

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: August 14, 2008. Time: 1:30 P.M.	Agenda Item No.: #1
Project Description: Combined Development Permit (CDP) consisting of: 1) a Use Permit to allow the placement of a 2.25 million gallon water tank, grading of 9100 cubic yards, retaining walls, and a Design Approval; 2) a Use Permit to allow for development on slopes in excess of 30 percent; 3) a Use Permit for a height exception of the proposed 2.25 million gallon water tank per 21.62.030 B, for exceedance of the allowed height by 23 feet; 4) a Variance for coverage from 25 to 27 percent; 5) a Lot Line Adjustment; and, 6) a Permit for the removal of five trees (two Monterey Pines and three protected Coast Live Oaks).	
Project Location: Canada De La Segunda Road, Montera Ranch Subdivision, Carmel	APN: 259-091-012, 259-093-014
Planning File Number: PLN060397	Name: California American Water, Property Owner
Plan Area: Greater Monterey Peninsula Area Plan	Flagged and staked: Yes
Zoning Designation: : RDR/10-UR-D [Rural Density Residential, maximum gross density 10 acres/unit, Urban Reserve, Design Control]	
CEQA Action: Mitigated Negative Declaration	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator:

- 1) Adopt the Mitigated Negative Declaration (**Exhibit G**) with the Mitigation Monitoring and Reporting [Plan MMRP](**Exhibit D**); and
- 2) Approve the Combined Development Permit as described above, based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions of Approval and MMRP (**Exhibit D**).

PROJECT OVERVIEW:

The proposed project includes installation of a second water tank at the California American Water (Cal Am) Segunda tank site to increase overall storage capacity. The proposed tank would have a 2.25 million gallon capacity and would be located southeast of the existing Segunda tank. The new tank would be 101 feet in diameter and 53 feet in height. The tank would tie into the existing pump station facilities on the site. No additional pumps or pumping equipment are proposed. The final design would include yard piping that would connect the two tanks and booster stations. The tank would be a standard above ground, welded steel tank. The tank would not result in any new water supply or additional connections to the Cal Am systems, rather its function would be to increase storage capacity. The construction of the new tank would serve two purposes; allow uninterrupted backwashing of filters at the Begonia Iron Removal Plant and increase the efficiency of transfer and distribution of water to the Monterey area, specifically the City of Seaside. See **Exhibit B** for a more detailed discussion.

OTHER AGENCY INVOLVEMENT:

- ✓ Salinas Rural Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division

- ✓ Water Resources Agency
- ✓ Monterey Peninsula Waste Management District
- ✓ City of Monterey

The above checked agencies and departments have reviewed this project. Conditions recommended by the Salinas Rural Fire Protection District, Public Works Department, and Water Resources Agency have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project was referred to the Greater Monterey Land Use Advisory Committee (LUAC) for review. The project was referred to the Greater Monterey Land Use Advisory Committee (LUAC) for review at their May 16, 2007 meeting which was canceled due to a lack of quorum. This item was reviewed at the June 6, 2007 meeting and recommended for approval by a 4-0 vote. They recognized that the tank would be filled with water from the Carmel Valley and would be used for daily services.

Note: The decision on this project is appealable to the Planning Commission.

Jody Lyons
 (831) 755-5120, lyonsjc@co.monterey.ca.us
 July 28, 2008

cc: Front Counter Copy; Zoning Administrator; Salinas Rural Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Monterey Peninsula Waste Management District; City of Monterey; Taven M. Kinison Brown, Planning Services Manager; Jody Lyons, Planner; California American Water Company, Applicants; RBF Consulting, Agent; Planning File PLN060397.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Project Discussion
 Exhibit C Recommended Findings and Evidence
 Exhibit D Recommended Conditions of Approval and Mitigation Monitoring and Reporting Program
 Exhibit E Vicinity Map
 Exhibit F Site Plan, Floor Plan and Elevations
 Exhibit G Mitigated Negative Declaration
 Exhibit H Comments on Mitigated Negative Declaration
 Exhibit I Greater Monterey Peninsula Land Use Advisory Committee Minutes of the June 6, 2007 Meeting.

This report was reviewed by Taven M. Kinison Brown, Planning Services Manager

EXHIBIT A

Project Information for PLN060397

Project Title: CALIFORNIA-AMERICAN WATER CO

Location:	OFF OF CANADA DE LA SEGUNDA, CARME	Primary API: 259-091-012-000-M
Applicable Plan:	Greater Monterey Peninsula Area Plan	Coastal Zone: No
Permit Type:	Combined Development Permit	Zoning: RDR/10-UR-D
Environmental Status:	MND	Plan Designation: RURAL 5+
Advisory Committee:	Greater Monterey Peninsula	Final Action Deadline (884): 9/14/2008

Project Site Data:

Lot Size: 47,797SF Existing	Coverage Allowed: 25%
Structures (sf): 5,124SF Proposed	Coverage Proposed: 27%
Structures (sf): 7,914SF	Height Allowed: 30
Total Sq. Ft.: 13,038SF	Height Proposed: 53
	FAR Allowed: NA
	FAR Proposed: NA

Resource Zones and Reports:

Environmentally Sensitive Habitat: Yes	Erosion Hazard Zone: MOD
Biological Report #: LIB070197	Soils Report #: LIB070187
Forest Management Rpt. #: LIB080388	
Archaeological Sensitivity Zone: MOD	Geologic Hazard Zone: MOD
Archaeological Report #: N/A	Geologic Report #: LIB070187
Fire Hazard Zone: HIGH	Traffic Report #: N/A

Other Information:

Water Source: CAL-AM WELLS	Sewage Disposal (method): NA
Water Dist/Co: CAL-AM ^{Sewer} District Name: NA	
Fire District: SAL RURAL	Grading (cubic yds.): 9,100.0 Tree
Removal: 3-O,2-P	

EXHIBIT B PROJECT OVERVIEW

BACKGROUND:

California American Water (Cal Am) is a private water utility company, regulated by the California Public Utilities Commission. Cal Am has planned improvements to its water storage facilities at the existing Segunda tank location, located off of Canada De La Segunda in the Tehama/Monterra area between Carmel Valley and the Highway 68 corridor.

The existing Segunda tank was constructed in 1977 and can hold up to 1.5 million gallons of water. Existing facilities at the Segunda tank site include: a 1.5 million gallon steel tank approximately 80 feet in diameter; electric vaults under the jurisdiction of Pacific Gas and Electric; transformer; fire hydrant; pump station containing three pumps and an additional standby pump; various flow metering devices; altitude valves; site perimeter fencing; and gates. The existing pump station located at the Segunda tank site pumps an average of 4,200 gallons of water per minute from the Segunda tank to the Crest Reservoir, a 250,000-gallon buried concrete structure located ¼ mile north of the Segunda tank. This process allows for the transfer of water into the main distribution gradient for the Monterey Peninsula area, specifically for the City of Seaside. Aside from providing water service to Seaside, the existing Segunda tank is used as part of daily system operations for water treatment and backflushing filters at the Begonia Iron Removal Plant (BIRP). The BIRP is the primary treatment plant for Carmel Valley wells, which are the primary supply sources for the Monterey Peninsula area. The BIRP is located about three miles south of the Segunda tank, adjacent to the Carmel River.

The proposed project includes installation of a second water tank at the Segunda tank site to increase overall storage capacity. The details of this proposed tank are discussed in greater detail below.

