

## MONTEREY COUNTY MINOR SUBDIVISION COMMITTEE

<b>Meeting:</b> March 25, 2010	<b>Time:</b> 9:00A.M.	<b>Agenda Item No.:</b> 1
<b>Project Description:</b> Minor Subdivision Tentative Map to allow the division of a 160-acre parcel into four (4) 40-acre parcels. The property is located at 68375 Jolon Road, Lockwood (Assessor's Parcel Number 423-061-065-000), South County Area.		
<b>Project Location:</b> 68375 Jolon Road, Lockwood		<b>APN:</b> 423-061-065-000
<b>Planning File Number:</b> PLN060711		<b>Owner:</b> Andres Rafael & Franki A. Grau
<b>Planning Area:</b> South County Area Plan		<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> "RG/40" [Rural Grazing with a maximum gross density of one unit per every forty acres] "RG/40"		
<b>CEQA Action:</b> Mitigated Negative Declaration		
<b>Department:</b> RMA - Planning Department		

### RECOMMENDATION:

Staff recommends that the Minor Subdivision Committee adopt a resolution (**Exhibit C**) to:

- 1) Adopt the Mitigated Negative Declaration (**Exhibit E**); and
- 2) Approve PLN060711, based on the findings and evidence and subject to the conditions of approval and Mitigation Monitoring and Reporting Program (**Exhibit C**):

### PROJECT OVERVIEW:

The site is currently developed with a single-family dwelling, carport, and a 6,000 square foot agricultural barn for storage of farm-related equipment. The division of the existing 160-acre parcel into four 40-acre parcels would result in all of these structures being located on proposed Parcel 1 and the three unimproved 40-acre parcels. Access to the created parcels is proposed via an existing jeep trail, which traverses the southern boundary of the property. The applicants proposed to record a 30-foot wide road access easement following this trail. The building envelopes are proposed to minimize disturbance to steep slopes and other resource constraints identified in the Initial Study.

The project as described, conditioned, and mitigated is consistent with all applicable County of Monterey policies and regulations and the property's land use and zoning designations. No unusual circumstances, unresolved issues, or adverse environmental impacts were identified during project review.

**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

- |                                 |  |
|---------------------------------|--|
| √ RMA - Public Works Department | √ California Department of Forestry-South County |
| √ Environmental Health Division | √ Parks Department                               |
| √ Water Resources Agency        | √ Housing and Redevelopment Agency               |

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by RMA - Public Works Department, Environmental Health Division, Water Resources Agency, California Department of Forestry-South County, Parks Department, Housing and Redevelopment Agency have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit C.2**).

### LAND USE ADVISORY COMMITTEE (LUAC)

The project was not referred to a Land Use Advisory Committee (LUAC) for review because a LUAC does not exist for this area of the County.

Note: The decision on this project is appealable to the Board of Supervisors.

*Elisa Cavaliere*

Elisa Cavaliere, Associate Planner  
(831) 755-5179, CavaliereE@co.monterey.ca.us  
March 25, 2010

cc: Front Counter Copy; Minor Subdivision Committee; California Department of Forestry-South County; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning Services Manager; Elisa Manuguerra, Project Planner; Carol Allen, Senior Secretary; Joel Panzer, Agent for Neighbor; Aaron Johnson, Attorney for Applicant; Andres Rafael & Franki A. Grau, Owners; Planning File PLN060711

Attachments: Exhibit A Project Data Sheet  
Exhibit B Project Discussion  
Exhibit C Draft Resolution, including:  
1. Conditions of Approval and Mitigation Monitoring and Reporting Program  
2. Tentative Parcel Map  
Exhibit D Vicinity Map  
Exhibit E Mitigated Negative Declaration  
Exhibit F Comments on Mitigated Negative Declaration  
Exhibit G Letter from Joel Panzer regarding use of roadway easement

This report was reviewed by Laura Lawrence, Planning Services Manager.

## **EXHIBIT B DISCUSSION**

### **Project Description and Setting**

The Grau property is located at 68375 Jolon Road, Lockwood, Monterey County, California approximately 2.5 miles east of the town of Lockwood and approximately 2.5 miles southeast of created Lake San Antonio Reservoir. The site is currently developed with a single-family dwelling, carport, and a 6,000 square foot agricultural barn for storage and repair of farm related equipment. (a Vicinity Map is attached as **Exhibit D**). This application requests subdivision of the 160 parcel into four parcels of 40 acres each. The Tentative Parcel Map with suggested building envelopes is attached as **Exhibit C.2**.

### **Road Access**

The property has been utilized for grazing and growing hay over the past 50 years. To access the rear property, an existing jeep trail traverses the parcels and several adjoining parcels not under common ownership. The Graus propose to convert this jeep trail to a 30-foot wide road access easement for the created parcels. The future improvement of the jeep trail may require development on slopes exceeding 30% and minimal oak tree removal. Due to the topography and heavy vegetation on the property, it is not possible to design a road providing access to the rear acreage without developing on slopes or requiring some tree removal. Because this application does not involve improving a roadway within the proposed access easement to Parcels 2, 3, and 4. When the property owners apply for a grading permit to improve the jeep trail to a roadway meeting Fire Department Standards a Use Permit for development on slopes exceeding 30% may also be required.

### **Easement Right of Way**

Staff has received a letter (**Exhibit G**) from Joel Panzer dated March 2, 2010, on behalf of from Zeb Prizada, a neighboring property owner regarding the use of a private 60-foot easement traversing his property (Assessor's Parcel Number 423-061-036-000) which provides the Grau property access to Jolon. Mr. Prizada's concern is that the approval of this subdivision would result in additional burdens on the existing easement. This private road easement is recorded and filed for record at the Monterey County Recorder's Office at Volume 24 of Surveys, Page 81. According to the parcel map recorded for Lot Line Adjustment No. 970294, the road access easement provides access to 6 parcels. The County is not a party to this recorded access agreement and does the County have jurisdiction to adjudicate a dispute among the parties to this private access agreement. Staff is recommending conditions of approval in an effort to assure this Minor Subdivision is consistent with the access agreement for the use of this private access easement, any issues that could arise over the use of the private easement in the future or prior to the commencement of use. These conditions include Condition No. 12 road easement, and Condition No. 13 road maintenance agreement.

### **Traffic**

The site currently has an existing single-family residence and a shop building. The proposed minor subdivision will create three additional lots of record. Potential development includes the construction of three single-family dwellings and potential for secondary habitable structures. An existing jeep trail traversing the proposed parcels will be converted into a 30-foot wide private right-of-way for the new lots created. The existing house on the property generates approximately 10 trips per day. The project's potential maximum development of twelve single

family dwellings could generate approximately 30 trips per lot for a maximum of an additional 110 trips per day. This number is considered to not cause an increase in traffic that is substantial in relation to existing traffic load and capacity of the road system. The roadways in this area are not at degraded levels of service. The project will not significantly exceed, individually or cumulatively, a level of service standard established by the County or result in a change of air traffic patterns.

### **Environmental Review**

An Initial Study and Mitigated Negative Declaration was prepared for the project, (**Exhibit E**) and circulated for public review from December 9, 2009 through January 8, 2010 pursuant to the requirements of the California Environmental Quality Act (CEQA). The Initial Study identified potentially significant impacts to Aesthetics, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, Hydrology/Water Quality, Transportation/Traffic, and Utilities/Service Systems. Mitigation Measures (MM) are recommended to be incorporated as conditions of approval where standard conditions could not reduce impacts to a less than significant level.

#### ***Biological Resources***

A Biological Assessment (BA) was completed for the property by Sierra Delta Corporation (SCD) in June 20, 2007. The report indicates that there are three biological communities, Annual Grassland, Blue oak woodland, and Chamise chaparral, that exist on the property and seven (7) sensitive plant and wildlife species that are reasonably likely to occur on the property. These species include Dwarf calycadenia, Jolon Clarkia, San Antonio collinsia, Straight-awned spineflower, Umbrella larkspur, Monterey dusky-footed woodrat, and the San Joaquin kit fox. A summary of the mitigation measures recommended to reduce potentially significant environmental impacts to these sensitive receptors to a less than significant level are as follows:

- MM No. 1: Pre-Construction Bird Surveys.
- MM No. 2: Woodrat Nest Surveys and Dismantling.
- MM No. 3: San Joaquin Kit Fox (SJKF) Habitat Evaluation.
- MM No. 4: Prevention of San Joaquin Kit Fox Entrapment during Construction Activities.
- MM No. 5: Worker Education Program.
- MM No. 6: Construction Requirements.
- MM No. 7: Clearance of Excess Debris and re-vegetation upon completion of project.

#### ***Cultural & Archaeological Resources***

The subject 160-acre property is located within a "High" Archaeological Sensitivity Area as identified by the South County Area Plan and South County Inventory and Analysis. According to a Preliminary Cultural Resources Reconnaissance prepared by Susan Morley M.A, the property is located within the Salinan and Esselen ethnolinguistic boundaries and is within one mile of at least seven recorded prehistoric sites. The survey indicates that the naturally occurring chert sandstone found on the property is significant to cultural and archaeological resources because indigenous populations crafted it into knives, scrapers, drills, mortars, and pestles. It concludes that the proximity of this mineral resource to the nearby known prehistoric sites makes portions of the Grau property culturally and archaeological significant. To reduce impacts to these significant resources the following mitigation measures are recommended to reduce impacts to a less than significant impact.

- MM No. 8: Record a note listing instructions of steps to be taken if archaeological resources discovered on-site.
- MM No. 9: Convey a conservation and scenic easement over areas recommended in archaeological survey.

***Geology and Soils***

The project site is located within an area designated as “Relatively Unstable” and “Undetermined Areas” of geologic hazards by the South County Area Plan. A Geologic Hazards Evaluation prepared for this project by the Sierra Delta Corporation. The report indicates there are two significant landslides located on the northern portions of Parcels 3 and 4 with a moderate to high potential for future landslides or erosion problems in the future. The report concludes that the placement of habitable structures within the proposed building envelopes would reduce impacts to a less than significant impact. As such, MM No. 10 requires that all habitable structures on Parcels 3 and 4 be located within the designated building envelope.

For the following resource areas, standard conditions can reduce impacts to a less than significant level:

***Aesthetics*** - Condition No. 9 has been incorporated requiring that the applicant convey to the County a scenic and conservation easement the portions of the property with slopes exceeding 30%.

***Hazards/Hazardous Materials*** - The project site is located in a rural area subject to wild land fire hazards (“Very High” Fire Hazard Level). The California Department of Forestry-South County (CDF-South County) reviewed the project application and recommended Conditions No. 28-37 regarding fire safety. These fire safety measures include the disposal of vegetation and fuels, road access improvements, and road gates.

***Hydrology/Water Quality*** - The project has been reviewed by the Environmental Health Bureau and the Water Resources Agency, which determined that the project provides proof of an assured, long-term water supply in terms of yield and adequate quality. The Environmental Health Bureau determined that the existing well located on proposed Parcel 1, currently serving the existing residence and has sufficient capacity to serve all four parcels. Conditions No. 19-22 have been incorporated requiring: 1.) any new well, in the event that additional capacity is needed, undergo a minimum of a 72-hour continuous source capacity test; 2.) and the applicant install a water treatment system to meet secondary water quality standards.

***Transportation/Traffic*** - The project’s potential maximum development of twelve single-family dwellings could generate approximately 30 trips per lot for a maximum of an additional 110 trips per day. This number is considered to not cause an increase in traffic that is substantial in relation to existing traffic load and capacity of the road system. The roadways in this area are not at degraded levels of service; however, Condition No. 18 has been incorporated requiring that that applicant shall pay regional traffic mitigation fee identified in the Transportation Agency for Monterey County (TAMC) nexus study for improvements to the regional road network.

*Utilities/Service Systems* - Future project residences would be served by on-site septic systems that would be designed to have capacity to serve the proposed residences. Condition No. 25 has been incorporated requiring that the applicant design for proposed septic systems for the created parcels consistent meeting the applicable standards for septic disposal systems (Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB). The condition will ensure that the wastewater treatment requirements of the applicable Regional Water Quality Control Board are not exceeded.

### **Response to Comment Letters**

Two comment letters was received during the thirty-day public comment period (December 9, 2009 to January 8, 2010). The Monterey Bay Unified Air Pollution Control District (MBUAPCD) comment letter does not require response. A letter from Joel Panzer of Wruck Planning Consultants, attached as **Exhibit F**, submitted on behalf of Zeb Prizada, a neighbor to the subject property expresses the following summarized concerns:

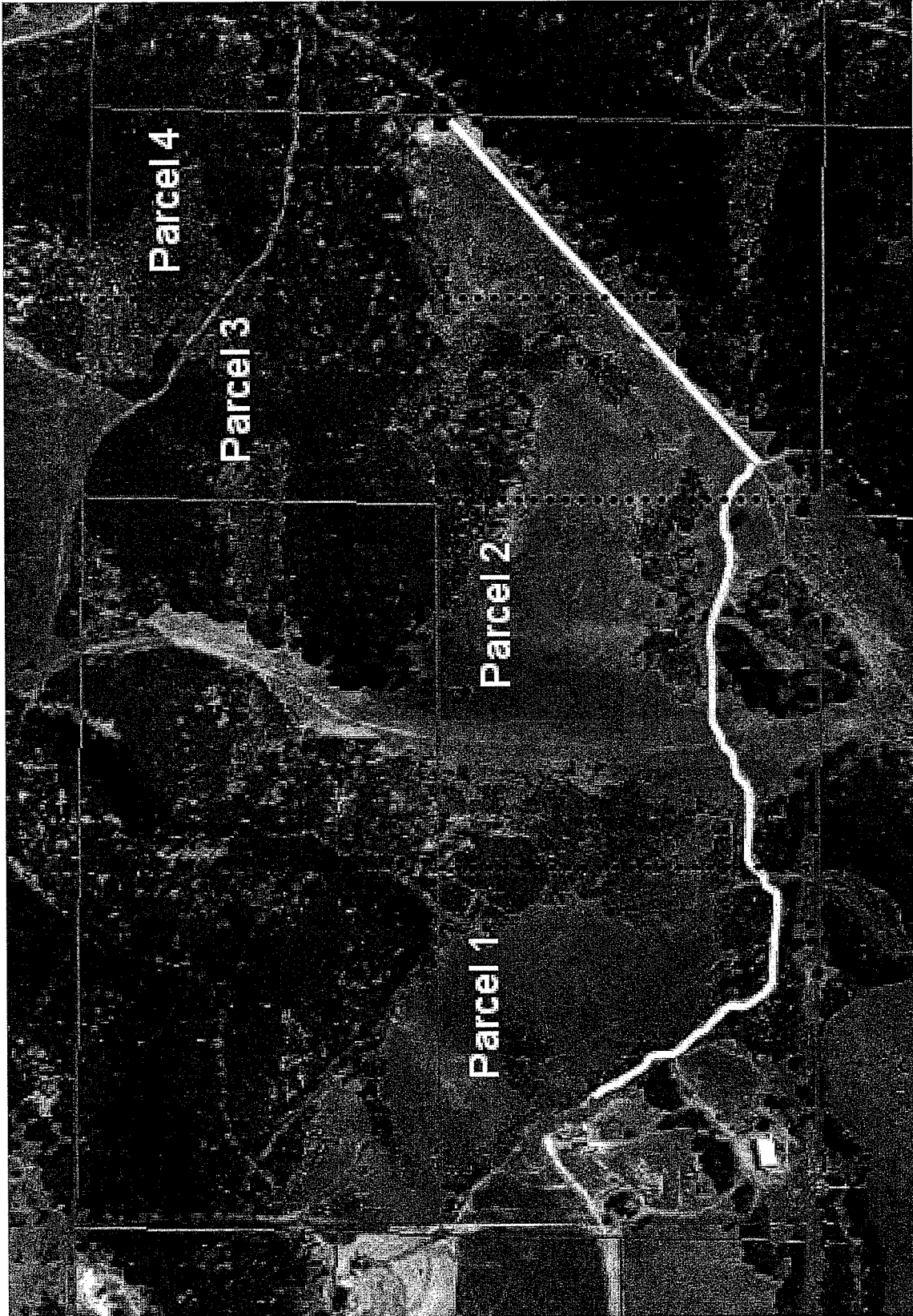
- Road access easement
- Hydrology
- Water Use
- Utilities/Service Systems

Respective to the concerns regarding the use of the road access easement, please see discussion above. The remainder of concerns fall within the purview of the Environmental Health Bureau. They have received Mr. Panzer's letter and will respond to these concerns at the public hearing.

### **Conclusions**

Staff concludes that upon implementation of the conditions of approval and recommended mitigation measures, the Minor Subdivision Vesting Tentative Map proposed for the Grau property will not have a significant effect upon the environment. No unusual circumstances, unresolved issues, or adverse environmental impacts were identified during project review. The project, as described and conditioned and mitigated, is consistent will all applicable County of Monterey policies and regulations.

*Figure 1. Aerial Photo with overlay of proposed boundaries*



**EXHIBIT C  
DRAFT RESOLUTION**

**Before the Minor Subdivision Committee in and for the  
County of Monterey, State of California**

In the matter of the application of:  
**ANDRES RAFAEL & FRANKI A. GRAU (PLN060711)**

**RESOLUTION NO.** \_\_\_\_\_  
Resolution by the Monterey County Minor  
Subdivision Committee:

- 1) Adopting a Mitigated Negative Declaration; and
  - 2) Approving a Minor Subdivision Tentative Map to allow the division of a 160-acre parcel into four (4) 40-acre parcels; and
  - 3) Adopting a Mitigation Monitoring and Reporting Program (**Exhibit 1**)
- (PLN060711, Andres Rafael & Franki A. Grau,  
68375 Jolon Road, Lockwood, South County Area  
Plan (APN: 423-061-065-000

**The Grau Minor Subdivision application (PLN060711) came on for public hearing before the Monterey County Minor Subdivision Committee on March 25, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Minor Subdivision Committee finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.  
**EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
  - the Monterey County General Plan,
  - South County Area Plan,
  - South County Area Plan, Inventory and Analysis,
  - Monterey County Zoning Ordinance (Title 21)
  - Monterey County Subdivision Ordinance (Title 19)No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.  
b) The property is located at 68375 Jolon Road, Lockwood (Assessor's Parcel Number 423-061-065-000), South County Area Plan. The parcel is zoned Rural Grazing, 40 acres per unit ("RG/40") which allows divisions of land provided that the zoning density is not exceeded. Therefore, the project is an allowed land use for this site. The proposed minor subdivision conforms to the 40-acre minimum lot size requirements for the Rural Grazing zoning designation. As such, the

- proposed minor subdivision is for the division of an existing 160 acre parcel into four parcels of approximately 40 acres each.
- c) The proposal is consistent with the Lot Design Standards of Section 19.10.030 A, B, and C by conforming to zoning regulations in Title 21, lot width and depth, and side lines of the lots running at right angles. Each of the parcels will be 40 acres. Parcels of this size exceed the minimum standards required by the Lot Design Standards.
  - d) The project planner conducted a site inspection on January 23, 2009 to verify that the project on the subject parcel conforms to the plans listed above.
  - e) The parcel is a legal lot of record based upon a record of survey filed for Lot Line Adjustment No. 970294 and filed for record at the Monterey County Recorder's Office in Volume 24 of Surveys, page 81.
  - f) The rural nature of the Jolon/Lockwood area of the county lends many of the vistas seen from the roads in the area to be considered scenic vistas. The County's land use policies support that development on ridge tops and development on slopes exceeding 30% subtract from the natural and rural character and result in impacts to aesthetics. The subject property is located just outside the Highly Sensitive Areas of the Scenic Highways and Visual Sensitivity as mapped by the South County Area Plan and is therefore not subject to being characterized as "Visually Sensitivity." In an effort to conserve the scenic nature of this area, Condition No. 9 has been incorporated requiring that the applicant to convey a scenic easement to the County over those portions of the property where the slope exceeds 30 percent in an effort to preserve the scenic resources of this property.
  - g) This application is subject to Section 18.40.60 (Inclusionary Housing) that requires subdivisions of 3 or more parcels to contribute to the Inclusionary Housing Program. See Finding No. 5, evidence i.
  - h) This application is subject to Section 19.12.010.E.2 of the Subdivision Ordinance (Quimby Act/Park Fees) that requires subdivisions of 5 parcels or less to pay a fee in lieu of land dedication. Condition No. 37 has been incorporated requiring the applicant to pay an in-lieu fee.
  - i) The project was not referred to a Land Use Advisory Committee (LUAC) for review because no LUAC exists for this area of the county.
  - j) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060711.

**2. FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

**EVIDENCE:** a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, California Department of Forestry-South County, Parks, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- b) Staff identified potential impacts to Biological Resources, Archaeological Resources, Soils, and Geological Resources. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
- *“Preliminary Cultural Resources Reconnaissance of Assessor’s Parcel Number 423-061065, Jolon Road, Lockwood, Monterey California”*, dated March 2007 prepared by Susan Morley M.A., Carmel, CA (Planning Department Library No. LIB070650).
  - *“Biological Assessment, 68375 Jolon Road, Lockwood, Monterey County,”* dated June 20, 2007, prepared by Sierra Delta Corporation (Planning Department Library No. LIB070651).
  - *“Preliminary Soils Investigation and Percolation Report,”* dated August 7, 2007 prepared by Buena Geotechnical Services LLC (Planning Department Library No. LIB080060).
  - *“Geology Hazards Investigation, Tentative Parcel Map, Lockwood, California 93932,”* prepared by Sierra Delta Corporation, October 31, 2007 (Planning Department Library No. LIB080053).
- c) The most recent Flood Insurance Rate Maps for the vicinity of the subject property were prepared in 1984. They indicate that a small portion of proposed lots 2 and 3 may contain areas within the 100-year floodplain. The proposed building envelope on Parcel 3 appears to be outside the 100-year floodplain area, but may require more detailed evaluation prior to future development. The Parcel Map indicates that there are areas outside the 100-year flood plain area that avoids steep slopes on Parcel 3 that would be suitable for development. Structures proposed within the 100-year floodplain area on Parcel 3 would be subject to development standards set by the US Army Corps of Engineers for construction methods and locations above a certain height above mean sea level, and out of any potential floodplain area of damage.
- d) Staff conducted a site inspection on January 23, 2009 to verify that the site is suitable for this use.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060711.

**3. FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

**EVIDENCE:** a) The project was reviewed by RMA - Planning Department, California Department of Forestry-South County, Parks, Public Works,

Environmental Health Division, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions (**Exhibit 1**).

- b) Necessary public facilities will be provided. *See Finding 2 and Evidence.*
- c) Preceding findings and supporting evidence for PLN060711.
- d) *Water Use.* The existing residence is currently served by an existing on-site well. Pump tests completed for the project indicate that the existing onsite well generates approximately 22 gallons per minute which exceeds the 3 gallons per minute (gpm) per unit requirement established by the Monterey County Health Department. The proposed minor subdivision will likely result in future residential development on each of the created parcels. The Environmental Health Division has determined that the existing well has sufficient water quality and quantity to serve the eventual development of the proposed parcels as a four-connection water system. Conditions No. 19-22 establishment of the water system is required prior to the construction of residences on the proposed parcels.
- e) *Septic.* Wastewater disposal for each new parcel is proposed through individual septic tank and leach field system on each lot. Each residence will include individual septic systems designed in accordance with the specifications and recommendations of the soils percolation testing report and Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB, as required by the Environmental Health Division. Septic wastewater will be processed on site by standard septic methods with the effluent dispersed to the subsoils. The recommended sewage disposal system configuration is a septic tank, associated piping and leach field trenches sized as discussed in the Percolation and Groundwater Study prepared for the project.

**4. FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) On March 19, 2009, Code Enforcement File No. CE090114 was opened to investigate the repair of vehicles in barn, whether the storage of materials on site constituted a junk yard, and the whether the three cargo containers (10' x 40') required permits. On February 5, 2010, this case was closed. Therefore, there are no active violations existing on subject property.
  - b) Staff conducted a site inspection on January 23, 2009 and researched County records to assess if any violation exists on the subject property.
  - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN060711

5. **FINDING: CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Minor Subdivision Committee, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
  - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN060711).
  - c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would have a potentially significant effect on the environment. Accordingly, staff prepared a Mitigated Negative Declaration.
  - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as Exhibit 1. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (Condition 7)
  - e) The Mitigated Negative Declaration ("MND") for PLN060711 was prepared in accordance with CEQA and circulated for public review from December 9, 2009 through January 8, 2010 (SCH#: 2009121025). Potentially significant impacts identified in the Draft Mitigated Negative Declaration ("MND") include impacts to Aesthetics, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, Hydrology/Water Quality, Transportation/Traffic, and Utilities/Service Systems.
  - f) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN060711) and are hereby incorporated herein by reference.
  - g) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site supports three biological communities, Annual Grassland, Blue oak woodland, and Chamise chaparral that exist on the property and seven (7) sensitive plant and

wildlife species also exist: Dwarf calycadenia, Jolon Clarkia, San Antonio collinsia, Straight-awned spineflower, Umbrella larkspur, Monterey dusky-footed woodrat, and the San Joaquin kit fox. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. Therefore, the applicant will be required to pay the State to the Monterey County Clerk/Recorder for processing and posting the Notice of Determination (NOD).

