

EXHIBIT D

Policy Amendments as directed by BOS

The Board has provided staff direction for the following changes (underline text indicates proposed new language, ~~strikeout~~ text indicates language to be deleted) made to the August 11, 2010 Planning Commission recommendation:

1. Add Policy C-3.6 (Proof of Access)

C-3.6 The County shall establish regulations for new development that would intensify use of a private road or access easement. Proof of access shall be required as part of any development application when the proposed use is not identified in the provisions of the applicable agreement.

2. Amend Table PS-1 per staff recommendation (solid waste pick up)

<i>Major Land Groups</i>	<i>Maximum Emergency Response Time for Fire, Sheriff, and Ambulance</i>	<i>Road Intersection Level of Service, Improvements</i>	<i>Water</i>	<i>Sanitation</i>	<i>Solid Waste</i>	<i>Park Schools⁶</i>	<i>Stormwater and drainage</i>
Rural Standards							
Public Lands	45 min. ¹	LOS D	Individual Wells Permitted in Areas with Proven Long Term Water Supply ^{2,5}	Septic on Lots 1 acre or greater ²	<u>On-site Garbage and Recycling Pick Up</u> Property Owner Responsible	N/A	No Net Increase in harmful Run-off from parcel
Agriculture Lands	45 min. ¹	LOS D	Individual Wells Permitted in Areas with Proven Long Term Water Supply ^{2,5}	Septic on Lots 1 acre or greater ²	<u>On-site Garbage and Recycling Pick Up</u> Property Owner Responsible	Consult with local school district	No Net Increase in harmful Run-off from parcel
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3. Amend Policy PS-2.2 (clarification)

PS-2.2 The County of Monterey shall assure adequate monitoring of wells in those areas experiencing rapid growth provided adequate funding mechanisms for monitoring are established in the CIFP.

4. Amend Policy PS-2.5 (clarification)

PS-2.5 Regulations shall be considered~~developed~~ for water quality testing for new individual domestic wells on a single lot of record to identify:

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- a. Water quality testing parameters for a one-time required water quality test for individual wells at the time of well construction.
- b. A process that allows the required one-time water quality test results to be available to future owners of the well.

Regulations pursuant to this policy shall not establish criteria that will prevent the use of the well in the development of the property. Agricultural wells shall be exempt from the regulation.

5. Amend Policy PS-2.5 (add constraint)

- PS-2.6 A Hydrologic Resources Constraints and Hazards Database shall be developed and maintained in the County Geographic Information System (GIS). The GIS shall be used to identify areas containing hazards and constraints (see *Policy S-1.2*) that could potentially impact the type or level of development allowed in these areas (*Policy OS-3.5*). Maps maintained as part of the GIS will include:
- a. Impaired water bodies on the State Water Resources Control Board 303d (Clean Water Act) list.
 - b. Important Groundwater Recharge Areas
 - c. 100-year Flood Hazards
 - d. Hard rock areas with constrained groundwater
 - e. Areas unsuitable to accommodate an on-site wastewater treatment system
 - f. Contaminated groundwater plumes and contaminated soil and groundwater sites.
 - g. Saltwater intrusion

6. Amend Policy PS-3.1 and Policy PS-3.2

- PS-3.1 Except as specifically set forth below, No new development for which a discretionary permit is required, and that will use or require the use of water, shall be approved 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, and an Adequate Water Supply System to serve the development.

This policy 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 related to agricultural land uses within Zone 2C of the Salinas Valley groundwater basin, provided the County prepare a report to the Board of Supervisors every five (5) years for Zone 2C examining the degree to which:
 - 1) total water demand for all uses predicted in the General Plan EIR for the year 2030 will be reached;
 - 2) groundwater elevations and the seawater intrusion boundary have changed since the prior reporting period; and
 - 3) other sources of water supply are available.