PROJECT DESCRIPTION

The proposed project is a Combined Development Permit (CDP) consisting of:

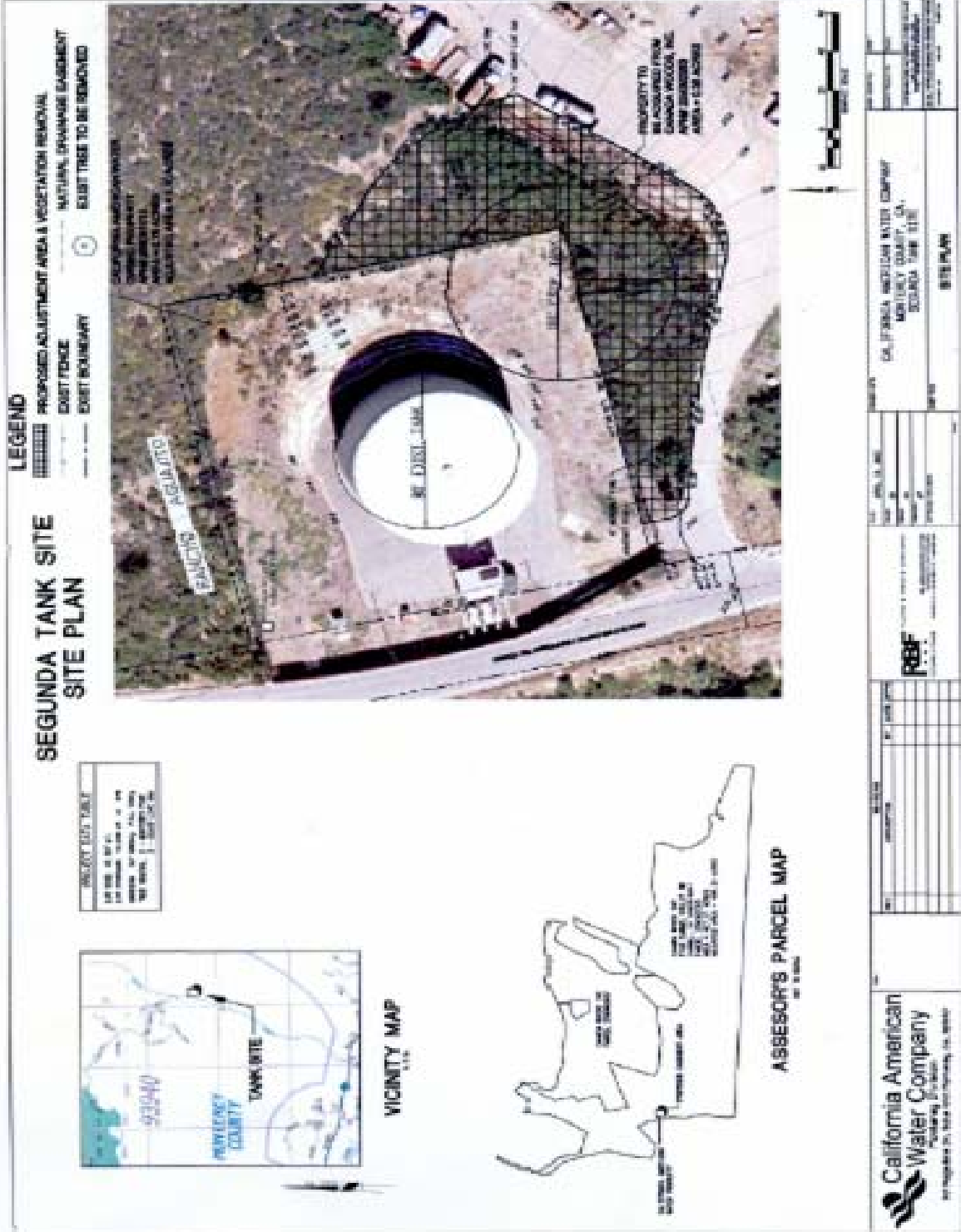
- A Use Permit to allow the placement of a 2.25 million gallon water tank, grading of 9100 cubic yards, retaining walls, and a Design Approval;
- A Use Permit to allow for development on slopes in excess of 30 percent;
- A Use Permit for a height exception of the proposed 2.25 million gallon water tank per 21.62.030 B, for exceedance of the allowed height by 23 feet;
- A Variance for coverage from 25 to 27 percent;
- A Lot Line Adjustment with relocation of the existing drainage easement; and,
- A Permit for the removal of five trees (two Monterey Pines and three protected Coast Live Oaks).

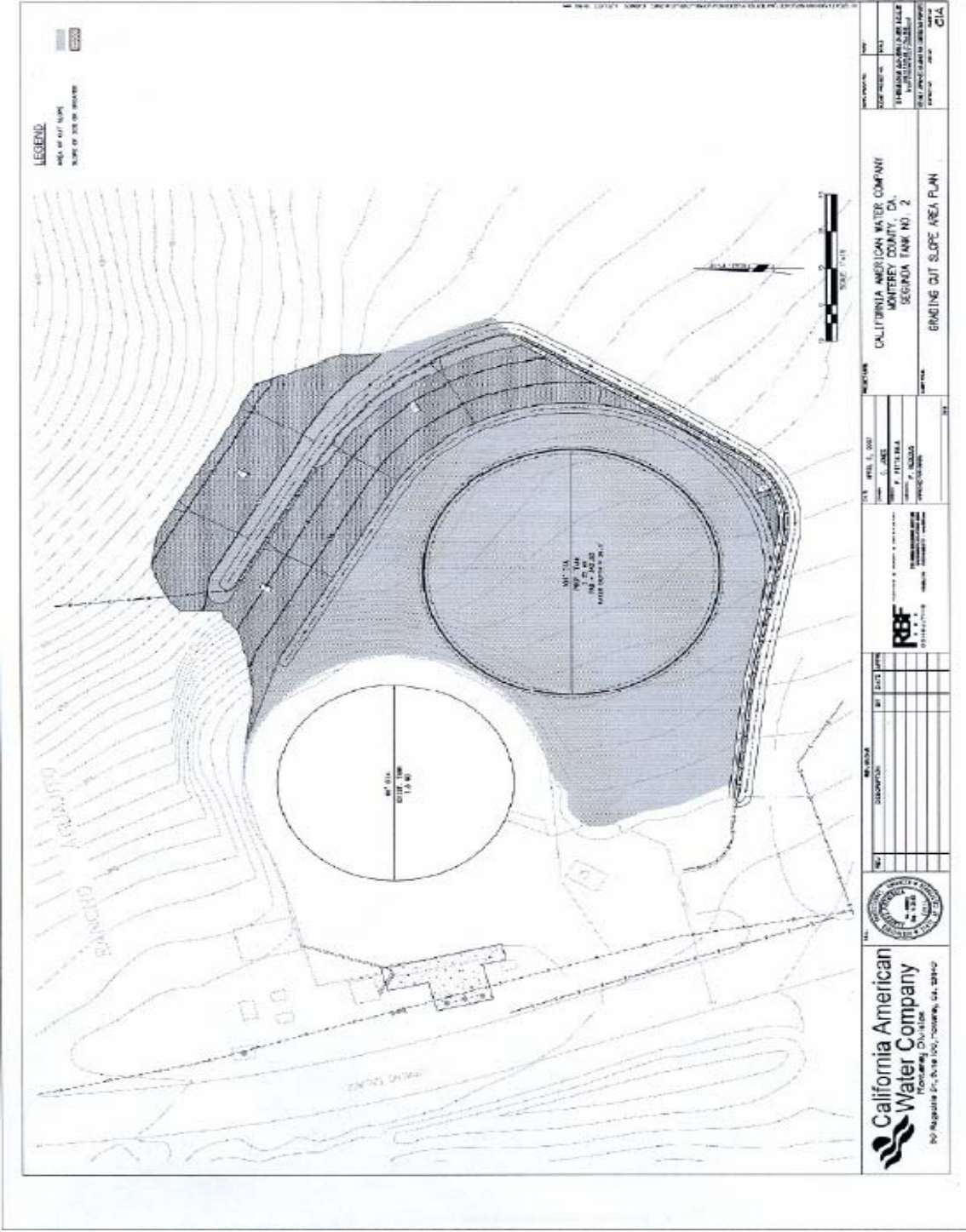
The proposed tank would have a 2.25 million gallon capacity and would be located southeast of the existing Segunda tank. The new tank would be 101 feet in diameter and 53 feet in height. The tank would tie into the existing pump station facilities on the site. No additional pumps or pumping equipment are proposed. The final design would include yard piping that would connect the two tanks and booster stations. The tank would be a standard above ground, welded

steel tank. The tank would not result in any new water supply or additional connections to the Cal Am systems, rather its function would be to increase storage capacity. The construction of the new tank would serve two purposes; allow uninterrupted backwashing of filters at the Begonia Iron Removal Plant and increase the efficiency of transfer and distribution of water to the Monterey area, specifically the City of Seaside.

