

This section of the Draft EIR discusses potential land use and housing impacts of the proposed project within the context of the policies of the County of Monterey. Potential impacts focus on consistency with adopted plans and policies and compatibility of the proposed rural residential uses with the surrounding land uses. This analysis is based primarily on the *Monterey County General Plan*, the *Toro Area Plan*, and the *Monterey County Code*.

3.9.1 ENVIRONMENTAL SETTING

REGIONAL SETTING

The project site is located approximately 16 miles east of the City of Monterey and 2.5 miles west of the City of Salinas. The project site is located along the State Route 68 corridor of Monterey County between River Road to the east and San Benancio Road to the west within the *Toro Area Plan* subset of the *Monterey County General Plan*. Toro County Park divides the project into two sections.

The *Toro Area Plan* planning area contains approximately 47,175 acres, most of which is dominated by the mountains and rolling hills of the Sierra de Salinas Range. The vast majority of the land is currently undeveloped and is used for grazing cattle. Public and quasi-public land uses, which include schools, churches, police and fire stations, and parks, total approximately 6,108 acres of the *Toro Area Plan* planning area. Of this acreage, approximately 5,000 acres are included in Toro County Park, located adjacent to the project site. Most of the residential development in the *Toro Area Plan* is concentrated in the Corral de Tierra Valley, although single-family homes are scattered throughout the canyon areas. Residential development primarily consists of single-family homes; however, several multiple-family residential units are located in developments adjacent to State Route 68 and Corral de Tierra Road. The most significant issues affecting land use in the *Toro Area Plan* include traffic, housing, infrastructure, and water. The preservation of grazing land, farmlands, scenic resources, and open space are also identified as significant issues in the *Toro Area Plan*.

LOCAL SETTING

Regional access to the project site is provided via State Route 68, and local access is provided via Portola Drive, San Benancio Road, and River Road. The project site is primarily used for grazing land and consists of approximately 870 acres on nine existing irregularly shaped parcels, APNs 161-011-019, -030, -039, -057, -058, -059, and -078, and 161-031-016 and -017. The terrain is varied with elevations ranging from 65 feet to approximately 550 feet. Existing improvements on the project site include dirt roads and trails, which meander through most of the parcels, and two residential structures. One occupied existing residence on Parcel A and one abandoned residence on Lot #146.

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As shown by photographs in **Figures 2-4a** and **2-4b**, annual grassland, coast live oak woodlands and savannas, coastal scrub, and maritime chaparral cover the undeveloped terrain. The project site is mostly hillside uplands with some level or nearly level areas in and near State Route 68. The level areas of the project site are covered primarily in grasslands, with dense oak woodlands on the steeper slopes. There are several natural drainage areas located on the project site, which drain north to El Toro Creek, the Salinas River, and finally the Pacific Ocean near Moss Landing. Buildings associated with the former Ferrini Ranch are also located on the site, near the intersection of State Route 68 and San Benancio Road.

Existing Land Use and Zoning

Land Use Designation

As discussed in **Section 2.0, Project Description**, of the Draft EIR, the project site has been associated with the following land use documents: *Toro Vista Specific Plan* (adopted December 1980 and repealed in November 1993); *Monterey County General Plan* (adopted September 1982); and *Toro Area Plan* (adopted December 1983, as amended through 1998).

The *Toro Vista Specific Plan* permitted a maximum of 599 units at an average density of 2.1 dwelling units per acre (du/acre), 8.9 acres of commercial uses, 33.4 acres of roads, and 730 acres of open space. This Specific Plan included land use designations that identified specific outlines for residential and resource conservation use. Subsequently, the *Monterey County General Plan* designated the project site as Low Density Residential 5-1 acres/unit. Additionally, in the *Toro Area Plan*, the project site was designated as mix of Low Density Residential 5 to 1 Ac/Unit and Resource Conservation 10-160 Ac. Min. and noted Toro Vista Specific Plan 599 (max) units on the land use map.

Due to the pending amendment/repeal of the *Toro Vista Specific Plan*, the Planning Commission recommended that no zoning be placed on parcels within the *Toro Vista Specific Plan* area until land use designations were established for that area. As a result, the *Toro Vista Specific Plan* area was left un-zoned. The Specific Plan was repealed (Monterey County 1993a) and the *Toro Area Plan* was amended to remove all references to the *Toro Vista Specific Plan* (Resolutions No. 93-155 and 93-156); however, the Board of Supervisors did not amend the *Toro Area Plan* to replace the land use designations with new land use designations. Therefore, the land use designation reverted to the land use designations in the *Monterey County General Plan* (1982), which allow for Low Density Residential 5-1 acres/unit land uses. The Board of Supervisors determined that a maximum of 384 units would be allowed within the former *Toro Vista Specific Plan Area* (Monterey County 1993b). In addition, the property owners were entitled to consideration by the Board of Supervisors for up to 63 additional units for transfer density credit for approximately 127 acres of farmland and 29 acres of Salinas River riparian habitat being sold by the project applicant and placed in a Conservation and Scenic Easement by way of a deed made between Huntington Farms, Inc., and the County of Monterey (recorded

November 9, 1982, in Reel 1590 Pages 896–899 and 904 of Official Records of Monterey County, County of Monterey 1993a). Approval of such a transfer of density credit would result in a maximum allowable buildout of 447 units within the former *Toro Vista Specific Plan* area.

The *2010 Monterey County General Plan* was designed to retain the 1982 land uses. Therefore, this property is designated as Low Density Residential, 2.5 acres per unit as an interpretation of retaining the *1982 Monterey County General Plan* land use. The Toro Area Visual Sensitivity Map remains unchanged and identifies the project site as “sensitive” with some areas of “critical viewshed.”

According to County records, portions of the project site are unzoned; however, approximately 0.70 acres (APN 161-031-016) are zoned LDR/2-VS, approximately 0.25 acres (APN 161-031-017) are zoned LDR/1-D, and a portion of APN 161-011-078 is zoned PQP. Prior to approval of the applicant’s proposed project, Monterey County shall apply the LDR/2.5 zoning district to the entire project site consistent with the *1982 Monterey County General Plan*.

2010 General Plan Update/Agricultural Winery Corridor Plan

The *2010 Monterey County General Plan* was adopted October 26, 2010. The proposed project is not subject to the policies of the adopted General Plan because the application was accepted as complete on April 24, 2005, prior to the cut-off date establishing General Plan Policy LU-9.3. However, it is important to mention that the currently adopted General Plan includes an *Agricultural Winery Corridor Plan* (AWCP), which serves as a type of Area Plan that provides detail on how to address viticulture-related uses in portions of the Toro, Central Salinas Valley, and South County planning areas.

According to the AWCP (Monterey County 2010b), the project site is located in the Central/Arroyo Seco/River Road Segment of the proposed Agriculture and Winery Corridor, and the intersection of State Route 68/River Road, northeastern corner of the project site, has been identified as the main gateway for the corridor. The AWCP limits the number of facilities allowed within each segment of the corridor. The proposed River Road Segment is allowed the following uses: up to 24 artisan wineries; up to five full-scale wineries; up to five winery tasting rooms; one restaurant; no more than three delicatessens; and up to five inns. The AWCP also states that a visitor center should be established in the vicinity of State Route 68. The proposed winery component of the proposed project would be considered a full-scale winery and would provide a visitor center near State Route 68. Therefore, the proposed project would be **consistent** with the intent of the AWCP of the 2010 General Plan.