- h) The County has considered the comments received during the public review period, and the County has added Condition 12 and 13 to address the comments received regarding the road access easement.
- i) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.
- j) For the following resource areas, standard conditions can reduce impacts to a less than significant level:

*Aesthetics* - Condition No. 9 has been incorporated requiring that the applicant convey to the County a scenic and conservation easement the portions of the property with slopes exceeding 30%.

*Hazards/Hazardous Materials* - The project site is located in a rural area subject to wild land fire hazards ("Very High" Fire Hazard Level). The California Department of Forestry-South County (CDF-South County) reviewed the project application and recommended Conditions No. 28-37 regarding fire safety. These fire safety measures include the disposal of vegetation and fuels, road access improvements, and road gates.

*Hydrology/Water Quality* - The project has been reviewed by the Environmental Health Bureau and the Water Resources Agency, which determined that the project provides proof of an assured, long-term water supply in terms of yield and adequate quality. The Environmental Health Bureau determined that the existing well located on proposed Parcel 1, currently serving the existing residence and has sufficient capacity to serve all four parcels. Conditions No. 19-22 have been incorporated requiring: 1.) any new well, in the event that additional capacity is needed, undergo a minimum of a 72-hour continuous source capacity test; 2.) and the applicant install a water treatment system to meet secondary water quality standards.

*Transportation/Traffic* -The project's potential maximum development of twelve single-family dwellings could generate approximately 30 trips per lot for a maximum of an additional 110 trips per day. This number is considered to not cause an increase in traffic that is substantial in relation to existing traffic load and capacity of the road system. The roadways in this area are not at degraded levels of service; however, Condition No. 18 has been incorporated requiring that that applicant shall pay regional traffic mitigation fee identified in the Transportation Agency for Monterey County (TAMC) nexus study for improvements to the regional road network.

*Utilities/Service Systems* - Future project residences would be served by on-site septic systems that would be designed to have capacity to

serve the proposed residences. Condition No. 25 has been incorporated requiring that the applicant design for proposed septic systems for the created parcels consistent meeting the applicable standards for septic disposal systems (Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB). The condition will ensure that the wastewater treatment requirements of the applicable Regional Water Quality Control Board are not exceeded.

- 5. FINDING: SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code requires that a request for subdivision be denied if any of the following findings are made:
1. That the proposed map is not consistent with the applicable general plan and specific plans.
  2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
  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 is 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 easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

- EVIDENCE:**
- a) Consistency. The project as designed and conditioned is consistent with the 1982 Monterey County General Plan, South County Area Plan, (*Finding 1*)
  - b) Design. The lot design is consistent with the Lot Design Standards of Section 19.10.030 County Codes.
  - c) Site Suitability. The site is suitable for the proposed project including the type and density of the development (*Finding 2 and following evidence*)
  - d) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County. (*Finding 3 and following evidence*)
  - e) Easements. Staff has received a letter from Joel Panzer dated March 2, 2010, on behalf of from Zeb Prizada, a neighboring property owner regarding the use of a private 60-foot easement traversing his property (Assessor's Parcel Number 423-061-036-000) which provides the Grau property access to Jolon. Mr. Prizada's concern is that the approval of this subdivision would result in additional burdens on the existing easement. According to the Record of Survey filed for Lot Line Adjustment No. 970294 and filed for record at the Monterey County Recorder's Office in Volume 24 of Surveys, page 81. This private road easement provides access to 6 parcels. The County is not a party to this

recorded access agreement and does the County have jurisdiction to adjudicate a dispute among the parties to this private access agreement. Staff is recommending conditions of approval in an effort to assure this Minor Subdivision is consistent with the access agreement for the use of this private access easement, any issues that could arise over the use of the private easement in the future or prior to the commencement of use. These conditions include: Condition No. 12 road easement, and Condition No. 13 road maintenance agreement. Adherence to these conditions of approval will assure that the subdivision will not conflict with easements.

- f) Water Supply. Section 19.10.070 MCC requires provision be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable prove there is along term water supply with the proposed project. Sections 19.03.015.L and 19.07.020.K MCC require Water Supply and Nitrate Loading Information in order to assess these conditions. (*see Finding 6*)
- g) Sewage Disposal (Condition 6). (Sections 19.03.015.K and 19.07.020.J MCC). Three (3) percolation borings were drilled near each of the proposed building envelopes on Parcels 2, 3, and 4 for a total of 9 borings on-site. According to the Preliminary Soils Investigation and Percolation Report, adherence to the septic disposal system design recommendations contained within the report will result in the soils being capable of adequately supporting the use of septic tanks. Condition No. 6 has been incorporated requiring adherence to the recommendations contained within the report. (*also see Finding 3*)
- h) Traffic (Condition 18). The property is accessed by Jolon Road. Jolon Road intersects with Highway 101 at two locations, to the southeast and north. The TAMC regional development impact fee program provides funding for road improvement projects throughout Monterey County to address cumulative impact to the regional road network. The fee includes improvements to the Zone 4 or South County area of the County. As a standard condition of approval, the project will be required to pay a regional development fee to address cumulative impacts on the regional road network. These fees will be collected prior to issuance of building permits pursuant to Monterey County Code Section 12.90.
- i) Affordable Housing (Condition 38). The proposed project proposes the division of a 160-acre parcel into four (4) 40-acre parcels. The project application is subject to Inclusionary Housing Ordinance #04185, codified in Section 18.40.60 of the County Code, requiring that new development consisting of three or more lots or residential units contribute to the Inclusionary Housing Program, in any amount equal to 20% of the total number of lots/new units being created. To comply with this ordinance the applicant can choose to either: 1. pay an in-lieu fee equal to 0.6 Inclusionary Units; or 2. enter into an Owner Occupant Exemption Agreement with the County, which obligates the owner/developer to construct and reside in one of the new units on the project site for at least one year. The applicant has chosen to pay the in-lieu fee.

- j) Parks and Recreation (Condition 37). Section 19.12.010 of the Monterey County Subdivision Ordinance (Title 19) requires that subdivisions provide either: 1). Dedicate a minimum of 3 acres of parkland per 1,000 persons in population (a rate of 0.009 acres per parcel); or 2). pay an equivalent in-lieu fee. Due to the small size of this subdivision, the applicant qualifies to a pay a fee in lieu of land dedication. The Parks Department determines the fee in accordance with formulas provided at Section 19.12.010(D).
- k) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN060711.
- l) The project planner conducted a site inspection on January 23, 2009.

6. **FINDING:** **WATER SUPPLY** – The project has an adequate long-term water supply and manages development in the area so as to minimize adverse effects on the aquifers and preserve them as viable sources of water for human consumption.

- EVIDENCE:**
- a) The nearest significant ground water basin is the Lockwood Valley Ground Water Basin. The basin generally trends northwesterly between Lake San Antonio to the southeast to the Fort Hunter Liggett military reservation to the northwest. Ground water within the basin is generally contained within unconsolidated alluvial deposits. Nearly the entire subject property occurs on Monterey Formation, outside the consolidated deposits. No seeps or springs were identified, nor were any indications of shallow ground water on the property. No significant near-surface ground water sources are expected to occur on the subject property.
  - b) *See Finding 3, Evidence d.*

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

- EVIDENCE:**
- a) Section 19.16.020.B of Title 19, Monterey County Subdivision Ordinance.

### DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Minor Subdivision Committee does hereby:

- A. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (**Exhibit E**) and
- B. Approve the Minor Subdivision Tentative Map PLN060711 allowing the division of a 160-acre parcel into four (4) 40-acre parcels (**Exhibit C.2**) subject to conditions of approval.

**PASSED AND ADOPTED** this 11 day of March 2010.

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JACQUELINE R. ONCIANO  
MINOR SUBDIVISION COMMITTEE

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE \_\_\_\_\_

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.

**EXHIBIT C.1**  
**Monterey County RMA - Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

**Project Name:** Andres Rafael & Franki A. Grau  
**File No:** PLN060711 **APNs:** 423-061-065-000  
**Approved by:** Minor Subdivision Committee **Date:** March 25, 2010

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. No.</i>	<i>Mitig. No.</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
<b>RMA – Planning Department</b>						
1.		<b>PD001 - SPECIFIC USES ONLY</b> This Minor Subdivision (PLN060711) allows the division of a 160-acre parcel into four (4) 40-acre parcels. The property is located at 68375 Jolon Road, Lockwood (Assessor's Parcel Number 423-061-065-000), South County Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. <b>(RMA-Planning Department)</b>	Adhere to conditions and uses specified in the permit.  Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department.  To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.	Owner/ Applicant  RMA - Planning  WRA  RMA - Planning	Ongoing unless otherwise stated	

<i>Permit Cond. No.</i>	<i>Mitig. No.</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice, which states: "A permit (Resolution _____) was approved by the <b>Minor Subdivision Committee</b> for Assessor's Parcel Number 423-061-065-000 on <b>March 25, 2010</b> . The permit was granted subject to 38 conditions of approval and 10 mitigation measures which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." <b>(RMA-Planning Department)</b>	Obtain appropriate form from the RMA-Planning Department.  The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant  RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		<b>PD032 - PERMIT TIME/YEAR &amp; DATE</b> The permit shall be granted for a time period of <b>2 years</b> , to expire on <b>March 11, 2012</b> . <b>(RMA-Planning Department)</b>	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning.  Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	
4.		<b>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</b> If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. <b>(RMA - Planning Department)</b>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeo- logist	Ongoing	

Permit Cond. No.	Mitig. No.	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
5.		<p><b>PD004 - INDEMNIFICATION AGREEMENT</b></p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the parcel map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, prior to filing of the Parcel Map, whichever occurs first and as applicable	
6.		<p><b>PD005 - FISH AND GAME FEE-NEG DEC/EIR</b></p> <p>Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before</p>	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval.	

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		the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. This fee is subject to change, as of March 2, 2010 the fees is 2,060.25 which includes a \$50.00 County Clerk processing fee. <b>(RMA - Planning Department)</b>	If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Prior to the recordation of the parcel map, the start of use or the issuance of building or grading permits	
7.		<b>PD006 - MITIGATION MONITORING PROGRAM</b> The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. <b>(RMA - Planning Department)</b>	1) Enter into agreement with the County to implement a Mitigation Monitoring Program.  2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	
8.		<b>PD015 - NOTE ON MAP-STUDIES</b> A note shall be placed on the parcel map or a separate sheet to be recorded with the parcel map stating that:  "The following reports have been prepared for this project and property and are on file at the Monterey County RMA - Planning Department: - <i>"Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Number 423-061065, Jolon Road, Lockwood, Monterey California"</i> , dated March 2007 prepared by Susan Morley M.A., Carmel, CA (Planning	Final recorded map with notes shall be submitted to the RMA - Planning Department and Public Works for review and approval.	Owner/ Applicant	Prior to recordation of parcel map	

Permit Cond. No.	Mitig. No.	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>Department Library No. LIB070650).</p> <ul style="list-style-type: none"> <li>- "Biological Assessment, 68375 Jolon Road, Lockwood, Monterey County," dated June 20, 2007, prepared by Sierra Delta Corporation (Planning Department Library No. LIB070651).</li> <li>- "Preliminary Soils Investigation and Percolation Report," dated August 7, 2007 prepared by Buena Geotechnical Services LLC (Planning Department Library No. LIB080060)</li> <li>- "Geology Hazards Investigation, Tentative Parcel Map, Lockwood, California 93932," prepared by Sierra Delta Corporation, October 31, 2007 (Planning Department Library No. LIB080053).</li> </ul> <p>The recommendations contained in these reports shall be followed in all further development of this property." <b>(RMA – Planning Department)</b></p>				
9.		<p><b>PD023 – EASEMENT - SCENIC (SLOPE)</b> A scenic easement shall be conveyed to the County over those portions of the property where the slope <b>exceeds 30 percent</b>. The easement shall be developed in consultation with certified professional. A scenic easement deed shall be submitted to, and approved by, the Director of the RMA - Planning Department prior to issuance of grading or building permits. <b>(RMA – Planning Department)</b></p>	<p>Submit the scenic easement deed and corresponding map, developed in consultation with a certified professional, to the RMA - Planning Department for review and approval.</p>	<p>Owner/ Applicant/ Certified Professional</p>	<p>Prior to the issuance of grading and building permits</p>	
			<p>Record the deed and map showing the approved scenic easement. Submit a copy of the recorded deed and map to the RMA – Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to parcel map or commencement use</p>	
10.		<p><b>PD036 – UTILITIES – SUBDIVISION</b> A note shall be placed on the parcel map or a separate sheet to be recorded with the parcel map indicating that "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities</p>	<p>Place note on map or a separate sheet and submit to the RMA - Planning Department for review and approval. Install or bond for the underground utility facilities.</p>	<p>Owner/ Applicant</p>	<p>Prior to the recordation of parcel map.</p>	

<i>Permit Cond. No.</i>	<i>Mitig. No.</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		shall be installed or bonded prior to filing the parcel map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. <b>(RMA – Planning Department)</b>				
11.		<b>PD015 - NOTE ON MAP-STUDIES</b> A note shall be placed on the parcel map or a separate sheet to be recorded with the parcel map stating that: "A Geotechnical and Percolation Investigation report, dated November 4, 2005, has been prepared on this property by Soil Surveys Inc., and is on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. <b>(RMA – Planning Department)</b>	Parcel map with notes shall be submitted to the RMA - Planning Department and Public Works for review and approval.	Owner/ Applicant	Prior to recordation of parcel map	
12.		<b>PDSP001 – EASEMENT DOCUMENTATION</b> Prior to the issuance of grading and/or building permits, the applicant shall demonstrate to the Director of Planning and Building Inspection that applicant has established by appropriate documentation deemed acceptable by County Counsel, that applicant has the legal right to improve and use the easement as proposed as part of the project. <b>(RMA – Planning Department)</b>	Submit documentation as determined acceptable by County Counsel.	Owner/ Applicant	Prior to recordation of parcel map	
13.		<b>PDSP001– PRIVATE ROAD AGREEMENT</b> The applicants shall execute a private road agreement for the maintenance of the easement providing access to the parcels created by this development application, and pursuant to requirements of California Civil Code, Section 845. <b>(RMA – Planning Department)</b>	Applicant shall submit documentation to RMA – Director of Planning of the formation of a private road agreement to maintain roads and drainage improvements as approved by this development application.	Owner/ Applicant	Prior to final inspection of road grading permit.	
<b>RMA – Public Works Department</b>						

<i>Permit Cond. No.</i>	<i>Mitig. No.</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
14.		<b>PW0015 – UTILITY’S COMMENTS</b> Submit the approved tentative map to impacted utility companies. Subdivider shall submit utility company recommendations, if any, to the Department of Public Works for all required easements. <b>(Public Works)</b>	Subdivider shall provide tentative map to impacted utility companies for review. Subdivider shall submit utility comments to DPW	Owner/ Applicant	Prior to Recordation of Parcel Map	
15.		<b>PW0022 – FIRE REQUIREMENTS FOR ROADS</b> Improve roads in accordance with requirements of the local fire jurisdiction. <b>(Public Works)</b>	Subdivider shall submit improvement plans prepared by his Engineer to local fire jurisdiction and to DPW for approval. Roads to be constructed in accordance with approved plans.	Subdivider	Prior to Recordation of Final Map	
16.		<b>PW0031 – PARCEL MAP</b> File a parcel map delineating all existing and required easements or rights-of-way and monument new lines. <b>(Public Works)</b>	Applicant’s surveyor shall prepare parcel map, submit to DPW for review and approval.	Owner/ Applicant Engineer	Prior to Recordation of Parcel Map	
17.		<b>PW0036 – EXISTING EASEMENTS AND ROW</b> Provide for all existing and required easements or rights of way. <b>(Public Works)</b>	Subdivider’s Surveyor shall include all existing and required easements or rights of way on Parcel Map.	Subdivider/ Surveyor	Prior to Recordation of Parcel Map	
18.		<b>PWSP0001- NON-STANDARD – TAMC FEES</b> Prior to issuance of building permits, applicant shall pay the Transportation Agency for Monterey County (TAMC) regional traffic mitigation fee identified in the TAMC nexus study. <b>(Public Works)</b>	Pay fee to the Department of Public Works.	Owner/ Applicant	Prior to issuance of building permits	
<b>Health Department - Environmental Health Division</b>						
19.		<b>EHSP001 - ESTABLISHMENT OF WATER SOURCE(S)</b> Option 1 - Obtain a new water system permit from the Environmental Health Division (EHD) that shall serve all parcels in this subdivision that meets standards as found in Monterey County Code (MCC), Chapter 15.04. OR Option 2 - Obtain domestic water well permits and install a successful well on each parcel that meets construction, quantity	Apply for a Local Small Water System permit. Submit the necessary application, reports and test results (quality and quantity) to EHD for review and approval. OR Apply for an individual domestic well permit for each parcel. Submit	Owner/ Applicant	Prior to filing parcel map	

Permit Cond. No.	Mitig. No.	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		and quality standards as found in MCC, Chapter 15.08 and California Code of Regulations, Title 22. <b>(Environmental Health)</b>	the necessary application, reports and test results for each well to EHD for review and approval.			
20.		<b>EHSP002 - WATER SYSTEM IMPROVEMENTS (COUNTY PERMITTED SYSTEM)</b> Design the water system improvements to meet the standards as found in Monterey County Code, Chapter 15.04 and the California Code of Regulations, Titles 17 and 22. Submit engineered plans for the water system improvements, including plans for secondary treatment, and any associated fees to the Director of Environmental Health for review and approval prior to installing (or bonding) the improvements. <b>(Environmental Health)</b>	Submit engineered plans for the water system improvements, including plans for secondary treatment, and any associated fees to Environmental Health Division (EHD) for review and approval prior to installing (or bonding) the improvements. OR Provide evidence to the satisfaction of EHD that each parcel has an established domestic well that meets all quality and quantity requirements as described in Option 2 of EHPS01.	Owner/ Applicant	Prior to filing parcel map	
21.		<b>EHSP003 - INSTALL / BOND WATER SYSTEM IMPROVEMENTS</b> The developer shall install the water system improvements to and within the subdivision and any appurtenances needed pursuant to Monterey County Code, Chapter 19.13. OR The developer shall enter into a Subdivision Improvement Agreement with the County that provides security guaranteeing the installation of the water system improvements. <b>(Environmental Health)</b>	Install the water system improvements to and within the subdivision and any appurtenances needed and obtain approval of installation from Drinking Water Protection Services of EHD. OR Provide a draft of the Subdivision Improvement Agreement to EHD for review and approval. Record the approved Subdivision Improvement Agreement with the parcel map. OR Provide evidence to the satisfaction of EHD that each parcel has an established domestic well that meets all quality and quantity requirements as described in Option 2 of EHPS01.	Owner/ Applicant	Prior to filing parcel map	

Permit Cond. No.	Mitig. No.	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
22.		<p><b>EHSP004 -SOURCE CAPACITY TESTS FOR NEW WELLS</b>            Each new well that is planned to serve as the water source for each of the proposed parcels shall first undergo a minimum of a 72-hour continuous source capacity test, witnessed by the Environmental Health Division (EHD), to determine the yield of the well pursuant to Monterey County Code (MCC), Chapter 15.04.140. The test shall conform to Source Capacity Test Procedure. The source capacity test must yield a sufficient quantity (determined by EHD) to support the proposed development. The source capacity tests shall be made no earlier than August 1 of each year and no later than the first significant rainfall event of the wet season. The applicant shall pay all associated fees to EHD. <b>(Environmental Health)</b></p>	<p>Contact Drinking Water Protection Services of EHD to schedule a Source Capacity Test and obtain procedure guidelines. A qualified professional shall perform the test and prepare a comprehensive Source Capacity Test Report, as detailed in MCC, Chapter 15.04.140. Submit the report to EHD for review and approval.</p> <p style="text-align: center;">OR</p> <p>Provide evidence to the satisfaction of EHD that a Local Small Water System Permit has been issued for the water system to serve this subdivision as specified in Option 1 of EHSP01.</p>	Owner/ Applicant	Prior to filing parcel map	
23.		<p><b>EHSP005 - FIRE FLOW STANDARDS</b>            Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. <b>(Environmental Health)</b></p>	<p>Submit plans for the proposed water system improvements to the local fire protection agency for review and approval.</p> <p>Provide evidence of approval to the Environmental Health Division (EHD).</p> <p style="text-align: center;">OR</p> <p>Provide evidence to the satisfaction of EHD that each parcel has an established domestic well that meets all quality and quantity requirements as described in Option 2 of EHPS01.</p>	Owner/ Applicant	Prior to installing or bonding water system improvements	
24.		<p><b>EHSP006 - FIRE FLOW STANDARDS</b>            Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. <b>(Environmental Health)</b></p>	<p>Submit plans for the proposed water system improvements to the local fire protection agency for review and approval.</p> <p>Provide evidence of approval to the</p>	Owner/ Applicant	Prior to installing or bonding water system improve-	

<i>Permit Cond. No.</i>	<i>Mitig. No.</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
			Environmental Health Division.  OR Provide evidence to the satisfaction of EHD that each parcel has an established domestic well that meets all quality and quantity requirements as described in Option 2 of EHPS01.		ments	
25.		<b>EH11 - SEPTIC SYSTEM DESIGN</b> Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. <b>(Environmental Health)</b>	Division of Environmental Health must approve plans. Applicant shall obtain a permit to install the septic system.	CA Licensed Engineer /Owner/ Applicant	Prior to construction of residences on created parcels.	
<b>Monterey County Water Resources Agency</b>						
26.		<b>WR40 - WATER CONSERVATION MEASURES</b> The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. <b>(Water Resources Agency)</b>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspect-ion/occupancy	
27.		<b>WR41 - NOTICE OF WATER CONSERVATION REQUIREMENTS</b>	Submit a recorded notice to the Water Resources Agency for review and	Owner/ Applicant	Recordation of the notice	

<i>Permit Cond. No.</i>	<i>Mitig. No.</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land-Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		A notice shall be recorded on the deed for each lot stating: "All new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance No. 3932." Prior to recordation of the parcel map, a copy the completed notice shall be provided to the Water Resources Agency for approval. <b>(Water Resources Agency)</b>	approval.  (A copy of the County's standard notice can be obtained at the Water Resources Agency.)		shall occur concurrently with the parcel map	
<b>California Department of Forestry-South County</b>						
28.		<b>FIRE001 - ROAD ACCESS</b> Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. <b>(California Department of Forestry-South County)</b>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on parcel map.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	
29.		<b>FIRE006 - DEAD-END ROADS (4)</b> For parcels greater than 20 acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 5280 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have turnarounds at its terminus and at no greater than 1320-foot intervals. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. <b>(California Department of Forestry-South</b>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on parcel map.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	

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		County)				
30.		<p><b>FIRE007 - DRIVEWAYS</b></p> <p>Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.</p> <p><b>(California Department of Forestry-South County)</b></p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on parcel map.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	

<i>Permit Cond. No.</i>	<i>Mitig. No.</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
31.		<b>FIRE012 - EMERGENCY WATER STANDARDS - WATER SYSTEMS</b> The provisions of this condition shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available. <b>(California Department of Forestry-South County)</b>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on parcel map.	Applicant or owner	Prior to issuance of permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	
32.		<b>FIRE015 - FIRE HYDRANTS/FIRE VALVES</b> A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet or further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on parcel map.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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		On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings along State Highways and Freeways, May 1988. <b>(California Department of Forestry-South County)</b>				
33.		<b>FIRE030 – ROADWAY ENGINEERING</b> The grade for all roads shall not exceed <b>18 percent</b> . Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. <b>(California Department of Forestry-South County)</b>	The text of this condition shall be printed on the grading plans.	Applicant or owner	Prior to issuance of grading permit	
			The roadway shall be constructed in accordance with this standard. Roadway improvements shall be inspected and accepted by the Salinas Rural Fire District.	Applicant or owner	Prior to final grading inspection approval	
			Final grading inspection approval shall be obtained.	Applicant or owner	Prior to issuance of building permits.	
34.		<b>FIRESP001 – ADDRESSES</b> Each parcel is to have a separate and unique address assigned upon application for any improvements on that parcel. <b>(California Department of Forestry-South County)</b>	Place note on parcel map or a separate sheet to be recorded with the parcel map.		Prior to issuance of building permits.	
35.		<b>FIRESP002 – ROAD DESIGN</b> Access road shall be a minimum of 18 feet wide and paved if grade is greater than 8 percent. No grade shall be greater than 15 percent. No exceptions will be made upon application for any improvements on the undeveloped parcels. <b>(California Department of Forestry-South County)</b>	Place note on parcel map or a separate sheet to be recorded with the parcel map.		Prior to issuance of building permits.	

