

This section of the EIR discusses land use 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*, the *Monterey County Zoning Ordinance*, and the *Monterey County Subdivision Ordinance*.

### 3.8.1 ENVIRONMENTAL SETTING

#### REGIONAL SETTING

The project site is located approximately five miles west of the City of Salinas and approximately twelve miles east of the City of Monterey. The project site is immediately southeast of State Route 68 and east of San Benancio Road, adjacent to Toro Regional Park within the *Toro Area Plan* planning area.

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. A 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 of the *Toro Area Plan* planning area. Of this acreage, approximately 5,000 acres are included within Toro Regional Park, located along State Route 68. Most of the residential development in the *Toro Area Plan* planning area is concentrated within 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, which affect land use in the *Toro Area Plan* planning area include traffic, housing, and water. The preservation of grazing land, farmlands, and scenic resources and open space are also identified as significant issues in the *Toro Area Plan* planning area.

#### LOCAL SETTING

The project site is currently undeveloped with no existing structures and is used for grazing. The rolling terrain is covered in grassland and oak woodlands. The project site ranges in elevation from approximately 340 to 1,020 feet above sea level and consists of approximately 97 acres on slopes in excess of 30 percent, approximately 41 acres on slopes ranging from 20 to 30 percent, and approximately 27 acres with slopes ranging from 0 to 20 percent. Access to the project site is provided by Meyer Road.

#### Land Use

The project site is comprised of two irregularly shaped parcels (APNs 416-611-011-000 and 416-611-002-000) of undeveloped land primarily used for grazing. According to the *Monterey County General Plan*, the land use designation for the project site is primarily

### 3.8 LAND USE, POPULATION AND HOUSING

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“Rural Density Residential” with a small portion of the project site designated “Low Density Residential” in the southern portion of the project site. According to the *Monterey County Zoning Ordinance*, both parcels are zoned “Rural Density Residential” with portions located in a “Design Control District” (RDR (5.1-D)). A small portion of APN 416-611-002-000 is designated “Low Density Residential” (LDR/1). The “Low Density Residential” zoning designation provides for residential development at a density of one unit per one acre, whereas the “Rural Density Residential” designation provides for development at a density of one unit per every 5.1 acres. Section 21.44.010 of the *Monterey County Zoning Ordinance* requires specific design standards and additional design review prior to approval of new development within the Design Control District.

#### Surrounding Land Uses

Adjacent land uses include the Toro Regional Park along the eastern and southern boundary of the project site, which is designated as “Public/Quasi-Public” in the *Monterey County General Plan*; unimproved lands/watershed area and grazing/rangelands along the northern boundary of the project site, which is designated as “Resource Conservation” in the *Monterey County General Plan*; vacant undeveloped land to the northwest, which is designated as “Low Density Residential” in the *Monterey County General Plan*; and existing single-family residences along the southwestern boundary of the project site, which is designated as “Low Density Residential” in the *Monterey County General Plan*.

#### 3.8.2 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.

The project site is located within the *Toro Area Plan* planning area. According to the *Monterey County General Plan* the project site is designated as “Rural Density Residential” with a density requirement equal to a minimum of 5.1 acres per residential unit; “Rural Density Residential” with a density requirement equal to a minimum of 5.1 acres per residential unit within a county designated “Design Control District”; and “Low Density Residential” (APN 416-611-002-000) with a gross density of one unit per one acre. **Table 3.8-1, Monterey County General Plan Consistency Analysis** discusses the consistency of the proposed project with relevant land use goals and policies of the *Monterey County General Plan*.