The design elements for the proposed tank include:

- Volume: 2,250,000 gallons
- Diameter: 101 feet
- Depth: 53 feet
- Base elevation: 342 feet
- Overflow sized to accommodate 6,300 gallons per minute
- 18-inch diameter overflow required to discharge up to 6,300 gallons per minute
- 12-inch diameter drain to allow complete tank drainage within 10 hours
- grading of 9100 cubic yards
- retaining walls
- Colors to minimize visibility
- Screening and landscaping to minimize visibility

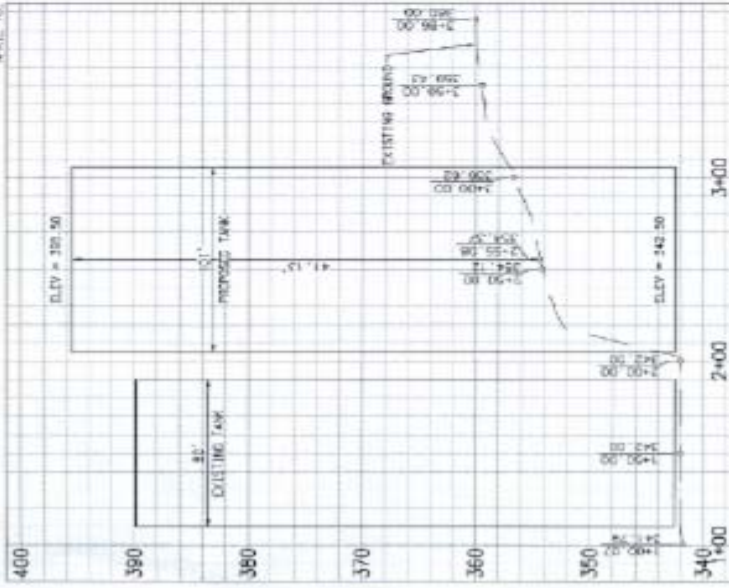




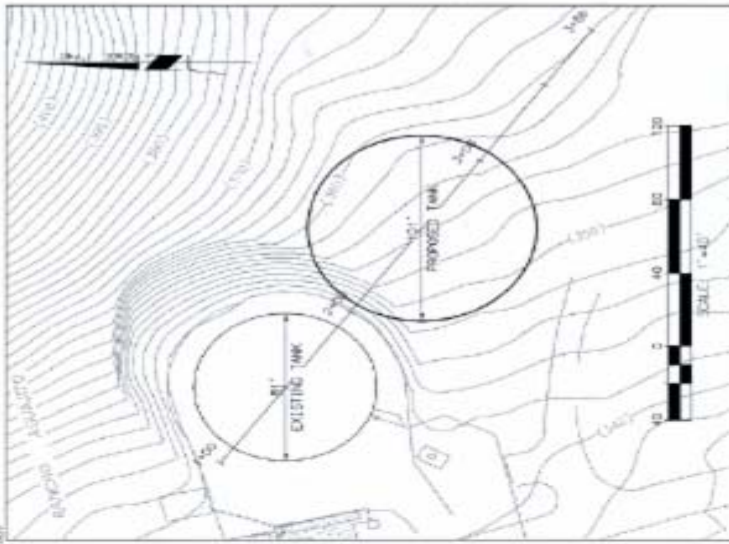
<p>California American Water Company Monterey Division 800 Argonaut Dr., Suite 100, Monterey, CA 93940</p>		<p>PROJECT NO. 17173-001 DATE 1/17/18 SCALE AS SHOWN</p>	<p>CLIENT CALIFORNIA AMERICAN WATER COMPANY PROJECT MONTEREY COUNTY, CA LOCATION SEGONIA TANK NO. 2 DESCRIPTION BINNING CUT SLOPE AREA PLAN</p>	<p>DATE APRIL 11, 2018 DESIGNED BY J. HINES CHECKED BY J. HINES PROJECT ENGINEER J. HINES</p>	<p>PROJECT NO. 17173-001 DATE 1/17/18 SCALE AS SHOWN</p>	<p>CLIENT CALIFORNIA AMERICAN WATER COMPANY PROJECT MONTEREY COUNTY, CA LOCATION SEGONIA TANK NO. 2 DESCRIPTION BINNING CUT SLOPE AREA PLAN</p>
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SEGUNDA TANK NO. 2
 ELEVATION OF NATURAL GRADE WITH TANK HEIGHT
 CALIFORNIA, AMERICAN WATER

APRIL 10, 2017

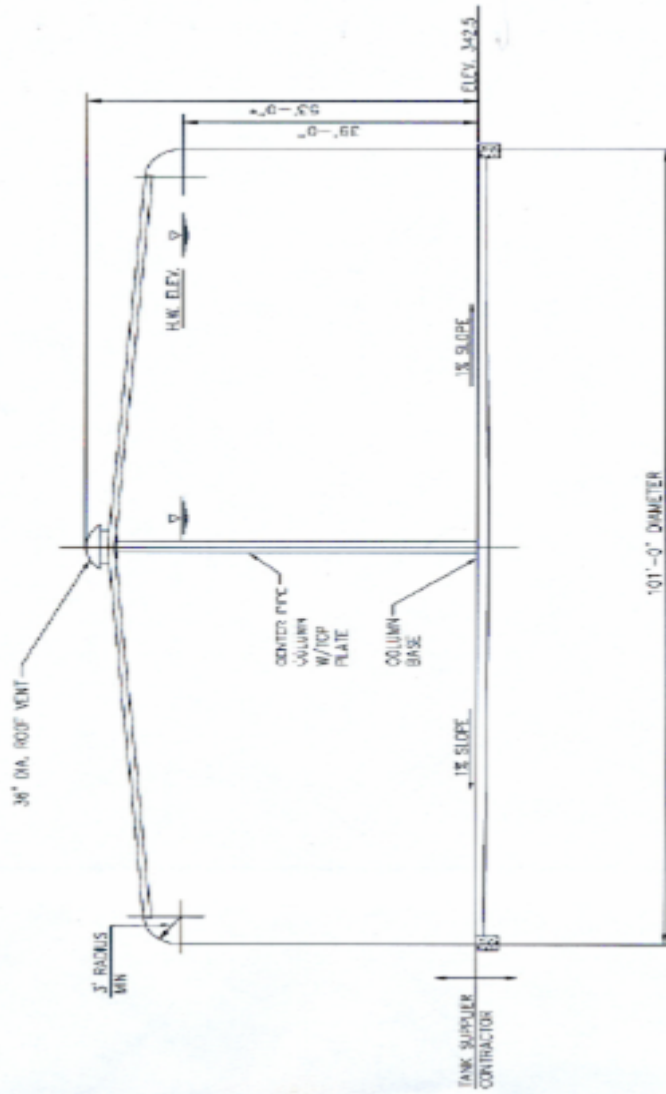


PROPOSED TANK PROFILE
 SCALE: HORIZ 1"=40'
 VERT 1"=20'