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36.		<b>FIRESPO03 – FIRE PROTECTION</b> Each parcel is to have a minimum of 10,000 gallons of fire protection water available upon application for any improvements on that parcel. (California Department of Forestry-South County)	Place note on parcel map or a separate sheet to be recorded with the parcel map.		Prior to issuance of building permits.	
37.		<b>FIRESPO04 – SUBSEQUENT IMPROVEMENTS</b> All subsequent applications for improvements on any parcel shall be condition under the fire code effect at the time of application. (California Department of Forestry-South County)	Place note on parcel map or a separate sheet to be recorded with the parcel map.		Prior to issuance of building permits.	
<b>Parks Department</b>						
38.		<b>PKS002 – RECREATION REQUIREMENTS/FEES</b> The Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D). (Parks Department)	The Applicant shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance Title 19, Monterey County Code.	Owner/ Applicant	Prior to the Recordation of the Parcel map	
<b>RMA - Redevelopment and Housing Office</b>						
39.		<b>RHOSP001 – HOUSING FEES</b> Prior to the recordation of the Final Map, the applicant shall comply with the County's Inclusionary Housing Ordinance #04183 by paying, or securing, to the satisfaction of the Housing Office Program Manager, an in-lieu fee of \$13,770 consistent with the adopted Inclusionary Housing Administrative Manual. (RMA - Redevelopment and Housing Office)	The Applicant shall comply with the Inclusionary Housing Ordinance #04183 by paying, an in-lieu fee of \$13,770	Owner/ Applicant	Prior to the Recordation of the Parcel map	
<b>Mitigation Measures</b>						

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40.	1.	<p><b>Mitigation Measure No. 1: Pre-Construction Bird Surveys.</b>            To avoid impacts to Cooper's hawk and Golden eagle, removal and disturbance of oak trees shall be avoided where feasible. Where avoidance is infeasible, the following mitigation is required to minimize potential adverse impacts to native resident special-status nesting avian species:</p> <ul style="list-style-type: none"> <li>• Work shall be scheduled to avoid the bird nesting season, which is March 1 to July 31.</li> <li>• Should work occur during the typical nesting season, the following measures shall apply:               <ul style="list-style-type: none"> <li>○ Prior to issuance of any grading and/or building permits, a pre-construction survey for special-status nesting avian species (and other species protected under the Migratory Bird Act) shall be conducted by a qualified biologist at least 30 days prior to tree removal or initiation of construction activities that occur during the nesting/breeding season of native bird species.</li> <li>○ If nesting birds are not found, no further action would be necessary as long as construction is diligently pursued.</li> <li>○ If a protected bird nest is found, construction within 100 feet of the nest site should be postponed until after the bird has fledged, or an appropriate construction buffer has been established in consultation with the California Department of Fish and Game.</li> </ul> </li> </ul> <p>The results of the pre-construction survey must be submitted in writing by the qualified biologist to the RMA-Director of Planning for review and approval, prior to issuance of any grading and/or building permits. <b>(RMA – Planning Department)</b></p>	<p>A note shall be included on an additional sheet of the Parcel Map, or by separate document recorded concurrently with the Parcel Map.</p> <p>Avoided where feasible the removal and/or disturbance of oak trees.</p>	Owner/ Applicant	Prior to issuance of grading and/or building permits,	
41.	2.	<p><b>Mitigation Measure # No. 2: Woodrat Nest Surveys and Dismantling.</b>            Surveys for woodrat nests shall be conducted by a qualified biologist in areas where trees or woody vegetation are proposed for removal. The nests shall be dismantled by a qualified biologist outside the breeding season (between the months of September and January). Woodrats encountered during</p>	<p>A note shall be included on an additional sheet of the Parcel Map, or by separate document recorded concurrently with the Parcel Map.</p> <p>A qualified biologist shall conduct</p>	Owner/ Applicant	Prior to issuance of grading and/or building permits,	

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		dismantling shall be allowed to escape and vacate the area prior to construction activities. The qualified biologist shall submit a report summarizing their findings and measures taken to the RMA- Planning Director for review and approval. (RMA – Planning Department)	Surveys for woodrat nests in areas where trees or woody vegetation are proposed for removal.			
42.	3.	<p><b>Mitigation Measure No. 3: San Joaquin Kit Fox (SJKF) Habitat Evaluation.</b></p> <p>Prior to issuance of grading and/or building permits, a qualified biologist shall conduct a San Joaquin Kit Fox (SJKF) Habitat Evaluation to assess the extent of potential SJKF habitat displacement in the area of development. The biologist shall use the Department of Fish and Game (DFG) evaluation form to calculate the quality of habitat. The biologist shall submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary and completed, in consultation with the DFG, to address any SJKF activity within the project limits. The County shall then review the biological letter and proceed with any necessary recommendations of the letter. Possible recommendations may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Proof of compliance with the Federal and California Endangered Species Acts, inclusive as necessary of signed copies of incidental take permits and associated enacting agreements, or other memorandum from the appropriate state and federal agencies determining that such compliance is not required;</li> <li>• Habitat replacement at a ratio of 3:1 for affected acreage;</li> <li>• Establishment of an exclusion zone, or buffer, from potential SJKF dens; and/or</li> <li>• Dedication of a conservation easement.</li> </ul> <p>Documentation of the required mitigation must be completed prior to issuance of grading and/or building permits. Mitigation measures must be fully implemented prior to the commencement of any grading.</p>	A qualified biologist shall conduct a San Joaquin Kit Fox (SJKF) Habitat Evaluation to assess the extent of potential SJKF habitat displacement in the area of development.	Owner/ Applicant	Prior to issuance of grading and/or building permits,	

<i>Permit Cond. No.</i>	<i>Mitig. No.</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		(RMA – Planning Department)				
43.	4.	<p><b>Mitigation Measure No. 4: Prevention of San Joaquin Kit Fox (SJKF) Entrapment during Construction Activities.</b></p> <p>At the end of each working day during the site-disturbance and construction, all excavation, steep-walled holes, or trenches in excess of two feet in depth shall be covered by applicant/owner or construction workers with plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks to prevent entrapment of San Joaquin kit fox. Trenches shall also be inspected for entrapped SJKF by applicant/owner or construction workers, each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected by applicant/owner or construction workers for entrapped SJKF. Any SJKF so discovered shall be allowed to escape before field activities resume. If SJKF is found entrapped in a trench or a hole, a qualified biologist shall be called to remove the SJKF and the SJKF shall be allowed to escape unimpeded. (RMA – Planning Department)</p>	<p>A note shall be included on an additional sheet of the Parcel Map, or by separate document recorded concurrently with the Parcel Map.</p> <p>Applicant/owner shall covered steep-walled holes, or trenches in excess of two feet in depth at the end of each working day.</p>	Owner/ Applicant	At end of each working day during construction related activities.	
44.	5.	<p><b>Mitigation Measure No. 5: Worker Education Program.</b></p> <p>Prior to issuance of grading and/or building permits, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to aid workers in recognizing sensitive species that may occur in the project area. (RMA – Planning Department)</p>	<p>A note shall be included on an additional sheet of the Parcel Map, or by separate document recorded concurrently with the Parcel Map.</p> <p>Attend a worker education training program, conducted by a qualified biologist.</p>	Owner/ Applicant	Prior to issuance of grading and/or building permits	
45.	6.	<p><b>Mitigation Measure No. 6: Construction Requirements.</b></p> <p>To minimize impacts to biological resources during construction,</p>	<p>A note shall be included on an additional sheet of the Parcel Map,</p>	Owner/ Applicant	Prior to issuance of	

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		<p>the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>• A qualified biological monitor shall conduct pre-activity surveys and inspect the project area prior to any work that may adversely affect burrowing animals.</li> <li>• If there is any potential for the occurrence of sensitive species as determined by the pre-activity surveys in an area proposed for disturbance, a qualified biological monitor shall be present on-site to clear the area prior to work each day or to monitor during disturbance in that area.</li> <li>• If the biologist determines that a sensitive species is present in the area of direct impact, work shall be delayed until the individual(s) are relocated or relocate from the area on their own.</li> <li>• If nesting birds are discovered during construction, nests shall be avoided by a distance of 50 yards. If the birds are raptors or listed species, nests shall be avoided by 100 yards.</li> <li>• To reduce the amount of disturbance to potential habitat for kit fox and woodrats, work areas shall be limited to the minimum necessary to complete project activities.</li> <li>• Inspect trenches, pipes, culverts or similar structures for kit fox or other animals before burying, capping or moving.</li> <li>• Any potential sensitive species sightings shall be reported to the biological monitor immediately.</li> <li>• Inadvertent disturbance to existing woodland vegetation or damage to root systems shall be avoided.</li> <li>• Construction equipment shall be fueled and maintained in an appropriate staging area, separated from drainage areas, or within a designated fueling area with secondary containment.</li> <li>• Biocides and environmentally toxic materials shall be safely stored.</li> <li>• Store trash in sealed containers.</li> <li>• Wash out concrete trucks in a designated containment area.</li> <li>• Cease work and notify the appropriate agency if any federally or state-listed species enter the work site.</li> </ul>	<p>or by separate document recorded concurrently with the Parcel Map.</p> <p>Construction requirements shall be clearly posted on the project site during all construction phases. Submit evidence acceptable to the RMA-Director of Planning that the requirements have been clearly posted.</p>		grading and/or building permits/	

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		<ul style="list-style-type: none"> <li>• Every morning during excavation, check open trenches for trapped wildlife.</li> <li>• Have a qualified biologist monitor initial earth-disturbing activities and relocate any wildlife unearthed if necessary.</li> <li>• Remove all trash from the project site at the end of the day to avoid attracting wildlife.</li> <li>• Best Management Practices (BMP) for erosion control during grading and construction shall be followed to minimize erosion and avoid the potential for impacts to sensitive species.</li> </ul> <p>Construction requirements shall be clearly posted on the project site during all construction phases. Submit evidence acceptable to the RMA-Director of Planning that the requirements have been clearly posted.</p> <p><b>(RMA – Planning Department)</b></p>				
46.	7.	<p><b>Mitigation Measure No. 7: Clear Excess Debris.</b> Upon completion of project construction, all equipment, waste, and other construction debris shall be removed from the site. Disturbed areas shall be re-vegetated and/or re-graded as necessary.</p> <p><b>(RMA – Planning Department)</b></p>	A note shall be included on an additional sheet of the Parcel Map, or by separate document recorded concurrently with the Parcel Map.	Owner/ Applicant	Prior to final inspection.	
47.	8.	<p><b><u>Mitigation Measure No. 8</u></b> The following shall be included as a note on an additional sheet of the Parcel Map, or by separate document recorded concurrently with the Parcel Map:</p> <p>“The following notes shall be included on all grading and building permits:</p> <p>If archaeological resources are accidentally discovered during construction, work shall be halted within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. If the find is determined to be significant, appropriate mitigation measures shall be formulated and</p>	A note shall be included on an additional sheet of the Parcel Map, or by separate document recorded concurrently with the Parcel Map.	Owner/ Applicant	Prior to recordation of Parcel Map.	

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		<p>implemented.</p> <p>If human remains are accidentally discovered during construction, the following steps will be taken:</p> <ol style="list-style-type: none"> <li>1) There shall be no further excavation or disturbance of the site or any nearby area (minimum 50 meters) reasonably suspected to overlie adjacent human remains until:               <ol style="list-style-type: none"> <li>a) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and</li> <li>b) If the coroner determines the remains to be Native American:                   <ol style="list-style-type: none"> <li>i) The coroner shall contact the Native American Heritage Commission and Planning Department within 24 hours.</li> <li>ii) The Native American Heritage Commission shall identify the person or persons it believes to be most likely descended from the deceased Native American.</li> <li>iii) The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or</li> </ol> </li> </ol> </li> <li>2) Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.               <ol style="list-style-type: none"> <li>a) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</li> </ol> </li> </ol>				

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		<p>b) The descendent identified fails to make a recommendation; or  c) The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."  <b>(RMA – Planning Department)</b></p>				
48.	9.	<p><b>Mitigation Measure No. 9</b>  A conservation and scenic easement shall be established, in consultation with the project archaeologist, over Areas B and C as identified in the archaeological survey prepared for the project. The easement may allow grading, vegetation removal, and non-habitable structures if additional archaeological studies are conducted to determine the true nature and boundaries of the quarry and the relationship between CA-MNT-1074 and the quarry. This is especially true of Area C.  <b>(RMA – Planning Department)</b></p>	<p>A note shall be included on an additional sheet of the Parcel Map, or by separate document recorded concurrently with the Parcel Map..   Convey a conservation and Scenic Easement in consultation with the project archaeologist.</p>	Owner/ Applicant	Prior to recordation of Parcel Map.	
49.	10.	<p><b>Mitigation Measure No. 10:</b> Building Envelopes shall be developed for all parcels, in consultation with the project geologist, to avoid potential landslide areas. All proposed habitable structures shall be required to be constructed in these building envelopes. A note shall be included on an additional sheet of the Parcel Map, or by separate document recorded concurrently with the Parcel Map that indicates its relationship to the Parcel Map, as follows:   “All habitable structures shall be located within the designated building envelope.”  <b>(RMA – Planning Department)</b></p>	<p>A note shall be included on an additional sheet of the Parcel Map, or by separate document recorded concurrently with the Parcel Map.</p>	Owner/ Applicant	Prior to recordation of Parcel Map.	

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50.						

**END OF CONDITIONS**

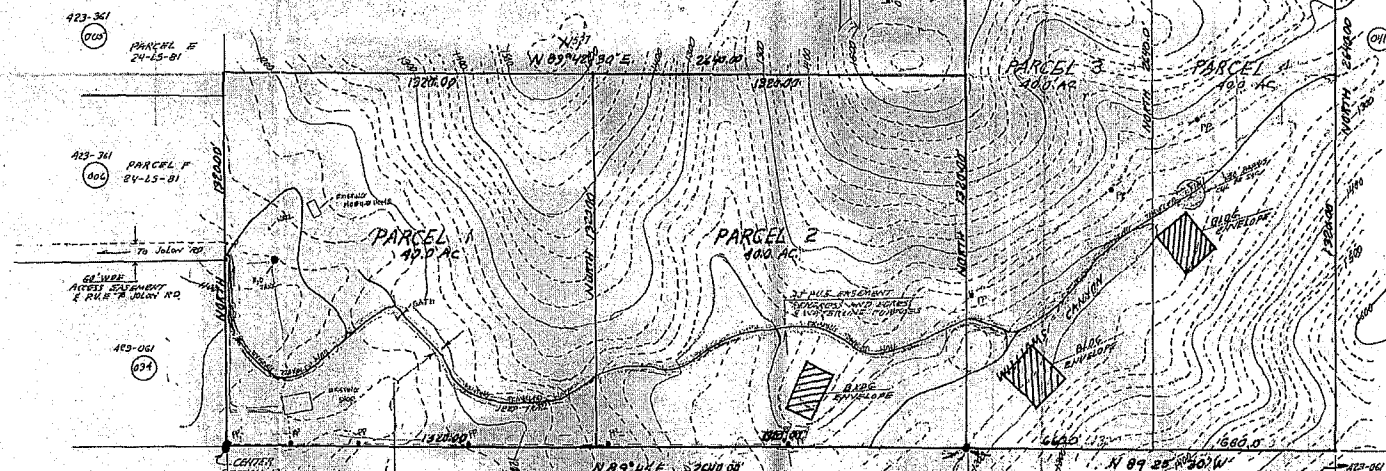
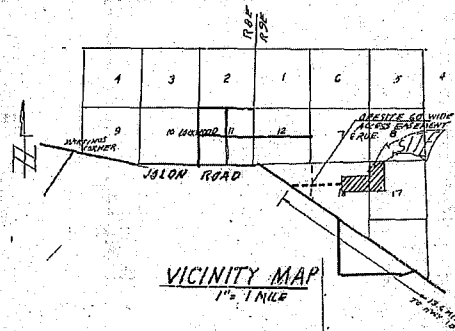
1.		<p><u>EH11 - SEPTIC SYSTEM DESIGN</u></p> <p>Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. <b>(Environmental Health)</b></p>	<p>Division of Environmental Health must approve plans. Applicant shall obtain a permit to install the septic system.</p>	<p>CA Licensed Engineer /Owner/ Applicant</p>	<p>Prior to filing the final parcel map or issuance of building</p>	
----	--	--	---	---	---	--

**Exhibit C.2.**

**Tentative Parcel Map**

TENTATIVE  
**PARCEL MAP MS 06-**

BEING A DIVISION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17 AND THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 18 IN TOWNSHIP 23 SOUTH RANGE 3 E MOUNT DIABLO BASE AND MERIDIAN COUNTY OF MONTEREY STATE OF CALIFORNIA



**ENGINEER'S STATEMENT**  
 I HEREBY STATE THAT THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE LOT DIVISION ORDINANCE OF MONTEREY COUNTY  
 Daniel J. Stewart  
 DANIEL J. STEWART, R.C.S. 11114 (C.R.S. 11.1)

**OWNER'S STATEMENT**  
 I HEREBY APPLY FOR THE APPROVAL OF THE PARCEL MAP AND DIVISION OF THE REAL PROPERTY SHOWN ON THIS TENTATIVE MAP AND STATE THAT I AM THE LEGAL OWNER OR THE AUTHORIZED AGENT THEREOF AND THAT INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.  
 ANDY CRAV  
 PO BOX 514  
 LOCKWOOD, CA. 95388  
 PH. 516-302-6887  
 SITE ADDRESS: 68375 JOLON ROAD  
 BRADLEY, CA. 95382  
 ARNO. 423-04-065  
 PIN - 060711

DANIEL J. STEWART & ASSOCIATES  
 307 14TH STREET P.O. BOX 2036 PASO ROBLES CA. 95347

TENTATIVE  
**PARCEL MAP MS 06-**

DESIGNER	CHECKER	APPROVAL
DJS	WRS	
DATE	OFFICE	
06/04	W.R.S. NO.	
FOR		
ANDY CRAV		
Daniel J. Stewart ENGINEER'S SIGNATURE AND SEAL EXP. 06/04/11		SHEET 1/1

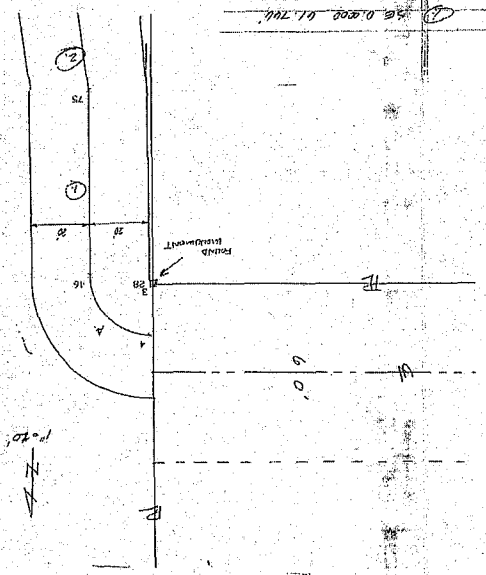
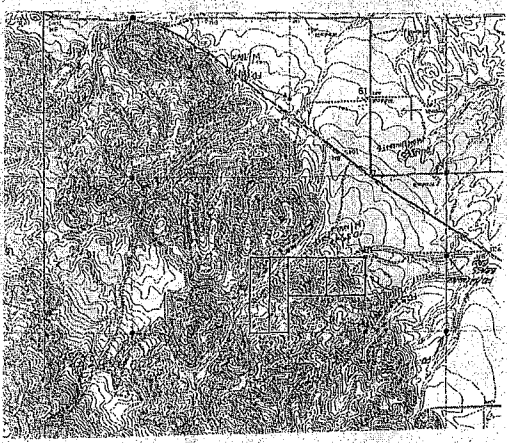
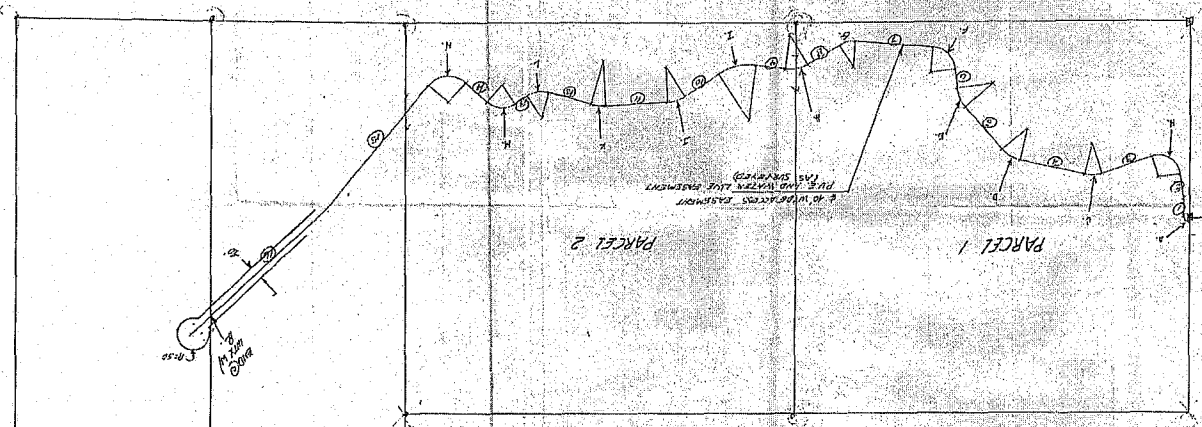
REV. 7/16/05 - PARCELS 1 & 2  
 REV. 5/16/05 - TO PART - EASEMENTS

RECEIVED  
 MAY 14 2008  
 MONTEREY CO. AGY  
 PLANNING & BUILDING  
 1000 14TH ST. PASO ROBLES

PROVIDED AS 10' WIDE ACCESS EASEMENT & RULE TO BE OFFERED FOR DEDICATION OF NECESSARY AND WATER LINE EASEMENT.  
 NOTES  
 1. CONTOURS FROM USGS MAP @ 20' INTERVALS PER WILLIAMS VILL QUAD.  
 2. SITE COVERED WITH NUMEROUS OAK TREES, SHRUB LAND AND BUSHES TOO NUMEROUS TO DESCRIBE HEREON.  
 3. SHADDED AREA INDICATES PROPOSED ALIGNMENT OF 60' WIDE ACCESS EASEMENT & RULE TO BE OFFERED FOR DEDICATION IF NECESSARY AND WATER LINE EASEMENT.

