUAPCD The first bullet indicates that the MBUAPCD has mitigation measures for heavy duty equipment. The measures listed are specific to heavy duty diesel equipment. Also, a typo in the hypelinked word "non-ozone season" in the 4th bullet in this section needs to be corrected to read "non-ozone season".</p>

L-10	<p>P. 4.7.1.1. MBUAFCD Air Quality Management Plan This operative Air Quality Management Plan (AQMP) was adopted by the Air Board in August 2008. It transmits the Association of Monterey Bay Area Governments' "Monterey Bay Area 2008 Regional Forecast" for population, housing and employment. Before discussing the District's 2008 AQMP for ozone, it would be helpful to mention two other important air plans the District has developed for the region:</p> <p>SB 656 Particulate Matter Plan (December 2005) This plan outlines measures to make progress toward achieving the State PM₁₀ standard by reducing fugitive dust, especially along the se/urban interface, as well as emissions of particulate matter from diesel exhaust through education about Best Management Practices and grant incentives.</p> <p>2007 Federal Maintenance Plan This plan describes how the federal ozone standard will be maintained in our area.</p> <p>P. 4.7.1.1. Table 4.7.2. AQMP VOC Aging & Emission Reductions A numerical artifact (16310.8257) appears in this table for the year 2030 Wtue Aging category. The number from the AQMP is 0.9257 tons per day.</p> <p>P. 4.7.1.2. Rules 201 and 417 In the second bullet, please correct the text following the rule name for Rule-207, which makes this sentence hard to follow. Also, in the following paragraph, which rule will be subject to regulatory Rule 417, Sites of Organic Liquids, whether or not they are exempt from Rule 201. While Rule 417 applies primarily to storage of petroleum based liquids, it would be applicable to vintners if vapor pressure and tank size met the criteria of the rule.</p> <p>4.7.4 PROJECT IMPACTS:</p> <p>P. 4.7.1.2. Thresholds of Significance It should be noted that the 137 flow/day construction related threshold for NO_x only applies to non-physical construction equipment (page 7-2 District's 2008 CSQA Guidelines). Typical equipment, which includes sweepers, tractors, dozers, graders, loaders and rollers, are accommodated in the District's emission inventory.</p> <p>P. 4.7.1.3. Thresholds of Significance Similar to the prior comment, the last paragraph under 4.7.4.1 should be modified to state that emissions of ozone precursors, including NO_x and VOC, from typical construction equipment are accommodated in the inventory.</p> <p>P. 4.7.1.5. AO-1, Tables 4.7.3. Population Consistency This section concludes that the 2007 General Plan is consistent with the population</p>	28
L-10	<p>growth projected in the MBUAFCD's AQMP and therefore impacts associated with AQ-1 are less than significant. However, the comparisons are based on the outdated 2004 AMBAG population figures for Monterey County for 2030, which were used in the 2004 AQMP. AMBAG's 2008 population forecast for 2030 is 515,549 and is lower than the 602,790 population figure for 2030 shown in Table 4.7-3 for the 2007 General Plan. The 2007 General Plan population forecast for 2030 is 87,241 persons greater than the applicable 2008 AMBAG forecasts for 2030, and would make the General Plan Update inconsistent with the applicable AQMP and a significant impact to air quality in the region.</p> <p>P. 4.7.1.5. AO-1, Table 4.7.3. Demographic Figures Please explain why the Population, VMT, Housing Units and Employment "With Project" figures decrease between 2000 and 2030, despite the General Plan Update's accommodating greater population, housing and VMT.</p> <p>P. 4.7.1.5 & 16. AO-1. MBUAFCD AQMP The significance determination section uses the generic ozone Clean Air Plan for the District's AQMP for ozone. Please specify which plan is being referred to (2004 or 2008) and note that the actual name of the document is the Air Quality Management Plan. As already specified, herein, the operative AQMP was approved in August 2008.</p> <p>P. 4.7.1.6. AO-1, Table 4.7.4. VOC Emission Reductions Please note that the fermentation emission factors for red and white wine used in Table 4.7-4 are actually from ARB (ARB Area Source Methods, Chapter 5.1, March 2005) and not EPA. The factors in the table are higher than those used in the AQMP, which were from Chapter 9.12.2 of EPA's AP-42 document. The AQMP used EPA's factors of 4.6 and 1.8 lb/legal for red and white respectively, rather than the 6.2 and 2.3 lb/legal factors shown in the table. If the same factors were applied as used in the 2008 AQMP, estimated fermentation emissions associated with 10 full scale and 40 artisan wineries would be lower than the 905.3 lb/day shown in the table.</p> <p>P. 4.7.1.6. AO-1, Table 4.7.4. VOC Aging Emissions The calculations for the red and white aging related emission factors (0.02782 and 0.02583 lb/legal) given in the table appear to be off by a factor of 1,000 and do not work out as shown in the table. Please verify the units of the factors and make any necessary corrections in the table.</p> <p>P. 4.7.1.7. AO-1. Buildout Significance Conclusion It is concluded that air quality impacts associated with buildout by 2002 would be less than significant because of the beneficial policies in the 2007 General Plan and Area Plans. However, consistency with the AQMP is determined by consistency with the population forecasts in the AQMP, not the plans. Also, the expected air quality benefits of the 2007 General Plan and local Area Plans are not guaranteed. Since the 2004 buildout date is beyond the forecast horizon of the 2008 AQMP and AMBAG population forecasts, the significance conclusion cannot be supported.</p>	27
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L-10		
	36	The third full sentence on this page indicates that the methodology and traffic data input to the EMFAC2007 on-road motor vehicle emission model are provided in Appendix A of the DEIR. However, Appendix A contains the Notice of Preparation and the referenced calculations cannot be found or reviewed. As a result, it was not possible to evaluate this information.
	37	P. 4.7.23. Table 4.7-5. Estimated Paved Road Dust The EMFAC model only estimates exhaust emissions for PM10 and PM2.5, but not estimated road dust for paved road dust. Since estimated road dust emissions increase with VMT, the estimated road dust calculations should be added to the exhaust emissions and the corresponding conclusions updated to reflect the revised totals.
	38	P. 4.7.23. Table 4.7-6. Year 2000 Existing Environment The year of the existing environment in this table is taken as the year 2000, which is no longer representative of the existing environment. The existing environment should be a year closer to the time the Notice of Preparation for CEQA was submitted, which was 2007.
	39	P. 4.7.24. Table 4.7-7. VOC, VOM, Winery Emissions The same comments as applied to Table 4.7-4 apply here. Please verify the units of the factors and make any necessary corrections to the table.
	40	P. 4.7.31. NMAAQ-5. Construction Comments As written, this mitigation measure does not ensure that emissions would be less than significant. One-size-fits-all does not work, especially in an industry that uses various models, model years and configurations of equipment on each job. In addition, project location and meteorological conditions are factors that affect air quality; a project in a remote area that would not result in unhealthy emissions would be evaluated differently from a project in an area of dense urban development. The Air District suggests that construction equipment should comply with applicable State laws and regulations, and Air District thresholds of significance.
	41	P. 4.7.33. AQ-7. Development of Sensitive Near Land Uses As written, this mitigation measure is prescriptive; it is not enforceable. Given the County's authority over land use decisions, if the County chooses not to implement the siting recommendations in the California Environmental Protection Agency / California Air Resources Board's "Air Quality and Land Use Handbook: A Community Health Perspective, it would be more helpful to simply notify prospective residents of the potential long-term health impacts, as in being done in Fresno County.
	42	Section 4.16. Climate Change Inasmuch as the narrative in Chapter 4.16 is based on Appendix B - Methodology, comments are focused on it.

L-10		
	31	Moreover, even if the "mitigation" and "promotion" activities cited as mitigation in various policies in pages 4.7-13 et seq. were actually undertaken, encouragement and persuasion do not guarantee that existing quantifiable or enforceable would result, so this text and any implicit mitigation should be eliminated from the EIR. Mobile Source Emissions Associated with Growth The Air District does not have regulatory authority over mobile sources. Without state funding to ensure the availability of public transit, the air quality benefits of this alternative to single-occupancy automobiles should be considered; this potential mitigation should be better evaluated. What evidence exists to support an inference that employees would bike or walk to work (how many people, how often, and what amount of VMT would be reduced)? Area Source Emissions Associated with Growth A significant reduction in ozone precursors and particulate matter could be accomplished by restricting the installation and operation of wood-burning fireplaces and stoves. Many cities have adopted this strategy to reduce their project's air quality impacts to less-than-significant levels. The following is suggested for implementation by the County as a standard condition: "The construction, installation or operation of a wood-burning fireplace or a wood-burning stove shall be prohibited in perpetuity on all residential properties. Only EPA-certified natural gas/burned petroleum gas (LPG) fireplaces/ stoves shall be constructed, installed or operated. This restrictive covenant shall be recorded on the title of all permits in the project and shall run with the land. All Building Plans and Building Permits shall include this express condition." P. 4.7.20. AQ-2. Significance Determination - The second paragraph is rather disjointed and should be rewritten. P. 4.7.20. AQ-2. Mitigation Measure AQ-1 The disjointed sentence following OS-10.5 should also be rewritten. P. 4.7.20. AQ-2. 2030 Significance Conclusion Implementation of MBUAPCD's mitigation measures by policy for construction activities and equipment is a very good idea. However, there is no guarantee that they would reduce emissions unless they are quantified and entered to reduce emissions to a less-than-significant level. Consequently, the conclusion of a less than significant impact is speculative at this time. Also, the construction related mitigation measures referenced should read AQ-1 and AQ-2 rather than AQ1 though AQ-3 and the referenced planning horizon should be 2030 rather than buildout. P. 4.7.21. AQ-2. Buildout Significance Conclusion The same comments as applied to the 2030 planning horizon also apply here. P. 4.7.22. AQ-3. Appendix A. EMFAC Calibration
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L-10

Vehicle Emissions

Off-road vehicular emissions are not included. Agricultural, off-road emissions are estimated but the methodology used is very limited.

Trying to establish the "unimproved-only" emissions (see above) all VMT on County roads and 25% of the VMT on state highways have been included. This appears to be based on a 75%/25% split in population between City and County residents. Please explain the basis for this split.

Initially, there seems to be a "some" mix-up. In the text it refers to Fresno but the table refers to Fresno. Please explain.

Please explain why they fugitive CH4 emissions from gas transmission were not included.

Landfill Emissions

Emission factors from ICLEU/CACP Software are cited but there is not relation to the emission factor, or its derivation. ICLEU does not generate emission factors. What methodology was used?

The document states that 97% of the solid waste goes to landfills that are flared, or have landfill gas to energy technologies. It also specifies that EPA use estimated flaring efficiency to be 75%. This efficiency factor was used to estimate all of Monterey's net CH4 emissions. This generates a couple of concerns:

It did not differentiate between the flaring and the landfill gas to energy technologies. These efficiencies are different.

The flaring efficiency states that the 75% of CH4 is converted to CO2. What are the remaining CO2 emissions?

Agricultural Equipment Fuel Use

The method compares the proportion of agricultural surveys in Monterey to that in all of California and then apportions the state GHG emissions for agriculture proportionately. The use of this method should be explained. (The ARB has a model (OFFROAD) which is used to estimate criteria emissions from off-road motor vehicle sources, including agricultural equipment. It has already apportioned this usage by county and air basin and have projected the growth and controls out to the future. This model is the criteria pollutants and does not include factors for CO2, CH4, or N2O like the on-road equivalent (EMFAC), but it does include estimated fuel usage. At least the CO2 (which is the majority of the associated GHG emissions) could be estimated by using the fuel usage and the CCAR's fuel-based emission factor.)

9

L-10

The ARB method would be doubly useful in that it would also allow for the estimation of all off-road equipment, including construction, industrial, and recreational. Please explain why this method was not used.

General Comments on Forecasting Methodology

The document states that fuel efficiency and low carbon fuel standards were used in estimating flares, but this did not include reductions on GHG emissions from heavy-duty vehicles. Please explain.

The document concludes that an 8% increase in renewables forecasted by PG&ES would result in an equivalent 8% reduction in CO2. This assumes that renewables have no CO2 emissions, which is not accurate. Renewables have reduced CO2 emissions, not zero CO2 emissions. Please explain.

Thank you for the opportunity to review the document.

Sincerely,

Jean Getchell
Supervising Planner
Planning and Air Monitoring Division

Attachment: Ambient Air Quality Standards

10

L-10

Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards ¹		Federal Standards ²		Method ³	Health ⁴
		Concentration ⁵	Method ⁶	Primary ^{7A}	Secondary ^{7B}		
Ozone (O ₃)	1 Hour	0.09 ppm (180 ppb) ⁸	Nucleic Acid Phosphorylation	—	Same as Primary Standard	Ultraviolet Photometry	Upper Respiratory
	8 Hour	0.070 ppm (147 ppb) ⁸	—	0.070 ppm (147 ppb) ⁸	—	—	—
Respirable Particulate Matter (PM ₁₀)	24 Hour	50 µg/m ³	Gravimetric or Beta Attenuation	150 µg/m ³	Same as Primary Standard	High Resolution Gravimetric and Gravimetric Analysis	Respiratory and Cardiovascular
	Annual	35 µg/m ³	No Separate Data Standard	—	Same as Primary Standard	—	—
Carbon Monoxide (CO)	1 Hour	3.0 ppm (180 ppb) ⁸	Reduction in Hemoglobin Saturation	9.0 ppm (540 ppb) ⁸	None	Non-Dispersive Infrared Spectrometry (NDIR)	Heart-Dependent Cardiovascular (HDCV)
	24 Hour	1.0 ppm (60 ppb) ⁸	—	—	—	—	—
Nitrogen Dioxide (NO ₂)	1 Hour	0.050 ppm (57 ppb) ⁸	Chemoluminescence	0.050 ppm (100 ppb) ⁸	Same as Primary Standard	Chemoluminescence	One Phase Cardiovascular
	24 Hour	0.010 ppm (10 ppb) ⁸	—	—	—	—	—
Sulfur Dioxide (SO ₂)	1 Hour	0.30 ppm (300 ppb) ⁸	Ultraviolet Fluorescence	0.30 ppm (300 ppb) ⁸	Same as Primary Standard	Spectrophotometry (Photometric Methods)	Respiratory
	24 Hour	0.060 ppm (60 ppb) ⁸	—	0.060 ppm (60 ppb) ⁸	—	—	—
Lead ⁹	1 Hour	0.15 µg/m ³	Atomic Absorption	0.15 µg/m ³	Same as Primary Standard	Atomic Absorption	High Blood Pressure and Atherosclerosis
	3 Day Average	0.15 µg/m ³	—	—	—	—	—
Visibility Reducing Particles	1 Hour	0.070 ppm (70 ppb) ⁸	—	0.070 ppm (70 ppb) ⁸	Same as Primary Standard	—	—
	24 Hour	0.030 ppm (30 ppb) ⁸	—	0.030 ppm (30 ppb) ⁸	—	—	—
Methane	1 Hour	0.010 ppm (10 ppb) ⁸	—	0.010 ppm (10 ppb) ⁸	—	—	—
	24 Hour	0.005 ppm (5 ppb) ⁸	—	0.005 ppm (5 ppb) ⁸	—	—	—
Hydrogen Sulfide	1 Hour	0.010 ppm (10 ppb) ⁸	—	0.010 ppm (10 ppb) ⁸	—	—	—
	24 Hour	0.005 ppm (5 ppb) ⁸	—	0.005 ppm (5 ppb) ⁸	—	—	—
Total Suspended Particulate	1 Hour	0.150 ppm (150 ppb) ⁸	Gravimetric or Beta Attenuation	0.150 ppm (150 ppb) ⁸	Same as Primary Standard	Gravimetric or Beta Attenuation	Respiratory and Cardiovascular
	24 Hour	0.030 ppm (30 ppb) ⁸	—	0.030 ppm (30 ppb) ⁸	—	—	—

For more information please call ARB-910 or (916) 332-6799

California Air Resources Board (CARB)

L-10

- California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter—PM₁₀, PM_{2.5}, and visibility reducing particles, see that they are not to be exceeded. All others are to be equalled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic means) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24 hour standard is attained when the expected number of days per calendar year with 24-hour average concentration above 150 µg/m³ is equal to or less than one. For PM_{2.5}, the 24 hour standard is attained when 99 percent of the daily average concentration over three years are equal to or less than the standard. Comment U.S. EPA for further clarification and current federal policies.
- Concentrations expressed first in units in which it was recognized. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be compared to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- Any equivalent procedure which can be shown to the satisfaction of the ARB to give equivalent results is or may be used for the level of the air quality standard may be used.
- National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
- National Secondary Standards: The levels of air quality necessary to protect the public health from any known or anticipated adverse effects of a pollutant.
- Reference method as described by the EPA. An "equivalent method" of measurement may be used but must have a "constant relationship to the reference method" and must be approved by the EPA.
- The ARB has identified lead and vinyl chloride as "acid air contaminants" with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
- National lead standard, rolling 3-month average; final rule signed October 15, 2008.

California Air Resources Board (CARB)

18

L-11

Monterey County
Planning and Building
Inspection Administration

FEB 06 2010
RECEIVED
Neil Jansen 2/16/10

10:41 AM

-----Original Message-----
From: Tim Jansen [mailto:tjansen@uppr.org]
Sent: Friday, February 05, 2010 10:41 AM
To: John, Carl P.; SJ03
Subject: GUS Comments

Good Morning Carl;

I apologize for the late submission. Could you review the District's comments and reply with a short summary opinion on their validity. The: if I don't hear back from you these are what the District will submit.

Tim Jansen
Planning & Conservation Manager
Monterey Peninsula Regional Park District
80 Garden Court, Suite 325
Monterey, CA 93940
(831) 372-3188 x2 (office)
(831) 372-3187 (fax)
tjansen@uppr.org
www.uppr.org

L-11

State Planning and Zoning Law (Government Code Section 65302(d)) establishes the requirements for the land use element of the general plan. The Land Use Element guides decision makers, planners and the general public as to the ultimate pattern of development within the unincorporated areas of the county. It designates the general distribution, location and extent of land uses, such as housing, business, industry, open space, agriculture, natural resources, recreation, and public-quasi-public uses. The Land Use Element also discusses the standards of residential density and non-residential intensity for the various land use designations.

The Land Use Element governs how land is to be utilized. Many of the issues and policies contained in other plan elements are linked in some degree to this element. For example, the amount, distribution, and timing of growth expressed within the Land Use Element must correlate with the anticipated road capacity and performance standards established in the Circulation Element. Similarly, the location and density of uses prescribed by this Element are integrally linked to policies for the protection of environmental resources included in the Conservation/Open Space Element. This element must establish the ability to provide adequate land use in order to meet regional housing needs. Housing Elements are mandated by State law to be updated every five years, so the General Plan must set the land use context for continued coordinated implementation of subsequent required updates to the Housing Element over the life of this Plan.

Monterey County's Land Use Element establishes policies to designate the general distribution and intensity of residential, commercial, industrial, agricultural, public facilities, and open space uses of the land in the County. The main vision of this Element is to create a general framework that encourages growth within or near developed/developing areas in order to reduce impacts to agricultural production, natural resources, or public services. Areas where development would be encouraged include unincorporated cities and designated community areas whose existing services are available (Perry & West 1993). These areas would be subject to additional levels of planning, including density general plans adopted by cities and community plans or specific plans to be adopted by the Board of Supervisors for the community areas. In addition, the Plan designates rural settings where development has a rural and that will be allowed to develop in a rural character (Perry & West 1993).

Monterey County's General Plan consists of policies that apply countywide and policies unique to a specific region. Countywide policies are applicable to the entire unincorporated area and are included within the Land Use Element. Area policies that address specific regional or local issues are found in Area Plans. The Land Use Maps and land use designation descriptions in this general plan cover all unincorporated areas of the county. Due to the size of the County, Land Use Maps are divided by Planning Areas and are included as part of this Land Use Element (Perry & West 1993).

Approximately one percent of Monterey County has been developed with residential (0.7%), commercial (0.3%), and industrial (0.3%) uses. Most of this development is concentrated in the northern one-third of the County. Agriculture is the largest land use comprising almost 50% of the total land area. The second largest land use consists of public and quasi-public uses (about 20%) such as educational, transportation, and military facilities as well as religious, recreational and community facilities.

Page L1-1

2010 Monterey County General Plan
LRAP 1 - November 2010

L-11

Summary of Comments on Policy LU-9

Page 5

AGENDA: 1. Review Comments on Policy LU-9
2. Review Comments on Policy LU-10
3. Review Comments on Policy LU-11
4. Review Comments on Policy LU-12
5. Review Comments on Policy LU-13
6. Review Comments on Policy LU-14
7. Review Comments on Policy LU-15
8. Review Comments on Policy LU-16
9. Review Comments on Policy LU-17
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11. Review Comments on Policy LU-19
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90. Review Comments on Policy LU-98
91. Review Comments on Policy LU-99
92. Review Comments on Policy LU-100

GOALS AND POLICIES
LAND USE
GENERAL LAND USE

GOAL LU-1

PROMOTE APPROPRIATE AND ORDERLY GROWTH AND DEVELOPMENT WHILE PROTECTING DESIRABLE EXISTING LAND USES.

Policies

- LU-1.1 The type, location, timing, and intensity of growth in the unincorporated area shall be managed.
- LU-1.2 Premium and awarded development shall be discouraged.
- LU-1.3 Balanced development of the County shall be assured by designating adequate land for a range of future land uses.
- LU-1.4 Growth needs 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 met in a manner consistent with growth and development. Planning of development shall be required as necessary to grow in order to provide a basis for long-range services and facilities planning.
- LU-1.5 Land uses shall be designated to achieve compatibility with adjacent uses.
- LU-1.6 Standards and procedures to assure proper levels of review of development, siting, design, and landscaping shall be developed.
- LU-1.7 Clustering of residential development in 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.

LU-1.8 Voluntary reduction or limitation of development potential in the rural and agricultural areas through designation of scenic or conservation easements, Transfer of Development Rights (TDR), and other appropriate techniques shall be encouraged. The Transfer of Development Credit (TDC) 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

2007 Monterey County General Plan
DRAFT - November 6, 2007
Page L27

L-11

Page: 9

APR 11 11 07 AM '07	APR 11 11 07 AM '07	APR 11 11 07 AM '07	APR 11 11 07 AM '07	APR 11 11 07 AM '07	APR 11 11 07 AM '07
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- 2 LU-2.2 Residential development shall be limited to areas where existing low-intensity development is located due to physical barriers and development constraints, the need to protect natural resources, or the lack of public services and facilities.
- LU-2.3 High density residential areas shall be designated closer to urban areas, in community areas, rural centers or existing well-served areas.
- LU-2.4 Areas designated for residential use shall be located with convenient access to employment, shopping, recreation, and transportation. Higher density residential areas should be located with convenient access to public transit.
- LU-2.5 Adequate circulation rights-of-way shall be designated within each residential area.
- 3 LU-2.6 New land use activities or changes in land use designations shall not be permitted in areas where existing residential uses are located in close proximity to residential areas.
- 4 LU-2.7 Open space shall be provided in each urban fringe or residential area.
- LU-2.8 The County will designate and establish regulations for an Agricultural Buffer/Conservation Easement (AB) designation to protect the existing agricultural operation (per Ordinance 403-1.3 for buffer criteria).
- 5 LU-2.9 In areas designated for agricultural uses where development of legally subdivided land would promote incompatible residential development the County shall solicit and encourage the voluntary donation of conservation easements or other development restrictions to the County or to a qualified, private nonprofit organization in order to preserve the agricultural.
- LU-2.10 In areas where adequate public facilities are not available, a residentially designated lot if it meets the following criteria:
 - a. adequate water and sewer facilities exist, which may include on site wells and septic;
 - b. the lot is zoned for single family or multi family use;
 - c. the lot contains an existing single family dwelling;
 - d. the increased floor area of an attached second unit does not exceed 30% of the existing living area of the main dwelling unit;
 - e. the total area of floor area for a detached second unit does not exceed 1,200 square feet;
 - f. height, setbacks, lot coverage and other applicable zoning regulations are met.

2007 Monterey County General Plan
2007-2012
Page 11-3

L-11

Page 22

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LU-5.9 The proximity of other compatible land uses having similar levels of utility and service requirements shall be considered when designating additional lands.

PUBLIC/QUASI-PUBLIC

GOAL LU-6
ENCOURAGE USES ON PUBLIC LANDS THAT ARE COMPATIBLE WITH EXISTING AND PLANNED USES ON ADJACENT LANDS.

Policies

LU-6.1 The Public/Quasi-Public (PQP) land use designation accommodates publicly or privately owned uses such as schools, parks, regional parks, public works facilities and hospitals that serve the public at large.

LU-6.2 Lands that are owned by a federal, state, or local public agency may be designated as Public/Quasi-Public (PQP). Regulations for these lands will be established accordingly.

LU-6.3 The County's planning activities shall be coordinated with the planning efforts undertaken by other public agencies with landholdings in Monterey County.

LU-6.4 The planning for public lands adjacent to private lands should be undertaken in a joint effort between all of the affected agencies and private property owners.

LU-6.5 In determining the impact of general plan land use designations amendments for land adjacent to military bases, installations, operating training areas, or underlying designated military aviation routes and airports, information from the military and other sources shall be considered.

WATER BODIES

GOAL LU-7
ENCOURAGE THE USE OF THE COUNTY'S MAJOR INLAND WATER BODIES FOR MULTIPLE PURPOSES SUCH AS WATER SUPPLY, FLOOD CONTROL, AND HYDROELECTRIC GENERATION.

Policies

LU-7.1 Priorities for multiple uses of the major water bodies shall be established. Recreation shall be secondary to water supply, flood control and hydroelectric generation.

2007 Monterey County General Plan
 DRAFT, November 8, 2007

Page LU-31

6

7

L-11

Page: 23

LU-7.2 Compatibility between multiple uses of major water basins and surrounding land uses shall be considered.

OPEN SPACE

GOAL LU-8

ENCOURAGE THE PROVISION OF OPEN SPACE LANDS AS PART OF ALL TYPES OF DEVELOPMENT INCLUDING RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND PUBLIC.

Policies

- LU-8.1 The open space needs of the community and new development shall be reviewed and addressed through the planning process.
- LU-8.2 Clustering, consistent with the other policies of this plan, shall be encouraged as a means of maximizing permanent open space within new development.
- LU-8.3 As part of development review and approval, on-site development density credit consistent with the underlying land use designations shall be given for developable lands placed in permanent open space as part of a development. Use of the on-site development density credit will be allowed only if engineering, health and public safety factors permit.

LU-8.4 Wherever possible, open space lands provided as part of a development should be integrated into an area-wide open space network.

LU-8.5 Development should consider use of open space buffers on the perimeter and integrated into the development.

LU-8.6 Creation of private, nonprofit land trusts and conservation organizations to receive development rights on any lands to be preserved and situated as open space shall be supported.

GENERAL PLAN CONSISTENCY WITH ZONING

GOAL LU-9

MAINTAIN CONSISTENCY BETWEEN THE GENERAL PLAN AND ITS IMPLEMENTING REGULATIONS.