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

- the total water demand for all uses in Zone 2C in 2030 as predicted in the General Plan EIR is likely to be exceeded; or
- it is reasonably foreseeable that the total water demand for all uses in Zone 2C in 2030 would result in one or more of the following in Zone 2C in 2030: declining groundwater elevations, further seawater intrusion, increased substantial adverse impacts on aquatic species, or interference with existing wells,

then the County shall initiate a General Plan amendment process to consider removing this agricultural exception in Zone 2C. Development under this exception shall be subject to all other policies of the General Plan and applicable Area Plan; or

- d. development in Zone 2C for which the decision maker makes a finding, supported by substantial evidence in the record, that: a) the development is in a Community Area or Rural Center and is otherwise consistent with the policies applicable thereto; b) the relevant groundwater basin has sufficient fresh water in storage to meet all projected demand in the basin for a period of 75 years; and, c) the benefits of the proposed development clearly outweigh any adverse impact to the groundwater basin.

PS-3.2

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

- Water quality;
- Authorized production capacity of a facility operating pursuant to a permit from a regulatory agency, production capability, and any adverse effect on the economic extraction of water or other effect on wells in the immediate vicinity, including recovery rates;
- Technical, managerial, and financial capability of the water purveyor or water system operator;
- The source of the water supply and the nature of the right(s) to water from the source;
- Cumulative impacts of existing and projected future demand for water from the source, and the ability to reverse trends contributing to an overdraft condition or otherwise affecting supply; and
- Effects of additional extraction or diversion of water on the environment including on in-stream flows necessary to support riparian vegetation, wetlands, fish or other aquatic life, and the migration potential for steelhead, for the purpose of minimizing impacts on the environment and to those resources and species.

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g. Completion and operation of new projects, or implementation of best practices, to renew or sustain aquifer or basin functions.
The hauling of water shall not be a factor nor a criterion for the proof of a long term sustainable water supply.

7. Amend Policy PS-3.4 (Ag Wells)

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

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

This policy is not intended to apply to replacement wells.

8. Split Policy PS-4.12 and create Policy PS-4.13 (staff recommendation)

PS-4.12 The County Health Department, Environmental Health Bureau, shall develop On-site Wastewater Management Plans (OWMP) for areas with high concentrations of development that are served primarily by individual sewage systems such as El Toro, Prunedale, Carmel Highlands, and Carmel Valley.

PS-4.13 Wastewater treatment and disposal for community areas and rural centers shall be through the consolidation of services into Regional or Sub-regional facilities. Subdivisions shall be required to consolidate wastewater collection and treatment and disposal systems, connecting to existing systems where feasible. The County shall not allow the use of package plants when connection to a regional facility is feasible.

9. Amend Policy PS-6.4 (clarification)

PS-6.4 To protect the public from potential health hazards from landfills, the County ~~may~~ shall adopt an ordinance or development standards for land use development within 1,000 feet of an open or closed solid waste facility.

10. Amend AG-2.6 (Add "organic farming")

AG-2.6 Development of agricultural research facilities and activities shall be encouraged and supported. Continuing innovation in areas such as plant breeding, cultural practices, post-harvest handling, organic farming, and biotechnology is vital to maintain a competitive agricultural industry.

11. Amend Policy CV-1.1 (Rural Design)

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CV-1.1

~~Policies relative to the Carmel Valley Area are intended to retain a rural character.~~ All policies, ordinances, and decisions regarding Carmel Valley shall be consistent with the goal of preserving Carmel Valley's rural character. In order to preserve the rural character of Carmel Valley, development shall follow a rural architectural theme with design review.

12. Amend Policy CV-1.6 (Reduce Cap)

CV-1.6

New residential subdivision in Carmel Valley shall be limited to creation of 266200 new units as follows:

- a. There shall be preference to projects including at least 50% affordable housing units.
- b. Lots developed with affordable housing under the Inclusionary Housing Ordinance or an Affordable Housing Overlay (*Policy LU-2.12*) may have more than one unit per lot. Each unit counts as part of the total unit cap.
- c. Existing lots with five (5) acres or more may have the first single family dwelling plus one auxiliary unit. Units added on qualifying existing lots shall not count as part of the total unit cap. New auxiliary units shall be prohibited on lots with less than five (5) acres, except that this provision shall not apply to projects that have already been approved, environmental review for auxiliary units has already been conducted, and in which traffic mitigation fees have been paid for such auxiliary units prior to adoption of this Carmel Valley Master Plan.
- d. New lots shall be limited to the first single family dwelling. Auxiliary units shall be prohibited.
- e. Of the 266200 new units, 24 are reserved for consideration of the Delfino property (30 acres consisting of APN: 187-521-014-000, 187-521-015-000, 187-512-016-000, 187-512-017-000, 187-512-018-000, and 187-502-001-000) in Carmel Valley Village (former Carmel Valley Airport site) to enable subdivision of the property into 18 single family residential lots and one lot dedicated for six affordable/inclusionary units, provided the design of the subdivision includes at least 14 acres available for community open space use subject to also being used for subdivision related water, wastewater, and other infrastructure facilities.
- f. New units or lots shall be debited from the unit count when an entitlement is granted or a building permit is issued, whichever occurs first.