RECEIVED  
 MAY 14 1939  
 ENGINEERING  
 DEPARTMENT  
 UNIVERSITY OF CALIFORNIA

F	A = 78.5715 TO THE LEFT, BEAD = 84.9711 BEAD = 117.07, THAL = 70.000, CHORD = 106.957	
E	A = 35.8316 TO THE LEFT, BEAD = 87.278 BEAD = 51.169, THAL = 20.000, CHORD = 53.523	
D	A = 19.8352 TO THE LEFT, BEAD = 75.000 BEAD = 19.170, THAL = 84.185, CHORD = 110.779	
C	A = 31.2205 TO THE RIGHT, BEAD = 109.486 BEAD = 68.161, THAL = 30.000, CHORD = 67.952	
B	A = 27.5316 TO THE RIGHT, BEAD = 105.256 BEAD = 71.820, THAL = 57.000, CHORD = 70.057	
A	A = 18.5011 TO THE RIGHT, BEAD = 150.00 BEAD = 67.171, THAL = 30.000, CHORD = 66.909	
M	A = 75.5234 TO THE RIGHT, BEAD = 70.830 BEAD = 101.821, THAL = 59.950, CHORD = 91.545	
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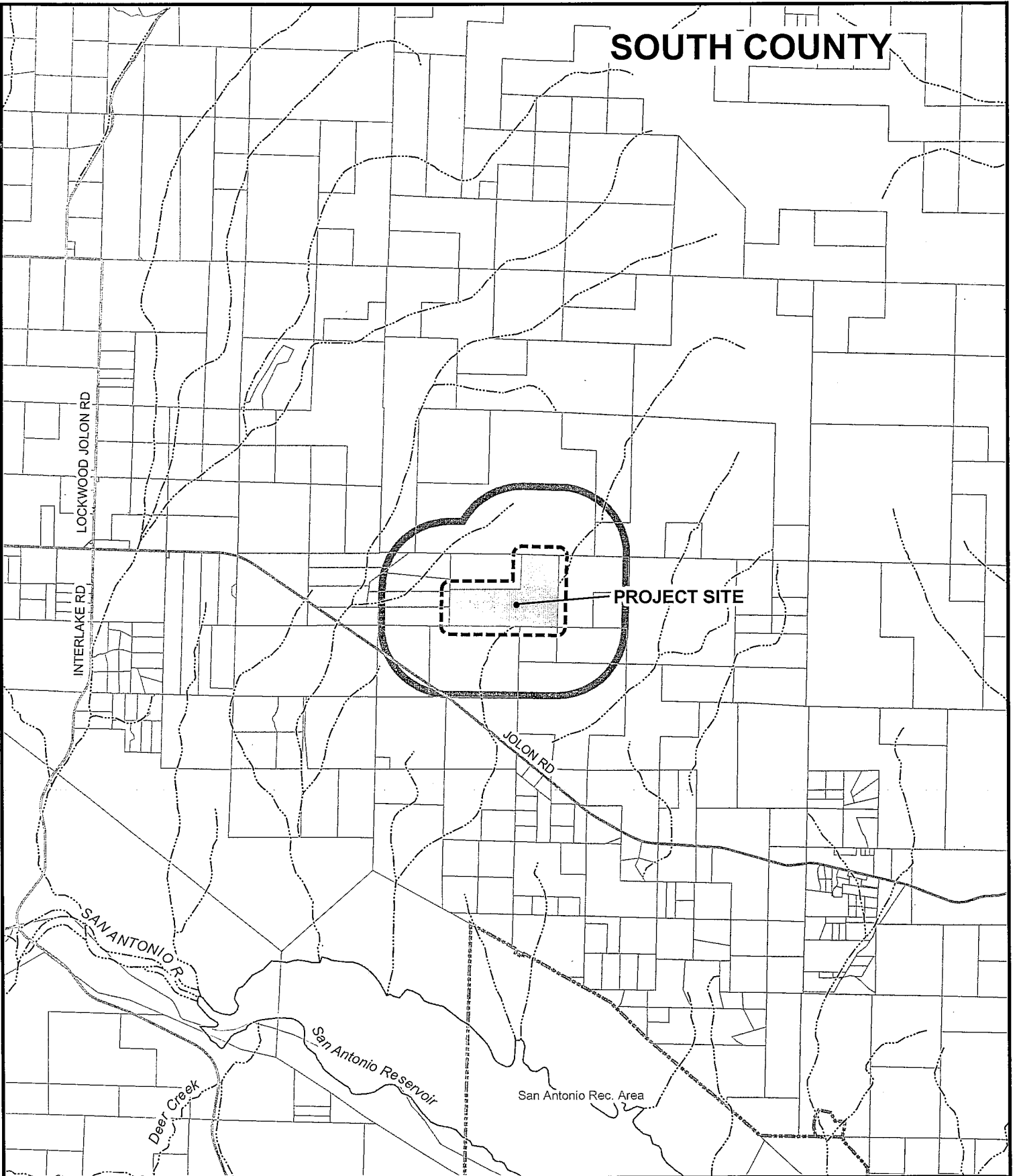


- 1) SE 0.0002 01.704'
- 2) SE 4.3758 83.854'
- 3) NE 70.5810 174.437'
- 4) SE 71.5345 222.853'
- 5) SE 40.5809 187.372'
- 6) SE 4.4933 01.813'
- 7) SE 75.4710 257.780'
- 8) NE 58.3818 122.205'
- 9) SE 82.5957 104.879'
- 10) NE 50.0856 133.940'
- 11) NE 84.2411 308.388'
- 12) SE 74.3757 188.650'
- 13) NE 56.0016 491.710'
- 14) SE 98.0710 49.220'
- 15) NE 39.1944 512.170'
- 16) NE 77.2311 531.149'

# **Exhibit D**

## **Vicinity Map**

# SOUTH COUNTY



APPLICANT: GRAU

APN: 423-061-065-000

FILE # PLN060711



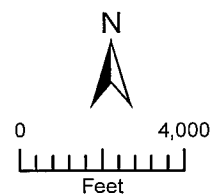
300' Limit



2500' Limit



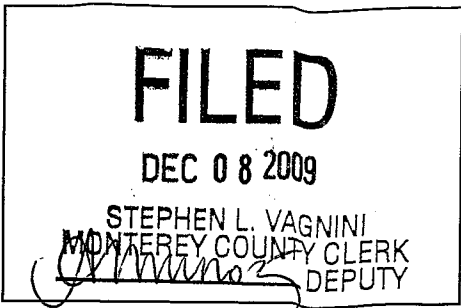
City Limits



## **Exhibit E**

# **Mitigated Negative Declaration**

# MITIGATED NEGATIVE DECLARATION



**Project Title:** GRAU ANDRES RAFAEL & FRANKI A  
**File Number:** PLN060711  
**Owner:** GRAU ANDRES RAFAEL & FRANKI A  
PO BOX 414  
LOCKWOOD CA 93932

**Project Location:** 68375 JOLON RD LOCKWOOD  
**Primary APN:** 423-061-065-000  
**Project Planner:** CAVALIERE  
**Permit Type:** Minor Subdivision

**Project Description:** MINOR SUBDIVISION TENTATIVE MAP TO ALLOW THE DIVISION OF A 160-ACRE PARCEL INTO FOUR (4) 40-ACRE PARCELS. THE PROPERTY IS LOCATED AT 68375 JOLON ROAD, LOCKWOOD (ASSESSOR'S PARCEL NUMBER 423-061-065-000), SOUTH COUNTY AREA.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

Decision Making Body (check one):

- Planning Commission
- Zoning Administrator
- Board of Supervisors
- Subdivision Committee
- Chief of Planning Services
- Other: \_\_\_\_\_

Responsible Agency: County of Monterey  
Review Period Begins: Dec 9, 2009  
Review Period Ends: Jan 8, 2010

Further information, including a copy of the application and Initial Study are available at the Monterey County Planning Department, 168 West Alisal St, 2nd Floor, Salinas, CA (831) 755-5025

POSTED 30 DAYS

# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2<sup>nd</sup> FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 757-9516



## *INITIAL STUDY*

### *I. BACKGROUND INFORMATION*

**Project Title:** Grau Minor Subdivision

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**File No.:** PLN060711

---

**Project Location:** 68375 Jolon Road, Lockwood

---

**Name of Property Owner:** Andres Rafael & Franki A. Grau

---

**Name of Applicant:** Andres Rafael & Franki A. Grau

---

**Assessor's Parcel Number(s):** 423-061-065-000

---

**Acreage of Property:** Approximately 160 acres

---

**General Plan Designation:** Rural Grazing, 10-160 acres minimum

---

**Zoning District:** Rural Grazing, 40 acres per unit ("RG/40")

---

**Lead Agency:** Monterey County Planning Department

---

**Prepared By:** Elisa Cavaliere, Associate Planner

---

**Date Prepared:** November 5, 2009

---

**Contact Person:** Elisa Cavaliere, Associate Planner

---

**Phone Number:** (831) 755-5179

---

**Email Address:** Manuguerrae@co.monterey.ca.us

---

## **II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING**

### **A. Project Description:**

The Grau Property, identified as Assessor's Parcel Number 423-061-065-000, is located at 68375 Jolon Road, Lockwood, Monterey County, California approximately 2.5 miles east of the town of Lockwood, California. A regional map is included as Figure 1, a vicinity map as Figure 2. The subject application consists of a subdivision dividing an existing 160-acre parcel into four (4) 40-acre parcels. The Tentative Parcel Map with suggested building envelopes is shown at Figure 3.

The site is currently developed with a single-family dwelling, carport, and a 6,000 square feet agricultural barn for storage of farm related equipment. These structures will remain on the 40-acre proposed Parcel 1, while the other three proposed 40-acre parcels will be unimproved parcels. The existing building site and the proposed building sites on the created parcels will likely be placed on slopes of 10 to 20 percent. An existing jeep trail traversing the parcels is proposed to become a 30-foot wide road access easement in order to provide access from the main road (Jolon Road). An access easement traversing the neighboring parcel (Assessor's Parcel Number 423-061-036-000) from Jolon Road serves the Grau property. The future improvement of the jeep trail will require development on slopes exceeding 30% and oak tree removal. Due to the topography and heavy vegetation on the property, it is not possible to design a road traversing the property without developing on slopes or requiring tree removal.

It is the applicants' intention that the created parcels will become home sites for their children. As such, they intend to construct single-family residences and possibly habitable accessory structures, such as a caretakers or senior citizen unit, on the created 40-acre parcels. The zoning district, Rural Grazing (RG), allows up to three single family dwellings per parcel as long as the dwellings are accessory to an agricultural use of the property. This would result in a potential build out of an additional eleven single-family dwellings (a total of twelve). For this to occur, the parcels would need to each have commercial agricultural operations that support three households, which is not anticipated at this time.

Environmental review, as required for compliance with the California Environmental Quality Act or CEQA, for which this document has been prepared, applies to development projects where a discretionary permit is required. The additional residences anticipated would not likely require subsequent discretionary permits, as the RG zoning designation only require a building permit (a ministerial permit) for a single-family dwelling on a legal lot of record. However, in the event that the proposed residences require the removal of three or more protected oak trees or development on slopes exceeding 30%, subsequent discretionary permit approvals would be required. Considering the property's topography and existing oak trees, subsequent development applications would not likely affect these resources to the extent that subsequent discretionary permits would be necessary. It is therefore, unlikely that subsequent

environmental review will be required for this property. This Initial Study focuses on the direct and indirect impacts of the minor subdivision, by also including a limited discussion of potential impacts from possible future development.

The primary CEQA issues for the property include potentially significant impacts to Biological Resources, Cultural Resources, Geology/Soils, and Hydrology/Water Quality. The issues listed above could be affected by the proposed project. However, evidence supports the conclusion that impacts to these resource areas will be less than significant with mitigation incorporated. Detailed analysis for each issue can be found in Section VI. – Environmental Checklist.

## **B. Environmental Setting and Surrounding Land Uses:**

The project is located within the Central Salinas Valley Area Plan in the foothills north of Jolon Valley, approximately 40 miles inland from the Pacific Coast and three miles east of Mission San Antonio. This area of unincorporated Monterey County is commonly known as the Lockwood community. The Lockwood area is Fort Hunter Liggett; a 165,000-acre military installation established in 1941 and named after Lt. Gen. Hunter Liggett. William Randolph Hearst, the publisher famous for the Hearst Castle at San Simeon, originally acquired Fort Hunter Liggett as a stopover point as he traveled from San Francisco to the "castle" which is on the National Register of Historic Places. Approximately two and a half miles southeast of the subject property is the artificially created Lake San Antonio Reservoir

The 160-acre L-shaped parcel is 3960 feet on the southern border, 1320 feet on the west, 2640 feet on the north, and 13,520 feet on the northwest leg. It consists of steep vegetated slopes and short narrow canyons covered with native grasses and oak trees. It is bisected by the northeast-trending Williams Canyon, with steep slopes to the north and south. There are also several smaller canyons and drainages oriented approximately north-south draining towards Williams Canyon. No water was present in these drainages at the time of Archeological survey (March 2007), although the presence of vegetation found near water courses in the lower lying areas suggests a water source, at least seasonal, in those areas of the parcel. The property is of diverse topography consisting of benched terraces, alluvium, as well as level areas, and the parcel ranges from 1100 to 1600 feet above mean sea level as calculated from the USGS quadrangle.

### **Aesthetic Values**

The subject property is not located within an area designated as visually sensitive by the South County Area Plan. However, the rural nature of the rolling hills and associated geologic features are of important aesthetic value respective to the maintenance of the rural character of this area of the County. The existing residence is located in an area of the property that is nestled between canyons and is not visible from Jolon Road or other public areas. An existing 30-foot wide driveway that accesses the existing single-family residence will become a recorded private road easement for both parcels. Standard fire department requirements for roadway will likely result in short term impacts to aesthetics because cut and fill on portions of steep slopes will likely require the removal of mature

vegetation as seen from a public road. It is anticipated that the implementation of standard best management practices for grading will require the stabilization of exposed slopes by reseeding them for erosion control. Therefore, it is anticipated that future potential impacts caused by grading will be less than significant.

### **Biological Resources**

The parcel has been utilized for grazing and growing hay over the past fifty years. The project parcel soils are minimally disturbed for pasture and perhaps plowed to a shallow depth for oats or alfalfa. However, native vegetation remains in many portions including native trees such as Interior Live Oak, California White Oak, and Knob Cone Pines at higher elevations. Isolated areas of the parcel contain chaparral species such as chamise, mountain mahogany, deerwood, fiddleneck and Jolon Brodiaea. A Biological Assessment (BA) was completed for the property by Sierra Delta Corporation (SCD) in June 20, 2007. The report indicates that there are three biological communities on the 160-acre parcel. They are Annual Grassland, Blue oak woodland, and Chamise chaparral. Furthermore, the report indicates that there are seven (7) sensitive plant and wildlife species having a reasonable potential to occur on the property. These species include Dwarf calycadenia (*Calycadenia villosa*), Jolon Clarkia (*Clarkia jolonensis*), San Antonio collinsia (*Collinsia antonia*), Straight-awned spineflower (*Chorizanthe rectispina*), Umbrella larkspur (*Delphinium umbraculorum*), Monterey dusky-footed woodrat (*Neotoma fuscipes Luciana*), and the San Joaquin kit fox (*Vulpes macrotis mutica*). Mitigation measures have been recommended to reduce the impacts to biological resources to a less than significant level.

### **Geology/Soils**

The project site is classified within a "Relatively Stable Areas" and "Undetermined Areas" of geologic hazards in the South County Area Plan. According to the soils report prepared for the project, the Rinconada Fault (also known as the King City-Reliz Fault) is located 2.8 miles northeasterly of the project site. The active Hosgri Fault is located 20.3 miles southwesterly of the site and the San Andreas Fault is located 23 miles northeasterly of the project site. These faults are considered to be "Class B" Faults on the "Maps of Known Active Fault New Source Zones in California and Adjacent Portions of Nevada, To Be Used With the 1997 Uniform Building Code."

The soils report analyzed the future proposal for the construction of a new single-family residence and a habitable accessory structure on the proposed 40-acre parcels. The soils report concluded that no unsuitable soils conditions were found for foundation purposes at the selected building sites (main residence and habitable accessory structure), provided the foundation design recommendations in the project's geotechnical report are followed.

### **Hydrology**

#### *Regional Surface Water*

Lake San Antonio and the San Antonio River, to the south of the subject property, are the primary sources of perennial surface water in the Lockwood Valley Area. There are numerous other regional ephemeral streams. Two ephemeral streams, one unnamed and

one associated with Williams Canyon, cross the subject property. Although indicated as blue line streams on the topographic map, no stream channel has developed within the valleys. No surface water, or evidence of past surface water, was observed on the subject property.

#### *Regional Ground Water*

The nearest significant ground water basin is the Lockwood Valley Ground Water Basin. The basin generally trends northwesterly between Lake San Antonio to the southeast to the Fort Hunter Liggett military reservation to the northwest. Ground water within the basin is generally contained within unconsolidated alluvial deposits. Nearly the entire subject property occurs on Monterey Formation, outside the consolidated deposits. No seeps or springs were identified, nor were any indications of shallow ground water on the property. No significant near-surface ground water sources are expected to occur on the subject property.

#### *Hydrology of Subject Property*

The topographic maps reviewed show Williams Canyon and a small side canyon that comes in from the north to be "dotted blue-line drainages" or intermittent drainages. The biological report indicates that from the last 10 years and observations made during the site visit, it was determined that no drainage features exist in Williams Canyon or the associated canyon where they were delineated on the topographic map. These areas show evidence of being tilled and farmed for many years although they are not farmed currently. No channel, scour features, or any other evidence of a stream course or other drainage was observed during the site visit.

#### *Floodplain*

The most recent Flood Insurance Rate Maps for the vicinity of the subject property were prepared in 1984. They indicate that a small portion of proposed lots 2 and 3 may contain areas within the 100-year floodplain. The proposed building envelope on Parcel 3 appears to be outside the 100-year floodplain area, but may require more detailed evaluation prior to future development. Considering the 40-acre size of the proposed parcels, there are areas outside the 100-year flood plain area, that would be suitable for development and avoids steep slopes or removal of protected oak trees. Structures, which may be built within the flood plain, would be subject to development standards set by the US Army Corps of Engineers, requiring construction methods and locations above a certain height above mean sea level, and out of any potential floodplain area of damage.

#### *Water Use*

For the proposed project, a minor subdivision, future residential build out could result in the construction of three residences per parcel on the project site. However, each site would have to be developed for agricultural use to provide more than one single family dwelling per parcel. That is not proposed nor anticipated for this site due to topography, water limitations, soil and climate. Water would be provided to each parcel by an existing well. Pump tests completed for the project indicate that the existing onsite well generates approximately 22 gallons per minute which exceeds the 3 gallons per minute (gpm) per

unit requirement established by the Monterey County Health Department (Source: IX.8, 22, 23).

### **Land Use**

The subject parcels land use and zoning designation is Rural Grazing with a maximum gross density of one unit per every forty acres or "RG/40". In reviewing the land use and zoning map for this area, staff was able to identify that the immediate surrounding land uses were also zoned "RG/40". The surrounding properties have limited development potential, as they are remote mountainous areas.

### ***Cultural & Archeological Resources***

The subject 160-acre property is located within a "High" Archaeological Sensitivity Area as identified by the South County Area Plan and South County Inventory and Analysis. Section 21.66.050 of the Monterey County Zoning Ordinance (Title 21) requires that an archeological report be prepared by a qualified archeologist for all development within areas of high archeological sensitivity. A Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Number 423-061065, Jolon Road, Lockwood, Monterey California, dated March 2007 was prepared by Susan Morley M.A., Carmel, CA (Planning Department Library No. LIB070650).

### ***Public Services***

The proposed project involves a subdivision and the potential future construction of three single-family homes, which would be served by existing services and utilities.

*Fire Protection:* The project will be served by the California Department of Forestry-South County and is required to comply with standard fire prevention/protection requirements, such as fire equipment access standards, installation of fire sprinklers, hydrants, etc. The fire district has reviewed the project and provided recommended Conditions of Approval, which will ensure a less than significant effect on fire protection services. CDF-South County did not indicate that the proposed project would require new or physically altered fire facilities, nor impact acceptable service ratios and response times. (Source: IX. 4)

*Police Protection:* The Monterey County Sheriff's Office (MCSO) provides law enforcement services in all unincorporated areas of the County, including the project area. The project site has an existing single-family residence and the project proposes future construction of three additional single-family residences. Since the project is minor in nature in relation to the future home constructions, it will not require new or physically altered police facilities, nor impact acceptable service ratios and response times. (Source: IX.20).

*Schools:* The property is located in the King City Joint Union School District. Pursuant to California Government Code Section 65996 (b), standard school district fees are required of the developer to offset project impacts to school districts. The proposed project itself would not require new or physically altered school facilities, but appropriate school

district fees will be paid to the appropriate school district as part of any future housing construction on-site. (Source: IX.1, 6)

### ***Utilities / Service Systems***

#### ***Water***

The existing residence is currently served by an existing on-site well. The Environmental Health Division has determined that the existing well has sufficient water quality and quantity to serve the eventual development of the proposed parcels as a four-connection water system. The establishment of the water system is required prior to the construction of residences on the proposed parcels. (Source: IX.1, 2, 3, 4, 33)

#### ***Septic***

Wastewater disposal for each new parcel is proposed through individual septic tank and leach field system on each lot. Each residence will include individual septic systems designed in accordance with the specifications and recommendations of the soils percolation testing report, as required by the Environmental Health Division. Septic wastewater will be processed on site by standard septic methods with the effluent dispersed to the subsoils. The recommended sewage disposal system configuration is a septic tank, associated piping and leach field trenches sized as discussed in the Percolation and Groundwater Study prepared for the project. Construction and operation of the systems will be required to conform with the recommendations given in the Percolation and Groundwater Study and the requirements set forth by Monterey County (Source: IX.1, 10, 12, 15).

### **Transportation / Traffic (Access / Regional setting)**

The property is accessed by Jolon Road. Jolon Road intersects with Highway 101 at two locations, to the southeast and north. The TAMC regional development impact fee program provides funding for road improvement projects throughout Monterey County to address cumulative impact to the regional road network. The fee includes improvements to the Zone 4 or South County area of the County. As a standard condition of approval the project will be required to pay a regional development fee to address cumulative impacts on the regional road network. These fees will be collected prior to issuance of building permits pursuant to Monterey County Code Section 12.90. (Source: IX.9, 18).

Figure 1. Vicinity Map

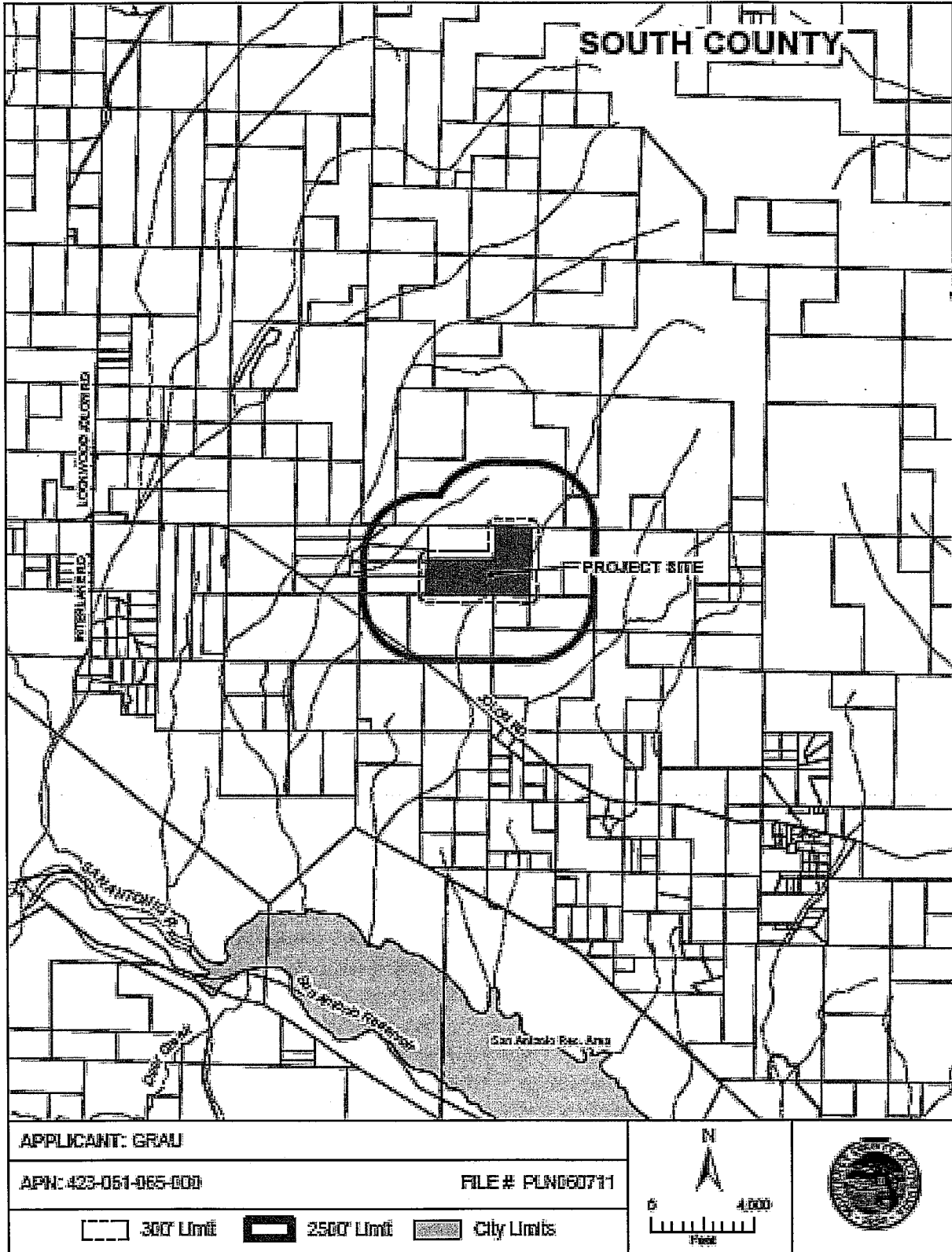
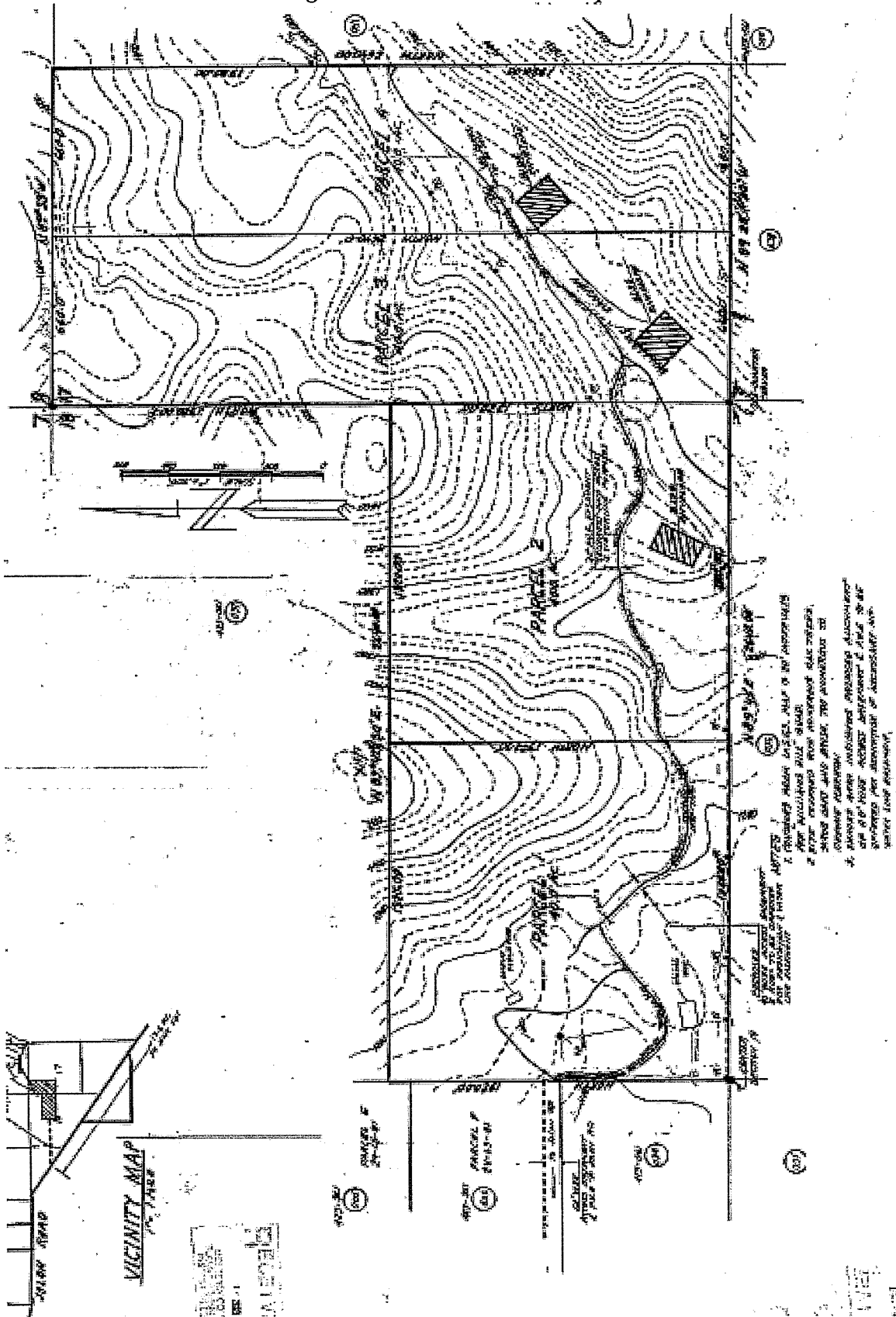


Figure 2. Tentative Parcel Map



*Photos of Project Site*

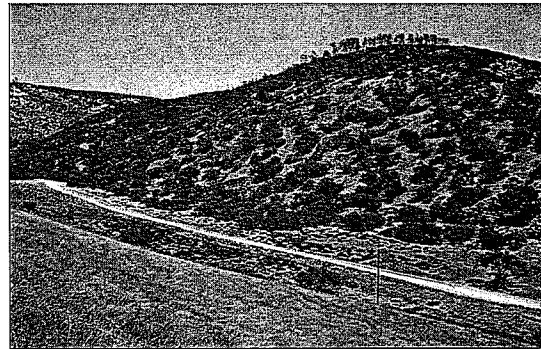


Photo 1: Typical blue oak dominated chaparral on the project site

Photo 2: Woodrat nest built in the hollow trunk of a blue oak.