Policies

LU-9.1 Within three months after adoption of the updated General Plan, the Director of Planning shall bring to the Board of Supervisors for their approval a work

2007 Monterey County General Plan DRAFT - November 6, 2007 Page: 11 of 27

8

9

L-11

Page: 53

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COUNTY CLERK
COUNTY OF MONTEREY
CORRECTIONAL INSTITUTION

WATER TRANSPORTATION

GOAL C-9
TO PROMOTE SAFE, CONVENIENT, AND APPROPRIATE WATER TRANSPORTATION FOR MONTEREY COUNTY.

Policy

- C-9.1 Lead use activities in the immediate vicinity of harbors shall be compatible with the continued optimum commercial and recreational operations of the harbor.
- C-9.2 Plans for significant increases in harbor and adjacent activities shall address environmental and transportation impacts.
- C-9.3 Any construction or operation of mooring facilities shall not pose significant hazards or threats to marine or coastal resources shall not be opposed.

BICYCLE TRANSPORTATION

GOAL C-10
PROMOTE A SAFE, CONVENIENT BICYCLE TRANSPORTATION SYSTEM INTEGRATED AS PART OF THE PUBLIC ROADWAY SYSTEM.

Policy

- C-10.1 An integrated system of suggested bicycle routes for Monterey County shall be established.
- C-10.2 A comprehensive bicycle plan consistent with *Policy C-7(R)* shall be coordinated among all appropriate private and public interests and agencies.

C-10.3 Construction or expansion of roadways within major transportation corridors shall consider improved bike lanes.

C-10.4 The integration of bicycle systems with other public transportation modes shall be promoted.

C-10.5 Bicycling shall be encouraged as a viable transportation mode for visitor-serving areas.

C-10.6 Visitor-serving facilities shall be encouraged to provide adequate and secure bicycle parking facilities.

2007 Monterey County General Plan
DEAPF, November 5, 2007

Page CTR-6-12

L-11

Page: 54

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C-10.7 New and improved multi-modal transfer facilities, such as transit centers and park-and-ride lots, shall include adequate and secure bicycle parking facilities.



11

2007 Monterey County General Plan
DRAFT - November 5, 2007

Page 02907-11

L-11

Page: 55

Page: 55
 File: 11-2009-12-29-09-04-0000
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The Conservation and Open Space Element guides the County in the long-term management and preservation of open space lands and assesses resources while protecting private property rights. The County's intent is not to alter existing regional, State or Federal laws and regulations, but rather to enable greater cooperation among public agencies and the public to address environmental responsibilities in accomplishing the stated goal of conserving and providing the resources of the region.

This Element incorporates the state-mandated requirements for the Open Space and Conservation Elements and also addresses scenic resources, cultural and historic resources, and energy and mineral resources. Policies regarding natural environmental benefits, such as flooding, are addressed in the Safety Element, and recreational policies are addressed within the Public Services Element.

Among the more prominent features within Monterey County are the Santa Lucia and Gabilan Mountain Ranges, the Salinas and Carmel Valleys, and about 100 miles of coastline. Of special note are such features as the Elkhorn Slough (North County), sandy beaches of Monterey and Carmel Bays, and the rocky shorelands of the Monterey Peninsula and the Big Sur coast.

Gravels and metamorphic rocks from the Gabilan and Santa Lucia mountains, characterized by steep slopes and complex drainage patterns. The Salinas Valley, although underlain by granite, contains several thousand feet of sediment that have a greater seismic hazard but are the source of productive agricultural soils. Although the County contains useful minerals, the tremendous complex geology caused by extensive faulting and deformation makes investigation difficult and expensive.

Plants representative of almost all parts of California (except for the highest mountains, and direct streams) are found in Monterey County. Monterey is the biological center of California; many plant species that find either their northern or southern limits can be found in Monterey County. In addition, a high number of plant species are native only to Monterey County.

The County's coast offers a wide range of habitats, including sandy beaches, rocky shorelines, kelp beds, estuaries, wetlands, and sub-marine canyons. An abundance of sea life and animal marine life off of the Monterey County coast is directly related to the variety and quality of habitat. Although a few broad policies are provided in this General Plan, most policies addressing coastal resources are included separately as part of the Local Coastal Program.

The County has recognized the need to discover and identify places of historical and cultural significance and to preserve the physical evidence of its historic past. A statewide historic preservation ordinance is implemented by the Parks Department's Historical Coordinator and Historic Resources Review Board. Policies of this ordinance stress incentives to preserve sites which have proven historical or cultural significance as part of the County's Historic Preservation Plan.

Monterey County, along with the Counties of Santa Cruz and San Benito, lies within the North Central Coast Air Basin. Air quality within this basin is managed by the Monterey Bay Unified Air Pollution Control District (MBUAPCD). The District maintains three air

2009 Monterey County General Plan
 DRAFT - November 9, 2007

Page 07/45-1

GOALS AND POLICIES CONSERVATION AND OPEN SPACE

SCENIC RESOURCES

GOAL OS-1

RETAIN THE CHARACTER AND NATURAL BEAUTY OF MONTEREY COUNTY BY PRESERVING, CONSERVING, AND MAINTAINING UNIQUE PHYSICAL FEATURES, NATURAL RESOURCES, AND AGRICULTURAL OPERATIONS.

Policies

- OS-1.1 Voluntary restrictions to the development... OS-1.2 Development in designated visually sensitive areas shall be subordinate to the natural features of the area. OS-1.3 To preserve the County's scenic qualities, ridgepole development shall not be allowed... OS-1.4 Criteria shall be developed to guide the design and construction of ridgepole development... OS-1.5 New subdivisions shall avoid lot configurations which create buildings over the private viewing areas... OS-1.6 In areas subject to specific plans, the ridgepole policies and regulations of the applicable specific plan shall govern. Each specific plan shall address viewshed issues, including ridgepole development as part of the plan, including but not limited to provisions for setbacks, landscaping, sight triangles, or open space buffers.

Page 57... The County's scenic qualities, ridgepole development shall not be allowed... OS-1.1... OS-1.2... OS-1.3... OS-1.4... OS-1.5... OS-1.6

L-11

Page: 59

Page 59 of 60
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22

2007 Monterey County General Plan
DRAFT November 5, 2007

Page 11-08-4

CARMEL VALLEY MASTER PLAN
SUPPLEMENTAL POLICIES

1.0 - Land Use

CV-1.1 Policies relative to the Carmel Valley Area are intended to retain a rural character.

CV-1.2 When an ownership is covered by two or more LULUs designations, the total allowable development should be permitted to be based on the most appropriate portion of the property.

CV-1.3 Open space areas shall be located between the development areas in order to clearly define them and maintain a distinction between the more rural and more suburban areas of the valley. Small and large open space areas should be created with preference given to those that add open space to existing open space areas.

CV-1.4 Existing major density residential and recreational uses in the Valley are intended to be maintained by this Plan.

CV-1.5 In the residential areas maximum densities are as shown on the Carmel Valley Master Plan Land Use Map. However, attainment of maximum density in these areas is dependent upon conformity of the proposed project to plan goals and policies.

CV-1.6 New residential subdivisions in Carmel Valley shall be limited to a density of 366 new lots with preference to projects including at least 50% affordable housing units. The County shall develop a tracking system and shall present an annual report before the Planning Commission.

CV-1.7 Subdivisions the construction purposes which in the public interest to exempt from any quasi tax, effluent system where such subdivisions does not create additional residential building sites. It is preferable that parcels thus created shall be owned by an appropriate public entity or a cost-profit public benefit organization.

CV-1.8 Cluster development:

- a. maintain the objectives of the Master Plan.
- b. shall be used to protect viable open space in sensitive visual areas or to protect natural resources.
- c. Clustering adjacent to vertical farms, although preferable to development in open spaces, will be considered in light of the visual sensitivity of the building site.
- d. shall be consistent with resource application areas of the Carmel Valley Watershed Study that generally would require siting of five units or less on a minimum of five acres of land.

2007 Monterey County General Plan
DRAFT November 6, 2007

Page CV-111-1

L-11

Page: 75

Public Review Period: 03/15/10 to 03/22/10
 Date: 03/22/10 12:27:15 PM PST
 Author: Tracy, David
 City and County: Monterey
 In the presence of the following signatories: David Paul Gorman, Valley Planning Director, David Paul Gorman, Valley Planning Director, Tracy, David

- e. may be permitted only where it will result in an preservation of visible open space and is in compliance with other applicable policies.
- f. Open space for clustered developments shall be designated in perpetuity.

CV-1.10  **Comment:** Proposed in open grassland areas that would be highly visible from Carmel Valley Road and Laredo's Grade shall be minimized in number and be clustered near existing natural or man-made vertical features.

CV-1.10 The Val Verde Drive area is planned for residential use at a basic density of one (1) unit per acre. With suitable clustering, up to two (2) units per acre may be allowed. However, a density of up to four (4) units per acre may be allowed provided that 25% of the units are developed for individuals of low and moderate income or for workforce housing. This policy is intended to be independent from Policy CV-1.11, and not combined in conjunction with the density bonus identified in that policy.

CV-1.11 Projects for low or moderate income family housing shall be exempt from any annual allocation provisions, but shall be subtracted from the 20-year buildout quota on a basis of one such unit reducing the remaining buildout by one unit. Projects for senior citizens of low or moderate income may have up to twice the number of units normally allowed on a site. Such increased density shall only be allowed where it is determined to be feasible and consistent with other plan policies. Such projects shall be subtracted from the 20-year buildout quota on a basis of two such units reducing the remaining buildout by one unit.

CV-1.12 Areas designated for commercial development in the valley shall:

- a. be placed in design control overlay districts ("D"s);
- b. have planned landscaping covering no less than 10% of the site, and;
- c. provide adequate parking.

CV-1.13 To preserve the character of the village, commercially designated lots in Carmel Valley shall not be used for exclusive residential purposes.

CV-1.14 Provisions should be made for service centers in Carmel Valley. They shall be limited to urbanized areas such as the mouth of the Valley, Carmel Valley Village or mid-Valley area. Sites shall meet the following criteria:

- a. Low visibility
- b. Safe and unobstructive access away from pedestrian traffic areas
- c. Low noise impact on surrounding areas
- d. Conform to all other Plan requirements

Service centers shall be limited to those enterprises which provide services and facilities for persons engaged in the construction, maintenance and repair trades and not allow enterprises whose chief business is on-site retail sales.

2007 Monterey County General Plan
 200A.PT - November 6, 2007

Page: CV-1.10-1


26

CV-1.15 Visitor accommodation uses shall follow the following guidelines:
 a. Expansion of existing hotels, motels and lodges should be favored over the development of new projects.
 b. Visitor accommodation projects must be designed so that they respect the privacy and rural aesthetic character of adjacent properties.
 c. Bed and breakfast facilities shall be located so visitor accommodations units and be limited to a maximum of five (5) units situated on five (5) acres in accord with Monterey County Code Section 17.02066(A) unless severed by public sewers.

CV-1.16 Applications for service and special use facilities (including in Carmel Valley, Hidden Valley Music Seminars), as defined by the General Plan, are to be considered on their merits and shall not automatically be deemed inconsistent with the Plan. They must, however, conform to all applicable plan policies.

CV-1.17 Publicly used buildings and areas should be encouraged to be oriented in view of the street.

CV-1.18 Facilities classified as either Public/Quasi-public or Special Use (such as schools, churches, hospitals, convalescent homes, rehabilitation centers, hospice facilities, emergency facilities and public facilities such as community halls) may be considered in any land use category provided that they meet the following criteria:
 a. Low visibility
 b. Safe and unobstructive access away from pedestrian traffic flows.
 c. Low noise impact on surrounding uses.
 d. Design/point should follow a rural architectural theme with design review.
 e. Conform to all other Plan requirements.

CV-1.19  Misses or quarries shall:
 a. be screened from public view by use of natural terrain, vegetation, or artificial screening compatible with the environment;
 b. have safe and unobstructive access;
 c. minimize noise impact on surrounding uses; and
 d. conform to all other Plan requirements, except for restrictions on development on slopes over 30% within the limits of quarry operations.

CV-1.20 Design ("D") and site control ("S") overlay district designations shall be applied to the Carmel Valley area. Design review for all new development throughout the Valley, including proposals for existing lots of record, utilities, heavy commercial and visitor accommodations but excluding interior alterations to existing development where those changes are not conspicuous from outside of the property shall consider the following guidelines:
 a. Proposed development encourages and furthers the letter and spirit of the Master Plan.

L-11

Page 77

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- b. Development either shall be visually compatible with the character of the valley and immediate surrounding areas or shall restore the quality of areas that have been degraded by existing development.
- c. Materials and colors used in construction shall be selected for compatibility with the structural system of the building and with the appearance of the building's natural and man-made surroundings.
- d. Structures should be controlled in height and bulk in order to retain an appropriate scale.
- e. Development, including road cuts as well as structures, should be located in a manner that minimizes disruption of views from existing homes.
- f. Minimize erosion and/or modification of landforms.
- g. Minimize grading through the use of steep and pole foundations.

CV-1.21

- Commercial projects shall meet the following guidelines:
- a. Buildings shall be limited to 35 feet in height and shall have vertical surfaces adequately screened, especially on the roof.
 - b. Commercial projects shall include landscaping that incorporates large growing street trees. Parking areas shall be screened with enclosure use of native plants or compatible plant materials. Land elements, visible to street where appropriate.

CV-1.22

~~Special Treatment Area: Carmel Valley Ranch - The Carmel Valley Ranch shall be designated as a "Special Treatment Area." The Amended Carmel Valley Ranch Specific Plan, dated 11/3/76, is incorporated by reference into this Plan and the provisions of this Specific Plan shall continue to apply. However, amendment of details authorized by this Specific Plan is dependent upon conditions existing at the time each future improvement is sought and is further dependent upon conformity with the Specific Plan Amended Conditions of Approval as well as City goals and policies of this General Plan which are not retroactive. Any amendment of the Specific Plan must be consistent with the policies and provisions of this General Plan. APNs 416-522 020 009 and 416-522-017-000.~~

28

CV-1.23

~~Special Treatment Area: Condor Church Property - The Condor Church property shall be designated as a Special Treatment Area. In recognition of the unique circumstances of the property, including the past gift conveyances of several hundred acres to Garfield Park, the Condor Church property shall be allowed to be subdivided into four parcels consistent with the 2004 Subdivision Ordinance Standards, (approximately 51 acres, APN's 149-111-022 and 149-111-024)~~

CV-1.24

~~The property located between the east of Center Street and north of the Carmel River within the mid-valley area shall be retained as one building site (APNs: 169-131-024, 169-131-025).~~

2007 Monterey County General Plan
DRAFT - November 6, 2007

Page: E:\MFP-4

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 Author: [Redacted]
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 Title: 015-162-000-000
 Author: [Redacted]

CV-1.23 Special Treatment Area: Rancho San Carlos - Residential development is permitted on the portions of the Santa Lucia Preserve (formerly Rancho San Carlos) within the Greater Monterey Peninsula Planning Area, and shall follow the policies and provisions of the Board of Supervisors Resolution No. 97-111, "Comprehensive Planned Use" Overlay for Rancho San Carlos and the Comprehensive Development Plan for the Santa Lucia Preserve (See also Policy 6.10.1.0).

CV-1.26 Study Area: Grandeur/Lewis Club - The County shall establish a study area near the Carmel Valley Village where there is a mix of visitor serving uses. A Study will be performed to evaluate the potential for development, in light of the environmental conditions of the area (traffic, water quality, water quality, wastewater disposal). If deemed appropriate and resource constraints have been resolved, the County may establish a Special Treatment Area and adopt specific land use policies that would apply to new development. (APNs: 189-121-001-000, 189-201-003-000, 189-201-013-000, 189-251-014-000, 189-251-015-000, 189-261-016-000, 189-252-002-000, 189-261-001-000, 189-261-005-000, 189-261-006-000, 189-261-009-000, 189-261-010-000, 189-261-011-000, 189-261-012-000, 189-261-013-000, 189-261-015-000, 189-261-016-000, and 189-261-017-000).

CV-1.27 Special Treatment Area: Rancho Canada Village - Approximately 50 acres consisting of properties located generally between V.J. Verda Way and the Rancho Canada Golf Course clubhouse, from the Carmel River to Canyon Valley Road, excluding portions of properties in floodplain shall be designated as a Special Treatment Area. Residential development may be allowed with a density of up to 10 units/acre in this area and shall provide minimum of 50% Affordable/Workforce Housing. Prior to beginning new residential development including the first unit on an existing lot of record, applicants must address environmental resource constraints (e.g. water, traffic, etc.). (APNs: 015-162-040-000, 015-162-045-000, 015-162-046-000, 015-162-049-000 and 015-162-040-000)

2.0 - Circulation

CV-2.1 Public transit should be explored as an alternative to the use of private automobiles and to help preserve air quality. Whenever feasible all new development shall include a road system adequate not only for its internally generated automobile traffic but also for bus (both transit and school), pedestrian, and bicycle traffic, which should logically pass through or be generated by the development.

CV-2.2 Consideration should be given to locating a County mail and utility maintenance facility in the Carmel Valley area. Such facility would provide for storage of equipment as well as materials.

L-11

Page 84

- CV-3.12 Open space areas should include a diversity of habitats with special protection given to areas where one habitat grades into another (these ecotones are ecologically important zones) and areas used by wildlife for access routes to water or feeding grounds.
- CV-3.13 Historic and Archeological Resources, including buildings and sites of historical significance, located in Carmel Valley shall:
- be reviewed on a site by site basis;
 - be assessed to the "HR" District as a condition of permit approval for any development impacting such sites;
 - require preservation of the integrity of historic and/or historic structures.
- A committee to evaluate the current condition of historic and reconstructed buildings, additions or other measures shall be chosen from members of local historical, architectural, and/or educational societies as determined by the Planning Commission.
- CV-3.14 Wherever possible a network of absement trails and bike paths should interconnect neighborhoods, developments and roads. These should be closed to motor vehicles and left intact in to facilitate movement within the Valley without the use of automobiles.
- CV-3.15 Public and private agencies such as the Big Sur Land Trust, the Monterey Regional Park District and others may acquire development rights and/or easement encumbrances and dedications for significant areas of biological, agricultural or other open space land.
- CV-3.16 Lighting for outdoor sports shall not be allowed where it would be visible from off-site.
- CV-3.17 Street lighting shall be designed to promote traffic safety and be unobtrusive and harmonious with the local character. Such lighting must be constructed and located to illuminate only the intended area and prevent off-site glare.
- CV-3.18 Except where inconsistent with sound environmental planning, new approved transmission facilities shall incorporate the following design guidelines:
- Follow the least visible route (e.g. easements, tree rows, and ravines);
 - cross-ridges at the most visually unobtrusive locations;
 - follow, not compete with, other natural features of the terrain or natural-made features in developed areas;
 - Create a simple and unobtrusive in appearance;
 - minimize the bulk of structures;
 - use the minimum number of elements permitted by good engineering practice; and
 - incorporate colors and materials compatible with local surroundings.

3023 Monterey County General Plan
Draft - November 2, 2007

Page CVMP-11

L-11

Page: 85

San Luis Reservoir
Water Management Plan
Draft - November 6, 2010

34

CV-3.10 As development of bike paths and a recreational, cross-walk trails system are essential for recreation, safety and recreation in the Carmel Valley Planning Area, identification of trail corridors may be required as a condition of development approval, notwithstanding Policy GS-1.10(b).

4.0 - Safety

In order to reduce potential erosion or rapid runoff:
 a. The amount of land cleared at any one time shall be limited to the area that can be developed during one construction season.
 b. Motorized vehicles shall be prohibited on the banks or in the bed of the Carmel River, except by permit from the Water Management District or Monterey County.
 c. Native vegetative cover must be maintained on areas that have the following combinations of soils and slope:
 1. Santa Lucia sandy clay loam, 30-50% slope (SCL)
 2. Santa Lucia-Ridiz Association, 30-75% slope (SR)
 3. Carmel fine gravelly sandy loam, 30-70% slope (CrG)
 4. San Andreas fine sandy loam, 30-75% slope (SAG)
 5. Sheddles coarse sandy loam, 30-75% slope (SAC)
 6. Escarpito-Sur complex, 50-65% slope (ES)

CV-3.2 A comprehensive drainage maintenance program should be established by either sub-basins or valley-wide watershed areas.

CV-3.3 In addition to required on-site improvements for development projects, a fee shall be imposed to help finance the improvement and maintenance of the drainage facilities identified in the Master Drainage Plan for Carmel Valley.

CV-3.4 The County shall require emergency road encroachments as necessary to provide uncontrolled emergency access as determined by appropriate emergency service agencies (Fire Department, EMS). The County shall coordinate with the emergency service agencies to periodically update the list of such encroachments.

5.0 - Public Services

CV-5.1 Property from the Carmel River riparian shall be managed in a manner consistent with the Carmel River Management Program. All beneficial uses of the riparian water resources of the Carmel River and its tributaries shall be considered and provided for in planning decisions.

CV-5.2 Water projects designed to address future growth in the Carmel Valley may be required.

CV-5.3 Development shall incorporate designs with water reclamation, conservation, and reuse water production in order to:

San Luis Reservoir
Water Management Plan
Draft - November 6, 2010

Page: CVMP-15

**COUNTY OF MONTEREY
FORT ORD MASTER PLAN
LAND USE ELEMENT**

The Fort Ord Land Use Element is part of the Chapter Monterey Peninsula Area Plan and the Monterey County General Plan and consists of those portions of the County of Monterey Land Use Concept (Figure 1) adopted by the Fort Ord Reuse Authority (FORA) on June 11, 1997, that pertain to the areas of Fort Ord currently under the jurisdiction of the County and located east of Highway 1, and includes the following text. The Land Use Element contains land use designations specific to Fort Ord. These land use designations are consistent with the land use designations (as base designations) included in the adopted FORA Reuse Plan. For each of the Planning Director's oversight designations are included that provide additional description and clarification of the intended land uses and additional design objectives for that specific land use. Goals, Objectives, Policies and Programs directly from the Reuse Plan. These will constitute all the policies and programs to be applied to the Fort Ord Land Use Element. Background information, land use framework and context designations, as they relate to the subject areas are hereby incorporated by reference into the Fort Ord Land Use Element from the FORA adopted Reuse Plan. In addition, the Land Use Map contained in this plan is the County of Monterey Land Use Concept (Figure 1) adopted by FORA into the Reuse Plan.

Land Use Goals: Promote orderly, well-planned, and balanced development to ensure educational, housing and economic opportunities as well as environmental protection.

Design Principles:

1. Create a unique identity for the community around the educational institutions.
2. Retain the natural landscape setting consistent with the Monterey Peninsula character.
3. Establish a mixed-use development pattern with villages as focal points.
4. Establish diverse neighborhoods as the building blocks of the community.
5. Encourage sustainable practices and environmental conservation.
6. Support the adoption of Regional Urban Design Guidelines by FORA.
7. Create an appropriate range of housing types accessible to the residents and workers of Monterey County.

2007 Monterey County General Plan
DRAFT - November 8, 2007

Page 92

L-11

Page: 84

This document may be released to the public under the provisions of the California Public Information Act. However, this document contains information that is exempt from disclosure under the Act. The exemption is based on the fact that the information is confidential, trade secret, or otherwise exempt from disclosure under the Act. The exemption is based on the fact that the information is confidential, trade secret, or otherwise exempt from disclosure under the Act. The exemption is based on the fact that the information is confidential, trade secret, or otherwise exempt from disclosure under the Act.

Business Park/Light Industrial. The Business Park/Light Industrial Base Designation allows business parks, light industrial uses, professional office, research and development uses, convenience retail, and food service establishments. Commercial/retail and visitor serving uses are allowed as designated in the overlay designations.

Visitor Serving. The Visitor Serving Base Designation allows hotels and resorts, road side centers, restaurants, commercial recreation, and retail center uses.

Open Space/Recreation. 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. Convenience retail is allowed as designated in the overlay designations.

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

School/University. 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.

Public Facility/Institutional. The Public Facility/Institutional Base Designation allows facilities having public institutional ownership or benefit. Such uses may include labor management, light industrial and R&D, cooperative and maintenance yards, public utilities, training grounds, offices, educational facilities, and youth centers.

Military Enclave. The Military Enclave Base Designation is for lands retained by the United States armed forces for on-going military-related activities.

DESCRIPTION OF PLANNING AREAS AND OVERLAY PLANNING DISTRICTS

The following descriptions of the Planning Areas and Planning Districts are compatible with and consistent with those contained in the adopted Reuse Plan. The location and boundaries of the Planning Areas and Planning Districts are found in Figure 2. In some cases the descriptions of future development have been simplified and clarified, particularly if a Planning District is subject to a Master Plan or Habitat Plan to be adopted and implemented by another agency. In addition, General Development Character and Design Objectives from the adopted Reuse Plan have been supplemented for the East Carrington, University Corporate Center, and Parker Flats Planning Districts to provide a more refined development vision for those areas as guidance in preparing the request Specific Plans or other appropriate planned development mechanisms.

L-11

Page: 155

Page: 155
 The County of Monterey, California, is hereby certifying that this document is a true and correct copy of the original document as it appears on the County of Monterey's official website. The County of Monterey, California, is hereby certifying that this document is a true and correct copy of the original document as it appears on the County of Monterey's official website. The County of Monterey, California, is hereby certifying that this document is a true and correct copy of the original document as it appears on the County of Monterey's official website.

TORO AREA PLAN SUPPLEMENTAL POLICIES

1.0 - Land Use

- T-1.1 Development proposals on Corral de Tierra Road from "Four Corners" to Corral del Cielo shall complete safety improvements concurrently with development.
- T-1.2 Industrial land uses other than utilities shall not be permitted in the Toro area.
- T-1.3 The designated agricultural lands as shown on the Toro Area Plan Land Use Map (Figure 1.17) shall be conserved and, where feasible, expanded.
- T-1.4 **Susial Treatment Area, Cross** - The Greco property on River Road known from the Indian Springs Ranch Subdivision shall be designated as a "special treatment" area to be zoned Heavy Commercial. Although the use of the property for the removal of sand and gravel ceased in the year 2006, use of the property for a contractor's yard, shop, and residence may continue pursuant to PLANS0448 as approved August 29, 2001 or as that permit may be amended or extended. (APN: 139-021-003-000)
- T-1.5 Subdivision shall be designed so that new lots have building setbacks located outside of the critical viewshed.
- T-1.6 Existing legal lots located in the critical viewshed may increase density from the acreage within the critical viewshed to other contiguous portions of land under the same ownership, provided the resulting development meets all other Toro Area and General Plan policies.
- T-1.7 Development on properties with residential land use designations located within the Toro Area Plan along the Highway 68 corridor shall be limited to the first single family home on a legal lot of record. The County shall conduct a comprehensive review of infrastructure, including circulation, wastewater, and water supply. Such resolution shall not apply to development within adopted Community Areas, Rural Centers, or Affordable Housing Overlay.

