

ATTACHMENT A
PROPOSED AMENDMENTS

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ATTACHMENT A

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

1. PS.3-1: Except as specifically set forth below, new development for which a discretionary permit is required, and that will use or require the use of water, shall be prohibited without proof, based on specific findings and supported by evidence, that there is a long-term, sustainable water supply, both in quality and quantity to serve the development.

This requirement shall not apply to:

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

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

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

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

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

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

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

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

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

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

Amend OS-3.5 (2) as follows:

2. OS-3.5

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

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

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

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

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

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

4. Limit such conversion permits as follows:

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

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

c. Land must be contiguous to already cultivated land.

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

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

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

- f) A ministerial permit process shall be developed by ordinance and implemented for conversion of lands that have not been cultivated for the previous 30 years on slopes (i) between 15 and 24.5 percent (15-24.5%) except land in the North County Area Plan and Cachagua Area Plan, and (ii) between 10 and 15 percent (10-15%) on highly erodible soils. The permit processes shall be designed to require that an erosion control plan be developed and implemented that ~~addresses~~ assures slope stabilization and prevents drainage and flood hazards, and to prevent potentially significant impacts to wildlife corridors and linkages.
- g) Conversion of slopes between 15% and 25% (15-25%) in the North County Area Plan and Cachagua Area Plan shall require a use permit and an Agricultural Management Plan.
- h) The County shall retain existing requirements for an Agricultural Management Plan for each use permit for conversions as currently set forth in County Code section 21.66.030 (as of Oct. 26, 2010).
- i) The County shall not approve permits pursuant to this policy OS-3.5(2) until the County has adopted ordinance(s) implementing OS-5.16, OS-5.22, and OS-5.24, Figure OS-1, a Program developed pursuant to OS-3.9, and conforming amendments to Zoning Code section 21.66.030.

Amend OS-3.1as follows:

3. OS – 3.1

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

Amend OS-3.9 as follows:

4. OS-3.9

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

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

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

Amend OS-5.16 as follows:

5. OS 5.16

A biological study shall be required for any development project requiring a discretionary permit and in the vicinity of a wildlife corridor/linkage as illustrated in Figure OS-1 or having the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or degrade a wildlife movement corridor/linkage.

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

Amend OS-5.24 as follows:

6. OS-5.24

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

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

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

This policy shall not apply retroactively to projects constructed legally.

Amend Agricultural Winery Corridor Plan as follows:

7. 3.0 DEVELOPMENT STANDARDS/DESIGN GUIDELINES

3.1 GENERAL REGULATIONS

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

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

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

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

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

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

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

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

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

3.2 ALLOWED USES

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

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

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

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

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

DC. *Private Winery Events* such as:

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

3.3 PERMITTED USES, MINISTERIAL PERMIT REQUIRED IN EACH CASE

[No changes.]

3.4 PERMITTED USES, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE

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

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

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

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

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

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

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

- ~~1. The facility is located:

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

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

3.5 DEVELOPMENT STANDARDS

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

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

1. Creation through subdivision of ~~a five-acre lot or any one~~ lot smaller than the zoning minimum parcel size, but of a minimum size of five (5) acres (a "Small Lot"), is permissible provided:
 - a. ~~The remaining parcel still~~ All other parcels included as part of the subdivision conforms to the minimum parcel size of the underlying zoning district. In order to encourage utilization of existing substandard sized lots, An exception to subdivide lots- (minimum 5 acres) from a legal non-conforming lot not meeting the minimum lot size for the land use designation (e.g. 10-acre lot with 40-acre minimum designation) may be allowed to subdivide one Small Lot from one legal non-conforming lot that is at least 10 acres in size but does not meet the minimum lot size for the zoning designation (e.g., a 20-acre lot in a 40-acre minimum designation could be divided to create one 5-acre lot and one 15-acre lot) based on substantial evidence that this action would:
 - 1) reduce the number of conforming agricultural lots from being subdivided because the parcel is located in an area where AWCP facilities would likely locate; and
 - 2) limit development in a manner to retain the rural character of the corridor. For purposes of this finding the rural character refers to parcels that conform to the minimum parcel size in the underlying zoning district and that contain agricultural uses.
 - b. Development of the Small Lot must be in conformance with a Allowable Uses and Permitted Uses identified in this

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

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

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

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

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

Amend GLOSSARY as follows:

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

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

WINERY, ARTISAN [No change.]

WINERY, FULL-SCALE [No change.]

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

WINERY CORRIDOR [No change.]

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