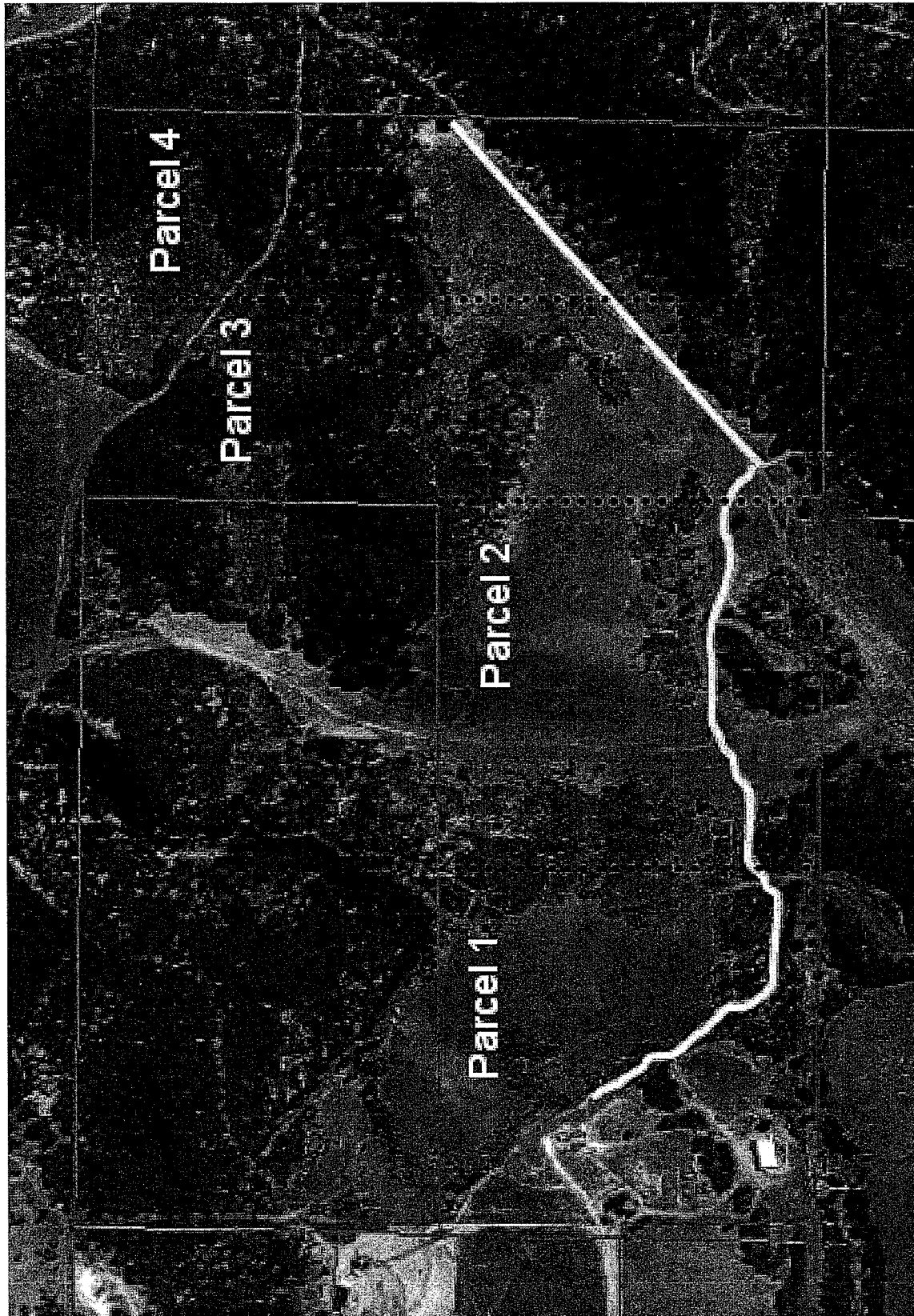
Photo 3: Typical mixed oak chaparral with chamise dominated chaparral in the background

Photo 4: Buckwheat scrub with annual grassland

Photo 5: Mixed oak chaparral on north facing slope transitioning to blue oak woodland at the toe of slope

Photo 6: Typical chamise chaparral on site with no understory vegetation

Figure 3. Aerial Photograph of Grau property with overlay of Tentative Parcel Map



### **III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS**

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	■	Air Quality Mgmt. Plan	■
Specific Plan	□	Airport Land Use Plans	□
Water Quality Control Plan	■	Local Coastal Program-LUP	□

#### **General Plan/ Area Plan**

The proposal was reviewed for consistency with the General Plan and South County Area Plan. Section IV.A. (Land Use and Planning) below, discusses whether the project physically divides an established community, conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project or conflicts with any applicable habitat conservation plan or natural community conservation plan. The Minor Subdivision proposal is consistent with the land use categories and densities (Rural Grazing, 40 acres per unit) of these plans see discussion in Section IV. (Source: IX.1, 2, 3)

#### **Air Quality Management Plan**

Consistency of a project with regional population and employment forecasts will result in consistency of the project with the Air Quality Management Plan (AQMP). The Monterey Bay Unified Air Pollution Control District (MBUAPCD) incorporates the Association of Monterey Bay Area Government population forecasts in its preparation of regional air quality plans, making this project consistent with the applicable Air Quality Plan. The AQMP addresses the attainment and maintenance of State and Federal ambient air quality standards within the North Central Coast Air Basin (NCCAB). The proposed subdivision would not result in a substantial increase in population that would exceed population forecasts listed in the 2008 Air Quality Management Plan (AQMP), prepared by the Monterey Bay Unified Air Pollution Control District, for 2010. Therefore, the project is considered consistent with the 2008 AQMP. (Source: IX.1, 6, 8)

#### **Water Quality Control Plan**

The Regional Water Quality Control Board incorporates the County's General Plan in its preparation of regional water quality plans. The project is consistent with the General Plan and with AMBAG'S regional population and employment forecast and, therefore, is consistent with the Regional Water Quality Control Plan. Section VI, 8 (Hydrology and Water Quality) below discusses whether a particular project violates any water quality standards or waste discharge requirements, substantially depletes groundwater supplies or interferes substantially with groundwater recharge, substantially alters the existing drainage pattern of the site or area or creates or contributes runoff water that would exceed the capacity of existing or planned stormwater drainage. (Source: IX.1, 2, 3, 8)

#### ***IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION***

##### **A. FACTORS**

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality                       |
| <input checked="" type="checkbox"/> Biological Resources        | <input checked="" type="checkbox"/> Cultural Resources      | <input checked="" type="checkbox"/> Geology/Soils          |
| <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning                 |
| <input type="checkbox"/> Mineral Resources                      | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing                |
| <input type="checkbox"/> Public Services                        | <input type="checkbox"/> Recreation                         | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems   |   |  |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

Check here if this finding is not applicable

**FINDING:** For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

**EVIDENCE:** The project is for Minor Subdivision of an existing 160-acre parcel into four (4) 40-acre parcels. The site is currently developed with a single-family dwelling, carport, and a 6000 square foot agricultural barn for storage of farm related equipment. These structures will remain on the 40-acre proposed Parcel 1, while the other three proposed 40-acre parcels will be unimproved parcels. The existing building site and the proposed building sites on the created parcels will likely be placed on slopes of 10 to 20 percent. An existing jeep trail which traverses the parcels is proposed to become a 30-foot wide road access easement in order to provide access from the existing road access easement traversing the neighboring parcel (Assessor's Parcel Number 423-061-036-000) traversing an adjacent property from Jolon Road to the Grau property.

The subject parcel's land use and zoning designation is Rural Grazing with a maximum gross density of one unit per every forty acres or "RG/40". The purpose of this zoning district is to preserve and enhance the use of productive grazing lands in the County while also providing the opportunity to establish support facilities for grazing uses and clustered residential uses.

Technical studies have been prepared for the proposed project including: an archaeological and cultural resources report, a geological report and a geotechnical and soils report. These reports are incorporated into this initial study by reference and are available for review at:

County of Monterey  
Planning Department  
168 West Alisal Street, 2nd Floor, Salinas, CA 93901

Due to the condition of the site and results of the technical studies, many of the topics on the checklist are determined to have impacts considered less than significant. Potential impacts are identified for Aesthetics, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Material, Hydrology/Water Quality, Transportation/Traffic, and Utilities/Service Systems. Mitigation measures are provided as warranted. As discussed in the following paragraphs, the project will have no quantifiable adverse environmental impacts on the categories not checked above and as discussed below.

**Air Quality:** Information on air quality is obtained from the 2008 Air Quality Management Plan for the Monterey Bay Region and 2008 CEQA Air Quality Guidelines. The project site is located within the North Coast Central Air Basin (NCCAB). The NCCAB is comprised of Monterey, Santa Cruz and San Benito Counties. The nearest air monitoring station to the project site is located in King City approximately 29 miles north of the project site. The Air District reports that the air basin is in non-attainment for the State Ozone standard and the State PM10 standard. However, air quality in the project area is assumed to be generally good. Figures 2-2 through 2-5 of the 2008 AQMP demonstrate long term trends of improving air quality over the last twenty years. The proposed project involves the subdivision of a 160-acre parcel into four parcels of 40 acres. No construction is proposed at this time. It is anticipated that the project will result in no significant increases in emissions from construction vehicles and dust generation. Construction of single family dwellings and improvements to the access road do not require significant heavy equipment operations or significant movement of earth. Therefore, this project will not conflict with or obstruct implementation of the applicable air quality plan, violate any air quality standards, contribute substantially to an existing or projected air quality violation, expose sensitive receptors to substantial pollutant concentrations, or create objectionable odors (Source: IX.1, 6, 17)

**Land Use/Planning** The proposed development will not divide an established community, since the subject parcel is of rural character located approximately 10 miles south of the City of King. The proposed development does not conflict with the Monterey County General Plan, the Monterey County Subdivision Ordinance

(Title 19), the South County Area Plan or the Monterey County Zoning Ordinance (Title 21). The minor subdivision of the existing 160-acre lot into four lots of 40 acres is allowed per the land use and zoning designation of "RG/40". The new building sites will not conflict with Monterey County policies and regulations. Staff has verified that the building sites have developable areas under 30 percent slopes and that no ridgeline or viewshed issues exist. Staff has also identified that the building sites would not conflict with the County's protected tree ordinance. Therefore, staff concludes that the proposed development will not have impacts to land use and planning plans, policies and regulations. (Source: IX.1, 2, 3, 4, 5, 6, and 7).

**Mineral Resources:** According to the Monterey County Geographic Information System, no mineral resources have been identified at or near the project site. Therefore, the project would not result in the loss of availability of a known mineral resource or a locally important mineral resource recovery site. (Source IX 1, 2, 3, 10)

**Noise:** The project would not result in exposure of persons to noise levels in excess of established standards or generation of excessive ground borne vibration. The project is not proposed within the vicinity of any airstrip or airport or an area allowed to develop an airstrip by the general plan, and will not expose residents or workers to excessive noise levels nor would it result in exposure of persons to noise levels in excess of established standards or generation of excessive ground-borne vibration. Future construction on the created parcels will likely result in temporary noise from construction activities. The project would not result in permanent or temporary increases in ambient noise levels off-site within the project vicinity in excess of current noise standards, as described in County Code, Chapter 10.60. Typical construction activities on these large parcels would occur at locations distant from sensitive receptors and during daylight hours.

**Public Services:** The Monterey County Water Resources Agency, Monterey County Public Works Department, CalFire, Environmental Health Division, and the Monterey County Sheriff's Office have reviewed the project. Due to the small potential for development resulting from the proposed project, no significant adverse impacts to public services were identified by these departments in their review of the application; however, conditions of approval as identified by each department apply. (Source 1, 2, 3, 11, 12, 13, 14). The proposed project's limited residential use will not create the need for new or expanded public services or facilities as adequate fire, police, and parks services exist near the project site. Standard school impact fees will be assessed during the building permit process. The proposed project's residential use and compatibility with surrounding land uses signify that any potential impact to public services will be insignificant, given that adequate public services exist to properly serve the area, as evidenced by the County's review of the project. Therefore, the project would not result in impacts on fire protection, police protection, schools, parks, and other public facilities. (Source: IX.1, 2, 3, 6, 7)

**Recreation:** The project would not significantly increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The

project does not include recreational facilities nor require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. The County requires that subdivisions provide a minimum of 3 acres of park per 1,000 in population or an equivalent in-lieu fee. Section 19.12.010 (Recreation Requirements) of the Monterey County Subdivision Ordinance (Title 19) requires that subdividers dedicate parkland at a rate of 0.009 acres per parcel. Because the subject application involves a small subdivision, the applicant may pay a fee in lieu of land dedication. The Parks Department determines the fee in accordance with formulas provided at Section 19.12.010(D). The Applicant proposes to satisfy this requirement by paying the in lieu fee pursuant to Monterey County Code 19.12.010. (Source: IX.1, 2, 3, 4, 5, 7, 8, 23, 31, 35)

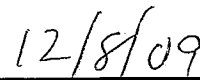
**B. DETERMINATION**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Elisa Cavaliere, Associate Planner



Date

## ***V. EVALUATION OF ENVIRONMENTAL IMPACTS***

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

## VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion/Mitigation:

#### Aesthetics 1(a, c) – Less than Significant Impact

The rural nature of this area of the county lends many of the vistas seen from the roads in the area to be considered scenic vistas. The County's land use policies support that development on ridge tops and development on slopes exceeding 30% subtract from the natural and rural character and result in impacts to aesthetics. The subject property is located just outside the Highly Sensitive Areas of the Scenic Highways and Visual Sensitivity as mapped by the South County Area Plan and is therefore not subject to being characterized as "Visually Sensitivity." The existing and proposed building sites are nestled between the mountains on the parcel and will not be visible from Jolon Road. The proposed location of the habitable accessory structure will be located at the entrance of the property, off of Jolon Road and next to the existing driveway. Development on Parcels 3 and 4 will likely occur within Williams Canyon, which bisects the parcel and as such will not result in the construction of structures visible from Jolon Road. This structure will be visible from Jolon Road, but will be situated on flat terrain, where no significant visual impact will occur. Therefore, approval of the proposed project will result in *a less than significant impact*. (Source: IX.1, 4, 6, 11).

#### Aesthetics 1(b) – No Impact

Jolon Road is not a scenic roadway. Therefore, the project will not substantially damage scenic resources such as trees, rock outcroppings and historic buildings within a state scenic highway. The proposed minor subdivision will not remove any protected trees, rock outcroppings or historic buildings. Therefore, approval of the proposed project will result in *no impact*. (Source: IX.1, 2, 3, 10).

#### Aesthetics 1(d) – Less than Significant Impact

The construction of three additional dwellings in the subdivision has a very minimal potential for introducing new light and glare in the area. The topography of the subject parcel is very mountainous and the proposed building areas are positioned among the mountains in such a manner that light glare would likely not be visible from Jolon Road. Furthermore, General Plan Policy 26.1.20 requires that all exterior lighting be unobtrusive and constructed or located so that

only the intended area is illuminated, long range visibility is reduced and off-site glare is fully controlled. All building permits require that a lighting plan compliant with the County Codes for lighting be submitted and approved by the Planning and Building Departments for the construction of new single-family dwellings. Therefore it is not anticipated that the approval of the project will create a new source of substantial light or glare which would adversely affect day or nighttime views in the area and the impact is *less than significant*. (Source: IX.1, 6, 11).

**2. AGRICULTURAL RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Mitigation/Conclusion:** See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

**3. AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				
d) Result in significant construction-related air quality impacts? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Mitigation/Conclusion:** See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

### 4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**Biological Resources 4(a) – Less than Significant with Mitigation Incorporated.**

Sensitive habitats and special-status plant and animal species that may be located on the property, as analyzed in the Biological Assessment, are discussed in the following paragraphs (Source: IX.14). For the purpose of this report, “special-status” means plants and animals that are: a) listed as endangered or threatened under the Federal or California Endangered Species Acts (ESA), b) considered rare under the California Native Plant Protection Act, or c) are afforded protection under acts or codes other than the Federal or California ESA (e.g. Migratory Bird Treaty Act, Fish and Game Code).

Sierra Delta Corporation (SCD) conducted a Biological Assessment (BA) for the subject property. The BA was completed on June 20, 2007 and included a site visit on May 7, 2007. The following discussion and analysis is based on the findings from the Biological Assessment, as well as records contained in the application package, the South County Area Plan, the 1982 Monterey County General Plan, and the interagency department review comments and information found in County records (Source: IX.1, 2, 3, 10, 12, 14).

The CNDDDB listed 14 sensitive plant and wildlife species as occurring within the 7.5- minute quadrangle search area surrounding the subject property. Of these, seven (7) species were determined to have a reasonable potential to occur on the property based on proximity to documented sightings, available on-site habitat, and field observations. These species include Dwarf calycadenia (*Calycadenia villosa*), Jolon Clarkia (*Clarkia jolonensis*), San Antonio collinsia (*Collinsia antonia*), Straight-awned spineflower (*Chorizanthe rectispina*), Umbrella larkspur (*Delphinium umbraculorum*), Monterey dusky-footed woodrat (*Neotoma fuscipes Luciana*), and the San Joaquin kit fox (*Vulpes macrotis mutica*). With the incorporation of mitigation as described below, impacts to sensitive habitats would be ***less than significant with mitigation incorporated.***

***Annual Grassland***

Grasslands occur in areas having relatively little (ten to twenty inches) rainfall that occurs in winter and spring. Typically there are four to eight months per year of summer drought when the soils dry out thoroughly and the temperatures often rise above 100°F in this area. These areas are too hot and dry for woodlands and forests. However, where more moisture is available, often on north-facing slopes, in ravines or near springs, trees such as valley oaks (*Quercus lobata*) may

grow among the grasses and forbs. Many of the common species present in this plant community are introduced non-natives.

The annual grasslands on the property occur in areas of lower elevation and south-facing exposed hill slopes. Annual grassland were also observed sporadically along the ridgelines of the hills, and along the margins of and as an understory in some areas dominated by chaparral. The grassland habitat is largely composed of annual non-native grasses intermixed with occasional native grasses and forbs. Non-native annuals dominate the plant community on the project site. Plant species occurring on the project site in this community include ripgut brome (*Bromus diandrus*), foxtail barley (*Hordeum marinum*), red brome (*Bromus madritensis var. rubens*), vulpia (*Vulpia microstachys*) and wild oats (*Avena barbata*).

Species observed either directly or by sign utilizing this plant community include American crow (*Corvus brachyrhynchos*), Brewer's blackbird (*Euphagus cyanocephalus*), European starling (*Sturnus vulgaris*), mourning dove (*Zenaida macroura*), northern mocking bird (*Mimus polyglottos*), Red-tailed hawk (*Buteo jamaicensis*), turkey vulture (*Cathartes aura*), western blue bird (*Sialia Mexicana*), Botta's pocket gopher (*Thomomys bottae*), California ground squirrel (*Spermophilus beechyi*), coyote (*Canis latrans*), mule deer (*Odocoileus hemionus*) and wild pig (*Sus scrofa*).

### **Chamise Chaparral**

Chaparral communities are the most characteristic plant communities in California. In the interior Coast Ranges, where the project site is located, chaparral communities are mostly restricted to steep, dry slopes. These communities often experience large seasonal fluctuations in temperature. Soils on which chaparral occur are often shallow and rocky, with low soil fertility. Surface runoff on these slopes may remove large amounts of litter during winter storms. The waxes and resins released from decomposing and living plants cause the soils to become hydrophobic and reduce the ability of rainfall to penetrate into the soil. Herbaceous undergrowth is often nonexistent in mature chaparral stands due to these chemicals, accumulations of litter, the density and continuity of individual canopies, and foraging of herbivores utilizing the cover provided by this habitat.

The chaparral plant community on the project site is a mosaic of chamise chaparral associated with a variety of other co-dominant species. Chamise (*Adenostoma fasciculatum*) is a common component of most of the chaparral habitat and was the most dominant species in the project area. In some areas on north facing slopes, chamise was replaced as the dominant species by blue oak (*Quercus douglasii*) and other mixed scrub oak species. Other smaller areas along the edges of chamise chaparral are in a more early seral stage of development and are dominated by California buckwheat (*Eriogonum fasciculatum*). Chamise occurs on the most xeric areas of the project site. Where chamise dominates the chaparral community, very little to no herbaceous growths occurs.

Species observed either directly or by sign utilizing this plant community include California Quail (*Callipepla californica*), California towhee (*Pipilo fuscus*), Greater roadrunner (*Geococcyx californianus*), western scrub jay (*Aphelocoma californica*), white-crowned sparrow (*Zonotrichia leuophrys*), black-tailed jackrabbit (*Lepus californicus*), desert cottontail rabbit (*Sylvilagus auduboni*) and mountain lion (*Puma concolor*).

### ***Blue oak woodland***

Oak woodlands form a characteristic vegetation cover in many of the foothills of California. Roughly ten percent of California is covered by oak woodlands. Oak woodlands occur at elevations ranging from about 30 to 5000 feet (msl) where summer temperatures are warm and dry and winters are mild. Oak woodlands are a transitional community between the grasslands of hot dry valleys and the montane mixed coniferous forest in the interior ranges.

The blue oak (*Quercus douglasii*) woodlands on the project site are composed of scattered trees and shrubs with an understory of grasses and forbs. The woodlands occur in disjunct areas that overlap and intergrade with other plant communities on the project site. The oak woodland on the project site occurs mainly on the north facing slope, on the south side of Williams Canyon where blue oak dominates the vegetation. Blue oak is co-dominant with other scrub oak species in some transitional areas between blue oak woodland and chaparral communities. The woodland on the project site ranges from open scattered canopy to closely growing dense stands of oaks on the upper parts of the north facing slope. Occasionally, foothill pine (*Pinus sabiniana*) occurs on the upper elevations.

## **SENSITIVE WILDLIFE SPECIES**

### **Biological Resources 4(d) – Less than Significant with Mitigation Incorporated**

#### ***San Joaquin kit fox***

The project area is within San Joaquin kit fox (*Vulpes macrotis mutica*) habitat and Williams Canyon may potentially serve as a movement corridor. Although impacts to this species are not likely to occur, proper avoidance and mitigation will further reduce the likelihood. Potential burrows were not encountered within the project area. No tracks or other indications of kit fox presence were observed. Direct impacts to this species are not anticipated although foxes using Williams Canyon corridor at night could become trapped within open areas of excavation. Indirect impacts include potentially disturbing small areas of poor-quality foraging habitat where building envelopes and roads are proposed.

Implementation of Mitigation Measures #3 through #7 would reduce San Joaquin kit fox impacts to a *less than significant level*.

#### ***Dusky Footed Woodrat***

Woodrat (*Neotoma macrotis luciana*) nests were identified associated with blue oaks in woodland and chaparral plant communities. Potential impacts to this species from further development consists of nest disturbance and removal of trees in areas where nests occur (Source: IX.14). With implementation of Mitigation Measures #2, 5 and 6, impacts to Monterey dusky-footed woodrat would be reduced to a *less than significant level*.