37

2.0 - Circulation

- T-2.1 Employers in surrounding areas should be encouraged to stagger employees' work hours in order to ease peak hour traffic congestion on Highway 66 and in other areas.
- T-2.2 Davis and Reservation Roads shall be encouraged as alternate routes between the Monterey Peninsula and Salinas to alleviate traffic on Highway 66.

2007 Monterey County General Plan Update
 DRAFT - November 6, 2007

Page: 11

L-11

Page 158

Page: 158
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T-3.2 Land use, architectural, and landscaping controls shall be applied and sensitive site design encouraged to preserve Toro's visually sensitive areas and future expansion.
a. River Road/Highway 68 intersection; and
b. Laureles Grade scenic vista overlooking the Planning Area.

T-3.3 *Proposed County and State designated scenic views shall be designated as critical viewshed as shown on the Toro Visual Sensitivity Map. Except for driveways, pedestrian walkways and paths, a 100-foot building setback shall be required on all lots adjacent to these corridors to provide open space and landscape buffers. This setback may be reduced for existing lots of record adjacent to existing developable area outside the setback and to accommodate reduction to existing structures that become non-conforming due to this policy. New development shall dedicate open space easements over set back areas established by this policy.*

T-3.4 Placement of existing utility lines underground shall be encouraged, particularly along Laureles Grade Road, Coast de Terra, San Benito, River Road, and Highway 68.

T-3.5 Exterior/Outdoor lighting shall be located, designed and enclosed to minimize light source and preserve the quality of darkness. Street lighting shall be as unobtrusive as practicable and shall be consistent in manner throughout the Territory.

T-3.6 Large increases in higher elevations and on steeper slopes shall be preserved and enhanced for grazing, where grazing is found to be a viable use.

T-3.7 The preservation of oak trees within Toro Area Plan shall be promoted by discouraging removal of healthy trees with diameters > 6 inches dbh.

4.6 - Signs

T-4.1 Land uses and practices that may contribute to significant increases of siltation, erosion, and flooding in the Toro area shall be prohibited.

5.6 - Public Services

T-5.1 To ensure cost-effective and adequate levels of wastewater treatment, the County shall promote relatively higher densities in areas where wastewater treatment facilities can be made available.

6.6 - Agriculture

No supplemental Agricultural policies at this time.
2007 Monterey County General Plan Update
DRAFT - November 6, 2007
Page 14

38

39

L-11

Page: 160

GREATER MONTEREY PENINSULA AREA PLAN
SUPPLEMENTAL POLICIES

1.6 - Land Use

GMP-1.1 The County shall overlay properties north and south of Highway 68 and west of Lauroles Grade with a Visually Sensitive-Building ("VSB") and/or other appropriate zoning designation to regulate the location, height and usage of structures within this unique scenic corridor.

GMP-1.2 The undeveloped portion of High Meadows I (APNs: 015-051 to 016-040 APNs: 015-061-001 to 017) shall receive density credit for the gross acre originally dedicated as part of the entire High Meadows I development approval not to exceed a total of 18 units.

40

GMP-1.3 Bed and breakfast uses may be considered in any land use category provided that such use is compatible with existing land uses in the area.

GMP-1.4 Development projects should include compatible open space areas between other developed areas in order to maintain a rural atmosphere and to protect scenic resources.

GMP-1.5 Open space, low intensity educational and recreational uses should be considered to be appropriate and compatible land uses in environmentally sensitive areas and areas of high visual sensitivity.

41

GMP-1.6 Special Treatment Areas: Rancho San Carlos - Residential Development is permitted on the portions of the Santa Lucia Preserve (formerly Rancho San Carlos) within the Greater Monterey Peninsula Planning Area, and shall follow the policies as specified in Board of Supervisor Resolution No. 03-115, "Comprehensive Planned Use" Overlay for Rancho San Carlos and the Comprehensive Development Plan for the Santa Lucia Preserve. (See also Policy **CP-1.23**).

GMP-1.7 Special Treatment Area: White Rock Club - The White Rock Club shall be designated as a "Special Treatment Area." The following specific policies shall regulate uses within the White Rock Club Special Treatment Area. Development shall be subject to the policies of the Rural Grading and Use Ordinance (APN: 417-941-014-000)

- a. The existing recreational facilities, consisting of 700 cubic sites and one greenhouse, allows the construction and remodeling of the existing 100 cubic sites. No additional cabin sites shall be allowed.
- b. Conversion of the cabins to permanent residential units shall not be permitted. The purpose of the cabins is transient recreational use, however, no more than eight of the 100 cubic sites may be occupied year round for the maintenance and operations of White Rock Club.

2007 Monterey County General Plan
DRAFT - November 6, 2007

Page: 0047

L-11

Page: 181

APNs: 015-000-15-01, 16-01, 20-01
 APNs: 015-000-15-01, 16-01, 20-01
 APNs: 015-000-15-01, 16-01, 20-01

c. Further expansion of accessory uses at White Rock Club may be granted upon approval of a Use Permit. The Use Permit shall conform to the policies of the Rural Grazing land use designation.

GMF-1.8

Special Treatment Area: San Clemente Ranch. The San Clemente Ranch shall be designated as a "Special Treatment Area." The following specific policies shall regulate uses within the San Clemente Ranch Special Treatment Area. Development shall be subject to the policies for the Rural Grazing land use designation.

- a. The existing recreational facilities, consisting of 101 cabins sites, 3 permanent restrooms, tennis courts, swimming pool and fishing ponds are allowed uses. No additional cabin sites shall be allowed. Cabin sites may be replaced only with consent of the Hearing Officer, subject to consistency with the policies of this Plan. The reconstruction, remodeling or rebuilding of approved cabins or development of new cabins on approved cabin sites shall be allowed, with appropriate Planning and Building Inspection Department and Health Department permits.
- b. Further expansion of necessary uses, not including cabins, is subject to the requirements of Rural Grazing land use designation.
- c. Conversion of the 101 cabins to permanent residential units shall not be permitted. The use of the cabins shall remain a recreational use, and occupancy shall be limited to no more than 45 consecutive days.
- d. Agricultural uses on the property shall be allowed.

GMF-1.9

Special Treatment Area: Jefferson. Residential development shall be permitted at the maximum equivalent density of 2.5 acres per unit on all acres (1/4 with wild) in order to contribute to meeting the affordable housing goals on the peninsula (APNs: 175-011-087-000, 175-011-029-000, 314-014-014-000). The following specific policies shall regulate uses within the Jefferson Special Treatment Area:

- a. Development shall meet minimum setback requirements and provide adequate buffering from the Merced landfill.
 - b. Development shall meet all requirements of the Manual Appurtenant Comprehensive Land Use Plan (CLUP) and letter from the Appurtenant Use Commission (AUGC) to the Board of Supervisors dated December 20, 2006. Proposed development shall be contacted by the ALLUC prior to approval.
 - c. A minimum of 50 percent (50%) of the units developed on this site shall meet Affordable/Workforce Housing criteria.
 - d. Future development will address environmental constraints.
- Development may occur on the bluffs above the Salinas Valley floor. No new residential development may occur on prime valley farmland.
 (also see Policy GS-1.12)

42

2007 Monterey County General Plan
 DRAFT - November 6, 2007

Page: GMF-2

2.0 - Circulation

43

- GMP-2.1 Improvement of Highway 68 Intersections, construction of alternate passing lanes, public transit roadway improvements, and improved bicycle safety measures shall be given priority for funding.
- GMP-2.2 Employers should stagger employee work hours in order to ease peak hour traffic congestion on Highway 68 and in other areas.
- GMP-2.3 Improvements to Laureles Grade should consist of the reconstruction of shoulder widening, spur alignments, parking lanes and/or paved turn-outs. Heavy vehicles should be discouraged from using this route.
- GMP-2.4 To minimize traffic safety hazards, creation of new direct access points from single-family residences onto Highway 68 or Laureles Grade shall be prohibited, unless there is no other feasible access.
- GMP-2.5 The County shall promote the use of Davis and Reservation Roads as alternate routes between the Monterey Peninsula and Salinas to alleviate traffic on Highway 68.
- GMP-2.6 State Scenic Highway designation should be pursued for Highway 1 north of the Highway 68 junction, and County Scenic Route designations should be pursued for Carmel Valley Road, Robinson Canyon Road and Reservation Road.
- GMP-2.7 New sites for office employment, services, and local conveniences shall incorporate designs and be located to allow use of alternate modes of transportation such as public transit, buses, bicycles and walking. Features to encourage the use of public transit should include a road system sufficient to allow reasonable access by transit; buses and should also include provision for bus pullouts, bus stops, pedestrian access, wheel chair access, transit information signs and passenger shelters.
- GMP-2.8 Development directly behind runway approaches of the Monterey Peninsula Airport and Marina Municipal Airport shall:
 - a. be of low intensity;
 - b. not generate electrical interference to radio communications between pilots and the air traffic control tower;
 - c. not contain sources of glare which would blind or confuse pilots and, and
 - d. be required to grant aviation easements to the Monterey Peninsula Airport District or other appropriate entity as a condition of development approval.

2007 Monterey County General Plan
DRAFT - November 6, 2007

Page GMP-3

L-11

Page: 163

Map 11-0004-02-00-000
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GMP-2.9 Construction and expansion of all highways and major arterials should provide for bike paths. It is desirable that bike paths be physically separate from motorized traffic.

GMP-2.10 Work with the United States Coast Guard to ensure the sea lanes for tanker traffic off the Monterey County coast are well marked the three-mile limit in order to protect the entire shoreline from persistent spills or accidental pumping of bilges.

10 - Conservation/Open Space

GMP-3.1 The County shall encourage cooperative public and private efforts to restore the scenic beauty of visually sensitive areas.

GMP-3.2 Development on outcrop, edges and hilltops shall be designed to minimize the visual impact of the development.

GMP-3.3 The Greater Monterey Peninsula Scenic Highway Corridor and Visual Scenicity Map (Figure 14, page 166) shall be used to designate visually "sensitive" and "highly sensitive" areas generally visible from designated Scenic Highways. The following policies shall apply to areas that have one of these designations.

- a. All areas designated as "sensitive" or "highly sensitive" shall be interrupted within the meaning of this policy and are to be protected.
- b. Landowners will be encouraged to dedicate scenic easements to an appropriate agency or non-profit organization over portions of their land shown as "sensitive" or "highly sensitive" on the Map.
- c. Areas shown as "highly sensitive" on the Map should be preserved as open space to the maximum extent possible through stream easements or, if necessary, fee acquisition.
- d. New development should not be sited on those portions of property which have been mapped as "highly sensitive". Where exceptions are appropriate to minimize the goals, objectives and policies of this plan, development shall be sited in a manner which minimizes visible effects of proposed structures and roads to the greatest extent possible and shall utilize landscape screening and other techniques to achieve maximum protection of the visual resource.
- e. New development to be located in areas mapped as "sensitive" or "highly sensitive" and which will be visible from a designated scenic route shall maintain the visual character of the area. In order to adequately mitigate the visual impacts of development in such areas, the following shall be required:


44

Page: 186

San Luis Obispo County, California
 Planning Department
 1000 N. Highway 101, Suite 100
 San Luis Obispo, CA 93428
 Phone: (805) 741-2000
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 Website: www.sanluisobispo.gov/planning

GMP-3.9 Critical habitat areas should be preserved as open space. When an entire parcel cannot be developed because of this policy a low intensity, clustered development may be approved. However, the development should be located on those portions of the land least biologically significant so that the development will not upset the natural function of the surrounding ecosystem.

GMP-3.10 Work with appropriate state and federal agencies to ensure that oil transfer activities near the Monterey County coast include adequate provisions to protect marine bird and mammal (particularly sea otter) populations and to clean up oil spills.

GMP-3.11  Riding and hiking trails should be acquired and developed with the intent of creating a coordinated, area-wide trails system. All motorized vehicles shall be prohibited from using these trails. In supporting a coordinated area-wide trails system, the highest priority should be given to establishing the following trails systems:
 a) a permanent riding and hiking trail from Ranch Canyon to Jorda Peak Park;
 b) an east-west equestrian trail from Jorda Peak Park to Lauroton Creek;
 c) a major trail that would generally traverse in a southeasterly direction from Carmel Valley and forms a trail connection with the Los Padres National Forest trail system; and
 d) a connection trail from the Jorda Peak Park/Lauroton Creek equestrian trail to the entrance of Laguna Seca Recreation Area to be used as a point of departure to Toro Regional Park along Highway 68.


GMP-3.12 The County through the Parks Department, shall address the following fundamental elements with regard to trail acquisition, development and use as expeditiously as possible:
 a) design standards,
 b) trail location,
 c) construction standards,
 d) liability questions,
 e) patrol and enforcement,
 f) restrictions or limitations on types of use appropriate to specific trails, e.g. trail segments,
 g) maintenance and operation plan, and
 h) incident of care.

GMP-3.13 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, dedication of trail elements may be required as a condition of development approval, notwithstanding Policy DS-1.1(d)(i).

2007 Monterey County General Plan
 Board - November 6, 2007

Page: GMP-7

L-12



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

5 HARMON COURT, MENDOCINO, CA 95541
 POST OFFICE BOX 100
 MENDOCINO, CA 95541
 FAX (707) 464-2540 - http://www.mpwmd.com

February 12, 2009

Carl Holm, Project Manager
 Monterey County Resource Management Agency
 Planning Department
 168 West Alisal Street, Second Floor
 Salinas, CA 93901

SUBJECT: Comments on 2007 Monterey County General Plan Draft EIR

Dear Mr. Holm:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the 2007 Monterey County General Plan Update project (State Clearinghouse Number 2007121001/County EIR # PLN070525). The Monterey Peninsula Water Management District's (MPWMD or District) comments are as follows.

Specific Comments

Page 4.3-11, fourth bullet: The text indicates that MPWMD is currently evaluating the feasibility of a desalination plant in San Diego, which would take 15 million gallons per day (mgd) of saline groundwater from the coastal basin and produce 7.5 mgd of potable water. This text should be updated to reflect the fact that MPWMD is no longer investigating the feasibility of a desalination plant in San Diego, but is investigating the feasibility of a desalination facility in the former Fort Ord area, north of San Diego. Specifically, the District is investigating the feasibility of a freshwater system extracting water from the shallow dunes sands on Fort Ord State Park. The expected yield of a desalination facility in this location, if feasible, will be determined as part of the current investigation.

Page 4.3-11, second paragraph: The tributaries to Tulareitos Creek should be "Cajupines and Ross Creeks", not Chopyines and Ross Creeks.

Page 4.3-14, third bullet: The text should be revised as suggested above. Also, in the first paragraph, the last sentence should read "In 2006, Cal-Am obtained...", not Calm obtained.

Page 4.3-31, Table 4.3-4: For the Fort Ord "Community Area", the Seaside Groundwater Basin Wetlands should be included under the "Management Authority" heading. "MPWMD" should be "MPWMD", and Cal-Am should be included under the "Water Supplier" heading. Also, the text in the third paragraph regarding the District's current desalination investigations should be revised as suggested above.

L-12

Carl Holm, Project Manager
 Monterey County Resource Management Agency - Planning Department
 February 12, 2009
 Page 2

Page 4.3-56, first paragraph: The fourth sentence should read "Total usable storage in the Coastal Subarea of the Seaside Groundwater Basin is estimated to be approximately 7,500 acre-feet".

Page 4.3-96, second paragraph: The first sentence should read "Because of a 1995 State Water Resources Control Board Order (Order No. WR 95-10) that ruled Cal-Am did not have a legal right to roughly 70% of the surface and groundwater it was previously diverting from the Carmel River and underlying Carmel Valley Alluvial Aquifer (refer to Carmel River Conflicts) ...". The fifth sentence should read "This judgment requires a 10% decrease in operating yield for the basin every three years beginning in Water Year 2009, unless replacement supplies are secured or groundwater levels are sufficient to prevent seawater intrusion". The last sentence should read "The watermaster adopted the Seaside Monitoring and Management Program in 2006, as directed by the court"; the Monitoring and Management Program did not implement any decreases.

Page 4.3-58, fifth paragraph: The last sentence should read "The primary water supplier in the Carmel River Basin is Cal-Am, an investor-owned public utility that provides water to approximately 40,000 connections within the MPWMD".

Page 4.3-99, fourth paragraph: The second sentence should read "As a result, Cal-Am was charged by the State Water Resources Control Board with diverting water from the Carmel River and underlying aquifer unlawfully (Order 95-10, as amended by Orders 98-04 and 2002-0002)". The third sentence should be revised to reflect the fact that Order 2001-04 was rescinded in March 2002 by Order 2002-0002 and is not in effect.

Page 4.3-49, second paragraph: The second sentence should be revised to read "The State Water Resources Control Board granted ten temporary permits to MPWMD to allow diversions of water from the Carmel River between December and May for the years 1998 through 2007. In November 2007, the State Water Resources Control Board issued a proposed permit to MPWMD and Cal-Am to allow diversions of up to 2,426 acre-feet of water from the Carmel River between December and May". The last sentence should be revised to read "Under the proposed operational plan, the maximum extraction would be approximately 1,500 AFY, leaving a portion of the injoined water in the Seaside Basin available for recovery during extended dry periods".

Page 4.3-46, fourth paragraph: The third sentence should be revised to read "The order further established an interim annual production goal of no more than 11,285 AFY from Carmel River sources and directed Cal-Am to secure permits for its unauthorized water use (10,790 AFY) ...". The order recognized that Cal-Am had valid rights for its authorized diversions from the Carmel River, i.e., 3,376 AFY.

L-12

Carl Holm, Project Manager
 Monterey County Resource Management Agency - Planning Department
 February 12, 2009
 Page 3

11
 Page 43-47, third bullet: The requirements that Cal-Am cease withdrawals of water from San Clemente Reservoir and reduce diversions from production wells in the Upper Carmel Valley during low-flow periods of the year, except during an emergency was specified in Order 2002-0002, not Order 98-04. See following paragraph in text.

12
 Page 43-47, third paragraph: The first sentence should be revised to read "In addition, because of growing concerns regarding the sustainable yield of the Seaside Groundwater Basin and the threat of seawater intrusion, Cal-Am filed a lawsuit to adjudicate the pumping and storage rights of the various groundwater pumps in the Seaside Basin." Cal-Am's lawsuit was not filed in response to a SWRCB Order. In addition, it should be noted that 5,600 AFY is the amount of recent basin pumping, and is not 500 AFY less than the recent pumping maximum.

13
 The second sentence should be revised to read "In a final ruling on March 27, 2006, the Court decided that current pumping in the basin, i.e., 5,600 AFY, be reduced by 10% every three years unless replacement supplies are secured. Under the ruling, Cal-Am, which is the major pump in the basin, is responsible for approximately 92% of the reduction in pumping".

14
 Page 43-45, last paragraph: The first sentence should be revised to read "The MPWMD began the process of preparing a long-term Seaside Basin Groundwater Management Plan following AB 2030 guidelines in March 2004. This effort was superseded by the Seaside Basin mitigation proceedings and decision that was issued in March 2008".

15
 Page 43-138, first paragraph: In addressing the environmental impact on water resources in the Monterey Peninsula area during the 2030 planning horizon, the document proposes a general mitigation measure:

16
 WR-1: Support a Regional Solution for the Monterey Peninsula in addition to the Carmel Water Project,

17
 and indicates that the draft 2007 General Plan will be revised to include a 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 subsidence intrusion. The County's general objective while recognizing that interagency will be dependent upon the dynamics of the regional group, will be to complete the cooperative planning of their 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.

L-12

Carl Holm, Project Manager
 Monterey County Resource Management Agency - Planning Department
 February 12, 2009
 Page 4

14
 Mitigation Measure WR-1 lacks specificity and is inadequate. To be considered adequate, a mitigation measure should be a specific, feasible action that will actually improve adverse environmental conditions and should be measurable to allow monitoring of its implementation. Mitigation measures consisting only of further studies, or consulting with regulatory agencies that are not tied to a specific action should be avoided. The proposed mitigation measure should specify who is responsible for its implementation, how the measure will be implemented and when it will be implemented.

15
 Section 4.9.4.3 page 52, Regulatory Framework, Local Policies and Regulations: Please include a reference to MPWMD Rule 124 concerning Carmel River Management and Regulations. This rule requires that property owners obtain a valid River Work Permit issued by MPWMD for any work within the riparian corridor, which is defined as within 25 linear feet of the 10-year flood wasteline defined by the Nolte and Associates analysis for the 1994 Flood Insurance Study for Monterey County. This following link describes MPWMD's Rules and Regulations regarding River Work Permits: http://www.montereydwr.ca.us/documents/river/CARMEI_RIVER_MGT_RULES.pdf.

16
 Other Comments:
 Control of Runoff from Developed Areas In the Water Resources section of the DRR (Section 4.3), there is a description of the alteration of drainage patterns associated with the 2030 horizon and build out. MPWMD recommends that consideration be given to collection of runoff from developments that cause discharge to open river channels. These discharges are, in effect, untreated tributaries that cause localized destabilization of streambanks and permanent loss of riparian vegetation. Collection of this type of runoff would reduce the potential for streambank erosion and loss of riparian vegetation.

17
 In addition, the Water Resources section talks about water quality being impacted by runoff associated with developments. All development projects should consider using pervious pavement and other techniques to promote infiltration.
 Care of Riparian Vegetation
 In Carmel Valley, it is the responsibility of property owners to maintain in good condition the riparian areas of their property. With increased water use and development, irrigation and maintenance of the riparian corridor will need to continue, especially during times of drought, reduced streamflow, and lowered groundwater levels. The groundwater table in normal to dry years is annually drawn down below the root zone of riparian trees. Therefore, irrigation is necessary to maintain healthy riparian vegetation as long as this condition continues.
 If you have any questions regarding these comments, you may contact Andy Ball, MPWMD District Engineer, at 658-5620 or andyball@montereydwr.ca.us.

L-12

Carl Hohn, Project Manager
Monterey County Resource Management Agency - Planning Department
February 12, 2009
Page 5

Control of Runoff from Developed Areas In the Water Resources section of the DEIR (Section 4.3), there is a description of the alterations of drainage patterns associated with the 2030 horizon and build out. MPWMD recommends that consideration be given to collection of runoff from developments that flow discharges to open river channels. These discharges are, in effect, unnatural tributaries that cause localized destabilization of streambanks and permanent loss of riparian vegetation. Collection of this type of runoff would reduce the potential for streambank erosion and loss of riparian vegetation.

18

In addition, the Water Resources section talks about water quality being impacted by runoff associated with development. All development projects should consider using pervious pavement and other techniques to promote infiltration.

Care of Riparian Vegetation
In Carmel Valley, it is the responsibility of property owners to maintain in good condition the riparian areas of their property. With increased water use and development, irrigation and maintenance of the riparian corridor will need to continue, especially during times of drought, reduced streamflow, and lowered groundwater levels. The groundwater table in normal to dry years is usually down down below the root zone of riparian trees. Therefore, irrigation is necessary to maintain healthy riparian vegetation as long as this condition continues.

19

Sincerely,

Merby Hunt
Merby Hunt
General Manager

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L-13



JOINT POWERS AGENCY MEMBERS:
City of Carmel-by-the-Sea • City of Del Rey Oaks • City of Marina • City of Monterey • City of Pacific Grove
City of Salinas • City of Seaside • County of Monterey • City of Gonzales (on office)
October 24, 2008

Carl Hohn
Assistant Director
County of Monterey
1688 W. Alisal Street, 2nd Floor
Salinas CA 93901

Dear Mr. Hohn:

Thank you for the opportunity to provide comments on the GPU draft EIR. Please amend the EIR document, Sections 4.6.2.3 and 4.6.2.8, to reflect the latest changes with MST services.

4.6.2.3 Tourism Traffic

Tourism is the county's second largest industry, and the continued expansion of the tourism industry in Monterey County will further exacerbate this source of impact. Present alternatives to the automobile are not attractive to casual weekend travelers or to long-distance tourists. Although visitors comprise a high percentage of commercial airline passengers arriving at Monterey Peninsula Airport (62 percent, according to a 1986 AMBAUS study), the relatively low number of airline trips in and out of the Peninsula accounts for only a very small percentage of the annual tourist volume. Monterey-Salinas Transit's popular MST Trolley service is an example of a non-impact transportation mode specifically tailored to tourist demand. Line 22 is another bus route that is tailored to tourist demand as it serves the Big Sur coastline with a limited number of daily roundtrips year around. MST's Line 24 Carmel Valley Grapevine Express also is attractive with visitors and provides a safe alternative to driving between wine tasting venues while reducing congestion on Carmel Valley Road.

1

4.6.2.8 Public Transit Services

The Monterey-Salinas Transit (MST) system is an inter-city and intra-city bus service. MST serves a 280 square-mile area of Monterey County, Southern Santa Cruz County, and Santa Clara County. Inter-city bus service is provided between Monterey-Salinas, Watsonville-Salinas, Watsonville-Marina, Monterey-San Jose, and Salinas-King City. Intra-city service is provided in Carmel, Gonzales, Greenfield, King City, Marina, Monterey, Pacific Grove, Salinas, Seaside and Soledad. MST offers 37 routes

2

One Ryan Ranch Road • Monterey, California 93903-0765 USA • Fax: 831.839.3964 • Phone: 831.897.2555 or 424.7195
www.mstaz.org • e-mail: mst@monterey.org

that serve an estimated 352,000 people residing within three-quarters of a mile from a
fixed-route bus line. Three MST bus routes connect with Santa Cruz Metropolitan
Transit District buses at the Watsonville Transit Center. One MST route offers daily
express service to cities in southern Santa Clara County as well as downtown San Jose
and provides convenient connections to Santa Clara Valley Transportation Authority
(VTA) bus and light rail transit lines. This express route serves Division Station in San
Jose with direct connections to AMTRAK, Altamont Commuter Express (ACE), FVell
and CALTRAIN commuter rail services. MST's rural service is provided to Carmel Valley
and to Big Sur as well as to unincorporated areas of the county such as Castroville,
Prunedale and Chualar. The MST Tracley offers locals and tourists services to popular
tourist destinations within the City of Monterey.

Monterey County's paratransit program, MST RIDES, provides transportation for
individuals with disabilities who are unable to use MST's regular fixed route transit
services. The MST RIDES program also provides RIDES Special Transportation
(RIDES ST) service for persons living outside of the ADA-required service corridor (up
to three-quarters mile from any MST fixed route bus line). MST RIDES serves 14
municipalities in two counties and 10 additional communities in the unincorporated area
of Monterey County. Service coverage spans the Monterey Peninsula, Salinas Valley
and the Watsonville Transit Center in Santa Cruz County. As of October 2008, there
are 9,171 people certified as ADA Paratransit eligible within the service area. About
one half of that population resides in either Monterey or Salinas. The MST RIDES ST
service area includes the unincorporated areas of Prunedale, Castroville, and Aromas
for North Monterey County as well as the area along River Road from State Hwy 68 to,
and including, Las Palmas Ranch II. The MST RIDES ST service area extends one
mile on either side of Highway 101 from Salinas to Bradley including the unincorporated
communities of San Lucas and San Ardo for South Monterey County. MST RIDES ST
services are provided when MST RIDES and MST's regular bus services are in
operation. Table 4.6-7 lists each of MST bus route. Exhibit 4.8.3 shows MST bus
routes in Monterey County.