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Zoning Districts

According to the Monterey County Zoning Map, six of the nine existing parcels (APNs 161-011-019, -030, -039, -057, -058, and -059) are unzoned or unclassified. The three remaining parcels are currently classified as PQP-D-S (Public/Quasi-Public with Design Control and Site Plan Review overlays) (APN 161-011-078); LDR/2-VS (Low Density Residential with a maximum density of 2 acres/du and Visual Sensitivity overlay) (APN 161-031-016); and LDR/1-D (Low Density Residential with a maximum density of 1 acre/du and Design Control overlay) (APN 161-031-017).

Surrounding Land Uses

Surrounding land uses include similar vacant undeveloped rangeland to the south; River Road and general agriculture to the northeast; State Route 68, single-family residential and public/quasi public uses to the northwest; single-family residential uses and San Benancio Middle School to the southwest; and public/quasi public (Toro County Park), which intersects the project site. The former Fort Ord lands (now BLM public lands) are located to the north of the site, beyond the Toro Park Estates neighborhood across State Route 68 from the project site.

3.9.2 REGULATORY SETTING

COUNTY OF MONTEREY

Monterey County General Plan

The *Monterey County General Plan* is a long-range, comprehensive plan addressing all aspects of future growth, development, and conservation within the county. The *Monterey County General Plan* was adopted by the Board of Supervisors in 1982 and has subsequently been amended on several occasions.

According to the *Monterey County General Plan* land use map from 1982, the project site is designated for Low Density Residential 5-1 acres/unit land uses. This land use designation allows single-family residences on a minimum of 1 acre unless otherwise approved as part of a clustered residential development. The proposed project would have a gross density of 4.10 acres/du (based on 212 units on 870 acres), which is within the 5-1 acres/unit requirement. Only 16 of the 146 single-family market-rate lots proposed would meet the minimum 1-acre lot site requirement; however, the average lot size would be 1.22 acres. The proposed 66 clustered units on 13.4 acres may be allowed on small lots since these units are being proposed as a “clustered” development.

Table 3.9-1 discusses the consistency of the proposed project with relevant land use goals and policies of the *1982 Monterey County General Plan*.

TABLE 3.9-1
MONTEREY COUNTY GENERAL PLAN (1982) CONSISTENCY ANALYSIS

POLICY #	POLICY	CONSISTENCY DISCUSSION
24.1.1	The County shall actively encourage and promote the preservation and expansion of the County’s agricultural land and agri-business economic base.	Consistent. The project includes a winery and visitor facility, to be located on the eastern project parcel, at the beginning of the River Road winery corridor. The winery corridor is intended to help promote the county’s growing viticulture industry and will be supported by the proposed winery visitor center.
25.1.2	The County shall promote economic development which is consistent with General Plan Goals such as environmental, scenic, natural resource conservation, and growth management.	Consistent. The proposed agricultural/industrial uses on Parcel D will be sensitively located on a knoll that is screened from direct views from State Route 68 and River Road by existing topography and vegetation, consistent with goals and policies supporting protection of scenic and rural character. The anticipated future development of a 110,000-square-foot winery and related uses would serve the River Road winery corridor.
26.1.2	The County shall discourage premature and scattered development.	Consistent. The project site is designated for Low Density Residential5-1 acre/unit land uses. The proposed project includes residential adjacent to existing rural-, low-, and medium-density residential development located to the west, east, and north of the project site, respectively. The project density is consistent with the applicable General Plan land use designation. Therefore, the proposed project would not be considered premature or scattered development.
26.1.4.3	<p>A standard tentative subdivision map and/or vesting tentative and/or Preliminary Project Review Subdivision map application for either a standard or minor subdivision shall not be approved until:</p> <p>(1) The applicant provides evidence of an assured long-term water supply in terms of yield and quality for all lots, which are to be created through subdivision. A recommendation on the water supply shall be made to the decision making body by the County’s Health Officer and the General Manager of the Water Resources Agency, or their respective designees.</p> <p>(2) The applicant provides proof that the water supply to serve the lots meets both the water quality and quantity standards as set forth in Title 22 of the California Code of Regulations, and Chapters 15.04 and 15.08 of the Monterey County Code subject to the review and recommendation by the County’s Health Officer to the decision making body.</p>	<p>Consistent. A preliminary hydrogeologic report was prepared for the project by Kleinfelder, in accordance with Title 19 of the Monterey County Code.</p> <p>According to the report and Monterey County Health Department, Environmental Health Bureau, the proposed project has a long-term water supply. The water demand of 95.17 acre-feet per year associated with the proposed project will be accommodated by existing California American Water Company wells drawing from the Monterey County Water Resources Agency (MCWRA) Zone 2C of the Salinas Valley Groundwater Basin. California American Water Company is required to submit reports on their wells to demonstrate that water procured meets state and federal standards.</p> <p>Proper implementation of mitigation measures MM 3.6-2a through MM 3.6-2c incorporated in Section 3.6, Groundwater Resources and Hydrogeology, would ensure that potable water for the proposed project meets the water quality and quantity standards as set forth in Title 22 of the California Code of Regulations and Chapters 15.04 and 15.08 of the Monterey County Code.</p>

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POLICY #	POLICY	CONSISTENCY DISCUSSION
26.1.9	<p>In order to preserve the County's scenic and rural character, ridgeline development shall not be allowed unless a special permit is first obtained. Such permit shall only be granted upon findings being made that the development as conditioned by permit will not create a substantially adverse visual impact when viewed from a common public viewing area. New subdivisions shall avoid lot configurations, which create building sites that will constitute ridgeline development. Siting of new development visible from private viewing areas, may be taken into consideration during the subdivision process.</p>	<p>Consistent. Based on the visual simulations, there is potential for proposed development on Lots #45 through #47 to create a silhouette when viewed from BLM public land, as shown in Figure 3.1-10b. However, the vantage point from BLM is not considered a common public viewing area. Potential ridgeline development associated with the winery parcel is also a concern. To address that issue, implementation of mitigation measure MM 3.1-6a would ensure that no ridgeline development would occur at Parcel D. The proposed berm at Parcel D is not considered ridgeline "development". Therefore, the project as mitigated would not result in ridgeline development and would be consistent with this policy.</p>
26.1.10	<p>The County shall prohibit development on slopes greater than 30 percent. It is the general policy of the County to require dedication of scenic easement on a slope of 30 percent or greater. Upon application, an exception to allow development on slopes of 30 percent or greater may be granted at a noticed public hearing by the approving authority for discretionary permits or by the Planning Commission for building and grading permits. The exception may be granted if one or both of the following findings are made, based upon substantial evidence:</p> <ul style="list-style-type: none"> • there is no alternative which would allow development to occur on slopes of less than 30 percent; or, • the proposed development better achieves the resource protection objectives and policies contained in the <i>Monterey County General Plan</i>, accompanying Area Plans and Land Use Plans, and all applicable master plans. 	<p>Consistent. The proposed project includes a Use Permit for roadway development on slopes greater than 30 percent. Short roadway improvements occur on slopes greater than 30 percent to connect the hillside development areas. Although several lots proposed for residential development contain slopes greater than 30 percent, the lots contain enough area with slopes less than 30 percent where residential units and ancillary facilities could be developed consistent with this policy and without a Use Permit. All other areas with slopes greater than 30 percent are proposed to be designated as open space.</p> <p>The lot layout as described in Alternative 4 removes a portion of Road A between Road B and Road E and relocates the road between Lots #54 and #67 to connect between Lots #62 and #74 (also provided in Alternative 3), which would reduce the amount of road construction on slopes greater than 30 percent. However, a Use Permit would still be required to develop portions of the roadways on slopes greater than 30 percent. Development could entirely avoid 30 percent or greater slopes by being situated on the flat portions of the site immediately adjacent to State Route 68, However, this would significantly impact the existing rural character of this designated scenic highway. With findings for allowable exceptions, the project would be consistent.</p>
26.1.18	<p>Development proposals which are consistent with the land use plan designation (Figures 13a, 13b, and 13c) may be denied due to factors including, but not limited to, lack of public facilities and services, infrastructure phasing problems, water availability and sewage problems, or presence of environmental and/or plan policy constraints which cannot be mitigated.</p>	<p>Consistent. The proposed project is consistent with the <i>Monterey County General Plan Land Use Plan</i> and would not result in a significant increase in demand for public facilities and services in excess of available capacities. As discussed in Section 3.10, Public Services and Utilities, the increase in demand on police and fire services and solid waste disposal would not be considered substantial enough to warrant new or expanded facilities in order to maintain service ratios, response times, or other objectives for these public agencies.</p> <p>California Utility Service would provide wastewater service for the proposed project. The current capacity of the wastewater treatment facility is 300,000 gallons per day and current usage is 220,000 gallons per day, providing sufficient capacity to accommodate approximately 311 additional single-family</p>