#### ***Migratory Nesting Birds or Raptors***

The Migratory Bird Treaty Act (MBTA) protects all migratory birds, including their eggs, nests, and feathers. The MBTA statute was originally implemented in 1916 between the U.S. and Great Britain (for Canada) for the protection of migratory birds. Later amendments implemented treaties between the U.S. and Mexico, Japan and the Soviet Union (now Russia). The MBTA was originally drafted to put an end to the commercial trade in bird feathers popular in the latter part of the 1800's. Within the scope of the present BA, the MBTA protects raptors and migratory nesting birds within the vicinity of the project site. The MBTA is enforced by the USFWS.

No nesting bird species were confirmed during surveys; however, several bird species were observed and likely use the area for nesting. Project related activities which may result in impacts to migratory nesting birds or raptors will be timed to avoid the presence of these species. If project related activities cannot be timed to avoid the time when these species are present and nesting (March 15 thru August 1 breeding and nesting window), a qualified biologist will be required to conduct nesting bird surveys immediately prior to commencement of operation in areas where disturbance is required to ensure that no nesting birds are present.

The following measures are required to reduce impacts to the aforementioned species to a *less than significant level*.

**Mitigation Measure No. 1: Pre-Construction Bird Surveys.** To avoid impacts to Cooper's hawk and Golden eagle, removal and disturbance of oak trees shall be avoided where feasible. Where avoidance is infeasible, the following mitigation is required to minimize potential adverse impacts to native resident special-status nesting avian species:

- Work shall be scheduled to avoid the bird nesting season, which is March 1 to July 31.
- Should work occur during the typical nesting season, the following measures shall apply:
  - Prior to issuance of any grading and/or building permits, a pre-construction survey for special-status nesting avian species (and other species protected under the Migratory Bird Act) shall be conducted by a qualified biologist at least 30 days prior to tree removal or initiation of construction activities that occur during the nesting/breeding season of native bird species.
  - If nesting birds are not found, no further action would be necessary as long as construction is diligently pursued.
  - If a protected bird nest is found, construction within 100 feet of the nest site should be postponed until after the bird has fledged, or an appropriate construction buffer has been established in consultation with the California Department of Fish and Game.

The results of the pre-construction survey must be submitted in writing by the qualified biologist to the RMA-Director of Planning for review and approval, prior to issuance of any grading and/or building permits.

**Mitigation Measure # No. 2: Woodrat Nest Surveys and Dismantling.** Surveys for woodrat nests shall be conducted by a qualified biologist in areas where trees or woody vegetation are proposed for removal. The nests shall be dismantled by a qualified biologist outside the breeding season (between the months of September and January). Woodrats encountered during dismantling shall be allowed to escape and vacate the area prior to construction activities. The qualified biologist shall submit a report summarizing their findings and measures taken to the RMA- Planning Director for review and approval.

**Mitigation Measure No. 3: San Joaquin Kit Fox (SJKF) Habitat Evaluation.** Prior to issuance of grading and/or building permits, a qualified biologist shall conduct a San Joaquin Kit Fox (SJKF) Habitat Evaluation to assess the extent of potential SJKF habitat displacement in the area of development. The biologist shall use the Department of Fish and Game (DFG) evaluation form to calculate the quality of habitat. The biologist shall submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary and completed, in consultation with the DFG, to address any SJKF activity within the project limits. The County shall then review the biological letter and proceed with any necessary recommendations of the letter. Possible recommendations may include, but are not limited to, the following:

- Proof of compliance with the Federal and California Endangered Species Acts, inclusive as necessary of signed copies of incidental take permits and associated enacting agreements, or other memorandum from the appropriate state and federal agencies determining that such compliance is not required;
- Habitat replacement at a ratio of 3:1 for affected acreage;
- Establishment of an exclusion zone, or buffer, from potential SJKF dens; and/or
- Dedication of a conservation easement.

Documentation of the required mitigation must be completed prior to issuance of grading and/or building permits. Mitigation measures must be fully implemented prior to the commencement of any grading.

**Mitigation Measure No. 4: Prevention of San Joaquin Kit Fox (SJKF) Entrapment during Construction Activities.** At the end of each working day during the site-disturbance and construction, all excavation, steep-walled holes, or trenches in excess of two feet in depth shall be covered by applicant/owner or construction workers with plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks to prevent entrapment of San Joaquin kit fox. Trenches shall also be inspected for entrapped SJKF by applicant/owner or construction workers, each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected by applicant/owner or construction workers for entrapped SJKF. Any SJKF so discovered shall be allowed to escape before field activities resume. If SJKF is found entrapped in a trench or a hole, a qualified biologist shall be called to remove the SJKF and the SJKF shall be allowed to escape unimpeded.

**Mitigation Measure No. 5: Worker Education Program.** Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to aid workers in recognizing sensitive species that may occur in the project area. The specifics of this program shall include identification of the sensitive species and associated habitat, and careful review of the limits of construction required to reduce impacts to this species. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The applicant shall notify the County prior to this meeting and then submit a signed letter by the qualified biologist who performed the Worker Education Program to the County of Monterey RMA-Planning Department addressing that the training was conducted according to this Mitigation Measure.

**Mitigation Measure No. 6: Construction Requirements.** To minimize impacts to biological resources during construction, the following measures shall be implemented:

- A qualified biological monitor shall conduct pre-activity surveys and inspect the project area prior to any work that may adversely affect burrowing animals.
- If there is any potential for the occurrence of sensitive species as determined by the pre-activity surveys in an area proposed for disturbance, a qualified biological monitor shall be present on-site to clear the area prior to work each day or to monitor during disturbance in that area.

- If the biologist determines that a sensitive species is present in the area of direct impact, work shall be delayed until the individual(s) are relocated or relocate from the area on their own.
- If nesting birds are discovered during construction, nests shall be avoided by a distance of 50 yards. If the birds are raptors or listed species, nests shall be avoided by 100 yards.
- To reduce the amount of disturbance to potential habitat for kit fox and woodrats, work areas shall be limited to the minimum necessary to complete project activities.
- Inspect trenches, pipes, culverts or similar structures for kit fox or other animals before burying, capping or moving.
- Any potential sensitive species sightings shall be reported to the biological monitor immediately.
- Inadvertent disturbance to existing woodland vegetation or damage to root systems shall be avoided.
- Construction equipment shall be fueled and maintained in an appropriate staging area, separated from drainage areas, or within a designated fueling area with secondary containment.
- Biocides and environmentally toxic materials shall be safely stored.
- Store trash in sealed containers.
- Wash out concrete trucks in a designated containment area.
- Cease work and notify the appropriate agency if any federally or state-listed species enter the work site.
- Every morning during excavation, check open trenches for trapped wildlife.
- Have a qualified biologist monitor initial earth-disturbing activities and relocate any wildlife unearthed if necessary.
- Remove all trash from the project site at the end of the day to avoid attracting wildlife.
- Best Management Practices (BMP) for erosion control during grading and construction shall be followed to minimize erosion and avoid the potential for impacts to sensitive species.

Construction requirements shall be clearly posted on the project site during all construction phases. Submit evidence acceptable to the RMA-Director of Planning that the requirements have been clearly posted.

**Mitigation Measure No. 7: Clear Excess Debris.** Upon completion of project construction, all equipment, waste, and other construction debris shall be removed from the site. Disturbed areas shall be re-vegetated and/or re-graded as necessary.

**Biological Resources 4(b, c) – No Impact.** The Biological Assessments did not identify riparian habitat or other sensitive natural community on-site. The site does not support any federally protected wetlands. *No Impact* would result. (Source: IX.12, 13, 14)

**Biological Resources 4(e) – Less than Significant.** The proposed subdivision and future residential dwelling unit construction could require tree removal, including removal of blue oaks. If any blue oaks are proposed for removal, a permit would be required from the County of Monterey. Pursuant to permit application and approval, impacts related to local policies and ordinances protecting biological resources would be *less than significant*. (Source: IX.2, 3, 14)

**Biological Resources 4(f) – No Impact.** There is no adopted Habitat Conservation Plan or other approved local, regional, or state habitat conservation plan affecting the subject property. There would be *no impact*. (Source: IX.2, 3)

5. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**Cultural Resources 5(a) – No Impact.**

No historical resources exist on the property. The existing structures on the property were constructed within the past 10 years by the present owners and therefore could not be historic due to their age or because they were inhabited by persons of local, state or national importance. As such, it is anticipated that there would be *no impact* to significance of a historical resource as defined in 15064.5

**Cultural Resources 5(b-d) – Less Than Significant with Mitigation Incorporated.**

The report indicates that the project area lies within the aboriginal territories of the contemporarily known as the Salinan and Esselen ethnolinguistic boundaries. The prehistoric tribal boundaries are not easily determined due to the paucity of ethnographic accounts. This is true also as archaeologists continue to consider boundaries for the Salinan and Chumash to the southwest. The Costanoan and Esselen people had an intimate knowledge of the rich diversity of their aboriginal lands. They were economic geologists who took advantage of their access to naturally occurring minerals of the region to craft stone tools. Their stone age subsistence technology was dependent upon access to materials that could be crafted into knives, scrapers, and drills, mortars, pestles, hammer stone, such as obsidian from the Sierras and Napa. They processed vegetable foods, fished the rivers for steelhead and salmon, and the ocean for sardines. They collected shellfish along the littoral and hunted for deer, fowl, and rabbits. They used tules (*Scirpus* spp.) for all manner of woven products, from mats to boats.

California Indians did not cultivate the land before the arrival of the Spanish but continued in utilizing a hunting, gathering, and collecting subsistence strategy until they were disrupted by colonization *circa* 1769 with the arrival of Junipero Serra. Nevertheless, they did manage the land, the growth of forbs and the clearing of land through burning. It is known that both Salinan and Esselen people were taken into Mission San Antonio for conversion to Catholicism. Several miles to the west of the project parcel, Father Junipero Serra established Mission San Antonio de

Padua on July 14, 1771. The mission had the largest population of neophytes of any of the California missions. Due to missionization these cultures were thoroughly disrupted and today little is known about the aboriginal cultures except that which can be deduced from mission records and archaeological investigation.

As previously stated, a preliminary archeological reconnaissance of the property was prepared by Susan Morley, MA. Archaeological reconnaissance was conducted on March 17, 2007 based upon standard methods of procedure. The project parcel was inspected by walking transects over the entire 160 acres.

In central California, archaeologists are alerted to prehistoric sites by the presence of midden soils that are darkened from accumulation of organic remains. Darker soils may indicate habitation sites or villages. Other sites may not present an organic condition of the soil and may be ceremonial sites or temporary campsites. The presence of various shell remnants from either the bay or littoral may indicate a site. Archaeologists also look for thermally altered rock, flaked stone artifacts and ground stone, either complete or in fragments, representing mortars and pestles or manos and metates. Sites are most often located near the source of fresh water. Some prehistoric sites are occupational sites while others may be quarries, workstations, milling stations, hunting stations, or ideological sites that exhibit rock art or petroglyphs. None of these indicators was present on the subject property except lithic scatter at the base of a chert deposit.

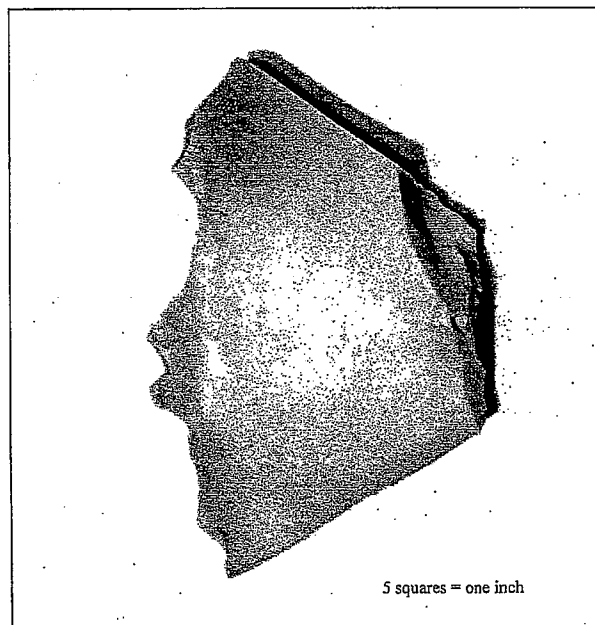


Figure 4: Fragment of butterscotch-colored Franciscan chert from site.

The report states that a site record search resulted in the discovery of at least three other studies within one half-mile radius of the project parcel: S-16254, S-17181, and S-17957 and at least seven prehistoric sites recorded within a mile of the project parcel. They are CA-MNT-1074, CA-MNT1075, CA-MNT-1076, CA-MNT-1077, CA-MNT-1078, CA-MNT-1079, and CA-MNT-1083. The previous archeological studies prepared near the subject property consider the prehistoric sites listed above to be situated "along definite routes of communication or around special resource areas, leaving the remainder of the land for seasonal resource use" by aboriginal peoples. The closest site is reported to have yielded "lithics and hammerstones" (Haversat and

Breschini 1981). Information is not provided in any more detail in either the site record or the site report as to the number or morphology of artifacts noted at this site. However, authors Haversat and Breschini report that hammerstones and chert lithics were present at the site. This appears to be the only criteria applied to the determination

This regularly occurring chert is butterscotch to almost black in color with diatomaceous inclusions and cortices. The authors of previous archeological studies prepared for neighboring properties have identified this property as containing a chert quarry and a lithic workstation. Chert Ethics occur in some abundance and there is a source of chert also present in the soils.

On the subject parcel, chert was observed. It appears that many of these chert fragments have been manually transported and culturally modified. Lithics are scattered throughout an area of the parcel and pebbles and cobbles of chert abound. The site of one area is on 30+ percent slope with a small level area at the base of that slope, which is subject to alluvial deposition. It has a southeastern aspect. There is no noticeable change in the soil color as compared with other areas in the immediate vicinity of the site.

Two areas on the property are a source of chert for the making of stone tools, such as scrapers, drills, and knives; some modification of the chert is indicated, although no formal artifacts were discovered. Various cherts were recovered from the property and from almost all of the other areas surveyed. There does not appear to be any evidence of occupation or other prehistoric activities.

The soils of the parcel, in both Area C and in all other areas of the project parcel, were inspected for indicators of prehistoric cultural activity. This inspection was greatly facilitated, as there was little no vegetation to impede a clear view of the surface soils.

### **Mitigation Measure No. 8**

The following shall be included as a note on an additional sheet of the Parcel Map, or by separate document recorded concurrently with the Parcel Map:

“The following notes shall be included on all grading and building permits:

If archaeological resources are accidentally discovered during construction, work shall be halted within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

If human remains are accidentally discovered during construction, the following steps will be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area (minimum 50 meters) reasonably suspected to overlie adjacent human remains until:
  - a) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
  - b) If the coroner determines the remains to be Native American:

- 1) The coroner shall contact the Native American Heritage Commission and Planning Department within 24 hours.
  - 2) The Native American Heritage Commission shall identify the person or persons it believes to be most likely descended from the deceased Native American.
  - 3) The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
2. Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
- a) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
  - b) The descendent identified fails to make a recommendation; or
  - c) The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.“

**Mitigation Measure No. 9**

A conservation and scenic easement shall be established, in consultation with the project archaeologist, over Areas B and C as identified in the archaeological survey prepared for the project. The easement may allow grading, vegetation removal, and non-habitable structures if additional archaeological studies are conducted to determine the true nature and boundaries of the quarry and the relationship between CA-MNT-1074 and the quarry. This is especially true of Area C.

6. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

Monterey County is located in a geologically complex and seismically active region. Seismic, or earthquake-related, hazards have the potential to result in significant public safety risks and widespread property damage. Two of the direct effects of an earthquake that should be considered include the rupture of the ground surface along the trend or location of a fault, and ground shaking that results from fault movement. Other geologic hazards that may occur in response to an earthquake include liquefaction, seismic settlement, landslide, tsunami, and seiche.

The subject property lies just east of the valley surrounding the town of Lockwood. This area is part of the northwest-trending Coast Range geological province that stretches from Humboldt County south to Santa Barbara County, where they meet the Transverse Ranges. Geologic formations in this area consist of uplifted sea floor sediments that have been compressed and consolidated to form such material as sandstone and shale. As these materials have weathered,

they have created a variety of hills and valleys with variable slopes. Four active fault systems, present in the region, trend parallel to the coastline, and have moderate levels of seismic activity.

A Geology Hazards Investigation for the proposed Tentative Parcel Map for the Grau property was prepared by the Sierra Delta Corporation (October 31, 2007). A Preliminary Soils Investigation and Percolation Report was also prepared for the proposed parcels by Buena Geotechnical Services (August 7, 2007). As a standard Condition of Approval, the County will require the applicant to implement all recommendations that were suggested in these geotechnical reports. In addition, the applicant will be required to comply with applicable County policies and ordinances related to geologic hazards. (Source: IX. 7)

**Geology and Soils 6(a) - Less than Significant.** The following discussion is based on the Geology Hazards Investigation and the Preliminary Soils Investigation and Percolation Report (Source: IX. 7, 9).

***6(a) (i) Fault Rupture and Groundshaking & 6(a) (ii) Strong seismic ground shaking:***

The project site is located in a seismically active region near the San Andreas Fault zone and the Pacific Coast. The project site is located within an area designated as "Relatively Unstable" area of geologic hazards by the South County Area Plan. The Geologic Hazards Evaluation prepared for this subject project states that the area is characterized as having moderate to high seismic activity. This results from the presence of three active or potentially active faults located within 25 miles of the subject property. These faults are: the Rinconada, San Andreas, and Hosgri faults which are located approximately 1, 21 and 22 miles away from the project site, respectively. (Source: Geologic Hazards Report). It is unlikely that surface rupture will occur on the property.

While active faults are located nearby, no active or potentially active faults were identified on the subject property. The Jolon and San Marcos faults are located near the subject property, and are considered potentially active, but are not designated "active" under the Alquist-Priolo Act. Surface rupture within the subject property from activity on these faults is unlikely, and the primary hazard appears to be from ground shaking. The geologic investigation has shown that the site is geologically suitable from a seismic standpoint provided the near-source coefficients and potential ground accelerations from the design basis earthquake are incorporated in structural designs (page 26, Geologic Report).

Fault rupture hazards would be addressed through implementation of recommendations in the site specific geologic reports, as conditioned by the County. Seismic safety issues would be addressed through compliance with the Uniform Building Code (UBC). UBC requirements may include the use of drilled pier foundations extending into bedrock, the use of tie beams between piers, and the use of shear walls. Pursuant to implementation of adopted County ordinances and standard Conditions of Approval, and recommendations in the site specific geologic reports (as conditioned by the County), impacts would be *less than significant*. (Source: IX.7)

***6(a)(iii) Seismic-related ground failure including liquefaction:***

Liquefaction is a phenomenon where unconsolidated and/or near saturated soil loses cohesion and is converted to a fluid state as a result of severe vibration. Fine grained, loose, granular soils are most susceptible to these effects, while more stable silty clay and clay materials are generally somewhat less affected. Liquefaction is usually limited to the first 40 feet of subsurface soils. Liquefaction occurs in saturated soils, that is, soils in which the space between individual particles is completely filled with water. This water exerts a pore-

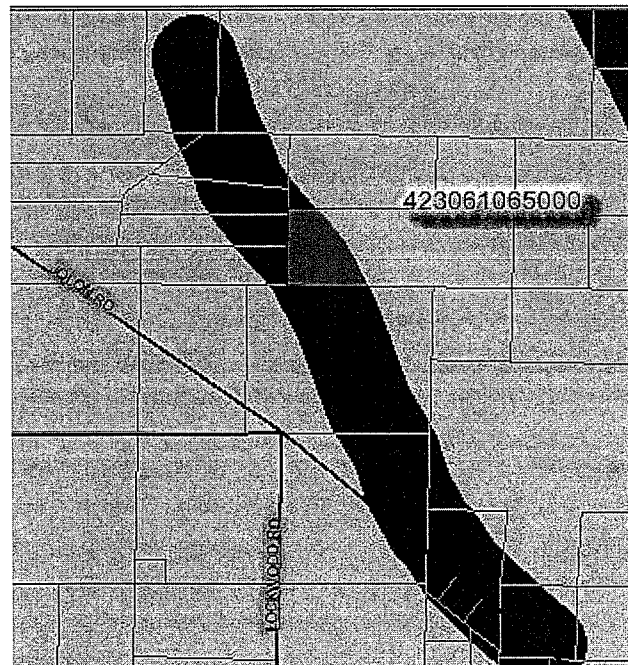
pressure on the soil particles that influences how tightly the particles themselves are pressed together. Prior to an earthquake, the water pressure is relatively low. However, earthquake shaking can cause the water pressure to increase to the point where the soil particles can readily move with respect to each other.

In order for liquefaction to occur, three conditions must be satisfied. The absence of any of the three conditions renders a soil non-liquefiable. Liquefaction is typically limited to the first 40 feet below ground surface. The three conditions required are as follows:

1. Soils must be saturated.
2. Soils must consist of fine-grained, granular material. This typically *is* limited to fine-grained sand, with only minor amounts of coarse sand and finer silt and clay.
3. Soils must be loose, with a relative density of less than 70%. Typically, soils with a relative density of (greater than) 70% are not considered liquefiable.

Generally, shallow soils were observed, and the depth to ground water is likely significantly greater than 50 feet. It is highly unlikely that unconsolidated soils would become sufficiently saturated to provide conditions conducive to liquefaction. The potential for liquefaction to occur on the subject property is very low and it is SDC's opinion that no further investigation is warranted at this time. Therefore, impacts would be *less than significant*.

*Figure 5. Active/Potentially Active Faults (660 ft Buffer)*



**6(a) (iii) Landslides:**

Landslides result when the driving forces that act on a slope (i.e., the weight of the slope material, and the weight of objects placed on it) are greater than the slope's natural resisting forces (i.e., the shear strength of the slope material). Landslides and slope instability can occur as a result of wet weather, weak soils, improper grading, improper drainage, steep slopes, adverse geologic structures, earthquakes, or a combination of these factors. Evidence of slope instability can occur in the form of creep, slumps, large progressive translation or

rotational failures, rock fall, debris flows, or erosion. Landslides can result in damage to property and cause buildings to become unsafe due to distress or collapse during sudden or gradual slope movement. Structures constructed in steep terrain, possibly on stable ground, may also experience landslide hazards if they are located in the path of potential mud flows or rock fall hazards.

Through stereoscopic viewing of the aerial photographs, strong geomorphic indications of significant landslides were noted on the northern portions of Lots 3 and 4. Two relatively well defined, arcuate-shaped head scarps are evident. Also, there appears to be a significant debris field below the scarps in both easterly and southerly directions. These features are also expressed topographically and appear to extend beyond the eastern property boundary. Figure 6 below illustrates the features identified as landslides.

Parcel 1 is already developed with a residence and shop building. Inspection of the structures and surrounding areas yielded no evidence of potential erosion hazards at either location.

The proposed building envelope on Parcel 2 is located on a resistant sandstone unit, which exhibited no signs of potential erosion problems. There is a significant buffer (approximately 200 feet) from the toe of slope of the hill to the north proposed building envelopes. That slope exhibited no indications of instability, however minor slumping was observed on similar slopes on proposed Parcel 4. Due to the distance from the toe of slope, the potential erosion hazard for this building envelope is considered very low.

Two significant apparent landslides were observed on the northern portions of Parcels 3 and 4. The two apparent landslides appear to be of similar age, with the slide oriented approximately east-west being slightly older. The apparent debris field of the older slide appears to extend slightly beyond the eastern extent of the subject property. The debris field from the younger apparent landslide appears to be completely within the debris field of the older slide. The slopes containing the apparent head scarps, as well as the debris fields, are densely vegetated with a mixture of trees and shrubs. Although the root systems of these plants may provide a degree of stability to the slope, the potential for future landslides or erosion problems should be considered moderate to high. Due to the placement of the proposed building envelopes, these features do not present a potential hazard to the building envelopes on Parcels 3 and 4.

**Mitigation Measure No. 10:** Building Envelopes shall be developed for all parcels, in consultation with the project geologist, to avoid potential landslide areas. All proposed habitable structures shall be required to be constructed in these building envelopes. A note shall be included on an additional sheet of the Parcel Map, or by separate document recorded concurrently with the Parcel Map that indicates its relationship to the Parcel Map, as follows:

“All habitable structures shall be located within the designated building envelope.”

Two small colluvial slumps, estimated at no more than 5 feet in depth, were observed on the south-facing slope on proposed Parcel 4, north of and across the valley from the proposed building envelopes. Due to the small scale and distance from the proposed building envelopes, these slumps do not present a potential hazard to future development within the proposed building envelopes. Therefore, it is anticipated that the project will pose a *less*

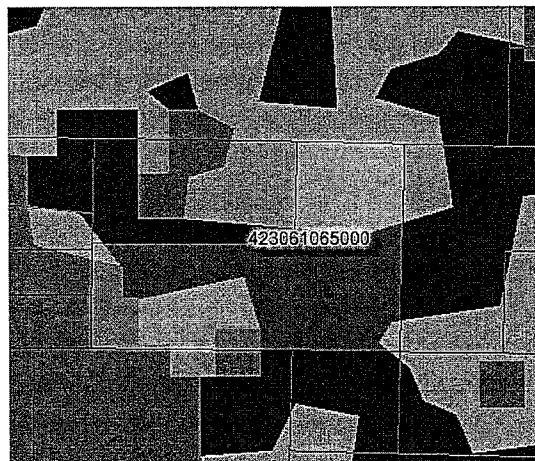
than significant impact to landslide areas.