TABLE 3.8-1  
MONTEREY COUNTY GENERAL PLAN (1982)  
CONSISTENCY ANALYSIS

Policy #	Policy	Consistency Discussion
26.1.2	The County shall discourage premature and scattered development.	<b>Consistent.</b> The project site is designated “Rural Residential Density” and “Low Density Residential.” The proposed project includes residential adjacent to existing rural residential development located to the southwest of the project site. 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><b>Consistent.</b> Monterey County Health Department – Environmental Division had a <i>Project Specific Hydrogeologic Report</i> which was prepared by Todd Engineers, in accordance with Title 19 of the Monterey County Code.</p> <p>According to the <i>Project Specific Hydrogeologic Report</i> and Monterey County Health Department, Environmental Health Division, the proposed project has a long-term water supply. The water demand of 12.75 AFY associated with the proposed project shall be accommodated by an approximately 29.9 AFY of recharge surplus within the San Benancio subarea of the El Toro Groundwater Basin.</p> <p>Proper implementation of mitigation measures <b>MM 3.6-2a</b> through <b>MM 3.6-2c</b> incorporated in <b>Section 3.6, Groundwater Resources and Hydrogeology</b> 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>

### 3.8 LAND USE, POPULATION AND HOUSING

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><b>Consistent.</b> The proposed project will not include structures that create a silhouette when viewed by the public from State Scenic Route 68. As discussed in <b>Section 3.1, Aesthetics and Visual Resources</b>, the approximate locations of the proposed residential units are sited at the lowest elevations of each parcel and/or are located in the foreground of hillsides with higher elevations and shall not create a silhouette, as shown in <b>Figure 2-5, Vesting Tentative Map</b>. In addition, the project site is located in a "Design Control District" which requires that development meet specific design standards, and is subject to additional design review prior to development approval that ensures protection of the public viewshed. Therefore, the proposed project would not be considered 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"> <li>• there is no alternative which would allow development to occur on slopes of less than 30 percent; or,</li> <li>• the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans and Land Use Plans, and all applicable master plans.</li> </ul>	<p><b>Consistent.</b> The proposed project includes a use permit for development on slopes greater than 30 percent. Although the lots proposed for residential development contain slopes greater than 30 percent, home sites have been sited in areas with slopes less than 30 percent. Roadway improvements may occur on slopes greater than 30 percent due to the alignment of the existing unimproved roadway that may need to be widened to accommodate on-site circulation. All other areas with slopes greater than 30 percent shall be designated with scenic easements. Consistent with <i>Monterey County General Plan Policy 26.1.10</i>.</p>

<p>26.1.18</p>	<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><b>Consistent.</b> The proposed project is consistent with the <i>Monterey County General Plan</i> and would not result in a significant increase in demand for public facilities and services.</p> <p>As discussed in <b>Section 3.9, Public Services and Utilities</b>, 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 only 220,000 gallons per day, providing sufficient capacity to accommodate approximately 320 additional single-family residences. According to California Utility Service and Central Coast Regional Water Quality Control Board, the existing facilities have the capacity to serve the proposed project.</p> <p>California-American Water Company (Cal-Am) will operate the potable water system for the proposed project. As discussed in <b>Section 3.6, Groundwater Resources and Hydrogeology</b>, the proposed project's potable water of 12.75 AFY will be procured from existing wells. The practical yields of the wells are 92 GPM for the Oaks Well and 12 GPM for the New Well. Water pumped from these wells will be treated at Cal-Am's Ambler Park facility, which has the capacity to treat at a rate of 500 GPM and currently treats an average of 160 GPM. According to Cal-Am, the existing facility would be able to accommodate the increased potable water demand associated with the proposed project.</p> <p>Since the proposed project has adequate public facilities to serve the estimated increase in demand, the proposed project is consistent with <i>Monterey County General Plan Policy 26.1.18</i>.</p>
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### 3.8 LAND USE, POPULATION AND HOUSING