The County shall develop a tracking system and shall present an annual report of units remaining before the Planning Commission.

13. Amend Policy CV-1.15.d (Clarification)

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 residential character of adjoining properties.
- c. Bed and breakfast facilities shall be counted as visitor accommodation units and be limited to a maximum of five (5) units clustered on five (5) acres in accord with Monterey County Code *Chapter 15.20*, unless served by public sewers.
- d. All further development of visitor accommodations in the area west of Via Mallorca and north of Carmel River shall be limited to moderately-sized

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facilities, not to exceed **a total of** 175 units.

- e. There shall be a maximum of 110 additional visitor accommodation units approved east of Via Mallorca, including units at Carmel Valley Ranch.
- f. As a provision for lower cost housing and a contribution toward lessening traffic in the valley, large-scale visitor-serving development requiring employees should comply with the provisions of the Inclusionary Housing Ordinance.

14. Amend Policy CV-1.27 (Clarification)

CV-1.27 Special Treatment Area: Rancho Canada Village – **Approximately Up to** 40 acres **consisting of within** properties located generally between Val Verde Drive and the Rancho Canada Golf Course **clubhouse**, from the Carmel River to Carmel 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 a minimum of 50% Affordable/Workforce Housing. Prior to beginning new residential development (excluding the first unit on an existing lot of record), projects must address environmental resource constraints (e.g.; water, traffic, flooding). (APN: 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-039-000 and 015-162-040-000, **015-162-033-000, 015-162-035-000, 015-162-036-000, 015-162-037-000, 015-162-038-000, 015-021-005-000**)

15. Add Policy CV-1.28 (CVMP Amendments)

CV-1.28 Updates to the Master Plan shall include a public forum with the local citizen advisory committee to provide recommendations that reflect a comprehensive cross-section of local attitudes toward the future of the valley as a living environment.

16. Add Policy CV-2.17.d and edit reference (5 Year monitor report)

CV-2.17 To implement traffic standards to provide adequate streets and highways in Carmel Valley, the County shall conduct and implement the following:

- a) Twice yearly monitoring by Public Works (in June and October) of peak hour traffic **volumes and daily traffic volumes** at the six (6) locations in the following list noted in bold type:

Carmel Valley Road

1. East of Holman Road
2. Holman Road to Esquiline Road
3. **Esquiline Road to Ford Road**
4. **Ford Road to Laureles Grade**
5. **Laureles Grade to Robinson Canyon Road**
6. **Robinson Canyon Road to Schulte Road**
7. **Schulte Road to Rancho San Carlos Road**
8. Rancho San Carlos Road to Rio Road
9. Rio Road to Carmel Rancho Boulevard
10. Carmel Rancho Boulevard to SR1

Other Locations

11. Carmel Rancho Boulevard between Carmel Valley Road and Rio Road
12. **Rio Road between its eastern terminus at Val Verde Drive and SR1**

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Monitoring may be reestablished on other segments when traffic studies indicate that they are approaching 80% of existing thresholds.