*Figure 6. Landslide Area indicated on Parcels 3 and 4*



*Figure 7. Landslide Risk*

*Red (Dark) = High Potential; green (Medium gray) = low; orange (light gray) = moderate*



**Geology and Soils 6(b) - Less than Significant.** Soil erosion is the removal of soil by water and wind. Soil erosion is considered a moderate limitation to on-site development. With the implementation of existing County ordinances and standard related to grading and soil erosion prevention, in addition to the recommendation provided by soil consultants for the project site will result in potential adverse effect caused by soil erosion or the loss of topsoil impacts being *less than significant* (Source: IX.7, 9).

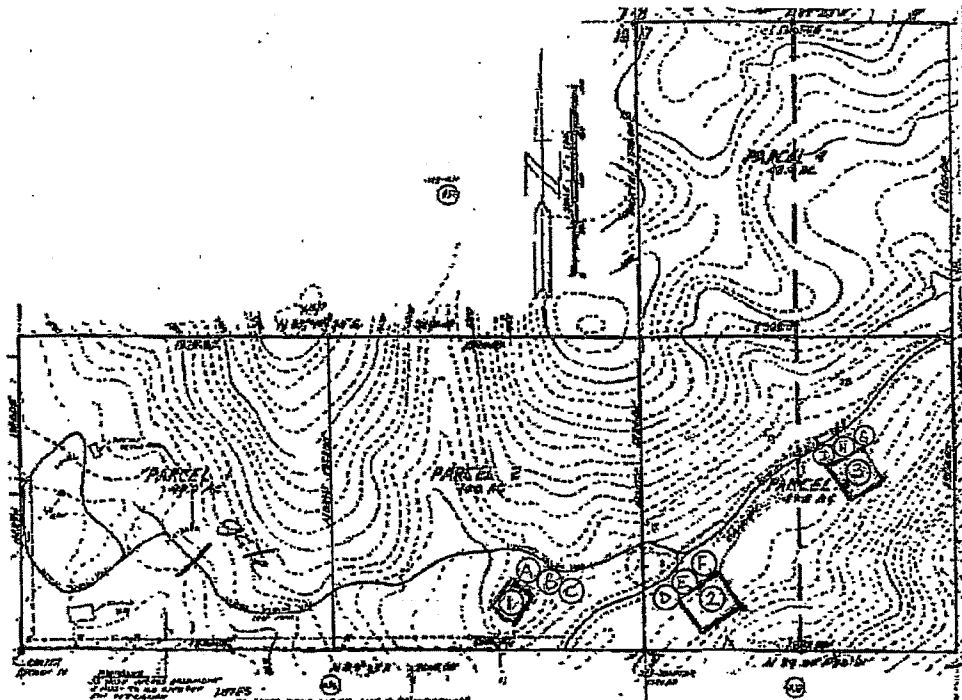
**Geology and Soils 6(c) - Less than Significant.** See discussion under Item 6(a) above. Impacts would be *less than significant*.

**Geology and Soils 6(d) - Less than Significant.** The proposed project is not located on unstable or expansive soils. The Preliminary Soils Investigation and Percolation Report prepared for this project indicates that the site's bearing soils are characterized as being within a "Very Low" range. Pursuant to implementation of adopted County ordinances and standard Conditions of Approval, impacts would be *less than significant*. (Source: IX.7, 9)

**Geology and Soils 6(e) – Less than Significant.**

Percolation testing was performed on proposed Parcels in August 2007, in accordance with the requirements set forth by the County of Monterey (Source: IX.9). Three (3) percolation borings were drilled near each of the proposed building envelopes at Parcels 2, 3, and 4 for a total of nine borings on-site. The locations of the borings are shown below in Figure 8. According to the Preliminary Soils Investigation and Percolation Report, percolation rates, the septic system for Parcel 2 should be designed using a rate of 50 minutes per inch and the septic systems for Parcel 3 and 4 should be designed using a rate of 15 minutes per inch. With this recommendation, the soils are capable of adequately supporting the use of septic tanks and therefore, the impact is *less than significant*. (Source: IX.1, 3).

*Figure 8. Approximate Percolation Boring Locations*



7. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**Hazards and Hazardous Materials 7 (a-g) – No Impact.** The proposed project involves a minor subdivision and future residential dwelling unit development that would not involve the transport, use, or disposal of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties. The proposed minor subdivision and future residences would not involve stationary operations, create hazardous emissions or handle hazardous materials. The site location and scale have no impact on emergency response or emergency evacuation. The site is not located near an airport or airstrip. Therefore, the project will result in *no impact* to hazards/hazardous materials. (Source: IX.1, 2, 3, 4)

**Hazards and Hazardous Materials 7(h) – Less than Significant.** The proposed project involves a minor subdivision and future residential dwelling unit development. The project site is located in a rural area subject to wildland fire hazards (“Very High” Fire Hazard Level). The principal ingredients of wildfires—topography, weather, and fuel (vegetation)—combine to make foothills and canyons of the South County Area an extreme fire hazard. The California Department of Forestry-South County (CDF-South County) reviewed the project application and recommended Conditions of Approval regarding fire safety, including but not limited to: disposal of vegetation and fuels, road access improvements, and road gates (Source: IX.4). The proposed

project will be required to adhere to these Conditions of Approval, which would reduce the fire hazard exposure. Residences to be constructed on the created parcels in the future will be reviewed by CDF-South County, which will provide specific fire requirements depending on the type of construction proposed. Therefore, approval of this project will pose a *less than significant impact* to people or structures involving wildland fires. (Source: IX.4)

**Hazards and Hazardous Materials 8(j): No Impact.**

The project site is not subject to tsunami or seiche based on its non-coastal location and local geologic conditions. Therefore, approval of the proposed project will result in *no impact*.

8. HYDROLOGY AND WATER QUALITY		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**8. HYDROLOGY AND WATER QUALITY**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project: as a result of the failure of a levee or dam?				
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**Hydrology and Water Quality 8(a): Less Than Significant Impact.**

Approval of the project will not violate any water quality standards or waste discharge requirements of the County of Monterey. The property is developed with a single-family residence with a septic system and an agricultural barn. The well on the property is located on the proposed Parcel 1 and currently serves the existing house on Parcel 1. The well has sufficient capacity to serve all four parcels, although not to potential buildout. As a condition of approval, the Environmental Health Division will require that any new well, if a system is not done or more capacity is needed, undergo a minimum of a 72-hour continuous source capacity test, witnessed by the Environmental Health Division (EHD), to determine the yield of the well pursuant to Monterey County Code (MCC), Chapter 15.04.140. The test shall conform to the Source Capacity Test Procedure and must yield a sufficient quantity (determined by EHD) to support the proposed development. The source capacity tests shall be made no earlier than August 1 of each year and no later than the first significant rainfall event of the wet season. In addition, the applicant will be required to install a water treatment system to be added to the well to meet secondary standards (Conversation with Roger Van Horn). The proposed method of wastewater discharge has also been evaluated by the Environmental Health Division and found acceptable. Conditions of approval, required by county ordinance, have been applied to this project, which result in a *less than significant impact* to these resources. (Source: IX.1, 7, 10).

**Hydrology and Water Quality 8(b): Less Than Significant Impact.**

The nearest significant ground water basin is the Lockwood Valley Ground Water Basin. The basin generally trends northwesterly between Lake San Antonio to the southeast to the Fort Hunter Liggett military reservation to the northwest. Groundwater within the basin is generally contained within unconsolidated alluvial deposits. Nearly the entire property occurs on Monterey Formation, outside the consolidated deposits. No seeps or springs were identified, nor were any indications of shallow ground water found on the property. No significant near-surface ground water sources are expected to occur on the subject property.

Approval of the project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The project has been reviewed by the Environmental Health Division and the Water Resources Agency, which determined that the project provides proof of an assured, long-term water supply in terms of yield and adequate quality for both lots and the nearby residences. Therefore, approval of this project is a *less than significant impact*. (Source: IX. 1, 10).

**Hydrology and Water Quality 8(c, e): Less Than Significant Impact.**

Approval of the project will not substantially alter the existing drainage pattern of the site area in a manner which would result in substantial erosion or siltation on or off-site or substantially

increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site. The project will not contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. The project involves the subdivision of an existing 160-acre parcel into four lots of record. An existing single-family residence is situated on Parcel 1. The soils report prepared for this project identified areas not suitable for development in the future and found areas suitable for future residential development provided recommendations within the report are followed. Recommendations for drainage, erosion control and subsurface drainage considerations were made through this report and will become a condition of approval for this project. Therefore, approval of this project is a *less than significant impact*. (Source: IX.1, 3, 10)

**Hydrology and Water Quality 7 (d) – Less Than Significant Impact. DRAINAGE**

The topographic maps reviewed showed Williams Canyon and a smaller side canyon that comes in from the north to be “dotted blue-line drainages” or intermittent drainages. From inspection of aerial photos from the last 10 years and observations made during the site visit, it was determined that no drainage features exist in Williams Canyon or the associated canyon where they were delineated on the topographic map. These areas show evidence of being tilled and farmed for many years although they are not farmed currently. No channel, scour features or any other evidence of a stream course or other drainages were observed during the site visit. – (Source: IX.1, 3, 10, 14)

**Hydrology and Water Quality 7 (g, h) – Less Than Significant Impact.**

A flood may be defined as a temporary increase in water flow that results in the overtopping of the banks of a river, stream, or drainage channel, resulting in the inundation of areas adjacent to the channel that are not normally covered by water. The "floodplain" is the relatively flat or lowland area adjoining a stream that is subject to periodic inundation by floodwater. The term "floodway" is used to describe the channel of a river or stream and the adjacent area that must be reserved to discharge 100-year flood water.

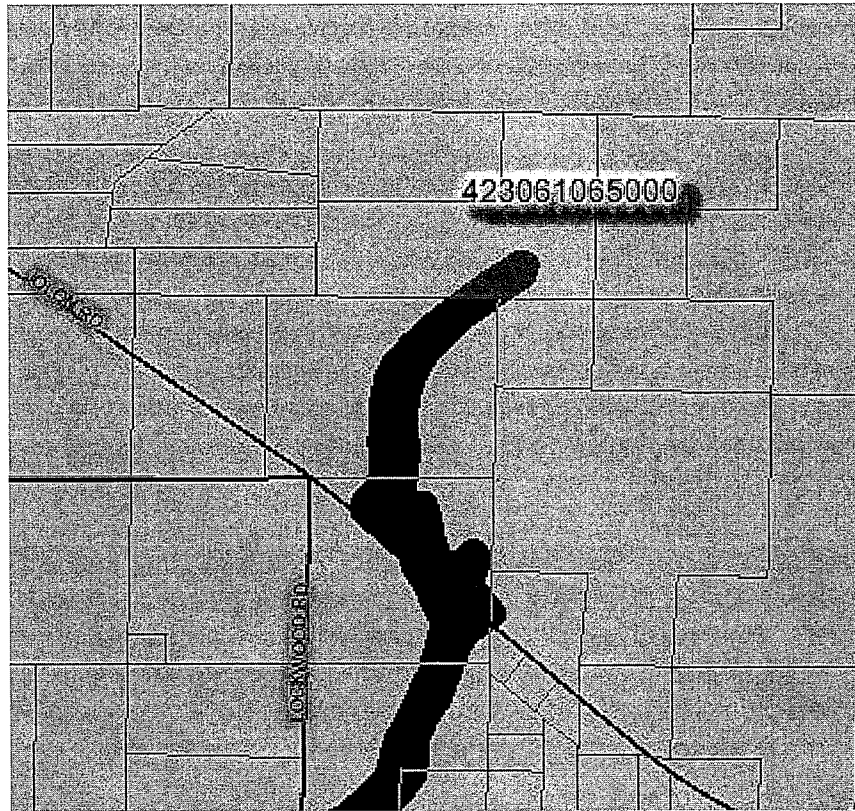
Floods are generally described in terms of their frequency of occurrence. For example, the 100-year flood is an event that has a one-percent chance of being equaled or exceeded in any given year. According to statistical averages, a 25-year flood should occur on average once every 25 years, but two 25-year floods could conceivably occur in any one year. For planning purposes, the flood frequency most often used to delineate floodplain boundaries is the 100-year flood.

The National Flood Insurance Program (NFIP), which is administered by the Federal Insurance Administration (a component of the Federal Emergency Management Agency), requires communities to adopt land use restrictions for the 100-year floodplain in order to qualify for Federally-subsidized flood insurance. Areas within the designated floodwaters must be reserved to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot. To implement the NFIP, areas throughout Monterey County that are subject to inundation from the 100-year and 500-year floods are depicted on Flood Insurance Rate Maps. The most recent Flood Insurance Rate Maps for the vicinity of the subject property were prepared in 1984.

A small portion of proposed lots 2 and 3 may contain areas within the 100-year floodplain. The proposed building envelope on Parcel 3 appears to be outside the 100-year floodplain area, but may require more detailed evaluation prior to future development. If determined necessary, the hazard could be mitigated by the construction of an elevated building pad and enhanced drainage.

Although this area is shown as a blue-line stream on topographic maps and identified as occurring within the 100 year floodplain, the area is dry and no stream channel was evident. Due to the lack of a stream channel, it appears that little to no surface water occurs within this drainage; the actual flood hazard should be considered low.

Figure 9 . 100-year Flood Plain Zone



**Hydrology and Water Quality 7 (i) – No Impact.**

The project site is not subject to inundation by seiche, tsunami or mudflow, based on its non-coastal location and local geologic conditions. Therefore, approval of the proposed project will result in *no impact*. (Source: IX.1, 2, 3, 11, 16).

9. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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 purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

9. LAND USE AND PLANNING		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

10. MINERAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

11. NOISE		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>					
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

11. NOISE		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>					
the project expose people residing or working in the project area to excessive noise levels?					
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Mitigation/Conclusion:** See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

12. POPULATION AND HOUSING		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Mitigation/Conclusion:** See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

13. PUBLIC SERVICES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>					
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a)	Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**13. PUBLIC SERVICES**

<b>Would the project result in:</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b)	Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Mitigation/Conclusion:** See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

**14. RECREATION**

<b>Would the project:</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Mitigation/Conclusion:** See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

**15. TRANSPORTATION/TRAFFIC**

<b>Would the project:</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

15. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**15(a), (b): Less Than Significant With Mitigation Incorporated:**

The site currently has an existing single-family residence and a shop building. The proposed minor subdivision will create three additional lots of record. Potential development includes the construction of three single family dwellings and potential for secondary habitable structures. An existing jeep trail traversing the proposed parcels will be converted into a 30-foot wide private right-of-way for the new lots created. The existing house on the property generates approximately 10 trips per day. The project's potential maximum development of twelve single family dwellings could generate approximately 30 trips per lot for a maximum of an additional 110 trips per day. This number is considered to not cause an increase in traffic that is substantial in relation to existing traffic load and capacity of the road system. The roadways in this area are not at degraded levels of service. The project will not significantly exceed, individually or cumulatively, a level of service standard established by the County or result in a change of air traffic patterns. Therefore, the impact is *less than significant*. (Source: IX.1, 2, 3, 10, 12, 17, 18)

**Transportation/Traffic 15(c) – Less than Significant.** The site currently has an existing single-family residence on proposed Parcel 4 and the minor subdivision project will create three additional lots of record with the potential of up to three single family residences on each lot. The site has an existing 60-foot road and utility easement on Parcels 1, 2, 3 and 4 and an existing road on Parcel 3 that will become a recorded 40-foot access road easement. A single-family residence normally generates about 10 trips per day. This means that the existing home on Remainder Parcel 4 and the proposed homes on Parcels 1, 2 and 3 will generate a total of approximately 40 trips per day. Normally, 4 trips of the entire 40 trips will be made during afternoon peak hours. This number is low and will not cause an increase in traffic, which is substantial in relation to existing traffic load and capacity of the road system. If all the parcels are put into active commercial agricultural production, up to three houses per parcel could be constructed. This is not proposed and is not likely considering the site's location, soil, topography, and climate. However, even if this were to occur, the addition of eleven new homes in the area would not create an effect on air traffic patterns.

**Transportation/Traffic 15(d-g) – No Impact.** The project was reviewed by the Monterey County RMA-Planning Department, the Parks Department and the California Department of Forestry-South County Division and found that the project will not substantially increase hazards due to design features or result in an inadequate emergency access. It will not result in an inadequate parking capacity or conflict with adopted policies, plans, or programs supporting alternative transportation. Therefore, *no impact* will result from this project. (Source IX. 1, 2, 3, 4)

<b>16. UTILITIES AND SERVICE SYSTEMS</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**Utilities and Service Systems 16(a) – Less than Significant.** The proposed minor subdivision and future residential project would be served by septic systems conforming to county requirements and would not potentially violate water quality standards. No federal, state, or local wastewater or water discharge standards would be exceeded by this development. The Monterey County Health Department has reviewed the proposed project and has not identified any potential violations to water quality standards or waste discharge requirements. Future project residences would be served by on-site septic systems that would be designed to have capacity to serve the proposed residences. Prior to the construction of any habitable structures on the created parcels,

the applicants will be required to submit plans for review and approval showing the location and design of the proposed septic systems meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. The condition will ensure that the wastewater treatment requirements of the applicable Regional Water Quality Control Board are not exceeded. Therefore, impacts to water quality standards or waste discharge requirements would be *less than significant*. (Source: IX. 1, 3, 4, 10).

**Utilities and Service Systems 16(b) – Less Than Significant Impact.** Sewer service would be provided by individual septic tanks and water would be provided to each parcel by an existing well. Since sewer services would be provided by individual septic systems, the subdivision would not contribute to any existing wastewater treatment facilities. Pump tests completed for the project indicate that the existing onsite well generates approximately 22 gallons per minute which exceeds the 3 gallons per minute (gpm) requirement established by the Monterey County Health Department (Source: IX.8, 22, 23). In addition, the Monterey County Water Resources Agency and the Environmental Health Department have reviewed the proposed project and have not identified any potential significant impacts that would result from groundwater extraction that would serve the needs of the single-family residences. The proposed project would not require or result in the expansion of new water or wastewater treatment facilities the construction of which could cause significant environmental effects. There would be *less than significant impact*. (Source: IX.1, 2, 3)

**Utilities and Service Systems 16(c) – Less than Significant.** Some additional runoff is anticipated due to the increase of impervious surfaces. However, as discussed under Item VI.8 (e), due to the relatively small amount of site disturbance, runoff would not exceed the capacity of existing or planned stormwater drainage facilities; none exist on-site. In order to improve the existing jeep trail to meet fire department standards for roadways will require preparation of a road improvement plan prepared by a registered civil engineer that includes dispersing stormwater runoff onto a non-erodible surface. Adherence to County Code requirements will result in the project's impacts, which could require or result in the construction of a new stormwater facility, to be *less than significant*. (Source: IX.1, 2, 3)

**Utilities and Service Systems 16(d) – Less than Significant.**

Refer to Item 8(b). As noted above, pump tests completed for the project indicate that the on-site well meets the 3 gallons per minute (gpm) per residence requirement established by the Monterey County Health Department (Source: 19). As a condition of approval the applicant will be required to apply for a water system permit prior to the construction of residences on the created parcels. Therefore the project has sufficient water supplies to serve the project and impacts would be *less than significant*.

**Utilities and Service Systems 16(e) – No Impact.**

The wastewater for the project will be collected by the proposed septic systems. The septic systems will be designed according to the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. Therefore, *no impact* will result from this project. (Source: IX.1, 10).

**Utilities and Service Systems 16(f) –Less than Significant.**

The project will be served by the Jolon Road Transfer and Landfill operated by the Salinas Valley Solid Waste Authority. This landfill is located approximately 2 miles southwest of

Highway 101, on Jolon Road. According to the Division of Environmental Health, Solid Waste Management Services, the landfill has remaining capacity to service this project. The landfill has a remaining capacity of 826,500 cubic yards. Any increases in solid waste generation are considered negligible, and less than significant. Therefore, impacts are considered *less than significant*. (Source: IX.1, 14, 15).

**Utilities and Service Systems 16(g) –Less than Significant.**

The project will be required to implement recycling and waste reduction in accordance with Monterey County Code Chapter 10.41. Therefore, impacts are considered *less than significant*. (Source: IX.1, 19).

**VII. MANDATORY FINDINGS OF SIGNIFICANCE**

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source: ) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**(a) Less than Significant.** Based upon the analysis throughout this Initial Study, the proposed project may have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. The biological section analyzed above indicates that this site may consist of suitable habitat for San Joaquin kit fox (*Vulpes macrotis*

*mutica*), and Monterey dusky-footed woodrat (*Neotoma fuscipes Luciana*). However, with the implementation of recommended mitigation measures, impacts would be less than significant. The proposed project does not have the potential to eliminate important examples of the major periods of California history or prehistory.

**(b) Less than Significant.** The project would involve a minor subdivision and the future development of single family residences on a site that allows residential use consistent with the 1982 Monterey County General Plan and South County Area Plan. As a result, impacts relating to land use and planning, population and housing, public services, recreation, transportation/traffic, and utilities/service systems hazards/hazardous materials attributable to the project have been addressed in the General Plan EIR and are considered less than significant. In addition, impacts related to aesthetic resources, agricultural resources, cultural resources, mineral resources and noise would be minimal. As described in this Initial Study, the incremental impacts of the project on air quality, when considered in combination with the effects of past projects, current projects, and probable future projects in the planning area, would result in less than significant impacts upon incorporation of County Conditions of Approval. Project impacts related to several issue areas, including geology and hydrology, would be site-specific and would result in no cumulative impacts.

**(c) Less than Significant.** Conditions of Approval would ensure consistency with relevant General Plan policies and development standards concerning potential adverse effects on human beings. All potential impact areas are deemed less than significant with County Conditions of Approval, as required by the Monterey County Code.

## ***VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES***

### **Assessment of Fee:**

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department’s website at [www.dfg.ca.gov](http://www.dfg.ca.gov).

**Conclusion:** The project would be required to pay the fee.

**Evidence:** The project will cause changes to the resources in criteria shown above. Future anticipated construction would create more impervious surfaces and degradation

from residential uses assigned to the lots. Mitigation measures placed on the potential project would reduce impacts to a less than significant level. See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced for additional evidence.

## ***IX. REFERENCES***

1. Project Application Materials in Planning File No. PLN060711 and Tentative Parcel Map prepared by M.J. Goetz and Associates.
2. *Monterey County General Plan*. Adopted Monterey County Board of Supervisors, September 30, 1982 and as amended.
3. *South County Area Plan*, adopted on December 15, 1987.
4. *Monterey County Zoning Ordinance Title 21*, (Inland) dated October 11, 2000.
5. Monterey County Code Title 19, Subdivision Ordinance, December 2000.
6. Monterey County Code Chapter 16.08, Grading Ordinance, October 1996.
7. Monterey County Code Chapter 10.41, Solid Waste Collection and Disposal, Ordinance No. 4190, 2003.
8. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised February 2008.
9. Regional Water Quality Control Plan.
10. Site Visit by Project Planner, Elisa Cavaliere on January 23, 2009.
11. RMA-County of Monterey Planning Department's Geographic Information Systems (GIS).
12. Inter-Departmental Comments and Conditions, dated December 2005 and July 2006.
13. Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Number 423-061065, Jolon Road, Lockwood, Monterey California, dated March 2007 prepared by Susan Morley M.A., Carmel, CA (Planning Department Library No. LIB070650).
14. *Biological Assessment, 68375 Jolon Road, Lockwood, Monterey County*, dated June 20, 2007, prepared by Sierra Delta Corporation (Planning Department Library No. LIB070651).
15. *Preliminary Soils Investigation and Percolation Report*, dated August 7, 2007 prepared by Buena Geotechnical Services LLC (Planning Department Library No. LIB080060).
16. *Geology Hazards Investigation, Tentative Parcel Map, Lockwood, California 93932*. Sierra Delta Corporation, October 31, 2007 (Planning Department Library No. LIB080053).
17. Conversation with Chad Alinio, RMA-Division of Public Works
18. TAMC Nexus Study, dated 2008
19. Phone conversation with Nichole Silva of the Monterey County Environmental Health Department, on October 29, 2009 – got info re water wells and conditions of approval.
20. Well Logs and Pump Test Results, PLN050025. Monterey County Environmental Health Department.
21. Conversation with Roger Van Horn, Environmental Health Specialist, November 4, 2009. – help with reading water log information.
22. California Environmental Protection Agency Air Resources Board website, November 5, 2009 <<http://www.arb.ca.gov/pm/pmmeasures/pmch05/ncc05.pdf>>

## ***X. ATTACHMENTS***

*Biological Assessment, 68375 Jolon Road, Lockwood, Monterey County, dated June 20, 2007, prepared by Sierra Delta Corporation.*

*Preliminary Soils Investigation and Percolation Report, dated August 7, 2007 prepared by Buena Geotechnical Services LLC.*

*Geology Hazards Investigation, Tentative Parcel Map, Lockwood, California 93932. Sierra Delta Corporation, October 31, 2007.*

# **Exhibit F**

## **Comments on Mitigated Negative Declaration**

MAUREEN WRUCK  
PLANNING CONSULTANTS, L.L.C.