If you have any questions regarding these changes, please do not hesitate to
contact me.

Sincerely,

Michael Gallant
Planning Manager

Caldroni, Vanessa A. x57185

From: Linda G. McKinyle [mailto:lmckinyle@moainlandingharbor.dtl.ca.us]

Sent: Wednesday, December 31, 2008 11:59 AM

To: cecopcomments

Subject: Water Transportation

Hi Carl - I'm not sure how critical it is to have accurate information on this one little tiny paragraph but will provide you with my info and you can decide.

Paragraph 4.6.2.11 Water Transportation. The info included in the second paragraph may apply to Monterey Harbor and may be accurate for them, but as for Moss Landing Harbor, a more accurate statement would be: "Most slip sizes are readily available with little or no waiting at Moss Landing Harbor".

Happy New Year and thanks, Carl

-Linda G.

Linda G. McKinyle, Esq.
General Manager/Harbormaster
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anticipated by the DEIR, is well on its way, and will need to be appropriately analyzed to ensure that the District can serve the students generated by new development.

Separate Bill SB and CEQA

The District is concerned about language in the DEIR that states that new development is fully mitigated by developer fees paid pursuant to Senate Bill ("S.B.") 50, so that all future development has a "less than significant" impact on District facilities especially with no further analysis needed. In particular, the District notes the following language in the DEIR:

- In 1998, the California State Legislature enacted SB 50, which made significant amendments to existing state law governing school fees. SB 50 prohibited some or local agencies from imposing school impact mitigation fees, dedications, or other requirements in excess of those provided in the statute. Government Code Section 65995(e) provides that where payment has been made to a school district in accordance with the school fee program that is considered full mitigation of any school impacts. The legislation also prohibits local agencies from denying or conditioning any project (including a general plan) based on the inadequacy of school facilities. (DEIR p. 4.11-10)
- Impact PSU-3: Development and land use activities contemplated in the 2007 General Plan may result in the need for new or expanded school facilities. (Less-Than-Significant-Impact) (DEIR p. 4.11-19)
- As discussed above in the regulatory section, Government Code Section 65995(Q) provides that payment of development impact fees, in accordance with its provisions constitutes "full and complete mitigation of the impacts" of new development. (DEIR p. 4.11-20)
- Paying school impact fees mitigates the impact of new development on schools under Government Code Section 65995(Q). Therefore, the policies of the 2007 General Plan will ensure that this impact will be less-than-significant. (DEIR p. 4.11-20)
- Development under the 2007 General Plan will result in a less-than-significant effect on schools. Paying school impact fees, as required by state law and proposed Public Services Element policy PS-7.8, mitigates the impact of new development on schools under Government Code Section 65995(Q). (DEIR p. 4.11-21)
- Development under the 2007 General Plan will result in a less-than-significant effect on schools. Paying school impact fees, as required by state law and proposed Public Services Element policy PS-7.8, mitigates the impact of new development on schools under Government Code Section 65995(Q). (DEIR p. 4.11-22)

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Raymond E. Anzola, Jr.,
Superintendent
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Shirley Van Duzend,
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October 28, 2008

Carl Holm,
Monterey County Planning Department
168 W. Alisal St., 2nd Floor
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SUHS D

SALINAS UNION HIGH SCHOOL DISTRICT
Monterey County
Planning and Building
Inspection Administration
OCT 23 2008

RECEIVED

Re: Comments Regarding the "2007 Monterey County General Plan Draft Environmental Impact Report" (Ssh. No. 2007121001)

Dear Mr. Holm:

This letter provides comments on behalf of Salinas Union High School District ("District") on the 2007 Monterey County General Plan Draft Environmental Impact Report (Ssh. No. 2007121001) dated September 2008 ("DEIR"), prepared by ICF Jones & Stokes.

The DEIR provides an analysis of the environmental impacts of the County of Monterey's ("County") proposed updates to its general plan ("General Plan"). While the DEIR does not analyze the environmental impacts of specific development projects, it does analyze the environmental impacts of the County's general planning document, which guides and governs all future development in the County. Furthermore, according to the DEIR, the County will experience significant population growth between now and 2040 (the General Plan's planning horizon), not continued growth until the County reaches "full build-out" in 2092. The DEIR projects the Monterey County population to grow from 432,600 in 2005 to 602,731 in 2040, and the unincorporated county population to grow from 110,083 in 2005 to 135,375 in 2040 (in spite of city annexations of county property). (DEIR pp. 3-8 - 3-10). This anticipated population increase of nearly 200,000 residents by the year 2092 will have a major impact on District facilities, and the District hopes to work closely with the County and developers to ensure that this impact is properly mitigated.

The District notes that while the DEIR does not analyze the environmental impacts of specific development projects, the General Plan does address the proposed development of up to 1,147 residential units (along with commercial development and a community center) on approximately 671 acres in the Greater Salinas area, known as "Butterfly Village," which may require school sites and/or athletic fields. (General Plan GS-1.) Furthermore, the District understands that the City of Salinas ("City") is also planning large residential developments in the near future. Thus, the population growth

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The District objects to the concept that S.B. 50 removes the need for full analysis under the California Environmental Quality Act ("CEQA") of the impact of new development on school district facilities.

Environmental Impacts

S.B. 50 does not assign the County's responsibility under CEQA to analyze the environmental impacts of new development. Under CEQA, if a project "may" have a significant effect on the environment, a public agency must prepare an environmental impact report ("EIR"), giving a detailed analysis of all the effects on the environment by a proposed project. (Pub. Res. Code §§21061, 21080, & 21100.) One of the main purposes of the EIR is informational, to "provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment . . ." (Pub. Res. Code §21061.) This includes impacts on local agencies, including school districts. (See 14 C.C.R. §§15962; 14 C.C.R. Appendices G & H.) S.B. 50 does not allow the County to bypass providing this information, regardless of whether the environmental impacts are later mitigated to a level of less-than-significant. However, even though the DEIR projects a population increase of nearly 200,000 by the year 2050, an increase that will clearly have an impact on the District, the DEIR does not analyze the impact of this population increase on the District, and arguably also concludes that no analysis will be necessary in the future.

Mitigation Measures

In addition to analyzing the project's environmental impacts, CEQA requires the EIR to analyze possible mitigation measures for all significant environmental impacts. (Pub. Res. Code §21100.) Furthermore, CEQA requires the adoption of mitigation measures necessary to reduce the impact to a level of less-than-significant, unless findings are made that "specific economic, legal, social, technological, or other considerations" make a mitigation measure "infeasible." (14 C.C.R. §15091; see also Pub. Res. Code §§21002, 21002.1 & 21081; 14 C.C.R. §§15021 & 15096.) Again, the purpose of this analysis is to provide informational, and the infeasibility of a particular mitigation measure does not negate CEQA's requirement that the EIR provide information about the measure and why it is infeasible. (See Pub. Res. Code §21081.)

S.B. 50 does not nullify the need for this mitigation measure analysis. In fact, above developer fees are one possible mitigation measure to address the impact of overcrowding in school districts caused by new development, the EIR should specifically analyze developer fees and determine the amount necessary to mitigate the impact of school overcrowding to a level of less-than-significant. To the extent that S.B. 50 potentially precludes collecting this amount of developer fees, higher fees would be a legally infeasible mitigation measure and the EIR should state that it is infeasible to collect the developer fees needed to fully mitigate overcrowding, and acknowledge an unmitigated impact on school districts remains. The District notes that, as a practical matter, developer fees are generally insufficient to fully mitigate overcrowding in school district facilities.

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L-15

Moreover, S.B. 50 only regulates mitigation of the impact of school overcrowding. There are many other impacts of new development that are not limited by S.B. 50, and that can and should be fully mitigated. Common examples include the need to widen roads or put in other traffic controls to accommodate the increased flow of traffic (both from students and generally), safety measures to address pedestrian travel to school, and the need to add sound-proofing to other noise harvesters from nearby development and resulting traffic.

The DEIR simply states that developer fees will be collected pursuant to S.B. 50. It does not analyze the amount of fees necessary to mitigate school overcrowding. It does not determine whether fees collected pursuant to S.B. 50 are sufficient to mitigate this impact. It does not analyze additional mitigation measures to address impacts other than school facility overcrowding. Furthermore, the DEIR arguably concludes that there will be no need for such analysis in the future, when specific development projects are being analyzed. This analysis is insufficient under CEQA.

Statement of Overriding Considerations

Finally, if the County determines that significant impacts would even after the imposition of all feasible mitigation measures, such as developer fees under S.B. 50, the County must adopt an explicit statement of overriding considerations. (Pub. Res. Code §§ 21002, 21002.1 & 21081; 14 C.C.R. §§ 15021(a)(2), 15091(a) & 15096(c); see *Siera Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30.) Thus, the County would have to acknowledge and adopt public findings that, for example, the escalation of timing of the development in question outweighs the public's need for adequate school facilities.

The DEIR

The District requests that the County revise the DEIR so that it analyzes the various environmental impacts of new development on the District and determines their level of significance, analyzes potential mitigation measures, and either adopts mitigation measures sufficient to reduce the impacts to a level of less-than-significant or adopts a statement of overriding considerations. If the County is unable to provide detailed analyses of new development at the General Plan level, the DEIR should at least state that such analysis must be provided when environmental analyses are performed for specific projects. Furthermore, any discussion of S.B. 50 in the DEIR should clearly state that the bill addresses only adequacy of facilities to accommodate new students, and not other impacts that may directly or indirectly impact schools and the populations they serve.

Alternate Measures to Mitigate Impact of New Development on the District

The District notes that S.B. 50 does not preclude the County from requiring mitigation from developers in addition to developer fees. In fact, the County can assist the District to address the impact of new development in several ways.

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L-15

One legally available mitigation measure would be for the County to consider adopting findings requiring any developer building residential units to dedicate land and/or funding pursuant to Government Code sections 65970 et seq. (all subsequent code sections refer to the Government Code unless otherwise specified), which permit the County to require a developer to dedicate land to a school district. Section 65974 specifically states that "for the purpose of establishing an interim method of providing classroom facilities where overcrowded conditions exist, . . . a city, county, or city and county may, by ordinance, require the dedication of land, or the payment of fees in lieu thereof, or a combination of both, for classroom and related facilities for elementary or high schools as a condition to the approval of a residential development."

A land dedication requirement would be good public planning benefiting all residents of the community, including future residents of new development. As development occurs, land suitable for new school sites grows scarcer. Under sections 65972 and 65972.2, the County has a duty to help plan for adequate services to their residents by ensuring that future sites are set aside for schools. Failure to do so leads to inadequate services, future overcrowding, and the potential need for a school district to exercise its rights under eminent domain to displace existing residents.

Land dedication under sections 65970, et seq., remains a permissible mitigation measure under sections 65995, et seq., which are cited by the DEIR. Section 65991, subdivision (a), specifically states that "independently of a fee, charge, dedication, or other commitment authorized under Section 17620 of the Education Code, or pursuant to Chapter 4.7 (commencing with Section 65970), a fee, charge, dedication or other requirement for the construction or reconstruction of school facilities may not be levied . . ." Section 65995 expressly excludes Chapter 4.7, inclusive of section 65974, from this limitation, thus permitting a county to address conditions of overcrowding in school facilities or inadequately sized school sites by requiring, for example, the dedication of land.

Another method by which the County can work cooperatively with the District within all legal constraints to ensure adequate school facilities with regard to new development is by requiring development to be phased and not permitted prior to availability of school facilities. Timing development so as to balance the availability of school facilities with new development can significantly aid the District in its attempt to provide for the additional students generated by new development. At the same time, it is not a denial of development.

Cooperative Use

The County and the District can also work together to ensure adequate school facilities to serve the residential units contemplated by new development by entering into a partnership to jointly use school and park land for recreation and educational purposes. It

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March 2010
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7-175

Final Environmental Impact Report
Monterey County 2007 General Plan

L-15

is desirable for both public entities to have land set aside for both school and park use so that a single joint use facility of ten or more acres would be available to both the District and residents within new development.

Coordination with District to Mitigate Impact of New Development

The District also is concerned that the DEIR and the General Plan do not clearly state the need for the County to coordinate planning of new development with the District. While the language regarding the need to reserve school sites "in consultation with the affected districts" in the General Plan policy PS-7.1 is helpful, sections 65952 and 65952.2 require local cities and counties to coordinate planning of school facilities with school districts. The Legislature also confirmed that the parties are meant to coordinate "[o]ptions for the siting of new schools and whether or not the local city or counties existing land use element appropriately reflects the demand for public school facilities, and ensures that new planned development reserves location for public schools in the most appropriate locations."

The Legislature recognized that new planned development should take into consideration not even "megas" where schools would be located to serve the development because schools are so integral a part of planning for new development as in any other public services, such as fire, police, water and sewer. The intent behind sections 65950, et seq., supports the District's position that the County must analyze whether the current size of District schools is adequate to accommodate both its existing population and new development, particularly in light of cumulative impacts.

Specific Development Devices

The District requests that the County contact the District as early as possible in the planning process for specific new development projects. This will allow the District to take the projects into account in its facilities plans. It will also allow the District to give the County input regarding appropriate information to be included in project's environmental analyses, in order to fully analyze the project's impact on District facilities. Including such information in the project's environmental analysis will greatly facilitate the District's interaction with developers and will enable the District to better work with the County to ensure that the children residing in the area have appropriate educational facilities that may safely be accessed.

The District is prepared to provide the information necessary to assist the County in its preparation of specific environmental analyses for future development projects. For your information, we have attached the District's most recent "School Facilities Needs Analysts and Justification Report," the District's "School Facility Master Plan," and the District's demographic analysis and forecasts as examples of the type of documents that the District can provide to assist the County in its environmental analysis. District staff would be happy to provide the County with updated documents as necessary, and also provide any additional information needed for the County to fully and adequately analyze the impact of new development on the District.

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March 2010
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7-176

Final Environmental Impact Report
Monterey County 2007 General Plan

L-15

We note that we are aware of other cities and counties that have conscientiously taken the position that S.B. 50 precludes either or both analysis of school impacts in an environmental analysis and mitigation of those impacts. Our attorneys, the law firm of Lorenzo Smith, have had success in meeting with local agencies and their attorneys to address these issues. This has helped to educate public agencies on what they can still do to address and assist public schools, and has allowed for correction of misinformation regarding the effects of S.B. 50. Concerning such information exists cities and counties in ensuring that they are still meeting their CEQA obligations. Materials prepared by our attorneys on this subject are attached.

Thank you for this opportunity to provide comments regarding the DEIR. The District looks forward to working with the County to ensure that the District's needs are met and that development in the County will be served by adequate and appropriate educational facilities. Please feel free to contact me if you have any questions.

Sincerely,

Karen L. Lujan
Manager of Planning and Facilities

TML:bl

Enclosures:

- School Impact Fees - Options Under S.B. 50
- Salinas Union High School District Facility Master Plan w/ Demographic Analysis and Forecasts for Salinas Union High School District
- School Facilities Needs Analysis and Justification Report for the Salinas Union High School District

cc: Thomas Mammello, Lorenzo Smith
Jim Zachart - Associate Supt. - CRO w/o enclosures

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**School Impact Fees -
Options Under S.B. 50**

February 2008

The following summary outlines options concerning mitigating the impact of new development on school facilities in the case of Senate Bill 50 ("S.B. 50"), which became effective in 1998. The summary provides more information generally, and does not constitute legal advice. Legal counsel should be consulted regarding these options.

Developer Fee Under S.B. 50

Prior to S.B. 50, a series of appellate court decisions allowed cities and counties to use their legislative "police power" over land use to assess school districts by requiring developer fees, bond conditions, or other measures to mitigate fully the impact of development on school facilities, even if the mitigation measures occurred at the time of the initial development. See *Delta Park School Dist. v. City of San Diego* (1988) 205 Cal.App.3d 1284; *Wilder v. Park District* (1991) 233 Cal.App.3d 720; *City of San Diego v. Delta Park School Dist.* (1991) 233 Cal.App.3d 1212. Courts have also held that cities and counties have the authority to assess to mitigate the impact of new development on school facilities under the California Environmental Quality Act ("CEQA") (Pub. Res. Code § 21060, § 21063), including the impact on schools.

S.B. 50 now provides for three levels of statutory fees. The first is the existing statutory fee, which was set at a "level 1" fee. (Gov. Code § 65963.) That fee is adjusted for inflation every two years by the State Allocation Board ("SAB"). In 2007, the current level 1 fee was \$22.57 per square foot of residential development for unimproved lots in January of 2008. For a school district to implement the measures to meet the requirements of S.B. 50, the impact charges must be paid to the State Allocation Board ("SAB") by the school district. The impact charges must be paid to the State Allocation Board ("SAB") by the school district. (Gov. Code § 65961. See also *Herndon v. City of Fremont*, 37 North United School District (2002) 101 Cal.App.4th 840.)

S.B. 50 also established a basis for additional fees if certain criteria are met. The second, or "level 2" fee, is established by the legislation as a "supplemental" fee - is the equivalent of the statutory fee plus an additional amount that, when taken together, are equivalent to the statutory fee plus an additional 50% of a district's needs. (Gov. Code § 65964.5.) The first, "level 1" fee, which is roughly 100% of a district's needs. (Gov. Code § 65964.) The level 2 fee can be imposed only if a district is no longer eligible. (Gov. Code § 65964.7.) The level 3 fee must be justified by a "school facilities needs analysis" ("SFNA") that, unlike a Level 1 justification study, must utilize specific data criteria.

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<p>L-15</p>	<p>development they feel is appropriate for their jurisdiction. While they may be limited in the ability to single out schools and inform a developer that his or her project is being denied on the basis of inadequate school availability or lack of adequate mitigation, cities not consider can still conclude that a project does not contribute overall to the well-being of the city, or that the developer had not shown sufficient commitment to the community, and on that basis consider denying the project.</p> <p>Working with a supportive city or county, a school district may thus be able to bring developers to the table to negotiate additional school mitigation, such as participation in a Mario-Rose Community Facilities District. As expressed in Government Code section 65995, subdivision (d)(2), a developer may still "voluntarily elect[] to establish, or annex into, a community facilities district. . . ." Another option of how to address school issues is in a development agreement between the city or county and the developer.</p> <p>Some cities and counties may provide support to schools in a "soft fashion, while other cities and counties may be more overt about their continued desire to support schools. Several years ago, the City of Livermore responded to arguments by developers that S.B. 50 precluded the City from imposing any extra-ministry school mitigation obligations by threatening a complete moratorium on new development. Such a moratorium would simply be a blanket halt of new construction, rather than a denial of particular developments on the basis of inadequate school facilities. Confronted with this threat, the developers agreed to continue mitigating school impacts as they had before the passage of S.B. 50. Generally, a moratorium comes through a voter referendum, but under Government Code section 65954, a city or county can also adopt a zoning ordinance to prohibit uses in conflict with a contemplated general plan, specific plan or zoning proposal if the approval of a development would result in a threat to the public welfare. This allows a city or county to delay development approvals while it studies the school issues for a period that can extend up to almost two years.</p> <p>In the City of Pleasanton, development, based in large part on the support of the City for schools, have agreed to continue the extra-ministry payments that they had been making prior to S.B. 50's passage (see discussion below of voluntary mitigation agreements). As a result, the District continues to receive fees in the \$3.00 range, despite otherwise being ineligible for Level 2 fees.</p> <p>As another example, San Ramon Unified School District worked with both of its local cities to establish agreements with developers for multiple developer-built schools. While the District's Level 2 fee is in the range of \$4.00 per square foot, the District estimates that the agreements reached carry a value in the \$3.00 per square foot range.</p> <p>4. Funding of Development</p> <p>It is an open question under S.B. 50 whether a city or county can phase development to limit the impact of new construction on schools. It is not atypical for a city or county to phase development so that the next phase can proceed only if there are adequate facilities and infrastructure available. This is an avenue worth exploring, as developers often depend on bringing a relatively large percentage of their units on line at one time, so that the start-up costs of a project can quickly be covered. Confronted with delays, a developer may be willing to</p>
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<p>L-15</p>	<p>As a tradeoff for the higher Level 2 and 3 fees, the Legislature in S.B. 50 also restricted the ability to impose still higher fees, under CBOA or otherwise. The law states that the payment of the development fees authorized by S.B. 50 constitutes "full and complete mitigation of the impacts of any legislative or adjudicative act" involving the planning, use, or development of real property "on the provision of adequate school facilities." (Gov. Code § 65995, subd. (d) (emphasis added).) The Code further provides that an agency is precluded from denying or refusing to approve a legislative or adjudicative act involving development "on the basis of a parent's refusal to provide school facilities mitigation that exceeds the amounts authorized [by S.B. 50]." (Gov. Code § 65995, subd. (f).)</p> <p>This tradeoff has caused impacted school districts that do not qualify for Level 2 fees to seek additional avenues for addressing the impacts of new development on schools. Similarly, some districts find that even if they are eligible for Level 2 fees, the required state formula results in a fee lower than the district's actual need.</p> <p>Additional Options Available to School Districts</p> <p>In addition to adopting the maximum justifiable Level 1 fee, there remains a number of options to seek additional means of addressing a school district's needs.</p> <ol style="list-style-type: none"> 1. S.B. 50 Level 2 Fees. <p>The first option is to seek Level 2 fees under S.B. 50. Our firm has published a handbook that includes detailed information, procedures, time lines, checklists, and forms to assist school districts in seeking both Level 1 and Level 2 developer fees, which can be ordered at http://www.lanacounty.com/realty/pdf/other/DYBCOrderForm.pdf.</p> <p>The remaining options described below are applicable primarily to districts that determine that they are not eligible for Level 2 fees, or whose Level 2 fees will be insufficient to address the impact of development upon school facilities.</p> <ol style="list-style-type: none"> 2. Expendable Funds <p>If the District is heavily impacted, experiences unusual circumstances beyond its control, or faces extreme financial hardship, it may qualify for state hardship funding. (Ed. Code § 17975.10.) If the District meets all of the state's qualifying criteria (which include making all reasonable efforts to impose the maximum developer fee), it may be able to obtain additional state funding for new construction or modernization. However, due to the nature of the state's complex formula for hardship funding, eligibility is not a given, even when a district agrees clearly to have needs justifying the funding.</p> <ol style="list-style-type: none"> 3. Rely on the Possibility of Devolving Development <p>As noted above, S.B. 50 states that no development project may be denied on the basis of inadequate school facilities. (Gov. Code §§ 65995, subd. (d) & 65996, subd. (b).) However, cities and counties maintain a general police power to approve or disapprove whatever</p>
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compromise so as to adequately resolve the school issue.

Many of the same considerations regarding limitations on density of a project under S.B. 50 apply to planning. The argument in favor of planning, however, may be stronger, since the "ability" of projects based on inadequate school facilities is explicitly prohibited, while the limitation is absent regarding limitations on planning. As a result, we contend that planning is still allowed by S.B. 50.

4. State Revision of City/County Mitigation Program

Our opinion is to revise the local government's mitigation program, whether through revision to the General Plan or through changes to the school district's procedures under that plan. Some cities and counties have a system where the local government will only approve a certain amount of development within a specified time frame, largely in order to avoid uncontrolled growth. For example, a city may have a program in which development applications are approved based on a point system. For each commitment that the developer makes to the community -- such as building parks, paying for sewer extensions, or funding schools -- the developer's point total is increased. That is a way of rewarding the developer who makes the greatest contribution to the community. Such a program might still be desirable on the basis that the developer's project is not being directly denied on the basis of inadequate school facilities.

6. Impact Conditions on Development Related to Issues Other Than School Overcrowding

While school districts have long focused on the need to mitigate the impact of new development because of resulting school overcrowding, there are also other impacts of new development that can and should be mitigated. S.B. 50 does not "limit or prohibit the ability of a local agency to mitigate the impact of land use approvals other than on the need for school facilities, as defined in this section." (Gov. Code § 65996, subd. (c); see also Gov. Code § 65991, subd. (b) (proposing similar language).) "School facilities," in turn, are defined as "any school-related consideration relating to a school district's ability to accommodate enrollment." (Gov. Code, § 65996, subdivision (c) (emphasis added).)

There are numerous city impacts associated with growth that do not directly relate to the ability to accommodate new students. Common examples include the need to widen roads or put in other traffic controls to accommodate increased traffic (both from students and generally), safety measures to address pedestrian travel to school, and the need to add transit-parking to offset some increase from safety developments and resulting traffic. To the extent that a school district can demonstrate that it confronts these or similar impacts that are unrelated to enrollment, the district can continue to seek conditions on the approval of development under CEQA that will mitigate the impact of such expenses. These conditions can also be used as a device to open negotiations for an agreed upon mitigation arrangement. For example, school districts represented by our firm successfully sued the City of Merced to overturn an environmental impact report for procedural errors, as opposed to issues relating to school overcrowding, in a successful effort to bring the City and developer back to the table to discuss school issues.

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7. Maintain that School Facilities Are Not Available

The Government Code includes a process whereby a school district can find that conditions of overcrowding exist in "our or more attendance areas" that will require educational programs. (Gov. Code § 65971, subd. (a)(3).) Note that this provision does not require that the entire district be overcrowded. A school district's board can further find that no reasonable, sufficient methods of mitigation are available. (Gov. Code § 65971, subd. (a)(3).) At that point, the local city or county can determine that fees or other obligations in addition to the statutory fees are appropriate in certain limited circumstances. (Gov. Code §§ 65972 & 65974.) S.B. 50 explicitly affirms that this remains a valid method of mitigation. (Gov. Code § 65996, subd. (a) ("the following provisions shall be the exclusive methods of considering and mitigating impacts on school facilities . . . (1) Section 17620 of the Education Code [Developer fees]. (2) Chapter 4.7 [commencing with Section 65970] of the Government Code.") We note, however, that these provisions are intended to find only "intrinsic" facilities which would be removed after 5 years. (Gov. Code § 65974, subd. (a)(3), (a)(4).)

8. Decline to Approve "Will-Serve" or Similar Letters

Many cities and counties ask that school districts provide "will-serve" letters or similar assurances that their facilities are adequate to accommodate new growth. In some cases, districts have refused to issue such a letter, potentially stopping the development project even while not "laying" the project based on inadequate school facilities.

There are also other opportunities for a school district to opt out that it has inadequate facilities. For example, real estate agents proposing to sell property through a subdivision must obtain a statement from the local school district indicating the "location of each high school, junior high school, and elementary school serving the subdivision." (Bus. & Prof. Code § 1010, subd. (11).) A school district could argue that there is no school available to "serve" a particular subdivision. This could help bring developers' representatives to the bargaining table to address school availability.