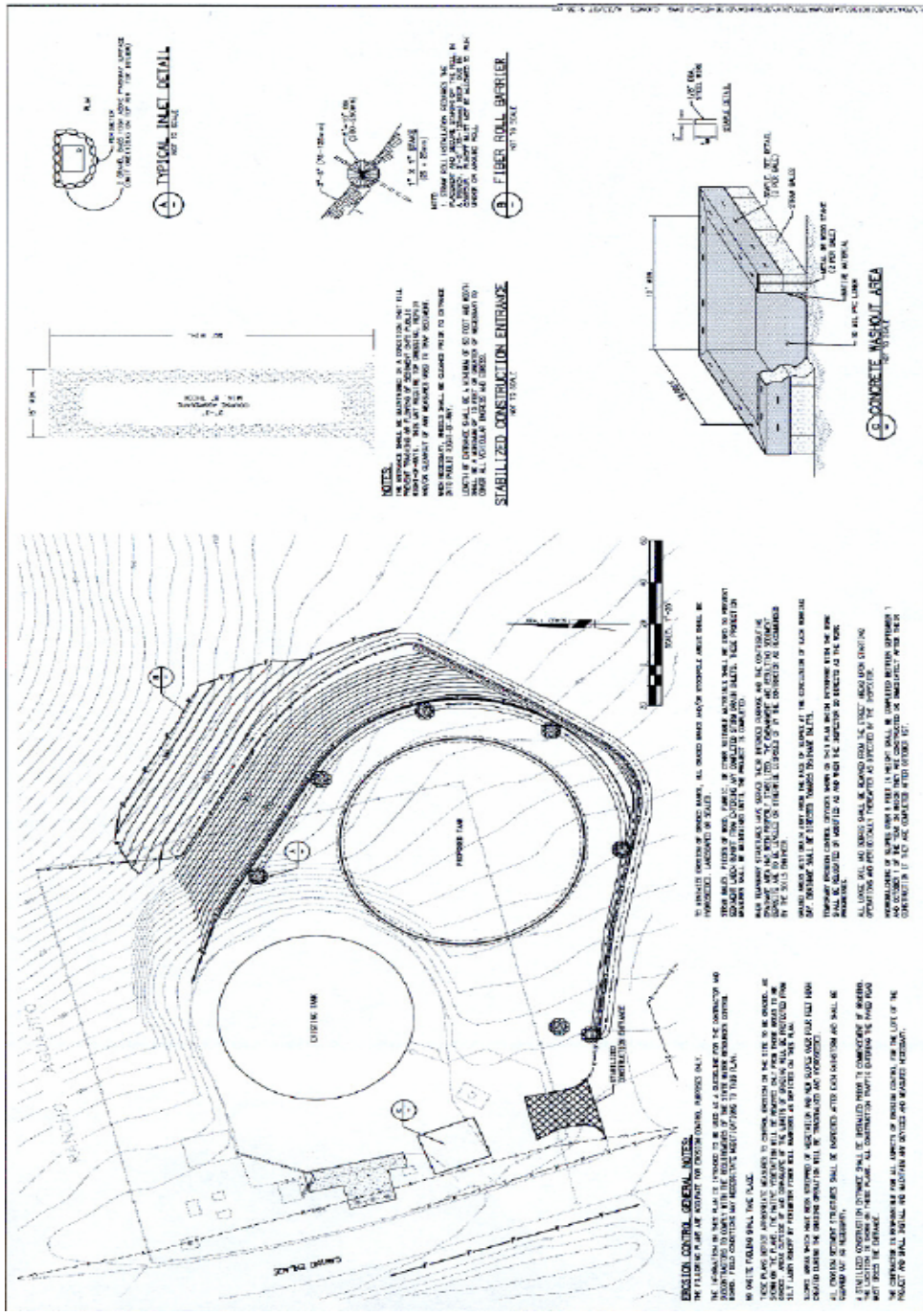


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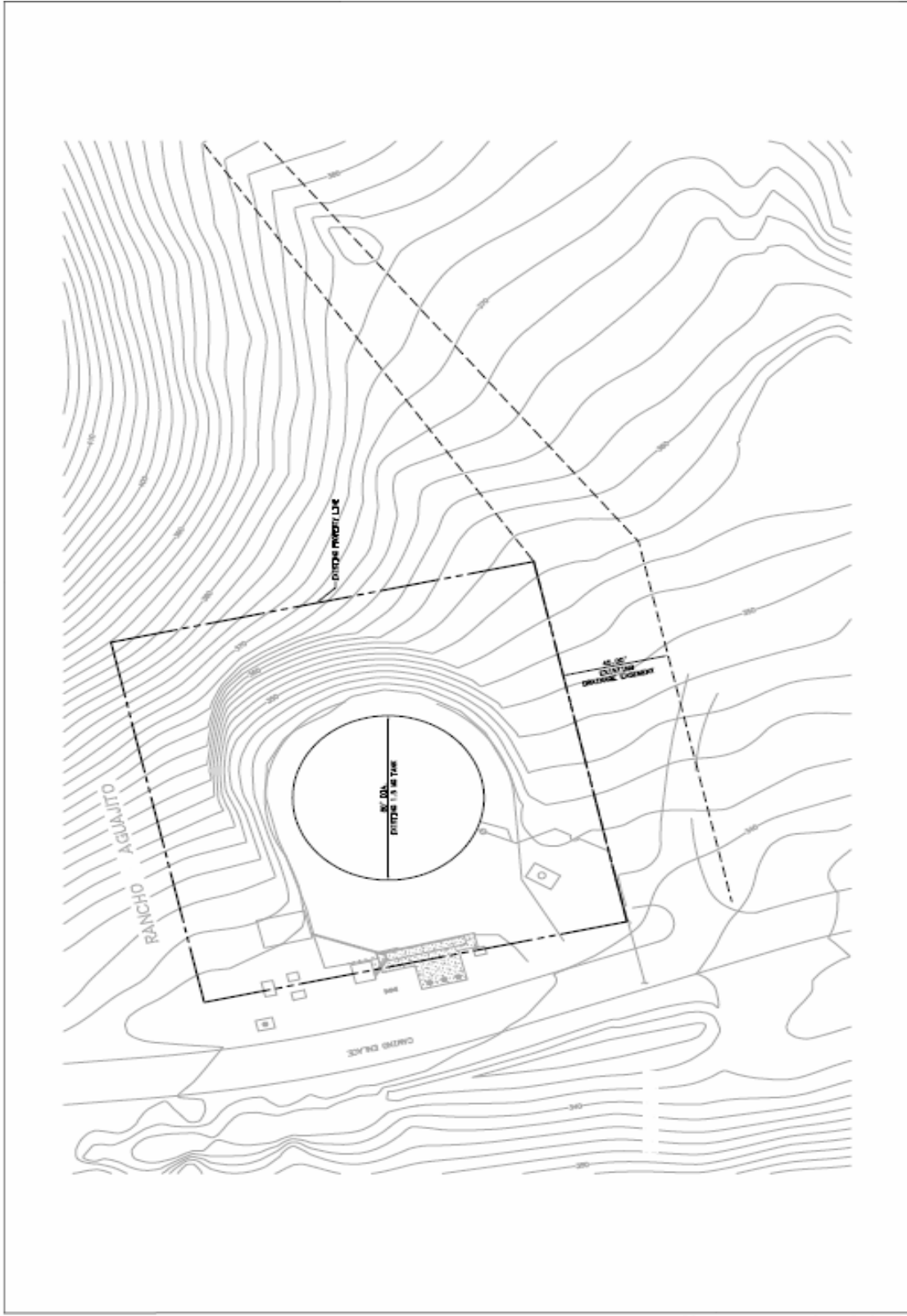
SEGUNDA TANK NO. 2
CALIFORNIA AMERICAN WATER
APRIL 10, 2007