27.1.1	Sufficient areas for residential use shall be designed consistent with the County's growth policies and projections.	<b>Consistent.</b> The proposed project consists of 17 single-family residential lots on approximately 164 acres. The 17 residential lots would range in size from 5.13 acres to 14.98 acres with an average density of 9.65 acres per residential unit. Since the density of proposed project would meet the density requirements requiring a minimum of 5.1 acres per residential unit for "Rural Density Residential" and a minimum of 1 acre per residential for "Low Density Residential," the proposed project would be consistent with the County's growth policies and projections.
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.	<b>Consistent.</b> The project site is designated "Rural Residential Density" and "Low Density Residential." Implementation of mitigation measure <b>MM 3.5-1</b> would ensure that design level geotechnical reports are prepared for individual lots and that residential development at the project site is constructed in accordance with the most current California Building Code. Implementation of the above mitigation measures <b>MM 3.3-1a</b> and <b>MM 3.3-1b</b> will reduce potential impacts to special status plant species by requiring focused surveys to determine the presence of such species and if identified onsite, provides for collections and relocation of protected species. The impact on public resources and facilities is minimal and discussed above under <i>Monterey County General Plan Policy 26.1.18</i> .
27.1.3	Residential development should be concentrated in growth areas.	<b>Consistent.</b> The project site is designated "Rural Residential Density" and "Low Density Residential." The project site is located adjacent to recreational land (Toro Regional Park) to east and south, which is designated as "Public/Quasi-Public" in the <i>Monterey County General Plan</i> ; unimproved lands/watershed area and grazing/rangelands to the north, which is designated as "Resource Conservation" in the <i>Monterey County General Plan</i> ; vacant land to the northwest, which is designated as "Low Density Residential" in the <i>Monterey County General Plan</i> ; and existing single-family residences the southwest, which is designated as "Low Density Residential" in the <i>Monterey County General Plan</i> . Since adjacent land contains existing residential development and is zoned for residential development, the proposed project is consistent with <i>Monterey County General Plan Policy 27.1.3</i> .

### 3.8 LAND USE, POPULATION AND HOUSING

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.	<b>Consistent.</b> The project site is located five miles from shopping in the City of Salinas, adjacent to Toro Regional Park and approximately one mile from State Route 68.
27.3.2	The County shall encourage that open space be provided within and on the fringes of residential areas.	<b>Consistent.</b> The proposed site includes a 180-acre remainder parcel adjacent to Toro Regional Park. The project applicant has committed to donating approximately 154-acres of the remainder parcel by deeding the property to the Monterey County Parks Department as an expansion of the adjacent Toro Park pursuant to Section 66428(a)(2) of the Subdivision Map Act. No development is proposed on the remaining 26-acres of the remainder parcel at this time.
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.	<b>Consistent.</b> The northern portion of the project site is adjacent to land that is currently used for grazing. The lots adjacent to land that is currently used for grazing have home sites sited a sufficient distance from the grazing area such that agricultural activities shall 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.	<b>Consistent.</b> The 180-acre remainder parcel shall provide a buffer between the proposed residential development on the project site and the recreation uses at Toro Regional Park. In addition, the project applicant has committed to donating approximately 154-acres of the remainder parcel by deeding the property to the Monterey County Parks Department as an expansion of the adjacent Toro Park pursuant to Section 66428(a)(2) of the Subdivision Map Act. No development is proposed on the remaining 26-acres of the remainder parcel at this time.

Source: Monterey County General Plan 1982

#### Toro Area Plan

In Monterey County, there are eight Area Plans that 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 specific area plan applicable to the proposed project is the *Toro Area Plan*. This area plan was adopted in 1983 and has been amended periodically throughout the past twenty

### 3.8 LAND USE, POPULATION AND HOUSING

years with the last amendment to the plan occurring in 1998. **Table 3.8-2, Toro Area Plan Consistency Analysis** discusses the consistency of the proposed project with relevant land use goals and policies of the *Toro Area Plan*.