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POLICY #	POLICY	CONSISTENCY DISCUSSION
		<p>residences. According to California Utility Service and the Central Coast Regional Water Quality Control Board, the existing facilities have the capacity to serve the proposed project. Water resources are from Zone 2C and the Salinas Valley Groundwater Basin, and all water demands from both residential and nonresidential uses can be met.</p> <p>Although the proposed project has adequate public facilities to serve the estimated increase in demand, the County of Monterey understands the ability to approve or deny projects with environmental constraints, consistent with Policy 26.1.18.</p>
27.1.2	The County shall limit residential development in areas that are unsuited for more intensive development due to the presence of physical hazards and development constraints, the necessity to protect natural resources, and/or the lack of public services and facilities.	Consistent. The project site is designated Low Density Residential 1-5 acres/unit. The project site contains slopes greater than 30 percent, landslide areas, expansive soils, and special-status plant and animal species, and future development would increase the demand for public services and facilities. Geotechnical, physical, and geologic hazards and constraints are present at the site but can be fully mitigated by existing regulations and/or by design modifications. Please see discussion of Policy 26.1.18 above, which acknowledges that projects with environmental constraints may be approved or denied by the County of Monterey based on independent findings.
27.1.3	Residential development should be concentrated in growth areas.	Consistent. The project site is designated Low Density Residential 1-5 acres/unit. The proposed project includes residential adjacent to existing rural-, low-, and medium-density residential development located to the west, east, and north of the project site, respectively. Since adjacent land contains existing residential development and is designated for residential development, the proposed project is consistent with Policy 27.1.3.
27.2.1	Residential areas shall be located with convenient access to employment, shopping, recreation, and transportation. High density residential areas should also be located with convenient access to public transit.	Consistent. The project site is located 3 miles from shopping in the City of Salinas, is immediately adjacent to Toro County Park, and has access public transit along State Route 68, with the closest stop located at the corner of San Benancio Road and State Route 68.
27.3.2	The County shall encourage that open space be provided within and on the fringes of residential areas.	Consistent. The proposed site includes approximately 600 acres of dedicated open space and is immediately adjacent to Toro County Park and State Route 68. Development clusters are separated by large open space areas, creating an open, rural character to the project.
27.3.3	Residential subdivisions shall be sited with sufficient distance from normal agricultural activities to prevent these activities from becoming hazardous or attractive nuisances to the residents of the subdivisions.	Consistent. The project site currently used for grazing. Grazing is proposed to continue within the lower areas of the project site on a limited basis. According to Section 21.66.030.F.2.a of the <i>Monterey County Zoning Ordinance</i> , new development proposed adjacent to agricultural areas requires a minimum 50-foot-wide well-defined buffer zone within the development area. This buffer zone shall be established through an easement and shall not include recreational facilities. This buffer area will ensure that the continued grazing activities do not become a hazard or nuisance to the residents.
34.1.4	Open space areas should be used as a buffer between land uses of different types and/or intensities.	Consistent. The project includes agricultural/industrial uses on Parcel D adjacent to proposed residential development. As described in Policy 27.3.3, a 50-foot-wide buffer is required for new development proposed adjacent to agricultural uses.

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Toro Area Plan

In Monterey County, eight area plans provide policy direction and address local issues. Area plans are more specific than general plans because of their geographic focus. Development opportunities, constraints, and natural resource issues in each area plan are unlike those of other parts of the county; hence the policies for planning areas are more precisely adapted to the characteristics of the specific area than are the more generalized policies of the general plan.

The project site is located within the *Toro Area Plan* planning area of the *Monterey County General Plan*. This area plan was adopted in 1983 and has been amended periodically throughout the past twenty years, with the last amendment to the plan occurring in 1998. As discussed above, in December 1993 the *Toro Area Plan* text and land use map were amended to delete references to the *Toro Vista Specific Plan*. No new land use designations were assigned to this area so the land use designation reverted back to the *Monterey County General Plan* land use designation noted on the 1982 land use map. However, many of the policies within the *Toro Area Plan* would remain applicable to the proposed project. **Table 3.9-2** discusses the consistency of the proposed project with relevant land use goals and policies of the *Toro Area Plan*.

**TABLE 3.9-2
TORO AREA PLAN (1983) CONSISTENCY ANALYSIS**

POLICY #	POLICY	CONSISTENCY DISCUSSION
3.2.4	<p>Except in areas designated as medium or high density residential or in areas designated as commercial or industrial where residential use may be allowed, the following formula shall be used in the calculation of maximum possible residential density for individual parcels based upon slope:</p> <ul style="list-style-type: none"> • Those portions of parcels with cross-slope of between zero and 19.9 percent shall be assigned one building site per each one acre. • Those portions of parcels with a cross-slope of between 20 and 29.9 percent shall be assigned one building site per each two acres. • Those portions of parcels with a cross-slope of 30 percent or greater shall be assigned zero building sites. • The density for a particular parcel shall be computed by determining the cross-slope of the various portions of the parcel, applying the assigned densities listed above according to the percent of cross-slope, and by adding the densities derived from this process. 	<p>Consistent. The area proposed for development contains approximately 44.7 acres with slopes in excess of 30 percent grade; 186.7 acres with slopes ranging from 20 to 29.9 percent; and 294.4 acres with slopes ranging from 0 to 19.9 percent slope. All proposed home sites have been sited on slopes less than 30 percent. The proposed project includes residential development on lots that would range in size from 0.28 acres to 73.85 acres. The slope-density formula requirement yields a maximum number of lots as follows: 294.4 acres at one building site per acre = 294.4 lots; 186.7 acres at two building sites per acre = 93.35 units; maximum number of lots = 388. Since the project is proposed to include 212 total units, the proposed project would be consistent with the policy.</p>