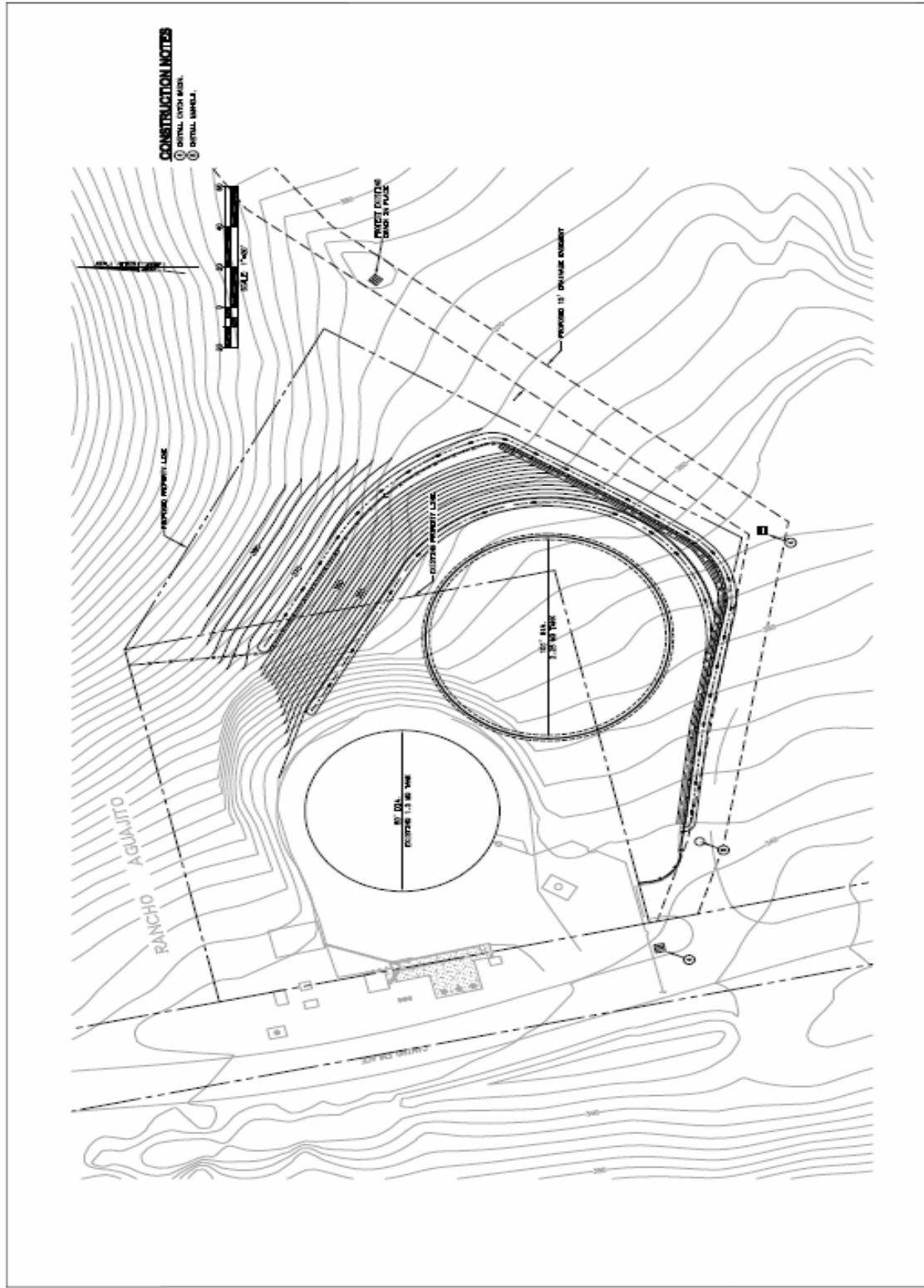
PROPOSED RESERVOIR EXTERIOR ELEVATION
NOT TO SCALE



<p>California American Water Company Monterey Division 80 Regalada Dr., Alviso, CA 95002, Monterey, CA 95035</p>		<p>DATE: APRIL 18, 2017 DRAWN: C. J. JONES CHECKED: P. STEPHANIS PROJECT NUMBER: 15000000000000000000</p>	<p>SCALE: AS SHOWN SHEET: 1 OF 1 PROJECT: CALIFORNIA AMERICAN WATER COMPANY MONTEREY COUNTY, CA SEGUNDA TANK NO. 2 EROSION CONTROL PLAN</p>
<p>PROJECT NUMBER: 15000000000000000000</p>	<p>DATE: APRIL 18, 2017</p>	<p>SCALE: AS SHOWN</p>	<p>PROJECT: CALIFORNIA AMERICAN WATER COMPANY MONTEREY COUNTY, CA SEGUNDA TANK NO. 2 EROSION CONTROL PLAN</p>



 <p>California American Water Company Planning Division 30 Pagodale Dr. Suite 100, Norwalk, CA 90640</p>		<table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DESCRIPTION	BY	DATE																	 <p>RFE CONSULTANTS 1000 S. JENSEN P. PUEBLA P.O. BOX 1000 NORWALK, CA 90650</p>	<p>DATE: JULY 25, 2018 DRAWN BY: J. JENSEN CHECKED BY: P. PUEBLA SCALE: AS SHOWN</p>	<p>PROJECT NO: 18-001 SHEET NO: 1 OF 1</p>	<p>CALIFORNIA AMERICAN WATER COMPANY MONTEREY COUNTY, CA OFFSITE STORM DRAIN PLANS</p>	<p>EXISTING CONDITIONS</p>
			NO.	DESCRIPTION	BY	DATE																					
<p>APPROVED BY: [Signature]</p>																											



<p>California American Water Company Planning Division 30 Regadale Dr., Suite 100, Norcross, GA 30040</p>			<p>DATE: JULY 25, 2018 DRAWN BY: J. JOSE CHECKED BY: F. TITUS DATE: 7/25/18</p>	<p>PROJECT NO.: SHEET NO.: TOTAL SHEETS: SHEET TITLE:</p>	<p>OWNER: CALIFORNIA AMERICAN WATER COMPANY LOCATION: MONTEREY COUNTY, CA PROJECT: OFFSITE STORM DRAIN PLANS SHEET TITLE: STORM DRAIN PLAN</p>
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Previously, the proposed location of the tank was on property not owned by Cal Am. However, this property was recently acquired by Cal Am from Canada Wood Inc. Through a lot line adjustment, Cal Am acquired an additional .35 acres, bringing the total property size to 1.10 acres. The property contains slopes that are greater than 30 percent and would therefore require a 10 to 12 foot retaining wall to maintain grade. The retaining wall would be located adjacent to the south, eastern and northern perimeters of the proposed tank.

Storm drainage modifications would be required on the project site. The construction of a retaining wall with heights reaching 10 to 12 feet would necessitate the use of sub drainage and conveyance of storm water to existing drainage facilities on the site. Additional area drains would be placed around the perimeter of the tank and would also tie into existing facilities. The construction of the new tank would result in the removal of existing storm drain pipes, which would be re-routed as necessary.

Access to the tank site is proposed to remain approximately in the same location as it currently exists; the gate would continue to abut Enlace Road and span the current access road that heads east to the existing maintenance yard, which is located on the adjacent parcel to the south owned by Canada Wood Inc.

The proposed tank inlet and outlet piping would integrate with the existing facilities on site. A discharge/drain pipe would connect with the existing 12" drain line which daylights offsite. The tank inlet/outlet would connect to the existing 30" steel line that makes it way to the Rancho Fiesta Booster Station. Most of the electrical and control instrumentation of the proposed project would be handled by the existing system already in place for the existing Segunda Tank, but slight modifications would take place.

Changes to the existing gate would be required. The site fence would be replaced at the southern and eastern property boundaries as a part of the property acquisition for the new tank. A fence or guardrail would be constructed atop the proposed retaining wall. The existing drainage easement would be relocated also.

CEQA Review: The project site is located in the Montera/Canada Woods North III Tract 1490. It is off Canada de la Segunda Road, north of Service Road. The parcel is developed with a 1.5 Million Gallon (MG) welded steel tank and appurtenances and slopes from steep to gently sloping from the east to the west. A small swale enters the parcel from the west side to exit on the east side. This is a ruderal grassland-coastal scrub brush area and the trees are pioneers into this niche. The soil is shallow and shalely as described by Soil Survey of Monterey County by USNRCS as Santa Lucia-Reliz Association. The trees became established in the drainage from steeper areas.

Initial Study- Monterey County, as Lead Agency, prepared an Initial Study for this project (**Exhibit G**). The Initial Study was filed with County Clerk on June 18, 2008, and circulated for public review and comment from June 18 to July 21, 2008.

The circulated Initial Study has identified potential impacts to the following environmental factors:

Aesthetics, Air Quality, Biological, Cultural Resources, Geology/Soils, Hydrology/Water Quality, and Utilities/Service Systems.

Aesthetics- The proposed water tank will be larger and higher than the existing tank on site. To mitigate this potential adverse impact to less than significant, four mitigations were propounded in the initial study.

Mitigation Measure (MM) #1-1 Design the tank to remove sharp edges, rounded forms reduce impact in relief of the adjacent visual backdrop.

MM #1-2 Tank color shall be a non-reflective surface, gray-green similar to the existing tank on site and the surrounding vegetation.

MM #1-3 A perimeter fence that visually screens the tank shall be constructed of wood or other material to match the color of the existing surroundings.

MM #1-4 The proposed tanks site shall be landscaped to break up the outline of the tank form. The landscaping shall include replacement of the removed protected oaks and the Monterey Pines removed at a rate of 1:1 and a survival rate of 90% at five years. Annual Forester or biologist reports with replanting and continued monitoring until success is achieved.

Air Quality- Construction-related air quality impact potential is addressed by the standard conditions of approval that require watering, erosion control and dust control measures. This will render the impacts less than significant.