*Development Consultants*

*Planning & Land Use & Permitting & Subdivisions & Mitigation Monitoring & Permit Compliance & Certificates of Compliance*

January 7, 2010

County of Monterey  
Resource Management Agency – Planning Department  
ATTN: Elisa Cavaliere, Associate Planner  
168 West Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901

RE: Comments on Grau Subdivision Initial Study (PLN060711)

Dear Ms. Cavaliere:

Maureen Wruck Planning Consultants, LLC represents Zebe Pirzada, a property owner adjoining the proposed Grau Subdivision. We are in receipt of the public review notice of the intent to adopt a mitigated negative declaration and the Initial Study.

We would like to offer the following comments on the Initial Study for your consideration, as follows:

**Section II - Project Description**

*A. Access Easement (Page 2, 2<sup>nd</sup> paragraph):* The access easement deeded to the Grau's when the property was purchased in 2001 is limited "...to ingress and egress and incidental purposes..." (see Exhibit A). Overburdening the easement for additional residential subdivision was not anticipated as an "incidental purpose". It is Mr. Pirzada's position that the easement may not be burdened by the additional traffic associated with this subdivision, including future single family residences, guesthouses, senior citizen units and/or caretaker units.

*B. Environmental Setting (Page 3, 3<sup>rd</sup> Paragraph):* This section discusses creating a recorded private road easement for "both parcels". The project description is a four lot subdivision so it is unclear what "both parcels" is referring to. Also, is it possible to locate a private road easement at the end of what we believe is a restricted access easement on the Pirzada property?

*C. Biology (Page 4):* The Biological Report prepared for the project does not include the professional qualifications of the Sierra Delta Corporation (SDC) company personnel working on the project assessment.

- Is Sierra Delta Corporation on the Monterey County approved consultant's list for this level of work?

- Please confirm if the preparers (Cletis Englund & Aaron Hook) have the appropriate qualifications to conduct both wildlife surveys and botanical surveys.
- The biological report confirms limited survey timeframes (May 7, 2009 survey). Please confirm that the surveys conducted were during the appropriate seasons and at the appropriate intervals to determine the absence or presence of known or expected plant and animal species. What special status species were they looking for? Were bat or California horned toad surveys included in this review?
- Is the identified buckwheat scrub a butterfly host plant?
- Discuss project consistency with the California Oak Woodlands Protection Act.

D. *Geology Soils (Page 4)*: The report cover does not list the preparer's names or qualifications.

- Is Sierra Delta Corporation on the Monterey County approved consultant's list for this level of work?
- Who were the professionals involved in the report preparation and what are their qualifications?
- Will a reduction in grazing lands to 40 acres each result in agricultural based erosion (animal impacts) due to steep slopes on most parcels?

E. *Hydrology, last sentence in section (Page 5)*: The property is located within a floodplain and a floodplain notice was recorded on 9/23/03 (Document No. 2003116256). It is likely that surface water may seasonally exist on the property. If so, road culverts may be needed and a study provided to determine culvert sizing prior to parcel map recordation (i.e. watershed study).

F. *Floodplain (Page 5)*: The property is located within a floodplain and a floodplain notice was recorded on 9/23/03 (Document No. 2003116256). If proposed building envelopes are to be identified, they should be located outside of the floodplain and off of other protected resources (30% slopes, blue oak woodlands, etc).

G. *Water Use (Page 5)*: Even though the IS cites water data (IX – References, Item 20), there was no hydrology study available in the project file for public review and comment. Without access to a hydrological data, it is difficult to comment on whether or not there is a long-term sustainable water source. For example:

- Was the well is drilled into a fractured bedrock formation?
- How long was the well pump-tested?
- Was the pump test witnessed by Environmental Health personnel?
- What time of the year was the well pump-tested?

- What was the recovery time for the well?
- What is the anticipated water demand for a rural residential parcel proposed to be retained in agricultural use (i.e. including domestic and stock water demands; landscape irrigation demands)?
- Would the full 23 GPM be credited to existing and proposed uses for a full 24 hour period or is it to be 12 hours on and 12 hours off to allow recovery? The Monterey Formation may be a fractured rock formation and produce insufficient water without well recovery time.

H. *Land Use (Page 6)*: The land use designation is Rural Grazing. The goal of the RG Zoning District is to to: "...preserve and enhance the use of productive grazing lands in the County of Monterey while also providing the opportunity to establish support facilities for grazing uses and clustered residential uses". The environmental setting section (IS Page 3) characterizes the property as having steep slopes. This section describes the surrounding properties as "remote and mountainous"

- Can the 40 acre parcels proposed realistically sustain (preserve and enhance) the use of productive grazing lands? There was no agricultural viability report in the file that would answer this question. Title 21.32.030.B requires that single family dwellings be accessory to the agricultural use of the property. Only an agricultural viability report can provide the evidence necessary to determine what the land can economically support and how many residences, other than farm worker housing, can be accommodated on the property.
- Is the proposed subdivision consistent with South County Area Plan Policy 4.1.4 (SC), requiring the preservation of irrigated and non-irrigated farmlands?
- The proposed building envelopes (IS Figure 2) do not really seem to be located in a manner that could be described as a "clustered residential use" as required by the Zoning Ordinance. The proposal simply appears to further divide the property according to township quarterly section lines. Please explain how the proposed project is consistent with the clustering requirement of Title 21.32.
- There was no slope density analysis in the project file. Can the parcel accommodate the proposed subdivision under Monterey County's slope density formula - Policy 3.2.4 (SC)

I. *Utilities/Service Systems (Page 7)*: The reports in the project file indicate that proposed parcel 2 was not tested for septic percolation. Other minor subdivision projects have been required by the Health Department to conduct soils borings and percolations studies on all lots.

- Why was this lot exempted from testing?

- What guarantee is there that a conventional septic system will be appropriate on this lot?
- What time of the year were the remaining parcels (3 & 4) tested (i.e. dry season percolation studies)? The Buena Geotechnical Services Report was not readily available in the project file.

*Transportation/Traffic (Page 7):* There was no traffic report in the project file. Is a traffic report required for a minor subdivision?

### **Section III – Project Consistency**

A. *General Plan/Area Plan.* The South County Area Plan discusses permitted agricultural uses (Page 59). Under the “Agricultural Uses” section, the narrative states: “subdivisions are only allowed for agricultural purposes, for farm labor housing, on in order to create a building site for an immediate family members and spouses. Please discuss project consistency with the South County Area Plan and any project conditions of approval needed to insure that the subdivision is limited to these intended uses.

This section indicates that land use densities may be reduced by General Plan or Area plan policies or resource constraints. A concern has been raised earlier in this letter as to whether or not the proposed 40 acre parcels can be agriculturally sustainable. Please address this issue in the consistency section.

B. Consistency with the California Oak Woodlands Act should be addressed in this section.

### **Section IV - Environmental Factors**

A. *Land Use Planning (Page 14):* Please address earlier comments on land use noted in Item H., above. Can all sites accommodate septic systems? Are proposed building envelopes outside of an identified floodplain? Will building envelopes require 30% slope exemptions for future development? Can you say with certainty that future residential development (SFD, guesthouse, caretaker units, and accessory structures) will not require tree removal permits for future building activities?

B. *Zoning (Page 15):* Please address earlier comment on zoning and issuance of entitlements on a property with an active code violation, noted in Item H., above (last

bullet point). Are parcels considered clustered if they simply fall within the township  $\frac{1}{4}$  sections?

C. *Public Services*: What are the anticipated response times for fire department calls? What are the anticipated response times for anticipated sheriff department/911 calls?

## Section VI – Environmental Checklist

A. *Agricultural Resources, Item b (Page 20)*. As noted earlier, a reduction in a grazing parcel from 160 acres to 40 acres increases the likelihood that the parcel becomes less viable for grazing uses. Please address consistency with the Rural Grazing District requirements that residential uses be accessory to the agricultural uses of the land and how the project is considered “clustered, as required by the “RG” Zoning District.

B. *Agricultural Resources, Item c (Page 20)*. An agricultural viability report, prepared by a qualified individual, would be the documentation needed to confirm whether or not a reduction in a parcel size to a 40 acre minimum would result in a change from a grazing unit of land to a parcel changed to a single family use that is not primarily supported by agricultural income generated by the parcel proposed to be created via this subdivision. Please discuss whether or not the proposed 40 acre parcel size converts this land from grazing to another non-agricultural land use category (i.e. rural residential).

C. *Biological Resources, Item a (Page 21)*: As noted earlier, questions have been raised regarding the preparer’s academic qualifications and whether the monitoring timeframe is appropriate for rare, endangered or threatened species expected to be encountered on site.

- Was the single site visit in May 2007 the appropriate time to observe flowering plant species needed for identification purposes?
- Did this single site visit meet Department of Fish and Game/California Native Plan Society protocols for wildlife and vegetation surveys?
- Are bald eagles found using the site for winter foraging?

To reach a CEQA conclusion as to whether or not the project will result in impacts, please address these comments.

D. *Biological Resources, Item d (Page 21)*: Is the buckwheat species noted in the IS a host plant for Smith’s blue butterfly (i.e. native wildlife nursery site)?

E. *Biological Resources, Item e (Page 21)*: Please address consistency with the California Oak Woodlands Protection Act. Please comment on future tree removal that might be associated with future development.

- F. *Mitigation Measure #2.* The timing should be added to the MM and be required prior to the issuance of building or grading permits.
- G. *Mitigation Measure #3.* Conservation easements should be incorporated on the parcel map and be required prior to the map recordation and not prior to issuance of building/grading permits.
- H. *Mitigation Measures #5, #6 & #7.* What is the timing? This should also occur prior to SFD construction. Please clarify.
- I. *Biological Resources 4(e), Page 27.* Please provide an estimate (range) for potential oak removal for future uses that would be permitted (SFD construction, accessory structures, etc).
- J. *Geology and Soils, Section 6, item b) Page 32.* Will a decrease in the parcel size result in additional animal based erosion (i.e. potential for more owners to run livestock over less land area)? A mitigation measure should be included limiting the number of animal units or define proposed grazing sites to keep animal impacts from steep slopes or damaging oak and blue oak woodlands. An agricultural management plan would assess the property constraints and could also recommend maximum livestock capacities by proposed lot.
- K. *Mitigation Measure #10:* The language for the map note or separate recorded document should be expanded to include a requirement to have the building envelopes for proposed Parcels 3 and 4 and their setbacks from landslides reviewed and approved by the consulting geotechnical engineer.
- L. *Geology and Soils, 6e) Page 37:* This section confirms that soils testing was not performed on all lots. What confirmation is there that Parcel 4 can accommodate a conventional septic system? What time of year were the septic percolation studies performed?
- M. *Hydrology and Water Quality, 8a:* It is not clear what is intended by the comment in the 4<sup>th</sup> paragraph (well can not serve buildout). If there is insufficient water for anything but four single family residences, we agree with the addition of a condition//mitigation measure that is stated to clearly limit additional development until further water source capacity and quality is adequately demonstrated, as provided in the IS text. In addition, as noted earlier, not all sites underwent septic system evaluation. Please confirm how septic suitability for proposed lot 4 was determined.
- N. *Hydrology and Water Quality, 8b:* The IS text indicates the property overlies the Monterey Formation, outside consolidated deposits. In the Coastal areas of Monterey County, the Monterey Formation has units that are characterized as impermeable shale (Yates, Feeney & Rosenberg. *Seaside Groundwater Basin: Update on Water Resources Conditions*. Prepared for the Monterey Peninsula Water Management District. April

2005). Is the proposed well relying on water produced from the Monterey Formation? If so, how was the long-term reliability for water production determined?

O. *Hydrology and Water Quality, 8g, h*: The property is in a floodplain and a floodplain notice was recorded on 9/23/03 (Document No. 2003116256). The proposed location of a potential floodplain could also be determined via a watershed analysis prior to the recordation of the parcel map. Rather than assess the location of the floodplain at an undetermined point in the future (i.e. prior to issuance of building permits), we would ask for an alternative mitigation measure that the floodplain location be located prior to or concurrently with Planning review of the proposed building envelopes.

P. *Land Use and Planning, b*). Again, please comment on whether the proposed parcel sizes will result in agriculturally sustainable parcels, consistent with the intent on the Rural Grazing land use category. Will the proposed single family residences be allowed for agricultural purposes (i.e. subordinate to the agricultural uses of the property)? Please cite evidence to support staff conclusions.

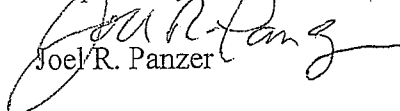
Q. *Land Use and Planning*. The proposed building envelopes (IS Figure 2) do not really seem to be located in a manner that could be described as a "clustered residential use" as required by the Zoning Ordinance. The proposal simply appears to further divide the property according to township quarterly section lines. Please explain how the proposed project is consistent with the clustering requirement of Title 21.32.

R. *Land Use and Planning*. The South County Area Plan discusses permitted agricultural uses (Page 59). Under the "Agricultural Uses" section, the narrative states: "subdivisions are only allowed for agricultural purposes, for farm labor housing, on in order to create a building site for an immediate family members and spouses. Please discuss project consistency with the South County Area Plan and any project conditions of approval needed to insure that the subdivision is limited to these intended uses.

S. *Utilities and Service Systems*. Previous comments in this letter question the septic suitability determination for proposed Parcel 4 and whether or not sufficient documentation exists to demonstrate long-term water supply for full buildout. As response to these questions should be incorporated. Responses to these comments should be included in the text in this section of the IS.

Thank you for the opportunity to present this comments on the Grau Subdivision Initial Study. We look forward to the analysis and response to the issues raised in this review letter.

Respectfully Submitted,

  
Joel R. Panzer



MAUREEN WRUCK  
PLANNING CONSULTANTS, L.L.C.

*Development Consultants*

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*Planning & Land Use & Permitting & Subdivisions & Mitigation Monitoring & Permit Compliance & Certificates of Compliance*

January 7, 2010

County of Monterey  
Resource Management Agency – Planning Department  
ATTN: Elisa Cavaliere, Associate Planner  
168 West Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901

RE: Grau Subdivision (PLN060711 & CE090114)

Dear Ms. Cavaliere:

Maureen Wruck Planning Consultants, LLC represents Zebe Pirzada, a property owner adjoining the proposed Grau Subdivision. We understand that the proposed subdivision was tentatively scheduled for the January 14, 2010 Subdivision Committee meeting.

We would like to raise a zoning issue relative to granting entitlements for a property that is the subject of an active/ongoing code enforcement case violation investigation (CE090114). I confirmed with Planning Department Counter staff that this is an active code violation case. The Monterey County Zoning Ordinance (Title 21, Section 21.84.120) prohibits the County from issuing any entitlements for property until the code violation is resolved.

While the nature of the code violation case can not be disclosed to the public, it is my understanding that it may possibly be related to a commercial motor rebuilding business being operated in the barn on the property. If so, please note that the owners were advised by Planning Staff that a business use for the property would require a Use Permit (see Exhibits A & B). The applicant submitted an application request form and letter for a “special use permit” (Exhibits C & D).

The applicant subsequently submitted a notarized statement indicating that the barn would not be used for commercial/business purposes, which had the effect of withdrawing their application request form (see PLN020497). The notarized statement confirmed that the Grau’s would not utilize the barn for anything but agricultural purposes in order to get their building permit for the barn issued. If they are operating a commercial motor repair business, they were well aware in 2002 that a business use on the property had limitations and would only be allowed with an approved Monterey County use permit.

Grau (PLN060711 & CE090114)

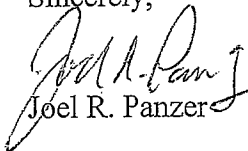
January 7, 2010

Page Two

We would respectfully request that the January 14<sup>th</sup> public hearing for the Grau subdivision be continued until the code violation investigation is fully resolved. If a Use Permit is required to address the code violation, this should be approved before any action is taken on the subdivision application, in accordance with Monterey County zoning requirements.

Thank you for your attention in this matter.

Sincerely,

  
Joel R. Panzer

JP/Attachments: Exhibit A: 8/5/02 Letter to Lee Beardall/Planning Dept.;  
Exhibit B: 9/18/02 Letter to Grau from Planning Dept.;  
Exhibit C: Application Request Form;  
Exhibit D: 10/2/02 Letter accompanying Application Request;  
Exhibit E: 2/28/05 Notarized Statement: no commercial use.

Cc: Zebe Pirzada  
Valerie Migotti, Monterey County Code Enforcement

**Franki and Andy Grau  
All Diesel Electric, Inc.  
P.O. Box 1763  
West Sacramento, CA 95691**

8/5/02

Lee Beardall:  
Monterey County Planning and Building Department  
2620 First Ave.  
Marina, CA 93933

RE: PLN #010478

Dear Mr. Beardall:

At your suggestion I am writing to specify more details of our ideas for a small electrical rebuilding shop within the ag building we are planning to erect on our Jolon Rd., Lockwood property, zoned RG/40.

Our planned building is a 6000sq.ft. steel ag building on concrete slab. As we are not ready to retire we would like to set aside about 1/3 of that square footage - or approximately 2000 sq. feet for electrical rebuilding of starters, alternators and generators for farm and other diesel equipment ..which is what we have done as a business for 27 years.

We would have two mechanics . My wife would run the office. We offer pick up and delivery of components- we do not work on any actual customer equipment - only on the electrical components after they are removed from the equipment by the customer. We do not install any components either - only rebuild these relatively small parts in our shop. Thus, we do not have big equipment going in and out of the property day to day.

Our business, All Diesel Electric , Inc. has always been in full compliance with all fire and environmental and safety regulations. In twenty seven years we have never had a violation . We store no hazardous chemicals at our facility. Our washing equipment is serviced monthly by Safety Kleen and they dispose of any fluids necessary following state regulations.

We feel we could be of service to the communities in the vicinity and hope you will grant us the necessary Use Permit.

Please feel free to contact us at any time if you need any additional information. Call 916-372-1390 from 7:30am to 5:00pm Monday through Friday, or 916-374-8618 anytime. We look forward to your written reply.

Thank you for you assistance and consideration. We hope to meet you soon, Lee and are most anxious for the day we can truly become part of the Monterey County population. It's such a wonderful region and we are so thrilled to have found this property.

Sincerely,

Andy and Franki Grau

**Franki and Andy Grau**  
P.O. Box 1763  
W. Sacramento, CA 95691  
916-372-1390

Lee Beardall, Associate Planner  
Lisa Bloom, Manager Permit Department  
MONTEREY COUNTY PLANNING AND BUILDING  
INSPECTION DEPARTMENT  
2620 First Avenue  
Marina, CA 95353

10/02/02

**RE: Application Request Form- GRAU**  
**To obtain SPECIAL USE PERMIT**  
**APN # 423-061-065**

Dear Lee and Lisa:

Having been advised that this application request must precede submission of any other permit applications Don Martin is delivering this package for us. Please find plans, maps and copies of our initial letter regarding acquiring a Special Use Permit and the County's reply letter, and other requested information regarding our proposed small electrical rebuilding shop. See further details and description in our letter dated 08/05/02.

We would like to run a small electrical rebuilding shop within our proposed agricultural building on our Lockwood property, APN# 423-061-065.

The address is 68375 Jolon Rd., Lockwood, CA 93932

**10/02/02 Pg 2 -Grau**

As noted in our letter dated 08/05/02, this business would be of particular benefit to the local agricultural community, providing rebuilding of electrical components for farm equipment, trucks and related applications.

**In response to Section 6 of the application request form:**

**Conceptual plan:** See enclosed site plan and supporting documents

**Proposed building** is a 6000 sq. ft., (60 X 100 ft.) 26 gauge steel building

**Parcel Size:** 160 acres

**Access:** via a recorded 60 ft easement from Jolon Rd.

**Dimensions:** see enclosed maps.

**Proposed setbacks:**

67 feet from one side

610 feet front and rear

2000 feet remaining side

**Proposed height of structure:** 16 feet

**Contours:** see enclosed contour map

10/02/02 Pg. 3 – Grau

**Proposed use of building:** Housing animals, maintaining equipment, and electrical rebuilding of farm equipment components.

**Existing Well :** – completed in January 2002 Aqua Engineering

Permit # 01-354- copy enclosed

Well Completion Report # e-000735 – copy enclosed

**Proposed Septic System :** 1500 gallon

**Proposed Tree Removal :** NONE

**Proposed Grading :** 100 cu.yds.

I am enclosing **All Diesel Electric, Inc. check # 5337 for \$168.00** with all the above.

Please do let us know whatever we need to do to expedite this process as we are most anxious to join the community as soon as possible !

Looking forward to meeting you both soon,

A handwritten signature in cursive script, appearing to read "Franki and Andy Grau". The signature is written in black ink and is positioned above the printed name.

Franki and Andy Grau

## **Exhibit G**

**Letter from Joel Panzer  
regarding use of roadway  
easement**

**MAUREEN WRUCK  
PLANNING CONSULTANTS, L.L.C.**

*Development Consultants*

*Planning & Land Use & Permitting & Subdivisions & Mitigation Monitoring & Permit Compliance & Certificates of Compliance*

March 2, 2010

County of Monterey  
Resource Management Agency – Planning Department  
ATTN: Elisa Cavaliere, Associate Planner  
168 West Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901

RE: Grau Subdivision & Access Easement (PLN060711)

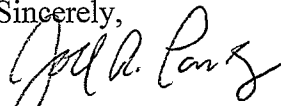
Dear Ms. Cavaliere:

The adjoining property owner, Zebe Pirzada is concerned that the proposed subdivision will burden the access easement deeded by Mr. Pirzada to the Grau's in 2001. The easement is clearly limited: "...to ingress and egress and incidental purposes..." (see Exhibit A). Overburdening the easement for additional residential subdivision was not anticipated as an "incidental purpose".

It is Mr. Pirzada's position that the easement may not be burdened by the additional traffic associated with this subdivision, including future single family residences, guesthouses, senior citizen units and/or caretaker units. If a single family residence were constructed on each lot, this could potentially add an additional 30 cars/trucks a day over the easement.

The applicants should acquire an easement from another property owner to allow access for the subdivision.

Sincerely,



Joel R. Panzer

JP/Enclosure: Grant Deed Pirzada to Grau (Document No. 2001084050)

Cc: Zebe Pirzada

Joseph F. Pitta  
Monterey County Recorder  
Recorded at the request of  
**First American Title**

CRCARMEN  
10/04/2001  
9:25:46

RECORDING REQUESTED BY  
FIRST AMERICAN TITLE  
AND WHEN RECORDED MAIL TO:  
Andres Rafael Grau  
Franki A. Grau  
P. O. Box 1763  
West Sacramento, CA 95691

DOCUMENT: **2001084050**



\*2001084050\*

Titles: 1/ Pages: 3

Fees . . . . 12.00  
Taxes . . . . 440.00  
Other . . . .  
AMT PAID \$452.00

Space Above This Line for Recorder's Use Only

A.P.N.: \_\_\_\_\_

Order No.: 182433-TD

Escrow No.: 100158-KLO

### GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S) THAT DOCUMENTARY TRANSFER TAX IS: COUNTY \$440.00  
 computed on full value of property conveyed, or  
 computed on full value less value of liens or encumbrances remaining at time of sale,  
 unincorporated area;  City of \_\_\_\_\_, and

FOR A VALUABLE CONSIDERATION, Receipt of which is hereby acknowledged,  
**Aurangzeb Rashid Pirzada**

hereby GRANT(S) to **Andres Rafael Grau and Franki A. Grau, Husband and Wife** , as Community Property  
the real property in the  City of \_\_\_\_\_, or  Unincorporated Area of the, County of **MONTEREY**, State of California,  
described as: SEE CORRECTED LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF

SITUATE IN SECTION 17 AND 18, T. 23 S., R. 9 E., M.D.M., MONTEREY COUNTY, CALIFORNIA AND  
BEING THE W 1/2 OF THE NW 1/2 OF SECTION 17, AND THE NE 1/4 OF SECTION 18, AS DESCRIBED BY  
PATENT FROM THE UNITED STATES OF AMERICA TO WAIT WILLIAMS, DATED SEPTEMBER 27, 1892  
AND RECORDED IN VOLUME J OF PATENTS, AT PAGE 382, RECORDS OF MONTEREY COUNTY.

\_\_\_\_\_  
AURANGZEB RASHID PIRZADA

Document Date: August 3, 2001

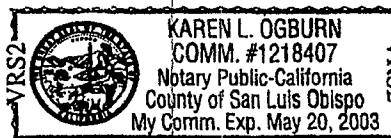
STATE OF CALIFORNIA )  
COUNTY OF California )SS

On August 3, 2001 before me Karen L. Ogburn  
personally appeared Aurangzeb Rashid Pirzada

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on  
the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Karen L. Ogburn



Mail Tax Statements to: SAME AS RETURN ADDRESS ABOVE or Address Noted Below

Exhibit "A"

Legal description:

Situate in Section 17 and 18, T. 23 S., R. 9 E., M.D.M., Monterey County, California and being the W ½ of the NW ¼ of Section 17, and the South ½ the NE ¼ of Section 18, as described by patent from the United States of America to Wait Williams, dated September 27, 1892 and recorded in Volume J of Patents, at Page 382, Records of Monterey County.

APN: 423-061-065