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POLICY #	POLICY	CONSISTENCY DISCUSSION
	<p>The maximum density derived by the procedure shall be used as one of the factors in final determination of the actual density that shall be allowed on a parcel.</p> <p>Where an entire parcel would not be developable because of plan policies, an extremely low density of development should be allowed.</p>	
5.1.2.1	Development shall be designed to maintain groundwater recharge capabilities on the property.	<p>Consistent. The proposed project would detain the difference between the amount of runoff generated during a 10-year pre-development storm event and 100-year post-development storm event. According to the Preliminary Drainage Report prepared by Whitson Engineers in February 2010, the proposed project will require detention of approximately 112,140 cubic feet (2.59 acre-feet) of stormwater. The Vesting Tentative Map shows five detention basin areas; however, the final design of these facilities is subject to review and approval by the Monterey County Water Resources Agency (MCWRA). These drainage basins would provide an area for stormwater runoff to modestly recharge the groundwater basin.</p>
7.2.3	The preservation of oak trees in Toro shall be promoted by discouraging removal of healthy trees with diameters in excess of eight inches.	<p>Consistent. According to the Biological Assessment (WRA 2007a), approximately 49 percent of the project site contains oak woodlands and/or oak savanna. Within the coast live oak woodland habitat, there are approximately 29,300 native oak trees with diameters (at breast height) greater than 6 inches on the property (Staub 2006). According to the <i>Forest Management Plan</i>, approximately 632 to 921 trees would be removed during construction based on approximate limits of grading for construction of roads, driveways, and building pads (Staub 2006, 2010). However, the actual final number of trees to be removed cannot be determined until final site plans for all lots are prepared. Approximately 20 to 25 percent of the trees estimated to be removed are suffering from extensive decay, breakage, and/or low vigor. No trees with diameters greater than 24 inches (at breast height) would be removed if careful construction methods were implemented and some portions of the roadways were constructed to be less than the standard 20-foot width. Implementation of mitigation measure MM 3.3-6a requires that improvement plans be reviewed by a certified arborist to field verify and modify as necessary to preserve as many healthy trees as possible and to minimize impacts on trees to be retained. Tree removal and replacement plans shall be prepared by a qualified professional forester, arborist, or horticulturalist to address removal of trees within any acre with a 5-inch dbh or greater native oak species consistent with Section 21083.4(b) of the CEQA Guidelines. Remaining trees shall be permanently protected through conservation easements or temporarily protected during construction with fencing. Removed trees shall be replaced at a 1:1 ratio, or the project applicant shall make a contribution to Oak Woodland Foundation.</p>

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POLICY #	POLICY	CONSISTENCY DISCUSSION
26.1.6.1	<p>Within areas of visual sensitivity as indicated on the Toro Visual Sensitivity Map, no development shall be permitted without a finding by the Board of Supervisors or its designee that such development will not adversely affect the natural scenic beauty of the area. Additionally, areas of visual sensitivity shall be reviewed critically for landscaping and building design and siting which will enhance the scenic value of the area.</p>	<p>Consistent (Pending Board Concurrence and Findings). According to the <i>Toro Area Plan</i>, the portions of the project site are located within the area designated as “area of visual sensitivity” and the “critical viewshed” as shown in Figures 3.1-1a and 3.1-1b. In addition, the entire project site is intended to be reclassified by the County with LDR/2.5-VS-D zoning.</p> <p>According to the <i>Toro Area Plan</i>, visually sensitive areas require responsible management for their character to be retained, but development is not necessarily prohibited. The County of Monterey has established development standards for land uses in scenic areas. These development standards are implemented through the use of zoning and design review requirements. With application of the LDR/2.5-VS-D zoning by the County,, development of all lots and improvements on the project site shall be subject to the development standards and design review process found in Chapters 21.44 and 21.46 of the <i>Monterey Zoning Ordinance</i>, as well as applicable policies of the <i>Monterey County General Plan</i> and <i>Toro Area Plan</i>.</p> <p>In addition, compliance with Section 16.12.060.b.5 of the <i>Monterey County Code</i> requires erosion control plans that include revegetation of all surfaces exposed or expected to be exposed during development activities, including cut and fill slopes. Compliance with the regulations of the VS zoning district and erosion control plan (as required under MM 3.5-5a). Furthermore, implementation of mitigation measure MM 3.1-1a would require all proposed lots within critical viewsheds and related 100-foot setback areas be relocated where possible.</p> <p>Per existing codes and standards, future development proposed on lots within areas of visual sensitivity is subject to review and approval as to the size, configuration, materials, and colors, as well as the location, topography, existing vegetation, proposed landscaping, proposed parking layout, proposed grading, any identified environmentally sensitive habitats, and any identified hazards in the area of the building site.</p> <p>Based on the analysis, development of roadways in the critical viewshed is considered significant and unavoidable relative to County policy; however, other measures and restrictions are in place and designed to protect the existing scenic beauty of the area.</p>
26.1.8.1	<p>Development in scenic road and highway corridors shall be governed by policies located in the transportation section of this Area Plan.</p>	<p>Consistent. The policies in the transportation section of the <i>Toro Area Plan</i> that apply to the proposed project include Policies 40.2.3 (T), 40.2.4 (T), and 40.2.5 (T). Lots #138 through #144 have been sited so that the natural topography screens future development on these lots from the State Route 68/River Road intersection consistent with Policy 40.2.3 (T). Based on conceptual plans for future development of the winery and related uses on Parcel D, agricultural/industrial uses may be visible to the State Route 68/River Road intersection, which may be considered appropriate by the County since it is to serve as the entrance to the River Road winery corridor. The project includes a minimum 100-foot building setback from State Route 68 and San Benancio Road, in accordance with Policy 40.2.4 (T). Implementation of</p>

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POLICY #	POLICY	CONSISTENCY DISCUSSION
		mitigation measures contained in this Draft EIR would require project design modifications and other visual protections measures applicable to local and state scenic road and highway corridors.
26.1.9.1	Development on ridgelines and hilltops or development protruding above ridgelines shall be prohibited. Additionally, only minimal development on steeper and critical viewshed slopes shall be allowed.	Consistent. Refer to consistency analysis for <i>Monterey County General Plan</i> Policies 26.1.9 and 26.1.10 and <i>Toro Area Plan</i> Policies 3.2.4 and 26.6.1.
26.1.11.1	In order to preserve open space, clustered development or alternate techniques may be found appropriate in all areas where development is permitted, subject to environmental and health standards and limitations.	Consistent. The Vesting Tentative Map does show development clustered throughout the project site and includes approximately 600 acres of open space.
26.1.20.1	Lighting of outdoor areas shall be minimized and carefully controlled to preserve the quality of darkness. Street lighting shall be as unobtrusive as practicable and shall be consistent in intensity throughout the Toro area.	Consistent. As a standard condition of approval, the Monterey County Planning Department requires project applicants to submit a detailed site lighting plan that indicates the location and type of lighting that will be used at the project site or individually. All external lighting shall be indicated on project improvement plans, subject to review and approval by the County of Monterey. This review process would ensure that all lighting proposed on the project is consistent with Policy 26.1.20 of the <i>Monterey County General Plan</i> and Policy 26.1.20.1 of the <i>Toro Area Plan</i>
36.0.4	<p>Except in areas designated as medium or high density residential or in areas designated as commercial or industrial where residential use may be allowed, an applicant wishing to apply for a subdivision under the countywide General Plan and Toro Area Plan must use the following procedures to calculate the maximum density that can be considered in order to prepare an application consistent with, or less than, the maximum allowable density:</p> <p>1. One factor in density determination shall be the land use designation. The maximum density allowable under the Area Plan land use designation for a parcel shall be divided into the total number of acres found within the parcel. For example, a 100-acre parcel with a maximum density of 1 unit per 2.5 acres would have a density of 40 sites.</p> <p>2. The slope of the property shall be determined and the slope-density formula defined in Policy 3.2.4 (T) applied. For example, a 100-acre parcel might consist of 50 percent of the land having a slope of over 30 percent and the other 50 percent below 19 percent. The maximum density allowable on that parcel as calculated according to slope would be 50 sites.</p> <p>3. All of the policies of the Area Plan and countywide General Plan must be applied to the parcel. Any policies resulting in a</p>	<p>Consistent. 1) As noted in Section 2.0, Project Description, and above, the project site is designated as Low Density Residential, 2.5 acres per unit. This equates to a density of approximately 348 units (870 acres/2.5 acres per unit).</p> <p>2) According to slope analysis prepared by Whitson Engineering in March 2004, the project site contains approximately 294.4 acres (33.8%) that have slopes between 0.0 and 19.9 percent; 186.7 acres (21.5%) that have slopes between 20.0 and 29.9 percent; and approximately 388.7 acres (44.7%) that have slopes greater than 30 percent. This would equate to approximately 481 sites (33.8% + 21.5% x 870 acres).</p> <p>3) Policies associated with critical viewshed, visual sensitivity, and oak woodlands would further reduce the maximum density allowed. The acreages within areas designated as critical viewshed and visual sensitivity are unknown. However, implementation of the mitigation measure MM 3.1-1c would prevent future subdivision of the project site. According to the Biological Assessment prepared by WRA in December 2007, the project site contains approximately 437 acres (50%) of oak woodlands, which are partially located in the areas that have slopes greater than 30 percent. Implementation of mitigation measure MM 3.3-6a would require improvement plans be reviewed by a certified arborist to field verify and modify as necessary in order to preserve as many healthy trees as possible and to minimize impacts on trees and woodlands.</p> <p>4) The land use plan designation provides for a maximum allowable density of approximately 348 units. The proposed project would result in the development of 212 units, which would be consistent with (and lower than) the maximum allowable density under Policy 36.0.4.</p>