**TABLE 3.8-2  
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"> <li>• Those portions of parcels with cross-slope of between zero and 19.9 percent shall be assigned one building site per each one acre.</li> <li>• 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.</li> <li>• Those portions of parcels with a cross-slope of 30 percent or greater shall be assigned zero building sites.</li> <li>• 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. 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.</li> <li>• Where an entire parcel would not be developable because of plan policies, an extremely low density of development should be allowed.</li> </ul>	<p><b>Consistent.</b> The area proposed for development contains approximately 97 acres with slopes in excess of 30 percent grade; 41 acres with slopes ranging from 20 to 30 percent; and 27 acres with slopes ranging from 0 to 20 percent slope. All proposed homesites have been sited on slopes less than 30 percent. The proposed project includes residential development on lots that would range in size from 5.13 acres to 23.42 acres with an average lot size of approximately 9.64 acres per residential unit. Since the smallest lot (5.13 acres) exceeds the lowest density of one building site per two acres, the proposed project would be consistent with the policy.</p>



<p>26.1.6.1</p>	<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><b>Consistent.</b> According to the <i>Toro Area Plan</i>, the project site is located outside the area designated as “area of visual sensitivity” and the “critical viewshed” as shown in <b>Figures 3.1-1A, Visual Sensitivity and Scenic Highways Map and 3.1-1B, Critical Viewshed Map.</b></p>
<p>26.1.8.1</p>	<p>Development in scenic road and highway corridors shall be governed by policies located in the transportation section of this Area Plan.</p>	<p>The proposed home sites on Lots #7, #11, and #17 are potentially visible from State Route 68. However, the steep and rolling terrain adjacent to the State Route 68 limits the visibility to the project site in the foreground and provides a natural screen, which limits visibility of the project site from the highway. In addition, portions of project site are zoned within a Design Control District. The purpose of the “Design Control” zoning designation is to protect the public viewshed, neighborhood character, and assure the visual integrity of the development in scenic areas. The intent of the Design Control District is to guide development while preserving the scenic qualities of the ridgeline area, views from State Route 68, and the scenic and rural quality of the project vicinity. Therefore, the “Design Control District” is applicable to the entire area of both parcels and all 17 residential lots would be subject to the requirements of Section 21.44.010 of the <i>Monterey County Zoning Ordinance</i>.</p> <p>Section 21.44.010 of the <i>Monterey County Zoning Ordinance</i> 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. The architectural review process would ensure that the scenic quality of the project site and vicinity is not diminished with implementation of the proposed project per Section 21.44.030 of the <i>Monterey County Zoning Ordinance</i> (Title 21).</p>

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.	<b>Consistent.</b> The approximate locations of the proposed residential units are sited at the lowest elevations of each parcel or are located in the foreground of hillsides higher elevations and shall not create a silhouette, as shown in <b>Figure 2-5, Vesting Tentative Map</b> . In addition, the Design Control District zoning designation requires future residential designs to meet specific design standards and is subject to additional design review prior to development approval that ensures protection of the public viewshed. Therefore, the proposed project would not be considered ridgeline development. Ridgeline development is further discussed in <b>Section 3.1, Aesthetics and Visual Resources</b> .
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Source: Monterey County 1983

### 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.

#### Rural and Low Density Residential

The majority of the project site is designated as “Rural Density Residential” (RDR/5.1 and RDR/5.1-D), with a small portion of APN 416-611-002-000 designated as “Low Density Residential” (LDR/1). The “Rural Density Residential” designation allows for residential development with a minimum of 5.1 acres per residential unit, with maximum building site coverage of 25 percent. The “Low Density Residential” zoning designation allows residential development with a minimum of one acre per residential unit, with maximum building site coverage of 35 percent on lots less than 20,000 square feet and 25 percent on lots of 20,000 square feet or more. The proposed project includes development of 17 single-family residential lots on approximately 164 acres. The 17 residential lots would range in size from 5.13 acres to 14.98 acres with an average density of 9.65 acres per residential unit. Since the density of the proposed project would meet the rural density requirement of a minimum of 5.1 acres per residential unit and the low density requirement of a minimum of one acre per residential unit, the proposed project is **consistent** with the *Monterey County Zoning Code* in regards to the “Rural Density Residential” and “Low Density Residential” zoning designations.