- b) A yearly evaluation report shall be prepared jointly by the Department of Public Works in December to evaluate the peak-hour level of service (LOS) for the six (6) monitoring locations and determine if any of those segments are approaching a peak hour traffic volume that would lower levels of service below the LOS standards established below under *Policy CV 2-187(de)*. The report will summarize monitored peak hour volumes and daily traffic volumes and present the peak hour LOS analysis.
- c) Public hearings shall be held in January immediately following the December report when only 10 or less peak hour trips remain before an unacceptable level of service (as defined by *Policy CV 2-187(de)*) would be reached for any of the 6 segments described above.
- d) At five year intervals, the County shall examine the degree to which estimates of changes in Levels of Service (“LOS”) in the Carmel Valley Master Plan Area may be occurring earlier than predicted in the General Plan Environmental Impact Report. If the examination indicates that LOS are likely to fall to a lower letter grade than predicted for 2030, then the County shall consider adjustments to the cap on new residential units established in (CV-1.6) and/or the cap on new visitor serving units established in (CV-1.15) or other measures that may reduce the impacts.
- e) The traffic LOS standards (measured by peak hour conditions) for the CVMP Area shall be as follows:
 - 1) Signalized Intersections – LOS of “C” is the acceptable condition.
 - 2) Unsignalized Intersections – LOS of “F” or meeting of any traffic signal warrant are defined as unacceptable conditions.
 - 3) Carmel Valley Road Segment Operations:
 - a) LOS of “C” for Segments 1, 2, 8, 9, and 10 is an acceptable condition;
 - b) LOS of “D” for Segments 3, 4, 5, 6, and 7 is an acceptable condition.

During review of development applications that require a discretionary permit, if traffic analysis of the proposed project indicates that the project would result in traffic conditions that would exceed the standards described above in *Policy CV 2-187(de)*, after the analysis takes into consideration the Carmel Valley Traffic Improvement Program to be funded by the Carmel Valley Road Traffic Mitigation Fee, then approval of the project shall be conditioned on the prior (e.g., prior to project-generated traffic) construction of additional roadway improvements or an Environmental Impact Report shall be prepared for the project. Such additional roadway improvements must be sufficient, when combined with the projects programmed in the Carmel Valley Traffic Improvement Program, to allow County to find that the affected roadway segments or intersections would meet the acceptable standard upon completion of the programmed plus additional improvements.

This policy does not apply to the first single family residence on a legal lot of record.

17. *Add Policy CV-2.19 (Rio Road Official Plan Line)*

CV-2.19 The County shall consider and action to abandon the Official Plan Line for the Rio Road Extension.

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18. *Amend Policy CV-6.4 and Add CV-6.5 (Slope)*

CV-6.4 In Carmel Valley, conversion for agricultural purposes ~~of previously uncultivated lands~~ on slopes in excess of 25 percent (25%) shall be prohibited.

CV-6.5 Notwithstanding Policy OS-3.5, new development shall be prohibited on slopes 1) with highly erodible soils, and 2) in excess of twenty five percent (25%)

19. *Add Policies NC-3.9, NC-3.10, and NC-3.11 (slope in North County)*

NC-3.9 Notwithstanding Policy OS-3.5, new development shall be prohibited on slopes 1) with highly erodible soils, 2) in excess of twenty five percent (25%), and 3) that drain into the watershed of the Elkhorn and Moro Cojo Sloughs.

NC-3.10 Notwithstanding Policy OS-3.5, conversion for agricultural purposes shall prohibited on slopes 1) uncultivated at the time of conversion, 2) that contain highly erodible soils, 3) which exceed twenty five percent (25%), and 4) that drain into the watershed of the Elkhorn and Moro Cojo Sloughs.

NC-3.11 By December 31, 2011, the County, working with the Natural Resource Conservation Service (NRCS) and the Monterey County Water Resources Agency shall develop best management practices for agricultural operations in the North County Planning Area to control erosion and off-site runoff from all agricultural land. These best management practices shall be incorporated into the ministerial permit for the conversion of lands described in Policy OS-3.5 for lands in the North County Planning Area only.

20. *Add Policy NC-5.4 (wells in North County)*

NC-5.4 In order to address serious public health concerns regarding water quality and quantity, and in addition to the permit process required by Policy NC-3.8, a permit process shall be developed for all new wells proposed to be developed in the North County Planning Area. The permit process shall be developed by ordinance and shall be in place within 12 months of the adoption of this General Plan, and a permit shall be required to develop any new well. The requirement for a permit shall be effective until the later of the effective date of the ordinances required by Policies PS-3.2 and 3.3, or 36 months.

21. *Amend Glossary*

LONG TERM SUSTAINABLE WATER SUPPLY means a water supply from any source (e.g. groundwater, surface water, aquifer storage recovery project or other) that can provide for the current and projected future demand for water from that source as determined pursuant to the criteria required to be adopted by Policy PS-3.2.

~~**PREVIOUSLY UNCULTIVATED LANDS** means those areas that have not been cultivated during the past 30 years.~~