9. Referendum Process

There has been a movement statewide, primarily used by environmentalists and anti-growth groups, to use the referendum process to overturn decisions by cities and counties to approve development. Under this process, if a sufficient number of persons sign a petition, a development approval can be put to a general election. School districts and their supporters have not often attempted to utilize this process, but this may be an option that is worthy of exploration in light of the limitations of S.B. 50. Thus, while a city or county may be limited in its ability to deny development on the basis of inadequate school facilities, voters may be able to accomplish the same result.

10. Challenge The Validity of S.B. 50

One more severe option is to make a direct legal challenge to S.B. 50. Some have suggested that to the extent it can be shown that S.B. 50 does not provide for adequate school facilities, any

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provision copying fees violates the California Constitution and potentially other applicable law. One specific theory, which has been explored by the League of Cities, is whether S.B. 50, to the extent that it does not provide adequate mitigation, can legally be allowed to preempt local mitigation requirements, as it constitutionally infringes on a city's police powers. This approach yet may eventually succeed through litigation and the cooperation of a sympathetic city or county.

11. Seek Voluntary Mitigation Agreements

Another option that remains open is to seek voluntary participation in a Mello-Roos or payment of additional fees under a negotiated agreement. S.B. 50 specifically leaves the option of Mello-Roos arrangements in place, so long as the developer is not being "required" to participate as a condition of project approval. (Gov. Code § 65995, subd. (f).)

S.B. 50 is aimed at whether a voluntary agreement not involving a Mello-Roos is appropriate. We maintain that such agreements can be undertaken, but there are risks involved whether the voluntary agreement involves a Mello-Roos or otherwise. In particular, there can be a potentially negative effect on the District's future qualification for state funds. We have developed various agreements that provide for a gift of funds that may help avoid the gift being tied into any future state facilities financing. At the same time, there may be tax advantages to the developer. Pleasanton Unified, Alameda Unified, Byron Union, and Huntington Beach Union High School Districts are among just a few of our clients currently utilizing this approach. We note that we continue to negotiate school impact agreements statewide despite the limitations of S.B. 50.

12. Land Dedication under the Subdivision Map Act

The Subdivision Map Act states that "a city or county may adopt an ordinance requiring any [developer] who develops in a school district to dedicate to the school district... such land as the local legislative body shall deem to be necessary for the purpose of constructing thereon such elementary school as is necessary to assure the residents of the subdivision adequate public school services." (Gov. Code § 66478, emphasis added.) Thus, the Subdivision Map Act allows a city or county to require land dedication for an elementary school in order to help a school district address the educational needs of the children from a new development. Nothing in S.B. 50 expressly prohibits continued reliance on the Subdivision Map Act.

13. Additional CEQA Considerations

Despite the passage of S.B. 50, there has remained controversy regarding how an environmental impact report or other environmental analysis completed under CEQA should treat school impacts. While S.B. 50 clarifies that a project may not be denied on the basis of inadequate school facilities, the legislation does not appear to relieve a city or county from analyzing schools and concluding that there are significant impacts. Furthermore, the environmental analysis may have to recognize that there are impacts that remain unmitigated based on the available data. While a city or county could then adopt a statement of overriding consideration, finding that the merits of the project outweigh the unmitigated impacts, that is tantamount to a

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city or county having to declare that a housing development is more important to its constituents than adequate schools.

Developers and local governments may argue that they no longer need to address school impacts in any detail or at all in CEQA analyses. We maintain that S.B. 50 has not changed CEQA requirements in this fashion. When cities and counties have analyzed this issue in more detail, they have often agreed with our conclusion. For example, legal counsel for the City of Gilroy conceded that the city should "carefully review and consider all information provided... as to the adequacy of school fees," and should include such information in its environmental documents, despite the terms of S.B. 50 regarding adequate mitigation.

For assistance regarding developer fees and other forms of addressing impacts on schools from new development, please feel free to contact any of Lorenzo Smith's offices.

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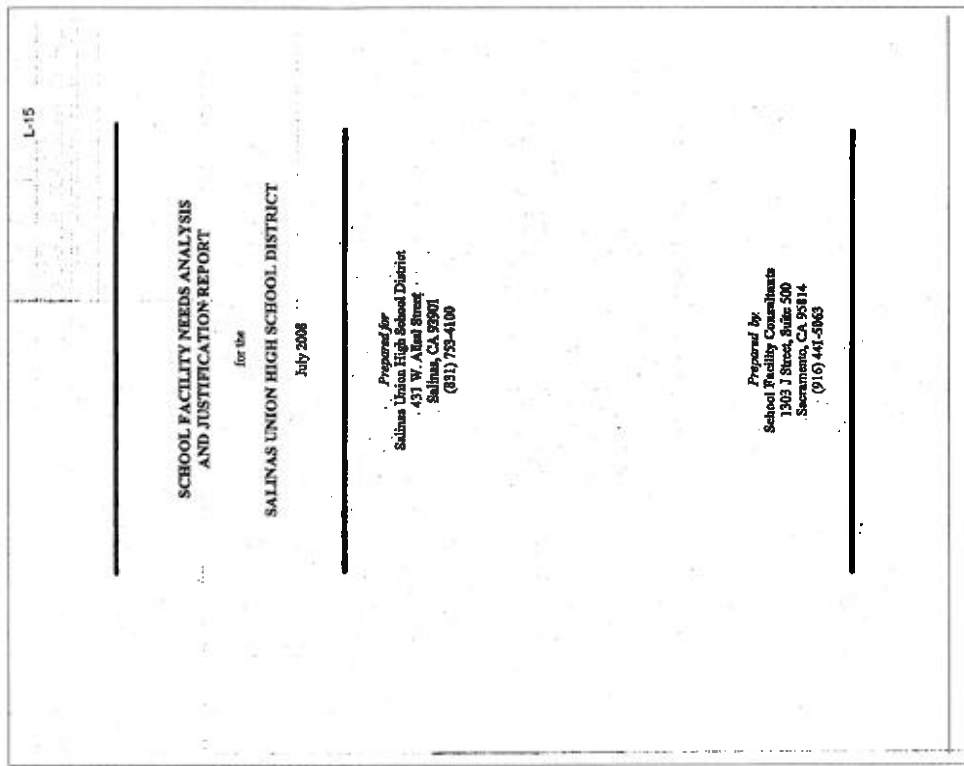
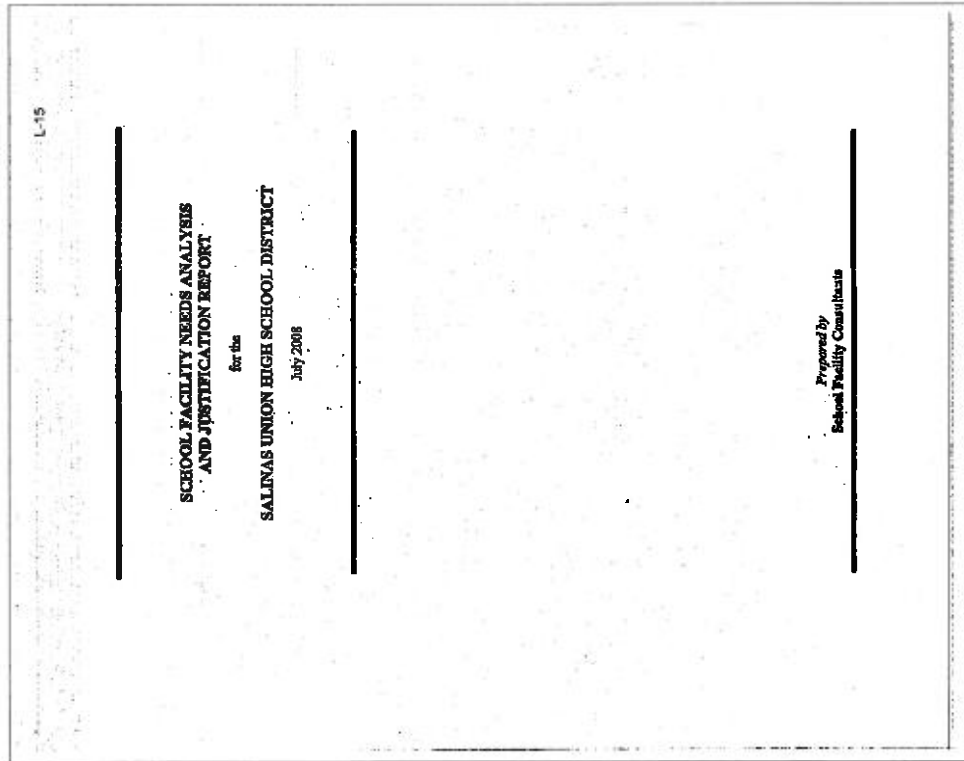
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L-15

Salinas Union High School District: 2008 School Facility Needs Analysis and Justification Report

Executive Summary

Pursuant to Government Code Section 65995.5, the Salinas Union High School District is authorized to collect Level II fees in the amount of \$217 per square foot of residential development located in the District's 7-12 and 9-12 service areas. In addition, pursuant to Government Code Section 65995.7, when applicable, this District is authorized to collect Level III fees in the amount of \$4.34 per square foot of residential development located within the District's 7-12 and 9-12 service areas.

The District meets the eligibility requirements in Government Code Section 65995.5(b) regarding the collection of Level II and III fees. The dollar amounts of the fees are based on the following facts and projections:

- The student generation rates of residential housing units projected to be built in the District, calculated in accordance with Government Code Section 65995.6(a), are 0.347 for single-family units and 0.074 for multi-family units in the District's 7-12 service area and 0.234 for single-family units and 0.055 for multi-family units in the District's 9-12 service area.
- The number of new residential housing units projected to be built in the District over the next five years is 782 single-family and 310 multi-family units, based on information provided by the City of Salinas and the County of Monterey.
- Multiplying the appropriate terms in (1) and (2) shows that future residential development is projected to add 519 students.
- The District has zero excess pupil capacity at the 9-12 grade levels available for students generated by future residential development and 374 years of excess pupil capacity at the 7-12 grades 7-12.
- The total number of unabsorbed pupils generated by future development equals 211 pupils in the 7-12 grade levels.
- The per-pupil allowable costs for the Level II fee equation equal \$15,721.00 and \$19,892.00 for middle and high school students, respectively. These figures are equal to the per-pupil construction grant amounts in the State School Facility Program (the allowable per-pupil site acquisition and development cost) calculated pursuant to Government Code Section 65995.5(a) and 65995.6(b).
- Total allowable costs for the Level III fee equation equal \$4,197,312.00 (the District's 9-12 facility cost) for both the District's 7-12 and 9-12 service areas, as the District currently has capacity available to meet the 7-8 new development facility needs quantified in this Report.
- The total amount of residential square footage projected to be built in the District over the next five years is 1,953,575 square feet for single- and multi-family units, based on an average square footage of 1,945 square feet and 817 square feet for single-family and multi-family units projected to be built in the District, respectively.
- The District currently has capacity available to meet the 7-8 new development facility needs quantified in this Report. The District does not have local funds available to meet the school facilities needs of 9-12 pupils necessitated by future residential development.

As shown in the body of this Report, the District meets the requirements of Government Code Section 66001 regarding the collection of developer fees (the "reasonable relationship" or "nexus" requirements).

End of Summary

L-15

Table Of Contents

- Executive Summary..... 1
- Introduction..... 2
- I. Authority to Collect Level II and Level III Fees..... 3
 - A. Eligibility for State Funding for New Construction..... 3
 - B. Adoption of School Facility Needs Analysis..... 3
 - C. Criteria in Government Code Section 65995.5(b)(3)(A-D)..... 3
- II. Amount of Level II and Level III Fees..... 5
 - A. Allowable Cost for New School Facilities..... 5
 - (1) Number of Unabsorbed Students..... 5
 - (2) Allowable Grant Costs..... 7
 - (3) Allowable Site Acquisition and Development Costs..... 8
 - (4) Local Funds Dedicated to School Facilities Necessitated by Future Development..... 9
 - (5) Total Allowable School Facility Cost for Level II Fees..... 10
 - B. Amounts of Level II and Level III Fees..... 12
- III. Findings and Recommendations..... 14
 - A. Findings..... 14
 - (1) Government Code Section 66001(1)(1) - Purpose of the Fee..... 14
 - (2) Government Code Section 66001(1)(2) - Use of the Fee..... 14
 - (3) Government Code Section 66001(1)(3) - Relationship Between Fee's Use and the Type of Project Upon Which the Fee is Imposed..... 14
 - (4) Government Code Section 66001(1)(4) - Relationship Between the Need for the Public Facility and the Type of Project Upon Which the Fee is Imposed..... 15
 - (5) Government Code Section 66001(1) - Relationship Between the Fee and the Cost of the Public Facility Attributable to the Development on Which the Fee is Imposed..... 15
 - (6) Other Funding Sources..... 15
 - a) General Fund..... 15
 - b) State Programs..... 15
 - c) General Obligation Bonds..... 15
 - d) Alternative Mitigation Agreements..... 16
 - e) Parcel Taxes..... 16
 - f) Multi-Sector Community Facilities Districts..... 16
 - g) Surplus Property..... 16
 - B. Recommendations..... 16
 - Appendix A. Site Allocation Board New Construction Eligibility Approval..... 16
 - Appendix B. Calculation of Allowable Grant Costs..... 16
 - Appendix C. Calculation of Allowable Site Acquisition and Site Development Costs..... 16
 - Appendix D. Student Generation Rate Study..... 16

L-15

Salinas Union High School District - 2008 School Facility Needs Analysis and Justification Report

I. Authority to Collect Level II and Level III Fees

State law establishes several requirements in order for school districts to collect Level II fees. Specifically, districts must (1) apply to the State Allocation Board and be deemed eligible for State funding for new school construction, (2) adopt a school facility needs analysis and (3) satisfy at least two of the four criteria set forth in Government Code Section 65995.5(b)(3)(A-D).

The requirements for collecting Level III fees are the same as Level II fees. Before districts can collect Level III fees, however, the State Allocation Board must certify that it has no funds available to appropriation to districts for construction of new school facilities.

The District has satisfied the three criteria for Level II fees as described below. If the State Allocation Board certifies that it has no funds available for appropriation, then the District will have satisfied the criteria for Level III fees as well.

A. Eligibility for State Funding for New Construction

The District has been deemed eligible to receive State funding for construction of new school facilities as outlined in Government Code Section 65995.5(b)(1). The District's most recent eligibility approval was at the July 25, 2007, meeting of the State Allocation Board (see Appendix A).

B. Adoption of School Facility Needs Analysis

This Report meets the requirements of Government Code Section 65995.6 for a school facility needs analysis, that is, a study that shall "determine the need for new school facilities for unmet needs that are attributable to projected enrollment growth from the development of new residential units over the next five years." By adopting this study, the District will satisfy this requirement.

C. Criteria in Government Code Section 65995.5(b)(3)(A-D)

The District meets the criterion outlined in 65995.5(b)(3)(A), that is, the District has bonded debt or incurred allocations for capital outlay in an amount equivalent to 30 percent of the District's local bonding capacity. The District has issued debt equal to 39.4 percent of the District's bonding capacity (Outstanding general obligation bond debt of \$74,233,610 divided by the District's 2007/08 Bonding Capacity of \$188,630,238 equals 39.4 percent).

The District also meets the criterion outlined in 65995.5(b)(3)(D), that is, that at least 20 percent of the teaching stations within the District are reconfigurable classrooms. According to the District's current Office of Public School Construction Form SAB 50-02, 36.5 percent (168 out of 460) of the total teaching stations in the District are in reconfigurable classrooms. The District has also added capacity through the construction of (1) La Paz Middle School (57 permanent teaching stations), (2) an addition at Alisal High School (14 permanent teaching stations), (3) an addition at North Salinas High School (9 permanent teaching stations), (4) an addition at Harlow Middle School (9 permanent teaching stations) and (5) an addition at Alhambra (Sweet) High School (22 permanent

L-15

Salinas Union High School District - 2008 School Facility Needs Analysis and Justification Report

Introduction

The purpose of this Report is to calculate the fee amount that the Salinas Union High School District is authorized to collect on residential development projects pursuant to Government Code Sections 65995.5 and 65995.7. School Facility Contributions has been revised by the District to conduct the analysis and prepare this Report.

State law gives school districts the authority to charge fees on new residential developments, if these developments generate additional students and cause a need for additional school facilities. All districts with a demonstrated need may collect fees pursuant to Government Code Section 65995 (Level I fees). Level I fees are currently capped at \$2.97 per square foot of new residential development for grades K-12; this cap is adjusted bi-annually by the State Allocation Board, with the most adjustment scheduled for January 2010. The District currently charges developer fees for revenue in its 7-12 and 9-12 service areas. The District receives 46.3 percent of the revenue in its 7-12 service area, and 30.77 percent of the revenue in its 9-12 service area. As a result, the District would be entitled to a Level I fee of \$1.37 per square foot of residential development in its 7-12 service area and \$0.91 per square foot of residential development in its 9-12 service area. Government Code Sections 65995.5 and 65995.7 authorize districts to collect fees in excess of Level I fees, provided that the districts meet certain conditions (Level II and Level III fees). Government Code Section 66001 requires that a reasonable relationship exist between the amount and use of developer fees and the development on which they are to be charged.

The Salinas Union High School District provides seventh through twelfth grade education for the territory of the District served by the Salinas City Elementary and Alisal Union Elementary School Districts (the District's 7-12 service area). The District provides ninth through twelfth grade education only for the territory of the District served by the Garces Elementary, Lagunas Elementary, Santa Rita Union Elementary, Spanish Union Elementary and Washington Union Elementary School Districts (the District's 9-12 service area). As a result, this Report calculates separate single- and multi-family Level II and Level III fees for both the District's 7-12 and 9-12 service areas as described above.

This Report is divided into three sections. The first summarizes the specific requirements in State law regarding Level II and Level III fees and establishes the District's authority to collect them. The second outlines the dollar amounts of Level II and Level III fees that the District is authorized to collect. The third explains how the District satisfies the requirements of Government Code Section 66001 with respect to Level II and III fees, summarizes other potential funding sources for school facilities and presents recommendations regarding the collection of developer fees.

End of Section

L-15

Salinas Union High School District: 2008 School Facility Needs Analysis and Justification Report

teaching stations). Including these projects in the District's capacity indicates that 30.2 percent (168 out of 556) of the total teaching stations in the District are relocatable classrooms.

End of Section

4

L-15

Salinas Union High School District: 2008 School Facility Needs Analysis and Justification Report

II. Amount of Level II and Level III Fees

State law outlines the method by which Level II fees are calculated. The intent of the law is that the Level II fee represents half the cost, as defined in the State School Facility Program, of providing new school facilities. The methods defined in State Law for calculating the Level II fee, however, understates the District's true cost of providing school facilities.

The Level II fee is calculated by (1) determining the allowable cost for new school facilities as outlined in the State School Facility Program, and (2) dividing that cost by the amount of new residential square footage projected to be built in the District over the next five years.

A. Allowable Cost for New School Facilities

State law prescribes the following process for calculating the allowable cost for new school facilities:

- (1) determine the number of unboused students attributable to future residential development;
- (2) multiply the number of unboused students by the per-pupil construction costs of new elementary, middle or high schools as outlined in Education Code section 17072.10;
- (3) determine the amount of site acquisition and development costs to be included as allowed by Government Code Section 65995.5(b); and
- (4) subtract the amount of local funds dedicated to school facilities necessitated by future residential development from the sum of (2) and (3).

(1) Number of Unboused Students

The number of unboused students generated by future development in the next five years equals the total number of students generated by future development minus the District's existing excess pupil capacity.

As required by Government Code Section 65995.6(a), the student generation ratio used to calculate the Level II fee is based on the historical generation rates of residential units constructed during the previous five years.

This Report estimates the number of students that will be generated by a new single- and multi-family housing unit by (1) counting the number of students in the District who live in housing units that paid developer fees between March 2003 and February 2008, and (2) dividing that number by the total number of housing units that paid developer fees over the same time period (see Appendix D). This Report uses historical developer fee collection data from the Salinas Union High School District to derive the housing counts and a District-provided March 2008 student list to derive the student count.

5

L-16

Salinas Union High School District: 2008 Student Facility Needs Analysis and Justification Report

Addresses for units that paid developer fees from March 2008 to the present date are not used in the calculation because (1) student address files may not reflect residents' address changes for up to one year, (2) students who have moved from a nearby district may continue to attend their previous school until the end of the school year and (3) units listed may not have been completed and occupied by the time the student address list was compiled.

The student generation rates for the 7-8 grade group are based on developer fee records only for those housing units located in the District's 7-12 service area (Salinas City Elementary School District and Alisal Union Elementary School District), as homes outside this area do not generate 7-8 grade pupils that attend the Salinas Union High School District.

Table 1-1 summarizes the student generation rates for single-family and multi-family units.

Grade	Single-Family	Multi-Family
7-8	0.113	0.019
9-12	0.214	0.053

Based on information provided by the City of Salinas Development and Permit Services Department and Department of Development and Economic Services, the Housing Authority of the County of Monterey and the Monterey County Economic Resource Policy - Housing and Redevelopment Office and the Monterey County Planning & Building Department this Report estimates the District's five-year residential development to be 782 multi-family and 505 multi-family units over the next five years. These units do not include new units projected to be built in developments located by alternative mitigation agreements with the District as these developments will not be subject to the developer fees specified in this Report (i.e., the Scarborough Ranch development project).

Table 1-2 shows the total number of students projected to enter the District from housing units built over the next five years.

Grade	Single-Family	Multi-Family	Total
7-8	613 x 0.113 = 69	0.25 x 712 = 178	247
9-12	1,857 x 0.214 = 397	0.25 x 712 = 178	575
Total	466	356	822

In determining how many of the students in Table 1-2 are unenrolled, the District must consider any existing excess capacity. State law requires districts to calculate their

L-16

Salinas Union High School District: 2008 Student Facility Needs Analysis and Justification Report

total pupil capacity according to the method described in Section 17072.10 of the Education Code. As stated on the District's current Office of Public School Construction Form SAB 50-02, the District's pupil capacity as calculated pursuant to Education Code Section 17072.10 is 3,252 in grades 7-8 and 6,211 in grades 9-12. These capacities are inclusive of the Special Day Class capacity identified on the District's Office of Public School Construction Form SAB 50-02, and do not reflect a Substantial Enrollment Requirement adjustment, as the District is not required to reflect a SER adjustment pursuant to School Facility Program Regulation Section 1859.35.

In addition to the capacity reflected on the District's Office of Public School Construction Form SAB 50-02, the District has also added capacity through the State School Facility Program funding and the construction of (1) La Paz Middle School (879 7-8 seats), (2) an addition at Alisal High School (545 9-12 seats), (3) an addition at North Salinas High School (819 9-12 seats), (4) an addition at Horizon Middle School (254 7-8 seats) and (5) an addition at Alvarado (Everest) High School (538 9-12 seats).

As outlined in Table 1-3, the District's total existing capacity is 4,385 students in grades 7-8 and 7,433 students in grades 9-12.

At the 7-8 grade group, the District has 37% more of existing excess capacity (7-8 capacity of 4,385 minus 2007/08 7-8 enrollment of 4,011 equals 374 available seats, see Table 1-3). As a result, none of the 98 7-8 students listed in Table 1-2 are defined as unenrolled.

At the 9-12 grade group, the District's current enrollment as reported in its October 2007 CHERS information is greater than the 9-12 pupil capacity listed above: 9,561 students are enrolled in grades 9-12. Therefore, all 9-12 students listed in Table 1-2 are defined as unenrolled.

Grade	Existing Capacity	Enrollment	Excess Capacity
7-8	4,385	4,011	374
9-12	7,433	9,561	0
Total	11,818	13,572	(1,754)

(2) Allowable Grant Costs

Table 1-4 shows the total allowable grant costs for new facilities necessitated by the pupils generated from future single- and multi-family residential development. The per-pupil grant costs are taken from Education Code section 17072.10 and include

L-15

Table 1-5
Allowable Site Acquisition and Development Costs for Pupils Generated from Future Residential Development

Grade	Per-pupil Site Acquisition Cost	Number of Pupils	Total Allowable Cost
7-8	\$9,577.00	0	\$0.00
9-12	\$12,169.50	211	\$1,629,447.50

(4) Local Funds Dedicated to School Facilities necessitated by Future Development

As outlined in Table 1-7, the District currently has 2,128 9-12 students that are unhouse.

Table 1-7
Existing Unhoused Pupils

Grade	Number of Pupils	Total
7-8	4,383	4,011
9-12	7,433	2,569
		2,128

Table 1-8 summarizes the cost of providing school facilities for existing unhoused students. Table 1-8 uses a per-pupil grant cost that is twice the allowable cost for this Level II fee (because the Level II fee is intended to only reflect one-half the cost of providing school facilities as defined in the State School Facility Program). Per-pupil site acquisition and development costs are the same as those used to calculate the allowable cost for Level II fees.

Table 1-8
Cost of Providing School Facilities for Existing Unhoused Pupils

Grade	Per-pupil Site Acquisition Cost	Number of Pupils	Total Allowable Cost
7-8	\$19,154.00	4,383	\$84,000,000.00
9-12	\$24,339.00	7,433	\$180,600,000.00

L-15

Table 1-4
Allowable Grant Costs for Pupils Generated from Future Residential Development

Grade	Per-pupil Site Acquisition Cost	Number of Pupils	Total Allowable Cost
7-8	\$9,577.00	0	\$0.00
9-12	\$12,169.50	211	\$1,629,447.50

The per-pupil grant does not include the cost of school development (land that the local community may deem important to meeting the quality of facilities in the District (i.e., administration, project management, contingencies, etc.). Because the per-pupil grants do not address certain costs, the actual funding will likely not be adequate to fund school facilities to the quality and level required by the District. Therefore, the final calculation of Level II fees will likely understate the funding actually required by the District.

(3) Allowable Site Acquisition and Development Costs

Table 1-5 shows the per-pupil site acquisition and development costs for middle and high school students. The site fees for new middle school and high school projects are consistent with the guidelines in the "School Site Analysis and Development Handbook" published by the California State Department of Education.

Site acquisition costs for the District's new middle school and new high school projects equal \$364,000 per acre, based on (1) a land purchase that the District completed in January 2007 for the price of \$350,000 per acre, (2) an increase of four percent pursuant to Section 1859.74 of Title 2 of the California Code of Regulations for appraisals, surveys, site testing, California Department of Education review/approval, preparation of the FOESA and PEA. Estimated site development costs are consistent with the guidelines in Government Code Section 65995.5(2) (see Appendix C for details regarding site acquisition and development cost estimates).