3.9 LAND USE, POPULATION, AND HOUSING

POLICY #	POLICY	CONSISTENCY DISCUSSION
	<p>decrease in density must be tabulated. This decrease in density would then be subtracted from the maximum density allowable under the slope formula.</p> <p>4. The maximum density allowable according to the Area Plan land use designation (Step 1 above) and the maximum density allowable according to Plan policies (Steps 2 and 3 above) shall then be compared. Whichever of the two densities is the lesser shall be established as the maximum density allowable under this Area Plan.</p> <p>5. The calculations of maximum density made by an applicant will be reviewed during public hearings prior to the approval of any permits pursuant to this Area Plan.</p>	
39.1.13	The county shall require significant financial contributions from each new subdivision in the Toro Planning Area in order to expedite funding and construction of State Route 68.	Consistent. Implementation of mitigation measure MM 3.12-1a requires contribution of the project applicant's proportionate fair share toward State Route 68 corridor improvements through payment of the TAMC Regional Development Impact Fee (RDIF), which would help fund widening of a 2.3-mile portion of State Route 68.
39.2.5.1	To minimize traffic safety hazards, creation of new direct access points should be prohibited from single-family residences onto State Route 68 and discouraged onto Laureles Grade, River Road, Corral de Tierra Road, and San Benancio Road.	Consistent. The direct access points for the proposed project are along San Benancio Road, River Road, and the existing Portola interchange. Project entrance points will serve the subdivision as a whole and do not serve individual homesites.
40.2.3	Land use, architectural, and landscaping controls shall be applied and sensitive site designing encouraged to preserve Toro's scenic entrances – the River Road/highway 68 intersection and the Laureles Grade scenic vista overlooking the Planning Area.	Consistent. As discussed in Impact 3.1-1 and shown in Figures 3.1-1a and 3.1-1b , a large portion of the project site is designated within the critical viewshed, area of visual sensitivity, and/or within 100 feet of state-designated scenic State Route 68 and County-designated scenic San Benancio Road. Implementation of mitigation measure MM 3.1-1a requires that the lot pattern be reconfigured to relocate building sites for residential lots outside of the critical viewshed and 100-foot setback areas where feasible.
40.2.4	The county shall require a 100 foot building setback on all parcel adjacent to county and State scenic routes. The 100 foot setback will also apply to areas designated on the Toro Visual Sensitivity Map (Toro Area Plan, Figure 9) as critical viewshed. This setback is established without causing existing structures to become nonconforming and without rendering existing lots of record unbuildable. Critical viewshed area shall also have open space zoning applied to the 100-foot setback areas.	Residential structures proposed within areas of visual sensitivity are by code subject to a Use Permit [Monterey County Code Sections 21.38.050 and 21.46.030] and the development standards identified in Section 21.38.060 of the Monterey County Code, as well as the design review and site plan review process. Scenic and conservation easements shall be designated on all open space parcels (Parcels A, B, and C) as discussed under Impact 3.1-1.
40.2.5	The county shall require newly created parcels to have building sites outside of the critical viewshed.	

Monterey County Zoning Code

The *Monterey County Zoning Code* (Title 21) was adopted by the Monterey County Board of Supervisors in 1991. The *Monterey County Zoning Code* consists of the establishment of various districts, regulations, and permit processes for the unincorporated territory of the County of Monterey. The districts were established to regulate land uses and to allow specific uses or allow uses subject to discretionary permit processes.

Independent of project approval, the County intends to rezone the entire project site with LDR/2.5-VS-D zoning as part of the 2010 General Plan Implementation. The project applicant is requesting that Parcel D be rezoned to AI-VS (Agricultural Industrial), which would also be subject to VS and D overlays.

Please see previous discussions in the Environmental Setting subsection of this chapter and the Project Description (Section 2.0) regarding the zoning history of this property. The information below is intended to provide a summary of Monterey County zoning districts that will ultimately apply to this project.

Low Density Residential (LDR) Zoning District

The County intends to reclassify the entire project site with LDR-2.5-VS-D zoning (Low Density Residential with Design Control and Visual Sensitivity overlay). The purpose of the Low Density Residential (LDR) zoning district is to provide a district to accommodate low-density and low-intensity uses in the rural and suburban areas of the County of Monterey and to ensure that allowable land uses are compatible in the area. This zoning district allows a maximum development density that shall not exceed the acres/unit shown for the specific LDR zoning district as shown on the zoning map and requires a minimum building site size of 1 acre unless otherwise approved as part of a clustered residential development. In this case, the project site should be developed with a maximum gross density of 2.5 acres per unit. Approximately 192 acres would be designated for the development of 212 residential units as shown in **Table 2-1**. Approximately 178 acres would be dedicated for the development of 146 market-rate single-family residential lots. These market rate lots would range in size from 0.28 acres to 72.38 acres, with an average lot size of 1.22 acres. Approximately 13 acres (Parcel E) would be dedicated for 66 “clustered” units, including 43 inclusionary units and 23 small lots (averaging 5,000 square feet) for market-rate single-family units. The resulting gross density of development would be approximately 4.10 acres per unit, which would be consistent with the Low Density Residential, 5-1 Acres/Unit land use designation and less dense than the LDR/2.5 zoning district.

