

Exhibit A

[Proposed changes are indicated via underline]

Ordinance No. 5114

An Ordinance Of The County Of Monterey, State Of California Amending Sections 20.144.060.C.2 And 20.144.080.D.2. Of The Monterey County Code (North County Coastal Implementation Plan) To Allow Public Safety Improvements In The Vicinity Of The Highway One And Salinas Road Intersection In The County Of Monterey.

County Counsel Summary

This Ordinance amends Sections 20.144.060.C.2 and 20.144.080.D.2 of Part 2 of the Coastal Implementation Plan, the Regulations for Development in the North County Land Use Plan Area, codified in Chapter 20.144 of the Monterey County Code. The amendments clarify that the conversion of designated agricultural lands located between Jensen Road (post mile 99.9) and Tafton Road under crossing (post mile R101.5) is permissible in order to allow public safety improvements in the vicinity of the Salinas Road and Highway One intersection (APNs: 117-011-010, 012; 117-021-002, 004; 117-022-001; 117-052-010, 014, 016, 017; 117-062-020, 021, 023; 117-072-004; 117-571-005-000) North County Coastal Zone.

The Board of Supervisors of the County of Monterey ordains as follows:

Section 1. Subsection C.2 of Section 20.144.060 of the Monterey County Code is hereby amended to read as follows:

- C. Development Standards
 - 2. The diking, filling, or dredging of coastal wetlands or estuaries shall be limited to restorative measures to maintain and enhance

the long-term maintenance of the biological habitat, and to appropriate facilities associated with access, research, education, mariculture, and aquaculture. The development shall be in accordance with the requirements and specific criteria designed in an approved wetland management plan for the area. If no wetland management plan has been approved for the area, appropriate facilities shall be limited to those consistent with Section 30233 (a) of the Coastal Act, as follows:

- a. new or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities;
- b. maintaining existing or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps;
- c. in wetland areas only, entrance channels for new or expanded boating facilities; and, in “degraded wetland” areas as identified by the California Department of Fish and Game, entrance channels for boating facilities, where a substantial portion of the degraded wetland is restored and maintained as a biologically-productive wetland along with development of the boating facilities. In the degraded wetland areas, the size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25% of the degraded wetland;
- d. in open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities;
- e. incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines, and other

such temporary disruptions, as well as limited expansion of roadways and bridges when no other alternative exists, the expansion is necessary to maintain existing traffic capacity, and the expansion will not result in an increase in traffic capacity overall;

- f. mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas;
- g. restoration purposes; and,
- h. nature study, aquaculture, or similar resource dependent activities. (Ref. Policy 2.4.2.4 & Coastal Act Section 30233[a])

Section 2. Subsection D.2 of Section 20.144.080 of the Monterey County Code is hereby amended to read as follows:

D. General Development Standards

- 2. In "CAP" (Coastal Agricultural Preservation) or "AC" (Agricultural Conservation) zoning districts, subdivision or conversion of cultivated land for non-agricultural uses shall be permitted only where there is an overriding need to protect the public health and safety from adverse erosion or water quality/quality impacts, or where the land is needed to infill existing "developed" areas. Such infilling shall be considered appropriate when the parcel to be developed is surrounded entirely by parcels in a "RDR" (Rural Density Residential), "LDR" (Low Density Residential), "MDR" (Medium Density Residential), and/or "HDR" (High Density Residential) zoning districts. (Ref. Policy 2.6.2.2) Also, notwithstanding the provisions of Section 20.64.260(a) of these ordinances regarding road development, where conversion of agricultural lands for public health and safety purposes is necessary to address a documented significant threat to life and property on Highway 1 in the vicinity of the Salinas Road-Highway 1 intersection may be permitted, provided that such project is necessary to maintain existing

traffic capacity through the intersection, and does not expand the overall capacity of the rural 2-land highway segment south of the proposed new grade separation structure at Salinas Road. Any necessary loss of designated agricultural lands due to the Salinas Road-Highway 1 intersection project shall be offset through implementation of an agricultural mitigation plan, submitted to and approved by the County at the same time as the public health and safety project. Appropriate mitigation measures include, but are not limited to: preservation of existing or potentially productive croplands that under existing land divisions patterns could otherwise be converted to non-agricultural development; stabilization or urban-rural boundaries; restoration or enhancement of unproductive or degraded agricultural lands; and community garden or educational programs that support coastal agriculture. The permit for any such conversion shall be conditioned to require that the mitigation measures remain in place for the life of the project.

Section 3. Severability

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. Effective Date.

This Ordinance shall become effective on the 31st day after its adoption by the Board of Supervisors.

PASSED AND ADOPTED this 9 day of September 2008, by the following vote:

AYES: Supervisors: Armenta, Talcagno, Salinas, Mettee-McCutchon

NOES:

ABSENT: Supervisors Potter

Abstain:

FERNANDO ARMENTA, CHAIR
Monterey County Board of Supervisors

ATTEST:

NICHOLAS E. CHIULOS, Interim Clerk
of the Board of Supervisors

APPROVED AS TO FORM:

LEROY E. BLANKENSHIP
Assistant County Counsel