Table 1-6
Calculations of Per-pupil Site Acquisition and Development Costs

Grade	Per-pupil Site Acquisition Cost	Number of Pupils	Total Allowable Cost
7-8	\$19,154.00	4,383	\$84,000,000.00
9-12	\$24,339.00	7,433	\$180,600,000.00

L-15	L-15
Salinas Union High School District: 2008 School Facility Needs Analysis and Justification Report	Salinas Union High School District: 2008 School Facility Needs Analysis and Justification Report
<p>The District has no funds dedicated to school facilities necessitated by future development. The District has funds available for new construction projects, through the passage of its middle school (Measure M), and high school (Measure P) Proposition 39 General Obligation Bonds passed on November 4, 2002, and March 5, 2002, respectively, as well as developer fee and special reserve funds. The District also anticipates approximately \$23,041 in commercial/industrial developer fee revenue over the next five years based on the total commercial/industrial square footage that paid developer fees between March 2007 and February 2008, projected forward five years. The District's middle school bond funds are restricted to middle school projects, as the high school bond funds are restricted to high school projects, so this Report considers the District's available funds in relation to the cost of housing its currently unassigned pupils by middle (7-8) and high (9-12) school grade groupings.</p> <p>For the 7-8 grade levels, the District currently has sufficient available capacity to house 7-8 grade pupils from new residential development.</p> <p>For the 9-12 grade levels, the District has approximately \$16.63 million in authorized bond funds from the passage of its high school General Obligation Bond available for future new construction projects. The District also has \$1,392,225 in Capital Projects Fund balances available for 7-12 new construction projects. In addition, based on the total commercial/industrial square footage that paid developer fees between March 2007 and February 2008, the District estimates that there will be approximately \$292,041 in commercial/industrial developer fee revenue over the next five years available for the District's 9-12 projects, the District's total available funds for housing 9-12 pupils would be approximately \$18,234,266. Comparing the \$18,234,266 in available funds to the cost of providing school facilities for existing unassigned 9-12 students (\$94,669,357) demonstrates that all these available funds are required to provide facilities for existing unassigned 9-12 students, with a need remaining of \$66,425,096. This remaining need far exceeds the Level II fee, which will generate only \$4,195,858 based on the projections presented herein.</p> <p>The District has no surplus property that could be used for a high school site or that is available for sale to finance school facilities.</p> <p>(5) Total Allowable School Facility Cost for Level II Fees</p> <p>Tables 1-9a and 1-9b show the total costs for housing 7-8 grade and 9-12 grade pupils attributable to future residential development.</p> <p style="text-align: right;">(continued on next page)</p>	<p style="text-align: center;">10</p>

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Salinas Union High School District: 2008 School Facility Needs Analysis and Justification Report	Salinas Union High School District: 2008 School Facility Needs Analysis and Justification Report																												
<p>Table 1-9a Total Cost for Housing 7-8 Grade Pupils from Future Residential Development</p> <table border="1"> <tr> <td>Construction</td> <td>\$1.00</td> </tr> <tr> <td>Site Acquisition and Development</td> <td>\$1.00</td> </tr> <tr> <td>Less Local Funds Dedicated</td> <td>\$1.00</td> </tr> <tr> <td>Total</td> <td>\$1.00</td> </tr> </table> <p>Table 1-9b Total Cost for Housing 9-12 Grade Pupils from Future Residential Development:</p> <table border="1"> <tr> <td>Construction</td> <td>\$2,577,649</td> </tr> <tr> <td>Site Acquisition and Development</td> <td>\$1,699,447.50</td> </tr> <tr> <td>Less Local Funds Dedicated</td> <td>N/A</td> </tr> <tr> <td>Total</td> <td>\$4,277,096.50</td> </tr> </table> <p>As demonstrated in Section II.A.(4) above, the District currently has sufficient capacity to house 7-8 pupils from future residential development qualified in this Report. Therefore, the total allowable cost for purposes of calculating the District's Level II/III developer fees on future residential development does not include the cost of housing 7-8 pupils resulting from this development. Tables 1-10a and 1-10b demonstrate the total allowable cost for the Level II/III fee calculation for the District's 9-12 and 9-12 service areas.</p> <p>Table 1-10a Total Allowable Cost for Level II/III Fees for Pupils from Future Residential Development in the 7-12 Service Area</p> <table border="1"> <tr> <td>Construction</td> <td>\$4,277,096.50</td> </tr> <tr> <td>Allowable 9-12 Pupil Cost</td> <td>\$4,195,858</td> </tr> <tr> <td>Total</td> <td>\$8,472,954.50</td> </tr> </table> <p>Table 1-10b Total Allowable Cost for Level II/III Fees for Pupils from Future Residential Development in the 9-12 Service Area</p> <table border="1"> <tr> <td>Construction</td> <td>\$4,277,096.50</td> </tr> <tr> <td>Allowable 9-12 Pupil Cost</td> <td>\$4,195,858</td> </tr> <tr> <td>Total</td> <td>\$8,472,954.50</td> </tr> </table>	Construction	\$1.00	Site Acquisition and Development	\$1.00	Less Local Funds Dedicated	\$1.00	Total	\$1.00	Construction	\$2,577,649	Site Acquisition and Development	\$1,699,447.50	Less Local Funds Dedicated	N/A	Total	\$4,277,096.50	Construction	\$4,277,096.50	Allowable 9-12 Pupil Cost	\$4,195,858	Total	\$8,472,954.50	Construction	\$4,277,096.50	Allowable 9-12 Pupil Cost	\$4,195,858	Total	\$8,472,954.50	<p style="text-align: center;">11</p>
Construction	\$1.00																												
Site Acquisition and Development	\$1.00																												
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Construction	\$4,277,096.50																												
Allowable 9-12 Pupil Cost	\$4,195,858																												
Total	\$8,472,954.50																												

B. Amounts of Level II and Level III Fees

The Level II fee is calculated by dividing the total allowable cost by the amount of new residential square footage projected to be built in the District over the next five years. As stated in Section II.A.(1) above, over the next five years 782 single-family and 505 multi-family units are projected to be built in the District. These units do not include units projected to be built in developments bound by alternative mitigation agreements with the District as these developments will not be subject to the developer fees quantified in this Report (i.e., the Seaberg Ranch development project). Based on information provided by the City of Salinas Development and Permit Services Department and Department of Development and Engineering Services, the Housing Authority of the County of Monterey and the Monterey County Environmental Resources Policy - Housing and Redevelopment Office and the Monterey County Planning & Building Inspection Department, this Report estimates that new housing units in the District will have an average square footage of 1,945 square feet and 817 square feet for single- and multi-family units, respectively. Multiplying average square footage by number of units (1,945 square feet times 782 single-family units, plus 817 square feet times 505 multi-family units) produces a total of 1,933,575 square feet of residential development projected to be built in the District over the next five years.

State law allows school districts to charge a fee higher than a Level II fee if (1) the district meets the requirements for Level II fees and (2) the State Allocation Board certifies that it has no funds available to expend to construct or reconstruct of new school facilities. In the District's case, this higher fee, referred to as Level III fee, is approximately twice the Level II fee.

Tables 1-11a and 1-11b show the calculations for Level II and Level III developer fees for the District's 7-12 and 9-12 service areas, based on the total projected square footage figures and the total allowable costs identified in Section II.A.1, above.

Table 1-11a
Level II and III Fees for Pupils from Residential Development in the 7-12 Service Area

Total Allowable Cost	\$4,197,212.00
Total Projected Square Footage	1,933,575
Level II Fee	\$2.17
Level III Multiplier	2
Level III Fee	\$4.34

(continued on next page)

Table 1-11b
Level II and III Fees for Pupils from Residential Development in the 9-12 Service Area

Total Allowable Cost	\$4,197,212.00
Total Projected Square Footage	1,933,575
Level II Fee	\$2.17
Level III Multiplier	2
Level III Fee	\$4.34

The calculation of Level II and Level III fees, in accordance with the formulas provided in the annex, will likely be understated when measured against the actual calculation of costs due to the limited inclusion of cost categories to determine actual costs per student and the fluctuating student generation rates. The District needs to account for these issues when conducting a revenue/cost analysis utilizing the calculated Level II and Level III fees.

End of Section

L-15

Salinas Union High School District - 2008 School Facility Needs Analysis and Justification Report

III. Findings and Recommendations

This section (1) shows that the District meets the requirements of Government Code Section 66001 regarding the collection of developer fees, (2) summarizes other potential funding sources for the District's capital projects, and (3) presents recommendations regarding the collection of developer fees.

A. Findings

(1) Government Code Section 66001(a)(1)—Purpose of the Fee

The purpose of imposing and collecting Level II or Level III fees is to acquire funds to construct or reconstruct school facilities for students generated by future residential developments.

(2) Government Code Section 66001(a)(2)—Use of the Fee

The District use of the fee will leverage constructing and/or reconstructing new high school campuses and/or additional permanent facilities on existing high school campuses. In addition, the District may build other school related facilities and purchase or lease relocatable classrooms to use for interim housing while permanent facilities are being constructed.

Revenue from Level II or Level III fees collected on future residential development may be used for, but not limited to, all of the following:

- (1) land (purchased or leased) for school facilities,
- (2) design of school facilities,
- (3) permit and plan checking fees,
- (4) construction or reconstruction of school facilities,
- (5) testing and inspection of school sites and school buildings, and
- (6) housing school facilities (purchased or leased) to house students generated by future development while permanent facilities are being constructed.

(3) Government Code Section 66001(a)(3)—Relationship Between Fee's Use and the Type of Project Upon Which the Fee is Imposed

All types of new residential development—including but not limited to single- and multi-family units in new subdivisions and in "in-fill" lots, single- and multi-family units in redevelopment projects, single- and multi-family units that replace demolished units (to the extent that the new units are larger than the demolished units), additions of residential space to existing single- and multi-family units, manufactured homes, mobile homes and condominiums—are projected to cause new families to move into the District and, consequently, generate additional students in the District. As shown earlier in this Report, sufficient school facilities do not exist for these students. All types of new residential development, therefore, creates a need for additional school facilities. The fee's use (acquiring school facilities) is,

L-15

Salinas Union High School District - 2008 School Facility Needs Analysis and Justification Report

therefore, reasonably related to the type of project (new residential developments) upon which it is imposed.

(4) Government Code Section 66001(a)(4)—Relationship Between the Need for the Public Facility and the Type of Project Upon Which the Fee is Imposed

The District is currently operating over capacity at the 9-12 grade levels, that is, the District has no available capacity to house additional 9-12 students. Because future residential development in the District will generate additional students, it creates a need for additional school facilities. A relationship exists, therefore, between the District's need to build additional school facilities to house additional students and the construction of future residential development projects.

(5) Government Code Section 66001(b)—Relationship Between the Fee and the Cost of the Public Facility Attributable to the Development on Which the Fee is Imposed

This study concludes that the methods prescribed by State law for estimating school facility construction costs, and for calculating Level II and Level III fees, supports the establishment of Level II and Level III fees, which when collected, will contribute to the District's cost of constructing and reconstructing school facilities to house students generated by future residential construction. The relationship between the cost of the facility and the amount of fees is set forth above, including in Tables 1-4 and 1-3 of Section I.A.(2) and Section I.A.(3), respectively.

(6) Other Funding Sources

The following is a review of potential other funding sources for constructing school facilities. Please note that pursuant to Section I.A.A, the District does not have any local funds available for the construction of school facilities for housing students from new development.

A) General Fund

The District's General Fund budget is committed to instructional and day to day operating expenses and not used for capital outlay uses, as funds are needed solely to meet the District's non-facility needs.

B) State Programs

The District is approved for eligibility for State funding for construction of new school facilities under the 1998 Leroy F. Green School Facility Program. As outlined in Section I.A.(1), the District has applied for and received funding for La Paz Middle School, and additional projects at North Salinas High School, Alisal High School, Hardin Middle School and Everett Alvarez High School. Even projects funded at 100 percent of the State allowance, however, experience a shortfall between State funding and the District's actual facility needs. State funds for deferred maintenance may not be used to pay for new facilities. State law prohibits use of lottery funds for facilities.

Q General Obligation Bonds
School districts use with the approval of either two-thirds or 55 percent of its school voters to issue general obligation bonds that are paid for out of property taxes. The District asked voters approval for a Proposition 39 General Obligation Bond in March 2002, and another General Obligation Bond in November 2002. As outlined in Section II.A.6, these bonds are either inadequate or unavailable to cover costs for high school facilities necessitated by future residential development.

Q Alternative Mitigation Arrangements
Some residential development may choose to negotiate an alternative mitigation agreement with the School District. Students generated from these developments and the revenues from these mitigation agreements are not considered in this report, as these houses are not subject to the Fee considered in this report and the funds collected from these houses are not available to reduce the impact of development that will be subject to the Fee.

Q Parcel Taxes
Approved by two-thirds of the voters is required to impose taxes that are not based on the assessed value of individual parcels. While these taxes have been occasionally used in school districts, the revenues are typically minor and are used to supplement operating budgets. The District does not currently collect parcel tax revenue.

Q Mello-Roos Community Facilities Districts
This alternative uses a tax on property owners within a defined area to pay long-term bonds issued for specific public improvements. Mello-Roos taxes require approval from two-thirds of the voters (or land owners if fewer than 12) in an election. The District currently does not have any Mello-Roos authorizations.

Q Surplus Property
The District has no surplus property that could be used as a high school site or that is available for sale to finance school facilities.
Based on the foregoing, there are no credits funds to aid new construction to accommodate students from new development.

R. Recommendations
Based on the findings outlined above, it is recommended that the Board of Trustees, as provided for in Government Code Section 65995.5, approve a resolution to levy Level II fees on future residential development in the amount of \$2.17 per square foot of residential development located within the District's 7-12 and 9-12 service areas.

In addition, it is recommended that the Board of Trustees, as provided for in Government Code Section 65995.7, approve a resolution to levy Level III fees on future residential development in the amount of \$4.34 per square foot of residential development located within the District's 7-12 and 9-12 service areas.

End of Report

Appendix A

State Allocation Board
New Construction Eligibility Approval

Appendix B
Calculations of Allowable Per-Pupil Grant Costs

L-15

The per-pupil grant costs, calculated per the provisions of Government Code Section 65965.5(a)(1), include the School Facility Program (SFP) grants outlined in Education Code Section 17072.10, fire alarm and sprinkler grants mandated by Education Code Sections 17074.56 and outlined in Education Code Sections 17074.50 and 17074.52, and Labor Compliance Program (LCP) per Labor Code Section 1771.7(a) and (b), as illustrated in the tables below.

Since the fire alarm and sprinkler grants mandated by SB 575 are per-pupil grant increases, it is simple to add them to the SFP base new construction grant amounts (see Table B-1). These figures will then be used to determine the LCP grant increases for each of the District's projects used as cost models below, and then the per-pupil grant increases for each grade grouping, to produce final per-pupil grant figures for use in calculating the District's Level IIII fees.

These new per-pupil base grants, added to the per-pupil site development figures calculated in Appendix C, multiplied by the pupil capacity of each project used as a cost model, equals the estimated total funding (excluding site acquisition) for each project, as illustrated in Table B-2.

Table B-1
SFP Per-Pupil Grants Plus Fire Alarm/Sprinkler Funding

Grant Type	Per-Pupil Grant	Total Grant
SFP Grant	\$9,344	\$11,493
SB 575 Fire Alarm Grant	\$14	\$24
SB 575 Sprinkler Grant	\$177	\$183

Table B-2
Calculations of Total Funding for Each District Cost Model Project

Project	Per-Pupil Grant	Total Grant
New MS	\$23,354	\$23,354,000
New HS	\$30,188	\$45,282,000

Table B-3
Total LCP Grant Additions by Grade Grouping

L-16

Grade Grouping	Total LCP Grant Additions
New MS	\$23,354,000
New HS	\$45,282,000
Total	\$70,636,000

Calculated pursuant to SFP regulations section 18571.4

Table B-4 calculates the per-pupil LCP grant addition by grade grouping, using the total LCP grants from Table B-3, dividing that figure by the appropriate pupil capacity, and averaging these results by grade group as necessary.

Table B-4
Calculation of Per-Pupil LCP Grant Addition by Grade Grouping

Grade Grouping	Total LCP Grant Additions	Pupil Capacity	Per-Pupil LCP Grant Addition
New MS	\$23,354,000	1,000	\$23,354
New HS	\$45,282,000	1,500	\$30,188

Table B-5 adds the per-pupil LCP grant additions calculated in Table B-4 to the totals calculated in Table B-1 to determine the final per-pupil construction grants allowable for use in the Level IIII fee calculations.

Table B-5
Calculation of Final Per-Pupil Grant Costs by Grade Grouping

Grade Grouping	Per-Pupil LCP Grant Addition	Per-Pupil Site Development Grant	Final Per-Pupil Grant Cost
New MS	\$23,354	\$1,000	\$24,354
New HS	\$30,188	\$1,500	\$31,688

L-15

Appendix C

**Calculation of Allowable Per-Pupil
Site Acquisition and Site Development Cost**

L-15

Appendix C

Calculation of Allowable Per-Pupil Site Acquisition and Site Development Costs

Site Acquisition Costs for Middle and High School Projects
The site costs for new middle school and high school projects are consistent with the guidelines in the "School Site Analysis and Development Handbook" published by the California State Department of Education (CDE).

Site acquisition costs for the District's new middle school and new high school projects equal \$264,000 per acre, based on (1) a land purchase that the District completed in January 2007 for the price of \$350,000 per acre, (2) an increase of four percent pursuant to Section 185.774 of Title 2 of the California Code of Regulations for appraisals, surveys, site testing, CDE review/approval, preparation of the FORTSA and FEA. Estimated site development costs are consistent with the guidelines in Government Code Section 65991.5(b).

Table C-1
Site Acquisition Costs for Middle and High School Projects

Middle	21.3	\$144,000	\$7,971,600
New middle school			
High	31.97	\$164,000	\$7,415,080
New high school			
Total			\$15,386,680

Site Development Costs for Middle School Projects
Service site development, off-site development, and utility costs for District middle school projects are based on the site development, off-site development, and utility costs provided with the La Paz Middle School project, which received an approval at the September 22, 1999, meeting of the Monterey Board, limited by the Clark J. Commission. Cost for the increase from 1.34 in September 1999 to 1.08, for a total inflation rate of 47.76 percent, is approved at the July 23, 2008, meeting of the State Allocation Board. These costs are as follows:

(Continued on the next page)

L-15

Table C-2
Service Site Development, Off-Site Development and Utility Costs for Middle School Projects

Item	Cost
La Paz Middle School	
Service Site	\$167,665
Off-Site	\$1,152,748
Utilities	\$2,788,466
Total	\$4,108,879
Class B Construction Cost Index Adjustment (17.6%)	\$613,652
Total	\$4,722,531

The total anticipated site development costs for District middle school projects are based on the average allowable general site development costs, as defined in Section 1859.76 of Title 2 of the California Code of Regulations. These costs are as follows:

Table C-3
General Site Development Costs for Middle School Projects

Item	Cost
Per-Pupil Average General Site Cost	\$1,165.78
Per-Pupil General Site Cost	\$1,165.78
Total	\$1,165,780

The total anticipated site development costs for District middle school projects equals the per-pupil service site, off-site and utility development cost for the District's middle school projects, plus the average per-pupil general site development costs related to the District's middle school projects. The following table illustrates the total per-pupil site development costs for District middle school projects.

Table C-4
Total Site Development Costs for Middle School Projects

Item	Cost
Service Site, Off-Site and Utility Costs	\$4,722,531
Average Per-Pupil General Site Development Cost	\$1,165,780
Total	\$5,888,311

L-15

Table C-5
Site Development Costs for High School Projects

Item	Cost
Service Site	\$4,000,000
Off-Site	\$1,200,000
Utilities	\$2,500,000
Total	\$7,700,000
Class B Construction Cost Index Adjustment (17.6%)	\$1,355,800
Total	\$9,055,800

The total anticipated site development costs for District high school projects are based on the average allowable general site development costs, as defined in Section 1859.76 of Title 2 of the California Code of Regulations. These costs are as follows:

Table C-6
General Site Development Costs for High School Projects

Item	Cost
Per-Pupil Average General Site Cost	\$1,165.78
Per-Pupil General Site Cost	\$1,165.78
Total	\$1,165,780

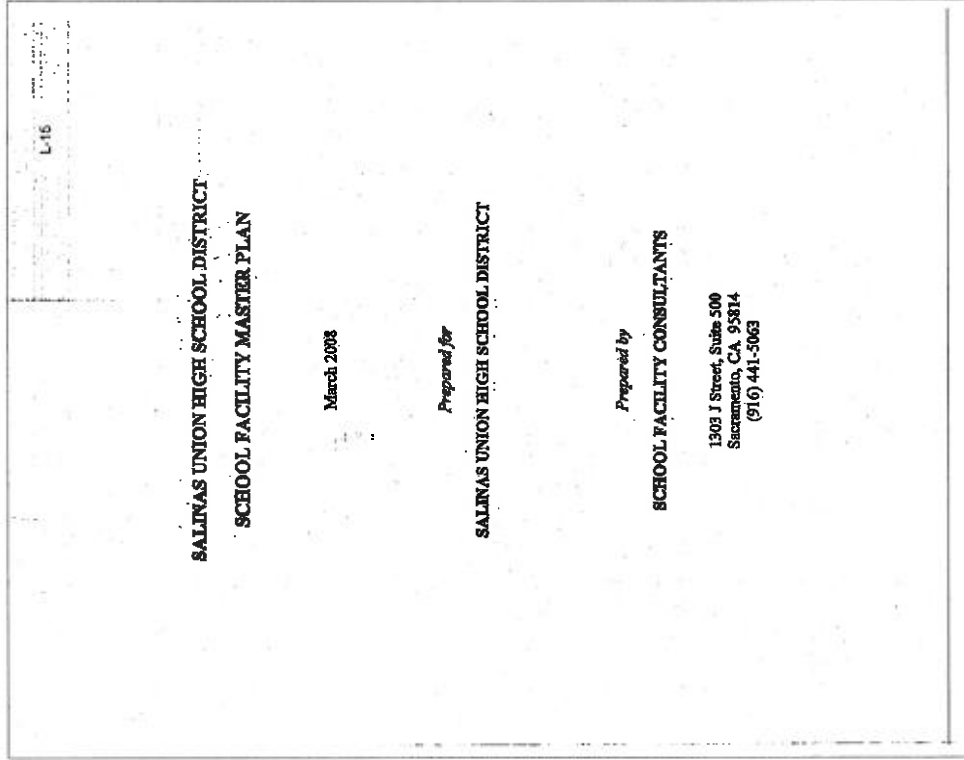
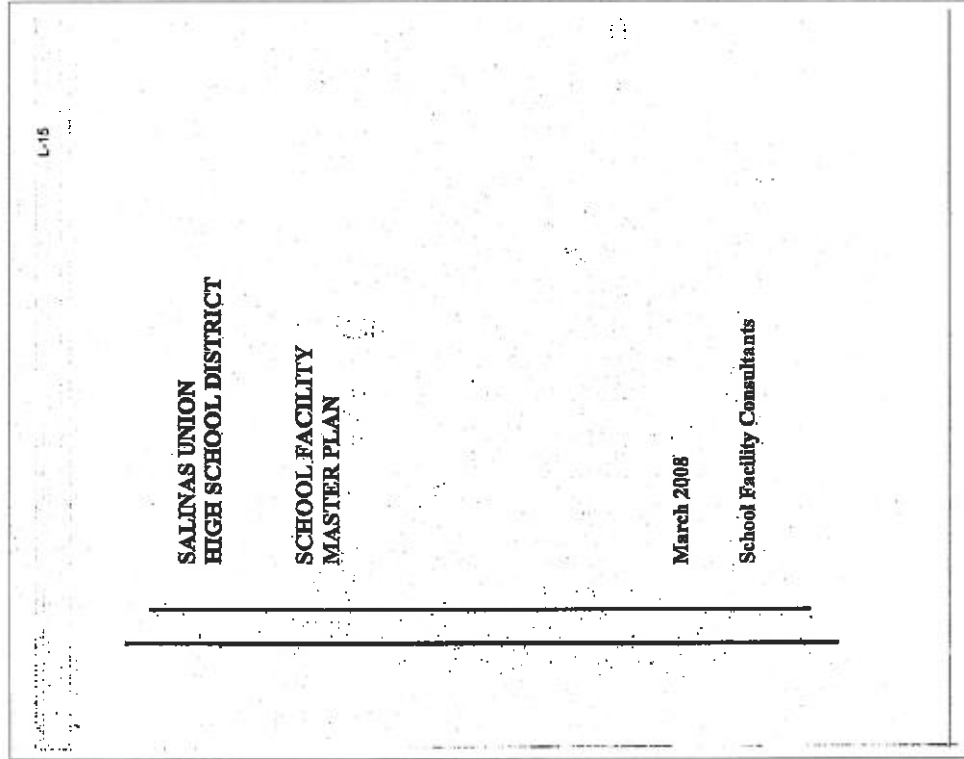
The total anticipated site development costs for District high school projects equals the per-pupil service site, off-site and utility development cost for the District's high school projects, plus the average per-pupil general site development costs related to the District's high school projects. The following table illustrates the total per-pupil site development costs for District high school projects.