#### Design Control or “D” Districts

According to the *Monterey County Zoning Code*, portions of both parcels designated RDR (5.1-D) are located within a “Design Control District”. The purpose of the “Design Control

District” zoning designation is to protect the public viewshed, neighborhood character, and assure the visual integrity of the development in scenic areas. While the exact location of the Design Control District on the project site is not clear from the current zoning maps, the intent of these maps is to guide development while preserving the scenic qualities of the ridgeline area, views from State Route 68, and the scenic and rural quality of the project vicinity. Therefore, all 17 residential lots would be subject to the requirements of Section 21.44.010 of the *Monterey County Zoning Code*. 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. A Design Approval Application shall be submitted and approved prior to the issuance of building permits for construction of future residential structures on the project site.

#### **Inclusionary Housing Ordinance**

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 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 November 2002. The applicable *Inclusionary Housing Ordinance* requires developers to contribute 15 percent of the new residential lots or units as low-and moderate-income units. This ordinance allows several options for compliance, including payment of an in-lieu fee. According to County of Monterey Housing and Redevelopment Office, payment of the in-lieu fee equal to \$409,555.50 (\$160,610/inclusionary unit) shall satisfy compliance with the *Monterey County Inclusionary Housing Ordinance*. Therefore, the proposed project is **consistent** with the *Monterey County Inclusionary Housing Ordinance*.

#### **Subdivision Ordinance (Title 19)**

The purpose of the *Monterey County Subdivision Ordinance* (Title 19) 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, 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, 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 Sections 19.05.035 and 19.05.040 of the *Monterey County Subdivision Ordinance*. In addition, the proposed project includes a 180-acre remainder parcel. The remainder parcel is subject to *Monterey County Subdivision Ordinance Chapter 19.01.080, Designated Remainder Parcel Improvement Requirements*, which provides guidelines for improvements on the remainder parcel.

#### Development on Slopes in Excess of 30 Percent

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* that requires 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:

- Either 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.

The project site contains approximately 97 acres 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 engineer fill, paving, and installation of utilities in the right-of-way. There is no alternative alignment that would eliminate development of the roadway on slopes less than 30 percent. The overall design of the proposed project minimizes development on slopes in excess of 30 percent with the location of home sites on slopes less than 30 percent. Therefore, the proposed project is **consistent** with the Section 21.64.230 of the *Monterey County Zoning Code*.

#### Preservation of Oak and Other Protected Trees

Chapter 21.64.260 of the *Monterey County Zoning Ordinance (Title 21)* prohibits the removal of any oak tree that is six inches or more in diameter two feet above ground level without the approval of a use permit. In addition, a *Forest Management Plan* and approval of a use permit is required when more than three protected trees on a lot are removed within 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 Planning Department.

As discussed in **Section 3.3, Biological Resources**, the proposed project includes a use permit for the removal of approximately 79 oak trees, which is less than one percent of the total trees on site. A *Forest Management Plan* was prepared by Staub Forestry and Environmental Consulting in June 2001. According to the *Forest Management Plan*, approximately 79 of 9,187 trees (less than one percent) on the project site will be removed primarily to install a 20-foot wide roadway that generally follows the existing unimproved road on the project site. Of the trees to be removed, approximately 86 percent are greater than six inches in diameter and approximately 1 percent are greater than 24 inches in diameter. 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. Approximately 20 to 26 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 79 oak trees, of which one quarter of the trees are in poor health, and the tree removal would consist of less than one percent of the total trees on the project site, the tree removal would be **consistent** with Chapter 21.64.260 of the *Monterey County Zoning Ordinance*.

#### 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 Resource and Hydrogeology** and **Section 3.7, Surface Hydrology and Water Quality** ensures 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 storm water 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 2004 Air Quality Management Plan for the Monterey Bay Region (AQMP) adopted September 2004 is the fourth update to the 1991 Plan. Attainment of the PM<sub>10</sub> standard is addressed in the "1998 Report on Attainment of the California Particulate Matter Standards in the Monterey Bay Region."