Biological- The potential adverse effect by habit modification of list species will be less than significant with the incorporation of mitigation. The species movement and tree removal impacts were addressed as less than significant. The Initial Study identified twelve special status plants and two special status animals as potentially impacted. These are Hickman's onion (*Allium hickmanii*), Monterey spineflower (*Chorizanthe pungens* var. *pungens*), Robust spineflower (*Chorizanthe robusta*), Jolon clarkia (*Claikea jolonensis*), San Francisco collinsia (*Collinsia multicolor*), Seaside bird's-beak (*Cordylanthus ridigus* ssp. *littoralis*), Hutchinson's larkspur (*Delphinium hutchinsonia*), Fragrant Fritillaria (*Fritillaria liliaceae*), Kellogg's horkelia (*Horkelia cuneata* spp. *sericea*), Carmel Valley bush mallow (*Malacothrix palmeri* var. *involucratum*), Coast Liveoak (*Quercus agrifolia*), Monterey pine (*Pinus radiata*), California Redlegged Frog (*Rana draytonii*), and California Tiger Salamander (*Ambystoma californiense*). The potential impacts to these species were addressed by the five mitigations listed below:

MM #4-1 Floristic Inventory and Rare Plant Surveys (requires protocol level surveys.)

MM #4-2 Avian Species Surveys (requires protocol level surveys.)

MM #4-3 Special Status Animal Avoidance, (requires timed construction schedule and onsite pre-construction and construction phase qualified biological monitoring.)

MM #4-4 Educational Presentation (requires the pre-construction training of contractors by a qualified biologist as to the special status species likely to occur, their identification, and appropriate action.)

MM #4-5 Tree Replacements, (incorporates the tree replacement into the required landscape plan.)

Cultural Resources- The projects' potentially adverse impacts to cultural resources are addressed by the standard condition requiring notification if during the course of construction. The archaeological designation for this parcel is "Moderate" sensitivity.

Geology/Soils- The project site is located in a seismically active region between the Pacific Ocean and the San Andreas Fault, with the Monterey Bay-Tularcitos fault directly crossing the project site. This was addressed by design of the tank, recognizing the auxiliary level of storage and the minimal potential downstream inundation in case of tank failure. This will reduce the potential impact to less than significant.

Hydrology/Water Quality- The hydrological impacts would be less than significant as the new storage would be filled with early winter flows and topped off as needed. With the small amount of new impervious surfaces and a short construction period, standard conditions would reduce this impact to less than significant. Water quality would actually be improved by the addition of this water storage reservoir. Thus the potential adverse impact is less than significant.

Utilities/Service Systems- There is no growth inducing effects of this project. The objective of this new reservoir is to provide firefighting capacity for the Greater Monterey Peninsula area and back wash water for the Begonia Iron Removal Plant (BIRP). Firefighting capacity reserve currently is below the required capacity reserve. Additionally, since the project will draw from the early winter flows, the summer withdrawal impact will be lessened. The potential adverse impact is less than significant.

Initial Study Comments- During this public review period, the County of Monterey received comments from the Monterey Bay Unified Air Pollution Control District (APCD) (**Exhibit H**), requesting the County add conditions regarding contact with the APCD during the removal of storm drain pipes to assure there is no release of asbestos (see Condition # 24 in **Exhibit D**). This condition will satisfy the requirement for compliance with District Rule 439, Structural Removals.

The second letter was from the State of California Department of Health Services. They offered four comments.

- Design the tank to include separate inlet outlets or incorporate an internal mixing device.
- Construct the tank to the American Water Works Association (AWWA) Standard D-100-96 (Welded Steel Tanks) or D-103-97 (Factory Coated Steel Bolt Up Tanks)
- Clearly state the disinfection protocol in accordance with the AWWA standard C652-92.
- Certify the interior protective coatings are NSF Standard 61 and installed according to manufacturer's specifications.

Cal Am has responded, by a letter in Exhibit H, stating that:

"1. The Segunda tank #2 will be equipped with an internal mixing system similar to that manufactured by Solar Bee brand internal mixing system. "The Solar Bee thoroughly mixes the entire reservoir, reaching all the dead spots, even in large reservoirs with hundreds of support columns." More information can be found at: <http://www.solarbee.com/potable.shtml>

2. The tank will be constructed in accordance with the latest AWWA standard, Welded Steel Tanks for Water Storage, D-100-05 (2005) version and D-102-97 Coating Steel Water Storage Tanks.
3. The technical specifications will indicate a requirements [sic] for disinfection and sampling bacteriological water quality in accordance with AWWA Standard C652-92 prior to service.
4. Protective coatings specified on the project will be required to meet NSF Standard for potable water applications.” See attached letter for full text in **Exhibit H**.

PERMITS AND VARIANCES REQUIRED

Use Permit to Allow Placement of a 2.25 Million Gallon Water Tank. The proposed project involves the installation of a 2.25 million gallon water tank, 9100 cubic yards of grading, retaining walls, and a Design Approval. The project site is zoned Rural Density Residential, maximum gross density 10 acres/ unit, Urban Reserve, Design Control (“RDR/10-UR-D”). In accordance with Section 21.16.050R of the Monterey County Zoning Ordinance, “water system facilities including wells and storage tanks serving fifteen or more service connections” are allowed in this zoning district with approval of a Use Permit. A Use Permit to allow the water tank in the RDR district is therefore included as part of the project application.

Use Permit to Allow Development on Slopes Exceeding 30 Percent. The subject property is within a steeply sloping area. The proposed water tank has been placed to avoid steep slopes where feasible, however no alternative areas exist on-site with slopes less than 30 percent. In accordance with Section 21.64.030C.1 of the Monterey County Zoning Ordinance, “all development on slopes of 30 percent or more requires a Use Permit.” In this case, the current design of the tank is a balance between the utilization of the existing tank lot parcel so the new tank can tie-in to the system with a minimum of new appurtenances and developing approximately 530 square feet of 30% plus slope. A Use Permit to allow development on slopes in excess of 30 percent is therefore includes as part of the project application.

Use Permit for Height Exception. The proposed project involves the installation of a 2.25 million gallon water tank. To accommodate this volume of water, the tank has been designed at a diameter of 101 feet and a height of 53 feet. The maximum height allowed in the RDR zoning district, of which the project site is a part, is 30 feet (Section 21.16.060C). The proposed water tank exceeds this maximum height by 23 feet. Section 21.62.030B of the Monterey County Zoning Ordinance specifically allows water tanks to “be erected to a greater height than the limit established for the district in which they are to be located, subject to securing a Use Permit in each case.” In this case, a balance was struck- if the required volume to meet fire storage was in a lower tank design more land would be required. This would bring the project into compliance with the tank height requirement, but require more land and the removal of more trees and cut into more of 30% and greater slopes. By approving this Use Permit to allow this exceedance of the Zone’s height limit is the best alternative and is therefore included as part of the project application.

Variance for Coverage from 25 to 27 Percent. The project site is zoned Rural Density Residential, maximum gross density 10 acres/unit, Urban Reserve, Design Control (“RDR/10-UR-D”). In accordance with Section 21.16.060E of the Monterey County Zoning Ordinance, maximum building site coverage in this zoning district is 25 percent. Due to the small size of the parcel, about 1.3 acres, and the topographical constraints of the property, installation of the proposed water tank would result in 27 percent site coverage. This 2% exceedance of the coverage limit, allows this storage tank design to meet the other requirements such as removing fewer trees and minimizing the encroachment into 30% slopes. A Variance is therefore required, and is thus included as part of the project application.