Table C-7
Total Site Development Costs for High School Projects

Project Name	Site Development Costs	Off-Site and Utility Costs	Total Site Development Costs
Project 1	\$1,234,567	\$456,789	\$1,691,356
Project 2	\$2,345,678	\$789,012	\$3,134,690
Project 3	\$3,456,789	\$1,234,567	\$4,691,356
Project 4	\$4,567,890	\$1,567,890	\$6,135,780
Project 5	\$5,678,901	\$1,890,123	\$7,569,024
Project 6	\$6,789,012	\$2,123,456	\$8,912,468
Project 7	\$7,890,123	\$2,456,789	\$10,346,912
Project 8	\$8,901,234	\$2,789,012	\$11,690,246
Project 9	\$9,012,345	\$3,012,345	\$12,024,690
Project 10	\$10,123,456	\$3,345,678	\$13,469,134
Project 11	\$11,234,567	\$3,678,901	\$14,913,468
Project 12	\$12,345,678	\$4,012,345	\$16,358,023
Project 13	\$13,456,789	\$4,345,678	\$17,802,467
Project 14	\$14,567,890	\$4,678,901	\$19,246,791
Project 15	\$15,678,901	\$5,012,345	\$20,691,246
Project 16	\$16,789,012	\$5,345,678	\$22,135,690
Project 17	\$17,890,123	\$5,678,901	\$23,580,024
Project 18	\$18,901,234	\$6,012,345	\$24,913,468
Project 19	\$19,012,345	\$6,345,678	\$25,358,023
Project 20	\$20,123,456	\$6,678,901	\$26,802,467
Project 21	\$21,234,567	\$7,012,345	\$28,246,791
Project 22	\$22,345,678	\$7,345,678	\$29,691,246
Project 23	\$23,456,789	\$7,678,901	\$31,135,690
Project 24	\$24,567,890	\$8,012,345	\$32,580,024
Project 25	\$25,678,901	\$8,345,678	\$34,024,468
Project 26	\$26,789,012	\$8,678,901	\$35,468,912
Project 27	\$27,890,123	\$9,012,345	\$36,913,356
Project 28	\$28,901,234	\$9,345,678	\$38,357,800
Project 29	\$29,012,345	\$9,678,901	\$39,691,246
Project 30	\$30,123,456	\$10,012,345	\$41,135,690
Project 31	\$31,234,567	\$10,345,678	\$42,580,024
Project 32	\$32,345,678	\$10,678,901	\$44,024,468
Project 33	\$33,456,789	\$11,012,345	\$45,468,912
Project 34	\$34,567,890	\$11,345,678	\$46,913,356
Project 35	\$35,678,901	\$11,678,901	\$48,357,800
Project 36	\$36,789,012	\$12,012,345	\$49,802,244
Project 37	\$37,890,123	\$12,345,678	\$51,246,688
Project 38	\$38,901,234	\$12,678,901	\$52,691,132
Project 39	\$39,012,345	\$13,012,345	\$54,135,576
Project 40	\$40,123,456	\$13,345,678	\$55,580,020
Project 41	\$41,234,567	\$13,678,901	\$57,024,464
Project 42	\$42,345,678	\$14,012,345	\$58,468,908
Project 43	\$43,456,789	\$14,345,678	\$59,913,352
Project 44	\$44,567,890	\$14,678,901	\$61,357,796
Project 45	\$45,678,901	\$15,012,345	\$62,802,240
Project 46	\$46,789,012	\$15,345,678	\$64,246,684
Project 47	\$47,890,123	\$15,678,901	\$65,691,128
Project 48	\$48,901,234	\$16,012,345	\$67,135,572
Project 49	\$49,012,345	\$16,345,678	\$68,580,016
Project 50	\$50,123,456	\$16,678,901	\$70,024,460
Project 51	\$51,234,567	\$17,012,345	\$71,468,904
Project 52	\$52,345,678	\$17,345,678	\$72,913,348
Project 53	\$53,456,789	\$17,678,901	\$74,357,792
Project 54	\$54,567,890	\$18,012,345	\$75,802,236
Project 55	\$55,678,901	\$18,345,678	\$77,246,680
Project 56	\$56,789,012	\$18,678,901	\$78,691,124
Project 57	\$57,890,123	\$19,012,345	\$80,135,568
Project 58	\$58,901,234	\$19,345,678	\$81,580,012
Project 59	\$59,012,345	\$19,678,901	\$83,024,456
Project 60	\$60,123,456	\$20,012,345	\$84,468,900
Project 61	\$61,234,567	\$20,345,678	\$85,913,344
Project 62	\$62,345,678	\$20,678,901	\$87,357,788
Project 63	\$63,456,789	\$21,012,345	\$88,802,232
Project 64	\$64,567,890	\$21,345,678	\$90,246,676
Project 65	\$65,678,901	\$21,678,901	\$91,691,120
Project 66	\$66,789,012	\$22,012,345	\$93,135,564
Project 67	\$67,890,123	\$22,345,678	\$94,580,008
Project 68	\$68,901,234	\$22,678,901	\$96,024,452
Project 69	\$69,012,345	\$23,012,345	\$97,468,896
Project 70	\$70,123,456	\$23,345,678	\$98,913,340
Project 71	\$71,234,567	\$23,678,901	\$100,357,784
Project 72	\$72,345,678	\$24,012,345	\$101,802,228
Project 73	\$73,456,789	\$24,345,678	\$103,246,672
Project 74	\$74,567,890	\$24,678,901	\$104,691,116
Project 75	\$75,678,901	\$25,012,345	\$106,135,560
Project 76	\$76,789,012	\$25,345,678	\$107,580,004
Project 77	\$77,890,123	\$25,678,901	\$109,024,448
Project 78	\$78,901,234	\$26,012,345	\$110,468,892
Project 79	\$79,012,345	\$26,345,678	\$111,913,336
Project 80	\$80,123,456	\$26,678,901	\$113,357,780
Project 81	\$81,234,567	\$27,012,345	\$114,802,224
Project 82	\$82,345,678	\$27,345,678	\$116,246,668
Project 83	\$83,456,789	\$27,678,901	\$117,691,112
Project 84	\$84,567,890	\$28,012,345	\$119,135,556
Project 85	\$85,678,901	\$28,345,678	\$120,580,000
Project 86	\$86,789,012	\$28,678,901	\$122,024,444
Project 87	\$87,890,123	\$29,012,345	\$123,468,888
Project 88	\$88,901,234	\$29,345,678	\$124,913,332
Project 89	\$89,012,345	\$29,678,901	\$126,357,776
Project 90	\$90,123,456	\$30,012,345	\$127,802,220
Project 91	\$91,234,567	\$30,345,678	\$129,246,664
Project 92	\$92,345,678	\$30,678,901	\$130,691,108
Project 93	\$93,456,789	\$31,012,345	\$132,135,552
Project 94	\$94,567,890	\$31,345,678	\$133,580,000
Project 95	\$95,678,901	\$31,678,901	\$135,024,444
Project 96	\$96,789,012	\$32,012,345	\$136,468,888
Project 97	\$97,890,123	\$32,345,678	\$137,913,332
Project 98	\$98,901,234	\$32,678,901	\$139,357,776
Project 99	\$99,012,345	\$33,012,345	\$140,802,220
Project 100	\$100,123,456	\$33,345,678	\$142,246,664

Appendix D
Student Generation Rate Study

Please note that for privacy purposes, the street number has been omitted from each record in this developer fee collection database.



L-15

TABLE OF CONTENTS

- Executive Summary..... iii
- I. Introduction..... 1
- A. Purpose..... 1
- B. Context/Organization..... 1
- C. Acknowledgments..... 1
- Part One - What do we have?..... 2
- A. Pupil Capacity/Facility Utilization..... 2
 - 1. Classroom Inventories..... 2
 - 2. Loading Standards..... 2
 - 3. District Practices that Affect Capacity..... 2
- B. Analysis of Portable Classroom Use, Age and School Site Student Densities..... 4
- C. Inventory of Portable Classrooms by School Site..... 4
- D. School Site Student Densities..... 5
- E. Removal of Portable Classrooms that have become too old to Maintain..... 7
- Part Two - What do we need?..... 8
- A. Enrollment History and Projection..... 8
- B. Required New Capacity..... 11
- Part Three - What can we do to meet the need?..... 20
- A. Facility Plan..... 20
- B. Additional Facility Options..... 22
- Part Four - How do we pay for it?..... 23
- A. Cost Estimates..... 23
 - 1. Facility Plan..... 23
 - 2. Total Costs of Option #1 and Option #2..... 24
- B. Funding Sources..... 24
 - 1. School Facility Program..... 24
 - 2. Developer Fees..... 25
 - 3. General Obligation Bonds..... 25
 - 4. Parcel Taxes..... 26
 - 5. Multi-Rose Community Facilities Districts..... 26
 - 6. Other Agency Joint Participation..... 27
 - 7. Asset Management..... 27
 - 8. Debt Financing..... 27

L-15

TABLES

- 1. 2007 Pupil Capacity/Utilization of Middle School..... 3
- 2. 2007 Pupil Capacity/Utilization of High Schools..... 3
- 3. Classroom Inventory, Middle School Sites..... 3
- 4. Classroom Inventory, High School Sites..... 4
- 5. Loading Standards..... 4
- 6. Portable Classroom Use..... 5
- 7. School Site Size and CDE Recommended Site Size..... 5
- 8. Portable Classroom Removal and CDE Recommended Site Size..... 7
- 9. Projected Optimistic Middle School Enrollment, 2007 - 2029..... 10
- 10. Projected Pessimistic Middle School Enrollment, 2007 - 2029..... 11
- 11. Projected Optimistic Middle School Enrollment, 2007 - 2029..... 12
- 12. Projected Pessimistic Middle School Enrollment, 2007 - 2029..... 14
- 13. Projected Optimistic High School Enrollment, 2007 - 2029..... 15
- 14. Projected Pessimistic High School Enrollment, 2007 - 2029..... 16
- 15. Required (or Excess) Capacity, in Numbers of 7-8 Students/Classrooms..... 18
- 16. Required (or Excess) Permanent Capacity, in Numbers of 7-8 Students/Classrooms..... 18
- 17. Required (or Excess) Capacity, in Numbers of 9-12 Students/Classrooms..... 18
- 18. Required (or Excess) Permanent Capacity, in Numbers of 9-12 Students/Classrooms..... 18
- 19. Implementation of the Facility Plan..... 1-15..... 21
- 20. Cost Estimate of District's Facility Plan..... 24
- 21. Facility Plan School Facility Program Estimated New Construction Funding..... 25
- 22. Option #1 and Option #2 School Facility Program Estimated New Construction Funding..... 25
- 23. Facility Plan Estimated Developer Fee Revenue..... 26
- 24. Option #1 and Option #2 Estimated Developer Fee Revenue..... 26
- 25. Estimated Total Facility Funding..... 26
- 26. Facility Cost and Facility Funding Comparison..... 27

CHARTS

- A. School Site Size and CDE Recommended Site Size..... 6
- B. Historical and Projected 7-12 Enrollment, 2007 - 2029..... 9
- C. Projected Middle School Enrollment, 2007 - 2029..... 13
- D. Projected High School Enrollment, 2007 - 2029..... 17

APPENDIX
Appendix: Demographic Analysis and Forecast for Salinas High School District.

ii

L-15

Salinas Union High School District - School Facility Master Plan - March 2008

Executive Summary

The Salinas Union High School District School Facility Master Plan assesses the future facility needs of the District and provides options to meet the twenty-two year facility need. The Plan considers regional demographic data and development activities that may impact the student population. The Plan also identifies the existing facilities and estimates various methods to house students. The District's twenty-two year facility needs are identified, by examining enrollment projections in concert with the existing facilities. The Plan presents a Facility Plan, which meets the District's twenty-two year facility needs and identifies decision points for the District. The Plan also presents additional facility options that allow the District to re-evaluate/eliminate additional portable classrooms, reducing overcrowding at existing school sites. The Plan presents funding sources that may be used to accomplish the Facility Plan.

The Plan projects that the District's enrollment will grow up to 29 percent over the twenty-two year planning period (from 13,558 to 17,490). This level of growth shows that the District will not have sufficient permanent facilities to house the anticipated enrollment over the twenty-two year planning period. The District's use of portable classrooms, which housing student population growth, has had some negative impacts such as reducing the play field area, locker rooms, gymnasiums, kitchens and administrative/teaching areas at the school sites. All schools see an area that is smaller than those recommended by the California Department of Education (CDE) and therefore have student facilities above the CDE recommendations.

The planning effort identified a series of goals of highest interest to the District and used these to identify and evaluate potential solutions to the facility issues. The goals, as identified by district administrators, are:

- Eliminate portable classrooms that have become too old to maintain and reduce student densities on school sites which exceed the CDE recommendations.
- Free up classroom space that can be used for special programs.
- Take maximum advantage of State school facility funds.

As the result of the District, the Plan presents a Facility Plan for meeting the District needs over a twenty-two year period.

The consultant recommends the following Facility Plan:

- Construction of one new middle school with a capacity of 1,000 students
- Construction of two new high schools (High School #1 with a capacity of 1,900 students and High School #2 with a capacity of 2,000 students).

Implementation of the Facility Plan will allow the District to remove some existing portable classrooms at all middle and high school campuses. However, certain sites will still have portable classrooms that have become too old to maintain and site densities will above those recommended by the CDE. As a result, the Plan provides the District with two additional facility options that would allow the District to eliminate additional portable classrooms that are too old to maintain and further reduce their site densities.

iv

L-15

Salinas Union High School District - School Facility Master Plan - March 2008

These facility options are as follows:

- **Option #1**
A second new middle school with a capacity of 1,000 students.
- **Option #2**
A third new high school with a capacity of 2,000 students.

The Plan includes an Implementation Plan that outlines a suggested schedule of activities to be conducted to implement the Facility Plan.

iv

L-15

Salinas Union High School District - School Facility Master Plan - March 2008

Introduction

A. Purpose

The purpose of this School Facility Master Plan (Plan) is to identify the facility needs of the Salinas High Union School District (District) over a twenty-two year planning period and examine strategies to meet those needs.

The Plan is designed to provide a "road map" to help the District meet its facility needs over the next twenty-two years. The Plan addresses the estimated number of classroom facilities that are needed, when they are needed, how much they will cost, and potential sources of funding to pay for needed facilities.

Factors that affect facility needs such as residential development rates and enrollment growth will change as economic and other conditions change in the District. As a result, the facility needs identified in this Plan should be reexamined and modified when appropriate.

B. Content/Organization

The Plan is organized according to the following four questions:

- (1) Part One, What do we have?
- (2) Part Two, What do we need?
- (3) Part Three, What can we do to meet the need? and
- (4) Part Four, How can we pay for it?

Part One analyzes the District's current facilities, including schools' pupil capacity, site size and use of portable classrooms. Part Two compares the District's projected enrollment growth with its current pupil capacities to quantify the additional pupil capacity required by the District. Part Three outlines alternative facility plans to meet the needs identified in Part Two. Part Four estimates the costs of the alternatives and identifies the District's potential sources of funding.

C. Acknowledgments

The following individuals and agencies assisted the consultants in preparing the School Facility Master Plan.

James Erhart, Associate Superintendent, CSO, Salinas Union High School District (SUHSD)
 Karen Luna, Manager, Planning and Facilities, Salinas Union High School District (SUHSD)
 Shelley Laphoff, Laphoff & Global Demographic Research, Inc.
 Jeanne Gubler, Laphoff & Global Demographic Research, Inc.
 City of Salinas Community Planning and Development Department
 City of Salinas Redevelopment Department
 Housing Authority of the County of Monterey
 Monterey County Planning Department

L-16

Salinas Union High School District - School Facility Master Plan - March 2008

Part One - What do we have?

Summary of Key Points:

- The District operates four middle schools, four high schools and one continuation high school. The District has a 7-8 permanent pupil capacity of 3,979 seats. Permanent classroom capacity utilization for 2007 is 100% percent (7-8 enrollment of 3,997). The District also has a 7-8 portable classroom capacity of 1,193 seats. Capacity utilization, including portable classrooms, is 77%.
- The District has a 9-12 permanent pupil capacity of 6,377 seats. Permanent classroom capacity utilization for 2007 is 150% percent (9-12 enrollment of 9,561). The District also has a 9-12 portable classroom capacity of 3,213 seats. Capacity utilization, including portable classrooms, is 100%.
- All middle school sites are operating at site densities above the CDE recommendations. These sites will benefit from the removal of portables. However, even if all portables are removed from these sites, they will still operate at student densities above the CDE recommendations.
- If portable classrooms are removed at Alvarez High, the site would operate at a student density below the CDE recommendation. Site densities at all other high school sites will also benefit from the removal of portable classrooms. However, even if all portable classrooms are removed from these sites, they will still operate at student densities above the CDE recommendations.
- Several school sites have portable classrooms that are 20 years of age or older and are overly expensive to maintain. These sites will benefit from the removal of these portables and should be a priority of the District. The removal of these portable classrooms will also benefit the District by reducing site densities at existing campuses.

Part One is divided into two sections. The first section analyzes the District's school sites' pupil capacity and current capacity utilization. The second section analyzes the use of portable classrooms and student densities on each school site.

A. Pupil Capacity/Facility Utilization.

The capacity of a school site is determined by (1) counting the number of classrooms on the site, (2) multiplying each by the appropriate seating standard (the maximum number of students placed in a room), and (3) making adjustments to account for policies that affect capacity.

Tables 1 and 2 show the pupil capacities and current utilization of each school site, both including and excluding existing portable classrooms. The classroom inventories, seating standards, and District policies that affect capacity are documented in the following subsections.

Because the site capacities in this Plan are being used for comparative planning purposes, they include adjustments for items that affect a site's actual capacity (e.g., room usage policies, etc.). Therefore, the school site capacities listed in the following tables might conflict with current daily usage and previously recorded capacity figures.

might have noticeably high student densities and maybe occupying portable classrooms that do not meet District standards and are overly expensive to preserve.

1. Inventory of Portable Classrooms by School Site

Table 6 identifies the use and age of portable classrooms on this District's school sites, in descending order of total portable classrooms on each site.

Table 6
Portable Classroom Use

School Site	Age 1	Age 2	Age 3	Age 4	Age 5	Age 6	Age 7	Age 8	Age 9	Age 10	Age 11	Age 12	Total	%
Alvarez High	49	0	0	0	0	0	0	0	0	0	0	0	49	49%
Salinas High	32	0	0	0	0	0	0	0	0	0	0	0	32	32%
Alisal High	30	0	0	0	0	0	0	0	0	0	0	0	30	30%
North Salinas High	23	0	0	0	0	0	0	0	0	0	0	0	23	23%
El San Juan Middle	17	0	0	0	0	0	0	0	0	0	0	0	17	17%
Washington Middle	16	0	0	0	0	0	0	0	0	0	0	0	16	16%
La Paz Middle	9	0	0	0	0	0	0	0	0	0	0	0	9	9%
Mesa	5	0	0	0	0	0	0	0	0	0	0	0	5	5%
Total	187	0	0	0	0	0	0	0	0	0	0	0	187	100%

2. School Site Student Densities

A good measure of approximate student density for a school site is to compare its site size with the site size recommended by the California Department of Education (CDE) for a school with equivalent enrollment. For example, the capacity of El San Juan Middle School is 1,269 students. The CDE recommends that a middle school of that capacity be on a site of 23.1 usable acres. Because El San Juan Middle School is on an 18-acre site, we can infer that it has a student density above the CDE recommended density. Conversely, schools with site sizes larger than the CDE recommended site size have student densities below the CDE recommended levels.

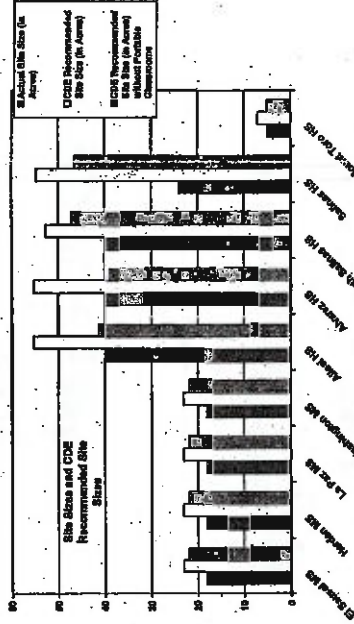
Table 7 again lists the school sites in descending order of total portable classrooms. The table shows, for each school site, (1) its site size in acres, (2) the site size recommended by the CDE, given its present grade configuration capacity as described in Part III of the Plan, and (3) the site size recommended by the CDE if all portable classrooms at the site were removed. Chart A shows the same information in bar graph form.

(continued on the next page)

Table 7
School Site Size and CDE Recommended Site Size

School Site	Actual Site Size (in Acres)	CDE Recommended Site Size (in Acres)
El San Juan MS	18	23.1
Berkeley MS	18	23.1
La Paz MS	18	23.1
Washington MS	18	23.1
Alisal MS	18	23.1
Alvarez HS	40	32.3
North Salinas HS	40	32.3
Salinas HS	24	54.7
Mesa HS	5	7.2

Chart A
School Site Size and CDE Recommended Site Size



As Table 7 shows, all District schools are on school sites that are smaller than those recommended by the CDE and therefore, have student densities above the CDE recommendation. In addition, Table 7 shows that removing portable classrooms from Alvarez High would allow the site to be larger than the site size recommended by the CDE and therefore, have a student density below the

L-15

Selma Union High School District - School Facility Master Plan - March 2008

CDE recommendation. Site densities at all other school sites will also benefit from the removal of portable classrooms. However, even if all portable classrooms are removed from these sites, they will still be on sites smaller than the site sizes recommended by the CDE. Alternatives for removing portable classrooms from campuses are discussed in Part Three of this Report. Table 6 identifies the minimum number of portable classrooms that would need to be removed in order to accomplish a site density consistent with the CDE recommendations.

**Table 6
Portable Classrooms Removed and CDE Recommended Site Size**

Site	10	10'	10'	11.9
Elwood MS	18	10	10'	21.9
Elwood MS	18	16	16'	21.9
LA Park MS	9	9	10'	21.9
Washington MS	18	18	10'	21.9
Alisal HS	40	27	27'	41.3
Alisal HS	40	40	38'	39
San Juan HS	24	24	32'	44.2
Montezuma HS	3	3	34'	5.2

*The CDE recommended site size is still larger than the actual site size even when all portable classrooms are removed.

3. Removal of Portable Classrooms that have become too old to maintain.

When removing portable classrooms the District should prioritize removal of classrooms that are greater than 20 years of age (See Table 6). The 20 year benchmark is an appropriate measure of age as is the point in time that the State provides funding for major renovation and/or replacement of portable classrooms.

7

L-15

Selma Union High School District - School Facility Master Plan - March 2008

Part Two - What do we need?

Summary of Key Points

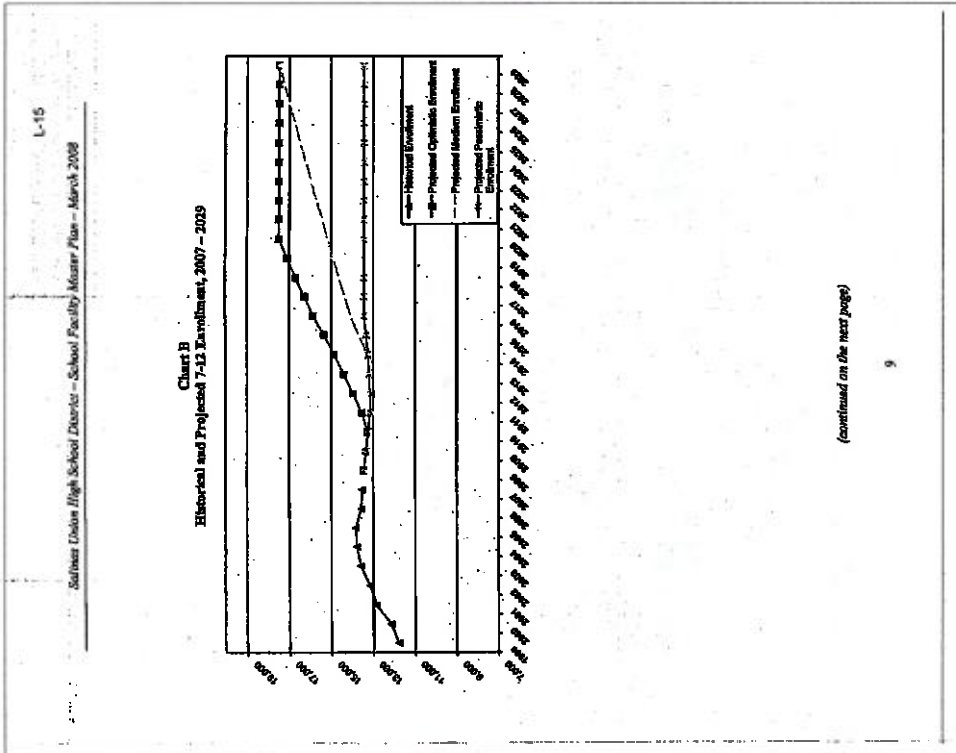
- The District's enrollment is projected to increase up to 29 percent over the twenty-two year period (from 13,548 to 17,496). Three enrollment forecasts are presented in the Plan, representing three different timing scenarios related to planned residential development in the District.
- Based on current classroom facilities and facility-use policies, the District requires additional capacity at the middle school grade level of up to 12 spaces (approximately 1 classroom) over the twenty-two year planning period should the District continue to use all portable classrooms at existing campuses. However, the District has 21 portable classrooms at middle school sites that are aging and will need to be removed, which will require the District to add up to 567 additional spaces, for a total of approximately 22 classrooms of additional capacity at the middle school grade level over the twenty-two year planning period. Additionally, as outlined in Part One, all District middle school sites are operating at densities well above those recommended by the CDE. Based on the District's procurement classroom facilities and facility-use policies, the District will require up to 1,245 spaces (approximately 45 classrooms) of additional capacity at the middle school grade level over the twenty-two year planning period.
- Based on current facilities and facility-use policies, the District will require up to 2,724 spaces (approximately 103 classrooms) of additional capacity at the high school grade level over the twenty-two year planning period. The District's high school site densities will also benefit from the removal of portable classrooms. Of the 133 portables on high school campuses, 18 portables are 20 years of age or older and should be the District's priority for removal. Based on the District's procurement-classroom facilities and facility-use policies, the District will require up to 5,935 spaces (approximately 220 classrooms) of additional capacity at the high school grade level over the twenty-two year planning period.

Part Two is divided into two sections. The first section presents the District's enrollment over the next twenty-two years. The second section compares projected enrollment to current facility capacity and identifies the additional pupil capacity required over the next twenty-two years.

A. Enrollment History and Projection

The enrollment history and projection information used in the Plan was prepared by Logsdon & Gohler, Demographic Research, Inc. (Demographics) and is included as an Appendix. The Demographics presented three different forecasts identified as "Optimistic," "Medium" and "Pessimistic." The three forecasts represent different timing scenarios related to the planned residential development. West Branch and the Fumas Growth Areas (FGAs) north end of the City of Salinas. The "Optimistic" forecast assumes development completion by 2020, the "Medium" forecast assumes development completion by 2025 and the "Pessimistic" forecast assumes that no residential development will be completed by 2025. Chart B shows the District's projected 7-12 enrollment, and Charts C and D show the projected enrollment growth of the middle and high school grade groups.

8



L-15

Salinas Union High School District - School Facility Master Plan - March 2008

**Table 9
Projected Optimalistic Middle School Enrollment, 2007 - 2029**

2007	3,997	N/A	N/A
2008	3,995	(0.05%)	(2)
2009	3,984	(0.28%)	(10)
2010	4,014	(0.75%)	30
2011	4,014	(0.00%)	0
2012	4,164	3.74%	150
2013	4,332	3.99%	168
2014	4,542	3.65%	210
2015	4,667	2.70%	125
2016	4,770	2.13%	103
2017	4,874	2.18%	104
2018	4,978	2.12%	104
2019	5,080	2.02%	102
2020	5,184	2.05%	104
2021	5,184	0%	0
2022	5,184	0%	0
2023	5,184	0%	0
2024	5,184	0%	0
2025	5,184	0%	0
2026	5,184	0%	0
2027	5,184	0%	0
2028	5,184	0%	0
2029	5,184	0%	0

*Based on current CSDMS provided by District.

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10

L-15

Salinas Union High School District - School Facility Master Plan - March 2008

Table 19
Projected Maximum Middle School Enrollment, 2007-2029

Year*	1,977	N/A	N/A
2007*	3,277	(0.17%)	0
2008	3,275	(0.1%)	0
2009	3,445	(0.1%)	0
2010	3,524	(0.2%)	0
2011	3,571	(0.1%)	0
2012	3,571	(0.1%)	0
2013	4,072	2.85%	114
2014	4,129	1.37%	56
2015	4,322	3%	194
2016	4,325	1.67%	71
2017	4,325	1.67%	72
2018	4,646	1.67%	71
2019	4,677	1.67%	72
2020	4,677	1.67%	72
2021	4,675	1.35%	64
2022	4,718	1.35%	65
2023	4,829	1.37%	64
2024	4,824	1.37%	64
2025	4,828	1.33%	64
2026	4,872	1.3%	64
2027	4,872	1.27%	64
2028	5,126	1.27%	64
2029	5,184	1.25%	64

*Based on current CBEDS provided by District.