As discussed in **Section 3.2, Air Quality**, conformity of population-related projects with the *MBUACPD Air Quality Management Plan* 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 17 new single-family residential units. The *2004 Population, Housing Unit, and Employment Forecast* estimates there will be 151,844 housing units in Monterey County by the year 2010. Currently there are 147,776 existing, approved, and/or permitted residential units in Monterey County (AMBAG 2005). The combination of the proposed

### 3.8 LAND USE, POPULATION AND HOUSING

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project's residential units, plus the existing and approved residential units in Monterey County, is less than the regional forecasts for Monterey County of approximately 151,844 residential units. Therefore, the proposed project is **consistent** with the 2004 regional forecasts and the *MBUAPCD Air Quality Management Plan* (AMBAG 2005).

#### 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). 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 funding. As required by the California Transportation Commission Guidelines, each Regional Transportation Agency shall develop and update goals, objectives and policies for inclusion in the Policy Element of the RTP.

As discussed in **Section 3.10, Transportation and Circulation** under project conditions and cumulative project conditions, traffic generated by the proposed project would contribute to the deficient levels of service along State Route 68. State Route 68 should be widened to accommodate an additional eastbound lane for the entire length evaluated. An additional westbound lane would be required from Laureles Grade Road to east of San Benancio Road. The widening of State Route 68 between State Route 218 and Ragsdale Road to four lanes was recently implemented. In addition, implementation of the South Fort Ord Bypass has been identified as an alternative to widening State Route 68 as part of the recommended Advisory Committee list of improvements. The Transportation Agency of Monterey County (TAMC) is currently in the process of updating the 2004 Nexus Study for a Regional Development Impact Fee. The proposed project list in the *Regional Impact Fee Nexus Study Update* includes a project referred to as the "State Route 68 Commuter Improvements," which would widen State Route 68 to four lanes from the existing four lane section (adjacent to Toro Park) to Corral de Tierra Road. The geometric design details of this improvement are not known at this time. The *Regional Impact Fee Nexus Study Update* has not been approved and no funding is currently available for the implementation of the widening of State Route 68 to four lanes or for implementation of the South Fort Ord Bypass. Implementation of mitigation measure enclosed herein would require the project applicant to construct a 1.1 mile portion of State Route 68 and pay regional traffic impact fees to the Transportation Agency of Monterey County (TAMC) in order to mitigate for cumulative impacts to roadway segments along State Route 68. Implementation of these mitigation measures would directly contribute to the improvements along the State Route 68 corridor, which would off-set any traffic impact on roadway segments caused by increased trip volume associated with the proposed project. Therefore, the proposed project would be **consistent** with the RTP.

### 3.8.3 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 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; and
- 6) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

#### METHODOLOGY

The evaluation of potential land use, population and housing impacts are based on available information pertaining to land use, population and housing within the proposed project area including, but not limited to the *Monterey County General Plan* (Monterey County 1982), *Toro Area Plan* (Monterey County 1983). The analysis includes land use consistency with the *Monterey County Zoning Code* (Monterey County 2000), *Monterey County Subdivision Ordinance* (Monterey County 2000), the *Regional Transportation Plan* (TAMC 2005), the *Water Quality Control Plan for the Central Coastal Basin* (RWQCB 1994), and the *Air Quality Management Plan* (MBUAPCD 2004).

#### PROJECT IMPACTS AND MITIGATION MEASURES

##### **Physically Divide an Established Community**

Surrounding land uses include recreation (Toro Regional Park) along the eastern and southern boundary of the project site, which is designated as "Public/Quasi-Public" in the

### 3.8 LAND USE, POPULATION AND HOUSING

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*Monterey County General Plan*; unimproved lands/watershed area and grazing/rangelands along the northern boundary of the project site, which is designated as “Resource Conservation” in the *Monterey County General Plan*; vacant undeveloped land to the northwest, which is designated as “Low Density Residential” in the *Monterey County General Plan*; and existing single-family residences along the southwestern boundary of the project site, which is designated as “Low Density Residential” in the *Monterey County General*. Surrounding land uses are shown in the aerial photograph provided in **Figure 2-4, Aerial Photo**. Since a majority of the project site is surrounded by vacant undeveloped land with some single-family homes to the southwest, the potential of dividing an established community is non-existent. Therefore, there would be **no impact**.