Agricultural Industrial (AI) Zoning District

The AI zoning district allows uses such as water system facilities, cultivation, cutting and removal of Christmas trees, and other uses of a similar character, density, and intensity with maximum building site coverage of 50 percent. Other uses allowed with an administrative permit include retail sales which are accessory and incidental to the main uses permitted,

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accessory structures, and uses appurtenant to any permitted uses. In addition, with a Use Permit the follow uses are allowed: warehouses for the collection, packaging, and distribution of agricultural and horticultural products; offices accessory to permitted on-site uses not to exceed 25 percent of the overall floor area of the project; and any lot or establishment where alcoholic beverage are served, commercial place of amusement or recreation, or any place where live entertainment is provided within 200 feet of the boundary of a residential district. The proposed project includes one parcel totaling approximately 34.7 acres to be reclassified from LDR/2.5-D-VS to AI. This parcel is intended for the future development of a winery and related uses. Future development on this parcel would be subject to a Use Permit and General Development Plan. The proposed project would be consistent with the *Monterey County Zoning Code* in regard to the AI zoning.

Visual Sensitivity (VS) Overlay

The County intends to reclassify the entire project site with a “VS” (Visual Sensitivity) zoning overlay consistent with the General Plan Land Use Map as part of the 2010 General Plan Implementation. The purpose of this overlay is to provide district regulations for the review of development in those areas of the county in which such development could potentially create adverse visual impacts when viewed from a common public viewing area. Areas where development could potentially create an adverse visual impact when viewed from a common public viewing are regulated per Chapter 21.46 of the *Monterey County Zoning Ordinance*. No construction of structures, additions, grading, significant vegetation removal, or deposit or removal of materials causing the change, alteration, or modification of the landscape or existing development is permitted without the approval of the appropriate authority. Development standards require that subdivisions be designed to minimize visibility, tree removal, and grading; new access roads are required to be sited to reduce visibility, grading, and erosion and occur on slopes less the 30 percent slopes; and new utility lines must be placed underground. All lots would be subject to the regulations of a VS overlay.

Design Control (D) Overlay

The County also intends to reclassify the entire project site with a “D” (Design Control) zoning overlay. The purpose of the D overlay is to provide for the regulation of the location, size, configuration, materials, and colors of structures and fences, except agricultural fences, in those areas of the county where the design review of structures is appropriate to assure protection of the public viewshed and neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property. Section 21.44.010 of the *Monterey County Zoning Code* applies specific design standards and additional design review prior to approval of new development, including regulation of the location, size, configuration, materials, and colors of proposed structures in order to guide development. All lots would be subject to the regulations of a D overlay.

Site Plan Review (S) Overlay

The purpose of the S (Site Plan Review) zoning overlay is to provide additional review for project sites that are located in areas that have the potential to adversely affect or be adversely affected by natural resources or site constraints without imposing undue restrictions on private property. Section 21.45.040 of the *Monterey County Zoning Code* requires approval of the proposed project by the Director of the Planning and Building Inspection Department (now the Director of the Resources Management Agency) or the Zoning Administrator. A Site Plan Approval Application must be submitted and approved prior to the issuance of building permits for construction of future residential structures within the inclusionary housing parcel.

Building Site (B-6) Overlay

The B-6 zoning overlay restricts lots on the final map from being further subdivided. This overlay requires lots to be a minimum of 1 acre and comply with the design standards pursuant to Section 21.42.030 of the *Monterey County Zoning Code*. In order to ensure further subdivision of lots in the future, upon final map approval the County would apply the B-6 overlay to the entire project site.

Section 21.64.230 of the Monterey County Zoning Code – Development on Slopes in Excess of 30 Percent

The purpose of Section 21.64.230 of the *Monterey County Zoning Code* is to establish regulations, procedures, and standards to consider development on slopes in excess of 30 percent. The project site contains approximately 389 acres (45 percent of project site) of steep slopes in excess of 30 percent and includes a Use Permit to improve an existing roadway that is located on slopes greater than 30 percent. Roadway improvements include widening the existing roadway, installation of engineered fill, new road paving, and installation of utilities in the right-of-way. County policy and Comprehensive Development Plan policies restrict, but do not prohibit, development on slopes in excess of 30 percent. These policies are implemented by Section 21.64.230 of the *Monterey County Zoning Code* and require a Use Permit for all development on slopes that are 30 percent or more. Section 21.64.230.E of the *Monterey County Zoning Code* requires one of the following findings to be made in order to grant a Use Permit for development on slopes in excess of 30 percent:

- That there are no feasible alternatives which would allow development to occur on slopes less than 30 percent; or
- That the proposed development better achieves the goals, policies, and objectives of the *Monterey County General Plan* and applicable area plan than other development alternatives.

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The Board of Supervisors must make the above findings for the project to be approved as proposed and for the project to be consistent with County policies limiting development on slopes of greater than 30 percent.

Section 21.64.260 of the Monterey County Zoning Code – Preservation of Oak and Other Protected Trees

The purpose of Section 21.64.260 of the *Monterey County Zoning Code* is to provide the regulations for the protection and preservation of oak and other specific types of trees as required in the Monterey County General Plan, area plans, and master plans. This section of the Zoning Ordinance is also intended to provide the procedures under which proposed removal of such trees may be considered or exempted. Chapter 21.64.260 of the *Monterey County Zoning Ordinance* (Title 21) prohibits the removal of any oak or madrone tree that is 6 inches or more in diameter 2 feet above ground level without the approval of a Use Permit. In addition, a forest management plan and approval of a Use Permit are required when more than three protected trees on a lot are removed in a one-year period. Landmark trees (trees that are 24 inches or more in diameter) may not be removed without approval of the Director of the Resources Management Agency.

As discussed in **Section 3.3, Biological Resources**, the proposed project includes a Use Permit for the removal oak trees on site. A *Forest Management Plan* was prepared by Staub Forestry and Environmental Consulting in September 2006. According to the *Forest Management Plan*, approximately 921 of 29,522 trees (approximately 3 percent) on the project site will be removed to primarily install a 20-foot-wide roadway on the project site. Tree removal on the project site is subject to the requirements of Chapter 21.64.260 of the *Monterey County Zoning Ordinance*, which prohibits the removal of any protected trees without a Use Permit, unless the trees are diseased or hazardous, as designated by a qualified forester, or exempt from the provisions of the ordinance. According to the *Forest Management Plan*, approximately 20 to 25 percent of the trees to be removed are suffering from extensive decay, breakage, and/or low vigor. Since the proposed project includes a Use Permit for the removal of approximately 921 oak trees, of which one quarter of the trees are in poor health, and the tree removal would consist of approximately 3 percent of the total protected oak trees on the project site, the tree removal would be **consistent** with Chapter 21.64.260 of the *Monterey County Zoning Ordinance*.

Inclusionary Housing Ordinance (Ordinance 04185)

The *Monterey County Inclusionary Housing Ordinance* was originally adopted in 1980 and has had subsequent amendments over the years. In 2003, Ordinance No. 04185 was adopted, amending Chapter 18.40.020 of the *Monterey County Code*, which is the most current *Monterey County Inclusionary Housing Ordinance*.

According to the County of Monterey Housing and Redevelopment Office, the proposed project is subject to the *Monterey County Inclusionary Housing Ordinance* at the time the application was deemed complete, which was in March 2005. The applicable Inclusionary

Housing Ordinance (Ordinance No. 04185) requires developers to designate 20 percent of the new residential lots or units as affordable units. Furthermore, of the 20 percent requirement, 6 percent needs to be affordable to very low income households, 6 percent needs to be affordable to low-income households, and 8 percent needs to be affordable to moderate-income households. The proposed project includes 43 inclusionary units, which complies with the 20 percent requirement; however, 12 units must be affordable for very low income households, 13 units must be affordable to low-income households, and 18 units must be affordable to moderate-income households (MCRHO 2009). The project proposes 13 units affordable to very low income households, 13 units affordable to low-income households, and 17 units affordable to moderate-income households.