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11

L-15

Salinas Union High School District - School Facility Master Plan - March 2008

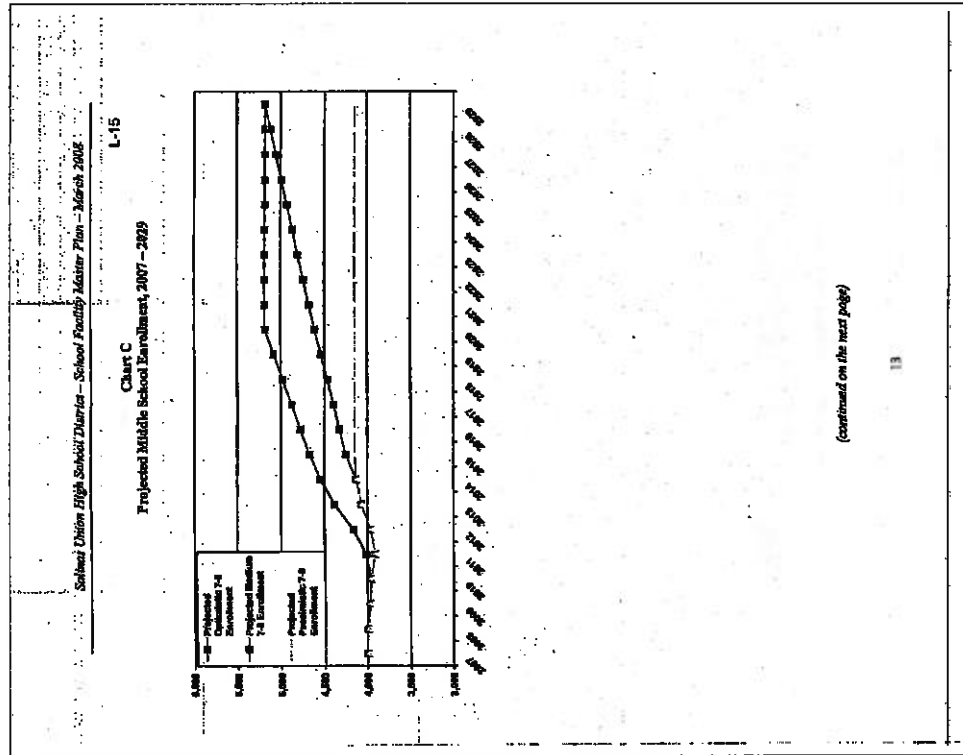
Table 21
Projected Realistic Middle School Enrollment, 2007-2029

Year*	1,977	N/A	N/A
2007*	3,277	(0.03%)	0
2008	3,275	(0.1%)	0
2009	3,445	(0.1%)	0
2010	3,524	(0.2%)	0
2011	3,571	(0.1%)	0
2012	3,571	(0.1%)	0
2013	4,072	2.85%	114
2014	4,128	1.58%	56
2015	4,150	0.53%	22
2016	4,150	0%	0
2017	4,150	0%	0
2018	4,150	0%	0
2019	4,150	0%	0
2020	4,150	0%	0
2021	4,150	0%	0
2022	4,150	0%	0
2023	4,150	0%	0
2024	4,150	0%	0
2025	4,150	0%	0
2026	4,150	0%	0
2027	4,150	0%	0
2028	4,150	0%	0
2029	4,150	0%	0

*Based on current CBEDS provided by District.

(continued on the next page)

12



L-15

Table 12
Salinas Union High School District - School Facility Master Plan - March 2008

Projected Optimalistic High School Enrollment, 2007 - 2029

Year	Enrollment	Change	% Change
2007	8,551	N/A	N/A
2008	8,451	(100)	(1.06%)
2009	8,354	(97)	(0.92%)
2010	8,262	(92)	(0.65%)
2011	8,176	(86)	(0.62%)
2012	8,095	(81)	(0.57%)
2013	8,017	(78)	(0.53%)
2014	7,942	(75)	(0.50%)
2015	7,870	(72)	(0.47%)
2016	7,801	(69)	(0.44%)
2017	7,734	(67)	(0.42%)
2018	7,670	(64)	(0.40%)
2019	7,608	(62)	(0.38%)
2020	7,549	(59)	(0.36%)
2021	7,492	(57)	(0.34%)
2022	7,438	(54)	(0.32%)
2023	7,386	(52)	(0.30%)
2024	7,336	(50)	(0.28%)
2025	7,288	(48)	(0.26%)
2026	7,242	(46)	(0.24%)
2027	7,198	(44)	(0.22%)
2028	7,156	(42)	(0.20%)
2029	7,116	(40)	(0.18%)

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14

L-15

Salinas Union High School District - School Facility Master Plan - March 2008

**Table 13
Projected Median High School Enrollment, 2007 - 2029**

Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	
Enrollment	9,451	9,451	9,451	9,451	9,451	9,451	9,451	9,451	9,451	9,451	9,451	9,451	9,451	9,451	9,451	9,451	9,451	9,451	9,451	9,451	9,451	9,451	9,451	9,451
Change	N/A	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
MA	(180)	(180)	(180)	(180)	(180)	(180)	(180)	(180)	(180)	(180)	(180)	(180)	(180)	(180)	(180)	(180)	(180)	(180)	(180)	(180)	(180)	(180)	(180)	(180)

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15

L-15

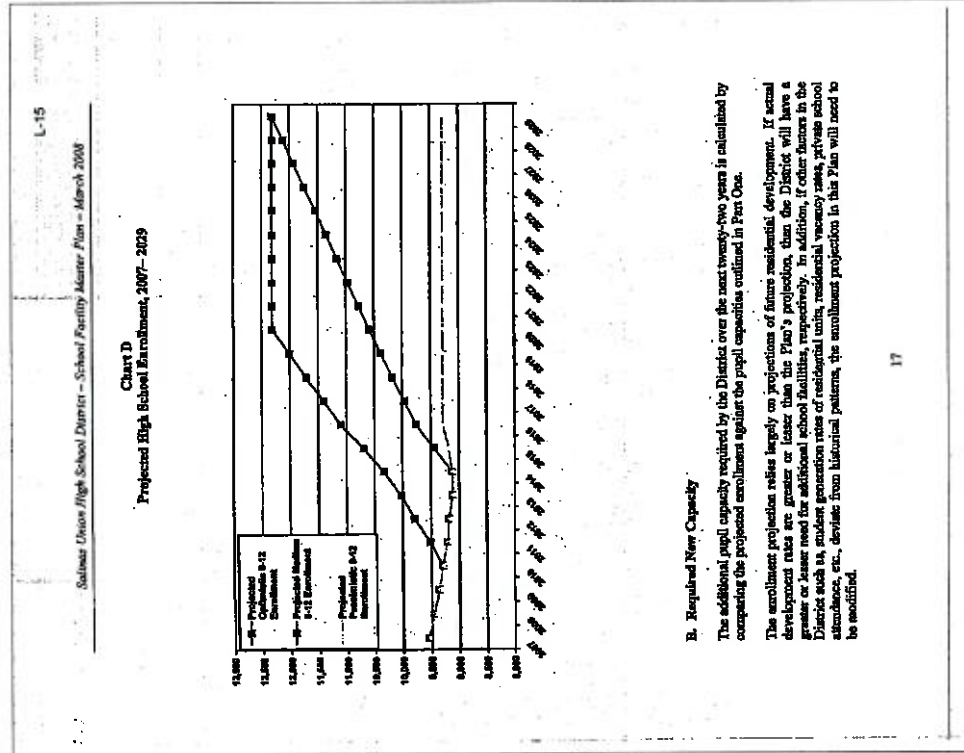
Salinas Union High School District - School Facility Master Plan - March 2008

**Table 14
Projected Postsecondary High School Enrollment, 2007 - 2029**

Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	
Enrollment	5,541	5,541	5,541	5,541	5,541	5,541	5,541	5,541	5,541	5,541	5,541	5,541	5,541	5,541	5,541	5,541	5,541	5,541	5,541	5,541	5,541	5,541	5,541	5,541
Change	N/A	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
MA	(103)	(103)	(103)	(103)	(103)	(103)	(103)	(103)	(103)	(103)	(103)	(103)	(103)	(103)	(103)	(103)	(103)	(103)	(103)	(103)	(103)	(103)	(103)	(103)

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16



L-15

Salinas Union High School District - School Facility Master Plan - March 2008

The capacity figures are based on the loading standards and District policies outlined in Part One. If the District modifies its use of facilities (e.g., reduces/increases the number of portable classrooms in any District), the District will have a greater or lesser need for additional school facilities. Some possible facility changes that will offset the required amount of additional capacity are identified along with the Facility Plan outlined in Part Three.

**Table 15
Required (or Excess) Capacity, in Numbers of 7-8 Students/Classrooms
(Based on all classrooms within Districts)**

District	Required	Excess
7-8	1,000	0 (295)
7-8	1,214	0 (777)
7-8	1,214	0 (836)
7-8	1,214	0 (1,022)

**Table 16
Required (or Excess) Permanent Capacity, in Numbers of 7-8 Students/Classrooms
(Based on all permanent classrooms within District)**

District	Required	Excess
7-8	115	7 (895)
7-8	131	14 (885)
7-8	131	16 (877)
7-8	131	17 (868)

**Table 17
Required (or Excess) Capacity, in Numbers of 9-12 Students/Classrooms
(Based on all classrooms within District)**

District	Required	Excess
9-12	201	8 (1,814)
9-12	201	14 (1,806)
9-12	201	14 (1,798)
9-12	201	14 (1,790)

**Table 18
Required (or Excess) Permanent Capacity, in Numbers of 9-12 Students/Classrooms
(Based on all permanent classrooms within District)**

District	Required	Excess
9-12	201	8 (1,814)
9-12	201	14 (1,806)
9-12	201	14 (1,798)
9-12	201	14 (1,790)

Stevens Union High School District - School Facility Master Plan - March 2008

L-15

Part Three - What can we do to meet the need?

Summary of Key Points

- The District's Facility Plan for the next twenty-two years includes a new middle school and two new high schools. This plan will allow the District to house all students over a twenty-two year planning period and begin to eliminate portable classrooms that are too old to maintain and create site densities that are in excess of those recommended by the CDE. The District can eliminate up to 36 portable classrooms (including 21 portable classrooms that are too old to maintain) at middle school and up to 24 portable classrooms (including 18 portable classrooms that are too old to maintain) at high school, which will greatly reduce middle and high school site densities.
- Two additional options are also discussed that would allow the District to further reduce site densities. Under Option #1 the District would construct a second new middle and third new high school. At the middle school level, the District would be able to remove up to 9 additional portable classrooms, providing the District with 773 additional seats of capacity. At the high school level, the District would be able to remove up to 74 additional portable classrooms, providing the District with 24 additional seats of capacity.
- Under Option #2 the District would construct a fourth new high school, which would allow the District to remove up to 11 additional portable classrooms, providing the District with 1,777 additional seats of capacity.

This section presents a Facility Plan, the goal of which is to house all students over a twenty-two year planning period. The Facility Plan provides all the required new capacity at the middle and high school levels.

When possible, the Facility Plan outlines strategies for eliminating portable classrooms that are too old to maintain and portable classrooms that create site densities that are in excess of those recommended by the CDE (see Tables 6, 7 and 8 and Chart A in Part One of the Plan). Implementation of the Facility Plan will allow the District to remove some portable classrooms at existing campuses.

As outlined in Part Two of the Plan, the Demographer has outlined three potential enrollment growth scenarios (optimistic, medium and pessimistic) which differ based on the varied timing of development. The Facility Plan outlined in this section assumes the "optimistic" forecast as the District needs to plan for peak projected enrollment. If enrollment growth should occur at a different pace than the "optimistic" forecast suggests, the District can adjust its Facility Plan accordingly.

In addition to providing the capacity required to house future enrollment, the District has identified three other goals for a Facility Plan. They are:

- Eliminate portable classrooms that have become too old to maintain and reduce student densities on school sites which exceed the CDE recommendations.

20

Stevens Union High School District - School Facility Master Plan - March 2008

L-15

As the middle school level, based on the District's total classroom facilities and facility-use policies, the District requires additional capacity at the middle school grade level of up to 12 spaces (approximately 1 classroom) over the twenty-two year planning period should the District continue to use all portable classrooms at existing campuses. However, the District has 21 portable classrooms at middle school sites that are aging and will need to be removed, which will require the District to add up to 487 additional spaces for a total of approximately 22 classrooms of additional capacity at the middle school grade level over the twenty-two year planning period. Based on the District's permanent classroom facilities and facility-use policies, the District will require up to 1,205 spaces (approximately 45 classrooms) of additional capacity at the middle school grade level over the twenty-two year planning period.

At the high school level, based on the District's total classroom facilities and facility-use policies, the District will require up to 2,722 spaces (approximately 101 classrooms) over the twenty-two year planning period. Of the 134 portables on high school campuses, 18 portables are 20 years of age or older and should be the District's priority for removal. Based on the District's permanent classroom facilities and facility-use policies, the District will require up to 5,935 spaces (approximately 220 classrooms) over the twenty-two year planning period.

Alternative plans to provide facilities for these students are outlined in Part Three.

19

L-15

Salinas Union High School District - School Facility Master Plan - March 2008

At the middle school grade levels, if the District constructs a new middle school with a capacity of 1,000 students, it can eliminate up to 36 portables at existing middle school sites, greatly reducing middle school site densities. Of the 36 portables that can be removed from middle school campuses, 21 portables are too old to maintain and should be the District's priority for removal.

At the high school grade levels, if the District constructs two new high schools (High School #1 with a capacity of 1,500 students and High School #2 with a capacity of 2,000 students) it can eliminate up to 28 portables at existing high school sites, greatly reducing high school site densities. Of the 28 portables that can be removed from high school campuses, 18 portables are too old to maintain and should be the District's priority for removal.

B. Additional Facility Options

Although the Facility Plan outlined above houses all students anticipated over the twenty-two year planning period, additional new school facilities are needed to allow the District to eliminate/convert additional portable classrooms at existing school sites that have densities above those recommended by the CDE. The following options would allow the District to eliminate/convert additional portable classrooms at existing school sites.

- **Option #1**
A second new middle school with a capacity of 1,000 students.
A third new high school with a capacity of 2,000 students.

This option would allow the District to remove an additional 9 portable classrooms at middle school sites and an additional 74 portable classrooms at high school sites. This option would also provide the District with an additional 775 seats of middle school capacity and 24 seats of high school capacity beyond the twenty-two year facility need.

- **Option #2**
Option #1 plus a fourth new high school with a capacity of 2,000 students.

This option would allow the District to remove an additional 11 portable classrooms at high school sites and would provide the District with an additional 1,727 seats of high school capacity beyond the twenty-two year facility need.

22

L-15

Salinas Union High School District - School Facility Master Plan - March 2008

• Free up classroom space that can be used for special programs,
• Take maximum advantage of State school facility funds.

A. Facility Plan

The elements of the Facility Plan designed with the above goals in mind are:

- A new middle school with a capacity of 1,000 students,
- A new high school with a capacity of 1,500 students and a second high school with the capacity of 2,000 students.

This facility plan provides sufficient capacity to house all projected middle and high school students and takes steps towards eliminating/converting portable classrooms.

Table 19 shows how the District's Facility Plan might be implemented over the twenty-two year period.

**Table 19
Implementation of the Facility Plan**

Year	2012	2013	2014	2020	Net Facilities	Net Facilities		
2012	1,000	261			0	1,300	(1,000)	(301)
2013	(990)	(643)			1,000	9	(919)	(689)
2014	(440)	398			0	2,000	(490)	(1,232)
2020	(16)	(22)			0	0	(16)	(22)

As shown in Table 19, the Facility Plan will house all students projected over the twenty-two year planning period.

21

Salinas Union High School District - School Facility Master Plan - March 2008

L-15

Part Four - How do we pay for it?

Summary of Key Points

- The estimated cost of the District's Facility Plan for required new capacity is \$193.8 million.
- The estimated cost of additional facilities needed to reduce District site densities to align with site densities recommended by the CTRB (Option #1 and Option #2) is \$229.3 million.
- The total estimated cost of the District's Facility Plan and Option #1 and Option #2 is \$423.2 million.
- The primary sources of funds for the District's facility needs are anticipated to be (1) the State School Facility Program, (2) Developer Fees and (3) existing General Obligation Bond funds.
- Proposed funding from the State School Facility Program, Developer Fees and existing General Obligation Bond funds are estimated at \$193.8 million for the District's Facility Plan and \$110.2 million for the Option #1 and Option #2, for a total of \$304 million.
- The District's projected funding falls short of the District's facility needs. The District requires approximately \$74.5 million in additional funding for the District's Facility Plan and \$119.1 million of additional funding for Option #1 and Option #2, for a total of \$193.6 million in additional funding need. The District will need to investigate additional revenue sources such as sales general obligation bonds, multi-source financing, etc. to fund the District anticipated facility needs.

Part Four is divided into two sections. The first section estimates the cost to provide the school facilities presented in Part Three. The second section projects the funds available to the District for facility projects. Both funding and cost estimates are calculated in current dollars assuming that cost and funding inflation will occur at a similar rate.

A. Cost Estimates

1. Facility Plan

The information in Table 20 shows that the estimated cost of the District's Facility Plan outlined in Part Three is \$193,850,000. Cost estimates are based on District estimates to construct new middle and high school facilities.

(continued on the next page)

23

Salinas Union High School District - School Facility Master Plan - March 2008

L-15

Table 20
Cost Estimates of District's Facility Plan

Facility	Capacity	Estimated Cost
New Middle School #1	New middle school with a capacity of 1,000 students	\$31,350,000
New High School #1**	New high school with a capacity of 1,200 students	\$4,000,000
New High School #2	New high school with a capacity of 2,000 students	\$9,500,000
New Middle School #2	New middle school with a capacity of 1,000 students	\$31,350,000
New High School #3	New high school with a capacity of 2,000 students	\$9,500,000
New High School #4	New high school with a capacity of 2,000 students	\$9,500,000

**The District cost for the High School #1.

2. Total Costs of Option #1 and Option #2

As the above cost estimates show, the costs of providing the additional pupil capacity outlined in Option #1 and Option #2 discussed in Part Three of the Plan are \$129,850,000 and \$99,500,000, respectively.

B. Funding Sources

1. School Facility Program

The State School Facility Program (SFP) is a timely funding source for the District's projects. This section estimates the SFP funding that will be available to the District. The estimate assumes that the District has new construction eligibility and that the State will have new construction funds in the years that the District will likely apply for State funding.

The SFP calculates enrollment projections and facility capacities based on formulas in State law. The amount of SFP funding available to districts is then determined by (1) subtracting projected enrollment from capacity to determine the number of unboused students in a district and (2) multiplying unboused students by per pupil grant amounts. The formulas used in the SFP to determine unboused students and facility capacities are not appropriate to determine true local need for school facilities. The enrollment and capacity figures used in determining amounts of SFP funding should not be used for long term planning purposes.

24

Salinas Union High School District - School Facility Master Plan - March 2008

L-15

The SFP is governed by the State Allocation Board (SAB), which will continue to make changes to the program. Eligibility for funding should be re-examined on an annual basis, or when the program changes. Funding under the SFP is available when the District has Division of the State Architect (DSA) approved construction plans.

The amounts in Table 21 and Table 22 are estimates of the amount of funding available to the District in the year that it will apply for State funding based on the Implementation Plan and Option #1 and Option #2 outlined in Part Three. The amounts assume that the District will have new construction eligibility in the years that it will likely apply for State funding, based on the Implementation Plan outlined in Part Three.

Table 21
Facility Plan
School Facility Program Estimated New Construction Funding

Year	Option #1	Option #2
2008	\$0	\$0
2009	\$1,152,734,668	\$0
2010	\$1,152,734,668	\$0
2011	\$28,977,250	\$0
2012	\$0	\$0
2013	\$0	\$0
2014	\$0	\$0
2015	\$0	\$0
2016	\$0	\$0
2017	\$0	\$0
2018	\$0	\$0
2019	\$0	\$0
2020	\$0	\$0
2021	\$0	\$0
2022	\$0	\$0
2023	\$0	\$0
2024	\$0	\$0
2025	\$0	\$0
2026	\$0	\$0
2027	\$0	\$0
2028	\$0	\$0
2029	\$0	\$0
2030	\$0	\$0
2031	\$0	\$0
2032	\$0	\$0
2033	\$0	\$0
2034	\$0	\$0
2035	\$0	\$0
2036	\$0	\$0
2037	\$0	\$0
2038	\$0	\$0
2039	\$0	\$0
2040	\$0	\$0
2041	\$0	\$0
2042	\$0	\$0
2043	\$0	\$0
2044	\$0	\$0
2045	\$0	\$0
2046	\$0	\$0
2047	\$0	\$0
2048	\$0	\$0
2049	\$0	\$0
2050	\$0	\$0

Table 22
Option #1 and Option #2
School Facility Program Estimated New Construction Funding

Year	Option #1	Option #2
2008	\$0	\$0
2009	\$1,152,734,668	\$0
2010	\$1,152,734,668	\$0
2011	\$28,977,250	\$0
2012	\$0	\$0
2013	\$0	\$0
2014	\$0	\$0
2015	\$0	\$0
2016	\$0	\$0
2017	\$0	\$0
2018	\$0	\$0
2019	\$0	\$0
2020	\$0	\$0
2021	\$0	\$0
2022	\$0	\$0
2023	\$0	\$0
2024	\$0	\$0
2025	\$0	\$0
2026	\$0	\$0
2027	\$0	\$0
2028	\$0	\$0
2029	\$0	\$0
2030	\$0	\$0
2031	\$0	\$0
2032	\$0	\$0
2033	\$0	\$0
2034	\$0	\$0
2035	\$0	\$0
2036	\$0	\$0
2037	\$0	\$0
2038	\$0	\$0
2039	\$0	\$0
2040	\$0	\$0
2041	\$0	\$0
2042	\$0	\$0
2043	\$0	\$0
2044	\$0	\$0
2045	\$0	\$0
2046	\$0	\$0
2047	\$0	\$0
2048	\$0	\$0
2049	\$0	\$0
2050	\$0	\$0

The potential SFP new construction funding outlined in Table 21 and Table 22 includes 50% of new construction costs as defined by the SFP because the SFP is a match program. The table also includes estimated costs for the development and site acquisition costs relevant to the District's new construction projects. The District will be limited to project capacity when accessing State funds (i.e., maximum grant funding on a middle school with 1,000 seats is 1,000 grants).

2. Developer Fees

The District currently collects developer fees on commercial/industrial development and residential development. The District should continue to collect the maximum fee allowed by law and should re-examine development trends on an annual basis.

Projected revenue from developer fees over the twenty-two year planning period is estimated based on (1) current developer fee fund balances and (2) developer fee revenue projections based on the District's current and historical collection rates and anticipated residential development as outlined in the Demographer's "optimistic" forecast. The amounts in Table 23 and Table 24 are estimates of

Salinas Union High School District - School Facility Master Plan - March 2008

L-15

the amount of developer fee funding available to the District in the years that it will apply for State funding based on the Implementation Plan and Option #1 and Option #2 outlined in Part Three. The District anticipates using this revenue on the District's projects outlined in this Plan. The District may also use some of this revenue towards other projects not related to the growth needs outlined in this Plan. The ability of the District to access revenue from developer fees depends on development trends in the District. Should development trends deviate from the development assumptions in the District's "optimistic" forecast, the developer fee revenue estimated in this Plan will need to be modified.

Table 23
Facility Plan
Estimated Developer Fee Revenue

Year	Option #1	Option #2
2008	\$0	\$0
2009	\$9,842,291	\$0
2010	\$4,169,115	\$0
2011	\$12,597,435	\$0
2012	\$2,344,172	\$0
2013	\$0	\$0
2014	\$0	\$0
2015	\$0	\$0
2016	\$0	\$0
2017	\$0	\$0
2018	\$0	\$0
2019	\$0	\$0
2020	\$0	\$0
2021	\$0	\$0
2022	\$0	\$0
2023	\$0	\$0
2024	\$0	\$0
2025	\$0	\$0
2026	\$0	\$0
2027	\$0	\$0
2028	\$0	\$0
2029	\$0	\$0
2030	\$0	\$0
2031	\$0	\$0
2032	\$0	\$0
2033	\$0	\$0
2034	\$0	\$0
2035	\$0	\$0
2036	\$0	\$0
2037	\$0	\$0
2038	\$0	\$0
2039	\$0	\$0
2040	\$0	\$0
2041	\$0	\$0
2042	\$0	\$0
2043	\$0	\$0
2044	\$0	\$0
2045	\$0	\$0
2046	\$0	\$0
2047	\$0	\$0
2048	\$0	\$0
2049	\$0	\$0
2050	\$0	\$0

Table 24
Option #1 and Option #2
Estimated Developer Fee Revenue

Year	Option #1	Option #2
2008	\$0	\$0
2009	\$9,842,291	\$0
2010	\$4,169,115	\$0
2011	\$12,597,435	\$0
2012	\$2,344,172	\$0
2013	\$0	\$0
2014	\$0	\$0
2015	\$0	\$0
2016	\$0	\$0
2017	\$0	\$0
2018	\$0	\$0
2019	\$0	\$0
2020	\$0	\$0
2021	\$0	\$0
2022	\$0	\$0
2023	\$0	\$0
2024	\$0	\$0
2025	\$0	\$0
2026	\$0	\$0
2027	\$0	\$0
2028	\$0	\$0
2029	\$0	\$0
2030	\$0	\$0
2031	\$0	\$0
2032	\$0	\$0
2033	\$0	\$0
2034	\$0	\$0
2035	\$0	\$0
2036	\$0	\$0
2037	\$0	\$0
2038	\$0	\$0
2039	\$0	\$0
2040	\$0	\$0
2041	\$0	\$0
2042	\$0	\$0
2043	\$0	\$0
2044	\$0	\$0
2045	\$0	\$0
2046	\$0	\$0
2047	\$0	\$0
2048	\$0	\$0
2049	\$0	\$0
2050	\$0	\$0

3. General Obligation Bonds

School districts can, with the approval of either two-thirds or 55 percent of its voters, issue general obligation bonds that are paid for out of property taxes. The District issued voters approval for a Proposition 39 General Obligation Bond in March 2002, and another General Obligation Bond in November 2002. The District has \$10,546,000 available from General Obligation Bonds to use toward future school projects. The District may explore a future voter measure to provide funding to allow the District to construct needed new school facilities and provide funding for other District facility needs.

4. Parcel Taxes

Approval by two-thirds of the voters is required to impose taxes that are not based on the assessed value of individual parcels. While these taxes have been occasionally used in school districts, this revenue is typically minor and are used to supplement operating budgets. The District does not currently collect parcel tax revenues, however, could investigate a parcel tax as a revenue source to allow the District to construct needed new school facilities and provide funding for other District facility needs.

5. Mallo-Ross Community Facilities Districts

This alternative uses a tax on property owners within a defined area to pay long-term bonds issued for specific public improvements. Mallo-Ross taxes require approval from two-thirds of the voters