Lot Line Adjustment. The project site consists of two lots sized 0.74 acres and 0.75 acres (Assessor’s Parcel Numbers 259-091-012 and 259-092-063). To accommodate the project on one lot, these lot lines would be adjusted to 0.15 acres and 1.33 acres, respectively, and the water tank would be constructed on the larger of the two lots. A Lot Line Adjustment requires finds that the adjustment is between two or more existing adjacent legal lots of record, a greater number of parcels will not be created, and the resulting parcels conform to Monterey County Zoning and Building Ordinances. In this case the lot legality is established by the Montera Ranch/ Canada Woods North III subdivision Tract 1490. A Lot Line Adjustment is therefore included as part of the project application

Permit for Tree Removal. Installation of the proposed water tank would require the removal of five trees (two Monterey pines and three protected Coast live oaks). In accordance with Section 21.64.260D of the Monterey County Zoning Ordinance, in order to approve the tree removal permit the Zoning Administrator shall find that this tree removal is the minimum required under the circumstances of the case and the removal will not involve a risk of adverse environmental impacts. The project site is a small lot of approximately 1.3 acres. Due to the size of the lot, there are no alternatives to the placement of the 2.25 million gallon water tank on the site that would remove fewer trees. There are only few trees on this parcel because this is a scrub brush area and the trees are pioneers into this niche. The soil is shallow and shaley as described by Soil Survey of Monterey County by USNRCS as Santa Lucia-Reliz Association. The trees became established in the drainage from steeper areas. Grading and landscape including the replacement of the removed trees assures there will not be a risk of adverse environmental impacts. However, a permit is needed to remove the trees proposed and a condition requiring the replacement of the removed trees is included in **Exhibit D**. A Permit for tree removal is therefore included as part of the project application.

CONCLUSION

The project involves a Combined Development Permit to allow the construction of a second water storage tank (2.25MG) on the Segunda Site for the Cal Am water system. The project is located on a 1.33 acre parcel (post lot line adjustment) off Canada de la Segunda Road, (Monterea Subdivision) Carmel, approximately ¼ mile north of Service Road on Canada de la Segunda Road. The primary issues include mitigating the physical impacts of the project (aesthetic and biological) and replanting the protected trees that must be removed for this project. These issues were addressed in the mitigated negative declaration and the Initial Study found that all environmental impacts could be reduced with mitigation measures below a level of significance (**Exhibit G**). No unresolved issues remain for the project.

EXHIBIT C
RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.

- EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. 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 Canada De La Segunda Road, Montera Ranch Subdivision, Carmel (Assessor’s Parcel Numbers 259-091-012 and 259-093-014), Greater Monterey Peninsula Area Plan. The parcel is zoned Rural Density Residential, maximum gross density 10 acres/ unit, Urban Reserve, Design Control (“RDR/10-UR-D”) which allows water system facilities including wells and storage tanks serving fifteen or more service connections subject to a Use Permit which is the case for the subject project. Therefore, the property is suitable for the proposed development.
- (c) The project consultant conducted a site inspection on April 29, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
- (d) The project was referred to the Greater Monterey Land Use Advisory Committee (LUAC) for review at their May 16, 2007 meeting which was canceled due to a lack of quorum. This item was reviewed at the June 6, 2007 meeting and recommended for approval by a 4-0 vote.
- (e) Tank height exception, Title 21 §21.62.030 B. states that “...Water tanks... may be erected to greater height than the limit established for the district in which they are to be located, subject to securing a Use Permit (ZA) in each case.” This application is to, in part, allow the construction of a 2.25 MG water storage tank, which will be 53 feet in height. This exceeds the allow height in this zoning district which is 30 feet by 27 feet. See Findings and Evidence #9 &10.
- (f) The existing drainage easement will be re-routed to accommodate the surface drainage flow and the new tank site. See Condition #30.
- (f) 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 PLN060397.

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, Salinas Rural Fire Protection District, 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) Technical reports by outside biological and geological 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 concurs. The following reports have been prepared:
 - i. “Biological Assessment and Survey” (LIB070197) prepared by Denise Duffy and Associates, Inc., December 14, 2006.
 - ii. “Forest Management Plan” (LIB080388) prepared by Staub Forestry and Environmental Consulting, March 11, 2008.
 - iii. “Geotechnical Investigation and Seismic Shaking Hazard Analysis” (LIB070187) prepared by Pacific Crest Engineering Inc., December 20, 2006.
 - iv. “Seismic Shaking Hazards Analysis” (LIB070187) prepared by Zinn Geology, April 10, 2006, revised December 12, 2006.
 - v. “Segunda Tank Failure Study” (LIB080387) has been prepared for this parcel by Pal Hegedus, RBF Consulting, dated April 9, 2007, April 9, 2007.
- (c) Staff conducted a site inspection on April 29, 2008 to verify that the site is suitable for this use.
- (d) Materials in Project File PLN060397.

3. FINDING: **CEQA** – 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) The proposed project is subject to environmental review due to the potential for significant environmental effects pursuant to CEQA Guidelines Section 15070 (Decision to Prepare a Negative Declaration or Mitigated Negative Declaration).
 - (b) Potentially adverse environmental effects were identified during staff review of the development application.
 - (c) Monterey County with assistance from Rincon Consultants, Inc. prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the office of the RMA – Planning Department and is hereby incorporated by reference (File No. PLN060397). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. The Initial Study identified potentially significant effects relative to aesthetics and biological resources. Substantial evidence supports the conclusion that impacts will be less than significant with mitigation incorporated for these issues.
 - (d) The Mitigated Negative Declaration was circulated for public review from June 18, 2008 to July 21, 2008.

- (e) The Monterey County Resource Management Agency – Planning Department (located at 168 W. Alisal Street, 2nd Floor, Salinas CA, 93901) is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based.
- (f) A Mitigation Monitoring and Reporting Program (MMRP) has been prepared and is designed to ensure compliance with conditions and that mitigation measures are monitored and reported during project implementation. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and Reporting Program” as a condition of project approval.
- (g) For purposes of implementing Section 735.5 of Title 14, California Code of Regulations, the project may cause changes to the resources listed under Section 735.5. Therefore, payment of the Fish and Game fee is required.
- (h) Evidence that has been received and considered includes the application, plans, materials, and technical reports, which are listed under Section IX (References) of the Initial Study and contained in project file PLN060397.
- (i) To mitigate the physical impacts of the project, the following is a summary of the mitigation measures proposed:
 1. Aesthetics. Mitigation Measure #1 (Tank Design): During design, the edge where the walls of the tank meet the roof shall be engineered to have a rounded form to avoid a sharp visual angle when seen against the adjacent visual backdrop.
 2. Aesthetics. Mitigation Measure #2 (Tank Color): The proposed tank shall be painted an exterior color that is a non-reflective gray/green, similar to the existing tank and the surrounding landscape and vegetation.
 3. Aesthetics. Mitigation Measure #3 (Perimeter Fence): The proposed development plan shall include a perimeter fence that visually screens the tank to the extent feasible. The fence shall be constructed of wood, or other materials that match the color of the surrounding environment.
 4. Biological Resources. Mitigation Measure #4 (Floristic Inventory and Rare Plant Surveys): Prior to initiation of construction activities, a floristic inventory and rare plant survey of the site shall be completed by a qualified biologist/botanist during the appropriate seasons to determine the presence or absence of the CNPS list 1B plant species above. Surveys shall be floristic in nature (i.e. all plant species observed shall be recorded), and shall be conducted in accordance with the CDFG *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities* (revised May 8, 2000), and USFWS *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants* (USFWS, 2000). Multiple focused field surveys may be required to capture the flowering period of the target species. The location and extent of any rare plant occurrences observed in the project area shall be

documented in a report and accurately mapped onto site-specific topographic maps and aerial photographs.

If special status plants are identified, the applicant shall submit written proof that the County and CDFG have been contacted. The report shall include estimates of the plant populations and the percentage of the total population that will be lost as a result of development. Once the location of these special status plant species is known, development shall be situated such that impacts to these species are avoided or minimized to the greatest extent possible. If impacts cannot be avoided, a mitigation and mitigation monitoring plan that addresses impacts to all special status species shall be prepared by a County-approved biologist/botanist and reviewed by the County and CDFG. The detailed mitigation and monitoring plan shall be developed to protect and enhance the remaining occurrences of these species and to increase the overall numbers of special status plants located on the property. The mitigation and monitoring plan shall at a minimum include the following:

- The overall goals and measurable objectives of the mitigation and monitoring plan;
- Specific areas proposed for revegetation and their size;
- Specific habitat management and protection concepts to be used to ensure long-term maintenance and protection of special-status species such as annual population census surveys and habitat assessments; establishment of monitoring reference sites; fencing of species preserves and signage to identify the environmentally sensitive areas; a seasonally-timed weed abatement program; and seasonally-timed plant/seed/bulb collection, propagation, and reintroduction of robust spineflower and Jolon clarkia into specified receiver sites;
- Success criteria based on the goals and measurable objectives to ensure a viable population on the site in perpetuity;
- An adaptive management program to address both foreseen and unforeseen circumstances relating to the preservation and mitigation programs;
- Remedial measures to address negative impacts to the identified species and their habitat that may occur during construction activities as well as post-construction;
- Reporting requirements to track success or failure of the mitigation program and to ensure consistent data collection and reporting methods used by monitoring personnel; and,
- Maintenance and cost estimates.
- Replacements for the removed protected trees.