Although these unit counts and affordability levels are slightly different from the requirement, the proposed project does provide an additional very low income unit that would offset the loss of one moderate-income unit and the overall number of units to comply with the ordinance. Therefore, the proposed project would be **consistent** with the *Monterey County Inclusionary Housing Ordinance*.

Subdivision Ordinance (Title 19)

The purpose of the *Monterey County Subdivision Ordinance* (Title 19 of the *Monterey County Code*) is to regulate and control the division of land in unincorporated areas and to implement the provisions of the Subdivision Map Act concerning the design, improvement, and survey data of subdivisions, and the form and securing of the appropriate approvals. This is necessary to preserve the public health, safety, and general welfare, promote orderly growth and development, open space, and conservation, protect proper use of land, and ensure adequate traffic circulation, utilities, and other services within Monterey County. The proposed project consists of a Vesting Tentative Map and is subject to Section 19.05.040 of the *Monterey County Subdivision Ordinance*. Findings of consistency with the Subdivision Ordinance are required to be made by the Board of Supervisors for the subdivision to be approved and for the project to be consistent with the Subdivision Ordinance.

According to Section 19.03.025.D of the *Monterey County Code*, the Planning Commission may approve or deny, in whole or in part, the proposed development with appropriate findings, evidence, and conditions.

1. The Planning Commission shall make a finding, based on substantial evidence, upon the recommendation of the Health Officer, pursuant to Section 19.03.015L, 19.05.040L, or 19.07.020K, that the source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations prior to approval of the standard subdivision tentative map, or vesting tentative map, or tentative parcel map.
2. The Appropriate Authority shall make a finding, based on substantial evidence, upon the recommendation of the Health Officer, pursuant to Section 19.03.015 that

3.9 LAND USE, POPULATION, AND HOUSING

the source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations prior to approval of the tentative parcel map.

In addition, according to Section 19.03.025.F of the *Monterey County Code*, a tentative map shall be denied if any of the following findings are made

1. That the proposed tentative map is not consistent with the applicable general plan, area plan, coastal land use plan, or specific plan.
2. That the design or improvement of the proposed subdivision is not consistent with the general plan, area plan, coastal land use plan, or specific plan.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easement acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the appropriate decision making body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This Subsection shall apply only to easements of record or to easements established by judgment of a Court of competent jurisdiction and no authority is hereby granted to a decision making body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
8. That the subdivision fails to meet any of the requirements or conditions imposed by the Subdivision Map Act or this Title.

The Planning Commission must make the above findings for the project to be approved as proposed and for the project to be consistent with Title 19 of the *Monterey County Code*.

WATER QUALITY CONTROL PLAN

California's Porter-Cologne Water Quality Control Act of 1969 required preparation of regional plans formulating and adopting water quality control standards. The current version of the *Water Quality Control Plan for the Central Coastal Basin*, or Basin Plan, was published by the Central Coast Water Quality Control Board in 1994 and amended five times.

Mitigation measures provided in **Section 3.6, Groundwater Resources and Hydrogeology**, and **Section 3.7, Surface Water Hydrology and Water Quality**, ensure that the proposed project would not violate any water quality standards or waste discharge requirements, substantially deplete the groundwater supplies, substantially interfere with groundwater recharge, substantially alter the existing drainage pattern of the project site, or create or contribute to runoff water which exceeds the capacity of the stormwater drainage system. Therefore, the proposed project is **consistent** with the *Water Quality Control Plan for the Central Coastal Basin*.

AIR QUALITY MANAGEMENT PLAN

Reducing air pollution throughout California is required by both the federal and the California Clean Air Acts. The California Clean Air Act of 1988 required preparation of a plan by 1991 showing how the state ozone standard would be met with subsequent updates every three years. The *2008 Air Quality Management Plan for the Monterey Bay Region* (AQMP), adopted August 2008, is the sixth update to the 1991 Plan.

As discussed in **Section 3.2, Air Quality**, conformity of population-related projects with the Monterey Bay Unified Air Pollution Control District (MBUACPD) AQMP is based on the number of residential units proposed. The number of residential units is assessed by comparing the projected population growth associated with the proposed project to population forecasts adopted by the Association of Monterey Bay Area Governments (AMBAG). The proposed project consists of 212 new residential units. The AMBAG *2008 Population, Housing Unit, and Employment Forecast for Monterey County* estimates there will be 271,918 housing units in Monterey County by the year 2010. According to AMBAG, the proposed project is consistent with the *2008 Population, Housing Unit, and Employment Forecast* (AMBAG 2009). Therefore, the proposed project is **consistent** with the MBUAPCD Air Quality Management Plan (AMBAG 2008).

REGIONAL TRANSPORTATION PLAN

The Transportation Agency for Monterey County (TAMC) is responsible for periodically completing a long-range transportation planning document known as the Regional Transportation Plan (RTP), which was last updated in 2010. The purpose of the RTP is to provide policy guidelines regarding planning and programming of transportation projects in Monterey County for the next twenty years. The RTP identifies existing and future needs, evaluates modes and alternatives, and determines what can be completed with anticipated

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funding. As required by the California Transportation Commission Guidelines, each Regional Transportation Agency develops and updates goals, objectives, and policies for inclusion in the Policy Element of the RTP.

As discussed in **Section 3.12, Transportation and Circulation**, under project conditions and cumulative project conditions, traffic generated by the proposed project would contribute incrementally to the deficient levels of service along certain segments of State Route 68. To fully mitigate traffic impacts along the State Route 68 corridor, the roadway would need to be widened to accommodate additional lanes and capacity for the entire length of the facility, or an alternative route (such as the South Fort Ord Bypass) would be required. However, such major improvements are not considered feasible at this time. No funding is available for the implementation of the widening of State Route 68 to four lanes or the South Fort Ord Bypass, nor have any of these improvements been included in any Capital Improvement Program (CIP). Implementation of mitigation measure **MM 3.12-1** requires that the project applicant pay regional traffic impact fees to the TAMC in order to mitigate for impacts to roadway segments along State Route 68. Through the payment of the TAMC traffic impact fees, the proposed project would directly contribute to other regional safety and operational improvements along the State Route 68 corridor, which would offset traffic impacts on roadway segments caused by increased trip volume associated with the proposed project. Therefore, the proposed project would be **consistent** with the RTP.

3.9.3 IMPACTS AND MITIGATION MEASURES

STANDARDS OF SIGNIFICANCE

The following thresholds for measuring a project's environmental impacts are based on CEQA Guidelines and previous standards used by the County of Monterey. For the purposes of this Draft EIR, impacts are considered significant if the following could result from implementation of the proposed project:

- 1) Physically divide an established community.
- 2) Conflict with any applicable land use plan policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purposes of avoiding or mitigating an environmental effect.
- 3) Conflict with any applicable habitat conservation plan or natural community conservation plan.
- 4) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

- 5) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- 6) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

METHODOLOGY

The evaluation of potential land use, population, and housing impacts is based on available information pertaining to land use, population, and housing in the proposed project area including, but not limited to, the following: *Monterey County General Plan* (Monterey County 1982) and the *Toro Area Plan* (Monterey County 1983). In addition, the analysis includes land use consistency with the *Monterey County Zoning Code* (Monterey County 2000a), *Monterey County Subdivision Ordinance* (Monterey County 2000b), the *Monterey County Regional Transportation Plan* (TAMC 2010), the *Water Quality Control Plan for the Central Coastal Region* (RWQCB 1994), and the *Air Quality Management Plan for the Monterey Bay Region* (MBUAPCD 2008b).