#### **Conflict with Applicable Land Use Plan Policy or Ordinance**

**Impact 3.8-1** 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 land use plan policies in the *Monterey County Zoning Ordinance* (Monterey County 2000), *Monterey County Subdivision Ordinance* (Monterey County 2000), the *Monterey County Inclusionary Housing Ordinance*, the *Regional Transportation Plan* (TAMC 2005), the *Water Quality Control Plan for the Central Coastal Basin* (RWQCB 1994), and the *Air Quality Management Plan* (MBUAPCD 2004). Therefore, this would be considered a **less than significant impact**.

The proposed project consists of residential development and associated grading, tree removal and roadway improvements that must be reviewed for consistency with adopted policies of the relevant General Plan and Area Plan documents to determine if the proposed project conflicts with relevant environmental plans and policies of the area. **Table 3.8-1, Monterey County General Plan Consistency Analysis** and **Table 3.8-2, Toro Area Plan Consistency Analysis** provide consistency summaries for the *Monterey County General Plan* and the *Toro Area Plan*, respectively. Also provided in the Regulatory Setting section is a discussion of consistency with the *Monterey County Zoning Ordinance* (Monterey County 2000), *Monterey County Subdivision Ordinance* (Monterey County 2000), the *Monterey County Inclusionary Housing Ordinance*, the *Regional Transportation Plan* (TAMC 2005), the *Water Quality Control Plan for the Central Coastal Basin* (RWQCB 1994), and the *Air Quality Management Plan* (MBUAPCD 2004). The proposed project is consistent with applicable land use plan policies. 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**

The project will not conflict with any applicable habitat conservation plan or natural community conservation plan, therefore there is **no impact**.



### Induce Substantial Population Growth

**Impact 3.8-2** Implementation of the proposed project would result in the development of 17 residential units, which will increase the population within the unincorporated area of Monterey County. However, the increase in population associated with the proposed project is within the current AMBAG population and employment projections for the unincorporated area of Monterey County. Therefore, this would be considered a **less than significant impact**.

The proposed project consists of the construction of 17 residential units on vacant undeveloped land that contains no existing residences or structures; 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 2.933 (State of California, Department of Finance 2005) the proposed project would increase the population in the unincorporated area of Monterey County by approximately 50 persons, which is considered a less than one percent increase for the unincorporated areas of Monterey County. The increase in population associated with the proposed project is within the current AMBAG population and employment projections for the unincorporated area of Monterey County. 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 3.8-3** The proposed project would be consistent with the *Monterey County General Plan* and zoning provisions applicable to the project site. 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 County policy 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, this would be considered a **less than significant cumulative impact**.

The proposed project meets the *Monterey County General Plan* goals and policies, which seek to develop rural residential land uses within the project site. The proposed project would be subject to design review, which will ensure that the proposed project meets the goals and policies in the *Monterey County General Plan* for rural residential development within a Design Control District. The proposed project would be consistent with the *Monterey County General Plan* and zoning provisions applicable to the project site and therefore 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

### 3.8 LAND USE, POPULATION AND HOUSING

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consistent with County policy 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 3.8-4** The proposed project, combined with other foreseeable projects in Monterey County would result in cumulative population growth impacts. However, the estimated population increase at buildout of the proposed plan is well within the forecast established for Monterey County and the anticipated growth in the unincorporated area of Monterey County. This would be considered a **less than significant cumulative impact**.

The proposed project, combined with other foreseeable projects in Monterey County would result in cumulative population growth impacts. However, the estimated population increase at build out of the proposed plan is well within the forecast established for Monterey County and the anticipated growth in the unincorporated area of Monterey County. This would be considered a **less than significant cumulative impact**.

#### REFERENCES/DOCUMENTATION

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