PROJECT IMPACTS AND MITIGATION MEASURES

Physically Divide an Established Community

In the vicinity of the project site, the established community is primarily rural residential development with a few major subdivisions. In general, the project site is located southeast of State Route 68 and Toro Estates; northeast of San Benancio Middle School and residential development located along San Benancio Road; and southwest of agricultural land along River Road. Toro County Park splits the project site into the eastern and western parcels. According to the *Toro Area Plan*, the western parcel is surrounded by the following land uses: medium-density Residential within Toro Estates, public/quasi-public within BLM land on the former Fort Ord, and low-density residential to the northwest; public/quasi-public land uses associated with San Benancio Middle School and low-density residential along San Benancio Road to the southwest; undeveloped vacant land designated for low-density and rural-density residential development to the south; and public/quasi-public land uses within Toro County Park to the southeast and east. According to the *Toro Area Plan*, the eastern parcel is surrounded by the following land uses: medium-density residential within Toro Estates to the northwest; public/quasi-public land uses within Toro County Park to the southwest; undeveloped vacant land designated for low-density residential development, land designated for resource conservation, and existing medium-density residential development to the south, which is all associated with the Las Palmas Ranch Specific Plan; and agricultural land designated as farmland to the southeast, east, and north. Surrounding land uses are shown in the aerial photographs provided in **Figures 2-4a** and **2-4b**. The development of the project site as low-density residential development would unite, not divide, the neighborhoods of Toro Estates, Las Palmas, and San Benancio Road. Therefore, there would be **no impact**.

Conflict with Applicable Land Use Plan Policy or Ordinance

Impact 3.9-1 The proposed project will introduce residential development on undeveloped land that is currently being used primarily for grazing. However, the proposed project is consistent with applicable land use plan policies, ordinances, and the Low Density Residential land use designation. Therefore, this would be considered a **less than significant impact**.

The proposed project consists of development of residential and agricultural/industrial uses, as well as associated grading, tree removal, and roadway improvements that must be reviewed for consistency with adopted policies of the *Monterey County General Plan* and the *Toro Area Plan* to determine if the proposed project conflicts with relevant environmental plans and policies of the area. **Table 3.9-1** and **Table 3.9-2** provide consistency summaries for the *Monterey County General Plan* and the *Toro Area Plan*, respectively. Also provided in the Regulatory Setting subsection is a discussion of consistency with the *Monterey County Zoning Ordinance* (Monterey County 2000a), *Monterey County Subdivision Ordinance* (Monterey County 2000b), the *Monterey County Inclusionary Housing Ordinance* (Monterey County 2003a), the *Monterey County Regional Transportation Plan* (TAMC 2005), the *Water Quality Control Plan for the Central Coastal Region* (RWQCB 1994), and the *Air Quality Management Plan for the Monterey Bay Region* (MBUAPCD 2008b). The proposed project is consistent with applicable land use plan policies. Furthermore, the proposed project would allow future development of low-density residential uses at a gross density of 2.5 acres per unit, which is consistent with the Low Density Residential 5-1 acres/unit land use designation. Therefore, implementation of the proposed project will not conflict with any land use plans and is considered a **less than significant impact**.

Conflicts with Applicable Habitat Conservation Plan

There is no adopted habitat conservation plan for the area. Therefore, the project will not conflict with any applicable habitat conservation plan or natural community conservation plan and there is **no impact**.

Induce Substantial Population Growth

Impact 3.9-2 Implementation of the proposed project would result in the development of 212 residential units, which will increase the population in the unincorporated area of Monterey County. However, the increase in population associated with the proposed project is within the AMBAG 2008 *Population, Housing Unit and Employment Forecast* for the unincorporated area of Monterey County. Further, the proposed project does not include components which would facilitate additional population growth beyond that of the project itself. Therefore, this would be considered a **less than significant impact**.

The proposed project consists of the development of 212 residential units on vacant undeveloped land that contains one existing residence that is occupied by the ranch manager. This employee will be provided housing elsewhere on the property; therefore, no people or residences would be displaced. Based on the average number of persons per household in the unincorporated area of Monterey County being 3.15 (U.S. Census Bureau 2006), the proposed project would increase the population by approximately 668 persons, which is a less than 1 percent increase for the unincorporated areas of Monterey County. The increase in population associated with the proposed project is within the *AMBAG 2008 Population, Housing Unit and Employment Forecast* for the unincorporated area of Monterey County (AMBAG 2009).

The proposed project does not involve the expansion or construction of new infrastructure capable of supporting development over that of the proposed project, such as expanded water treatment facilities or water supply sources. The internal roadway circulation system is designed to provide access to the proposed project only and does not extend roadway access to areas outside the project site boundaries that could potentially be developed in the future. Additionally, the project is bordered by existing roadways, the Las Palmas subdivision, the Harper Canyon subdivision (currently under environmental review), and Toro County Park, and it is not contiguous to any parcel of land available for new development. The project will include improvements to State Route 68 along the project frontage and will also be required to pay impact fees toward improvements at other intersections and roadway segments along State Route 68. These improvements, however, have been designed to reduce vehicle congestion and improve traffic safety along the entire State Route 68 corridor and are not intended to facilitate access to new areas which could potentially be developed. Therefore, the impact on population growth would be considered **less than significant**. No mitigation measures are necessary.

CUMULATIVE IMPACTS AND MITIGATION MEASURES

Cumulative Land Use Impacts

Impact 3.9-3 The proposed project, combined with other foreseeable projects in the Toro planning area, may result in cumulative land use impacts to the project area. However, the proposed project would be consistent with the *Monterey County General Plan, Toro Area Plan*, and zoning provisions, which would ensure that there would not be any project-specific land use impacts that would combine with other foreseeable projects. Therefore, this would be considered a **less than significant cumulative impact**.

The proposed project is consistent with the *Monterey County General Plan* goals and policies, which seek to develop rural residential land uses on the project site. Future development on the project site would be subject to design review, which will ensure that the proposed project meets the goals and policies in the *Monterey County General Plan* and *Toro Area Plan* for rural residential development within a D overlay. The proposed project would be consistent with the *Monterey County General Plan* and zoning provisions

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applicable to the project site; therefore, the project would result in a less than significant land use impact. Cumulative development would also be subject to the County's development review process through which any potentially significant land use impacts would be analyzed. As the proposed project is consistent with Monterey County policies and programs and no significant land use impacts were identified, the project will not combine with other similar projects to create or exacerbate a significant impact. Therefore, the cumulative land use impact would be considered **less than significant**. No mitigation measures are necessary.

Cumulative Population Growth

Impact 3.9-4 The proposed project, combined with other foreseeable projects in Monterey County, would result in cumulative population growth impacts. However, the proposed project is consistent with the Association of Monterey Bay Area Government's (AMBAG) regional forecasts. Therefore, this would be considered a **less than significant cumulative impact**.

According to AMBAG, the proposed project is consistent with the *2008 Population, Housing Unit and Employment Forecast*. Therefore, the estimated population increase at buildout of the proposed project is well within the forecast established for Monterey County and the anticipated growth in the unincorporated area of Monterey County. Therefore, the proposed project would have a **less than significant cumulative impact** on population growth in the County of Monterey. No mitigation measures are necessary.

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