The mitigation ratio (habitat created to habitat impacted) shall be 2:1 for every acre of special status plant species' habitat impacted by development.

5. Biological Resources. Mitigation Measure #5 (Avian Species Surveys): Pre-construction surveys shall be conducted for nesting avian species (including raptors) within 300 feet of proposed construction activities, if construction is to be initiated between February 15 and August 1. If nesting raptors (or any other nesting birds) are identified during the pre-construction surveys, an appropriate buffer should be imposed within which no construction activities or disturbance should take place (generally 300 feet in all directions for raptors; other avian species may have species specific requirements) until the young of the year have fledged, as determined by a qualified biologist. Alternatively, construction activities that may affect nesting raptors or other protected avian species can be timed to avoid the nesting season (generally February 15 to August 1).
6. Biological Resources. Mitigation Measure #6 (Special Status Animal Avoidance): Prior to the initiation of construction, USFWS shall be contacted in regard to appropriate avoidance and minimization measures to employ during the implementation of the proposed project. These measures typically consist of, but may not be limited to, the following:
 - Limiting the construction window to April 15 to October 15 (to generally coincide with the dry season); and
 - Pre-construction and construction-phase monitoring by a qualified biologist.
7. Biological Resources. Mitigation Measure #7 (Educational Presentation): Prior to construction, a qualified biologist will provide an educational presentation in order to inform the contractors on the special status species likely to occur on site and appropriate identification of these species. If the special status species are identified on site during construction, CDFG shall be contacted and work shall stop until an approval to begin again is received or the animal has left the project site. If federally listed species are identified during construction, the USFWS shall be contacted and work shall halt until USFWS provides an approval to begin work again.

4. **FINDING: TREE REMOVAL** – Tree removal is the minimum required under the circumstances of the case and the removal will not involve a risk of adverse environmental impacts.

EVIDENCE: (a) This is a small lot. It is about 1.3 acres and the proposed development will require the removal of these trees. Due to the small size of the lot there are no alternatives to the placement of the large 2.25 MG water tank on the site. In this case this is the minimum tree removal.

(b) There are only few trees on this parcel because this is a scrub brush area and the trees are pioneers into this niche. The soil is shallow and shaley as described by Soil Survey of Monterey County by USNRCS as Santa Lucia-Reliz Association. The trees became established in the drainage from steeper areas.

- (c) Biological Assessment and Survey prepared by Denise Duffy and Associates, Inc. on December 14, 2006.
- (d) Mitigation has been incorporated requiring implementation of appropriate landscaping including the replacement of the trees to be removed. The Zoning Administrator finds that the proposed tree removal will not involve a risk of adverse environmental impacts such as soil erosion, water quality, ecological impacts, noise pollution, air movement, or wildlife habitat as further evaluated and discussed in the Mitigated Negative Declaration.
- (e) Staff conducted an on-site inspection on April 29, 2008 to verify that the proposed tree removal plan is consistent with the site conditions and was the minimum required.
- (f) The application, plans, and related supporting materials submitted by the project applicant to the Monterey County RMA – Planning Department for proposed development found in Project File PLN060397.

5. FINDING: LOT LINE ADJUSTMENT – Title 19 section 19.09.025 B States that a Lot Line Adjustment may be granted based on:

- 1. That the Lot Line Adjustment is between two or more existing adjacent parcels.
- 2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.
- 3. The parcels resulting from the lot line adjustment conforms to County zoning and building ordinances. (Ord. 3797, 1994)

- EVIDENCE:**
- (a) The Lot Line Adjustment is between two existing adjacent parcels (APN 259-093-014-000 & 259-091-012-000).
 - (b) This Lot Line Adjustment will result in two parcels which will have new Assessor’s Parcel Numbers assigned after the lot line adjustment is approved. This will not create a greater number of parcels than currently exists.
 - (c) With this application the well lot and tank lots will not be in compliance with county zoning because the minimum lot size is 10 acres in this zoning (RDR/10-UR-D). However, the proposed parcels will better achieve the goals, policies, and objectives of the Monterey County General Plan (Policy 64.1.1 and 53.1.1 et seq) and the Greater Monterey Peninsula Area Plan (Water Resources and Domestic Water Services sections).
 - (d) The application, plans, and related supporting materials submitted by the project applicant to the Monterey County RMA – Planning Department for proposed development found in Project File PLN060397.

6. FINDING: VARIANCE (Special Circumstances) – Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Monterey County Zoning Ordinance (Title 21), as it pertains to site development standards, is found to

deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

- EVIDENCE:** (a) The Rural Density Residential site development standards specify a maximum site coverage of 25%. Approval of this variance request would allow the installation of a second water tank on the site, which would result in a site coverage of 27%.
- (b) Due to the small size of the parcel, about 1.3 acres, and the topological constraints, the proposed development will exceed the coverage allowed by 2%.
- (b) One of the intentions of the site coverage regulation is to preserve open space and visual resources. The Initial Study examined impacts of the proposed project on visual resources and found impacts to be less than significant with incorporation of mitigation measures, as outlined in Exhibit D.
- (c) The project meets all the other Title 21 mandated site development standards with provision of applicable permits included in the application.
- (d) Materials in project file PLN060397.

7. **FINDING: VARIANCE (Special Privileges)** – The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and same zone classification in which this property is situated.

- EVIDENCE:** (a) The Variance request does not constitute the granting of a special privilege inconsistent with the limitations upon other properties in the vicinity and under the same zoning classification. The current zoning is RDR/10-UR-D. Other parcels in the vicinity may be allowed to construct the proposed tank and would not require the variance due to the parcels being larger. That is a larger parcel has a greater square footage in coverage before it exceeds the 25% allowed.
- (b) The current use of the property includes a 1.5 million gallon water tank with associated facilities and it is owned by the utility. It is appropriate to establish the new tank on the utility owned property with the same use and location.
- (c) The Project will be installed in such a way to comply with all required setback and other requirements.
- (d) Materials in project file PLN060397.

8. **FINDING: VARIANCE (Authorized Use)** – A Variance shall not be granted for a use or activity which is not otherwise authorized by the zoning regulation governing the parcel.

- EVIDENCE:** (a) The parcel is zoned Rural Density Residential, maximum gross density 10 acres/ unit, Urban Reserve, Design Control (“RDR/10-UR-D”) in which parcels are allowed water system facilities including wells and storage tanks serving fifteen or more service connections subject to a Use Permit which is the case for the subject project. (Title 21 section 21.16.050 R.)
- (b) Approval of the variance will not grant a use or activity not authorized by the current zoning on the parcel.

(c) Materials in project file PLN060397.

9. FINDING: HEIGHT EXEMPTION USE PERMIT FINDINGS – NOT DETRIMENTAL - The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood; or to the general welfare of the County.

EVIDENCE: (a) The subject property is surrounded by open land except to the south where Tehama/Monterea subdivision has their equipment yard. The tank height exception will not be detrimental to health, safety, peace, morals, comfort, and general welfare of persons working or living in the neighborhood.
(b) To the contrary of being detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, having the additional water reservoir capacity will allow greater safety in enhanced fire fighting capacity and a healthy water supply.
(c) Preceding and succeeding findings and supporting evidence.

10. FINDING: HEIGHT EXEMPTION USE PERMIT FINDINGS – IN COMPLIANCE-
The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.

EVIDENCE: (a) This project as described and conditioned with the mitigation monitoring reporting plan in Exhibit D.
(b) Preceding and succeeding findings and supporting evidence

11. FINDING: DEVELOPMENT ON SLOPES IN EXCESS OF 30% - There is no feasible alternative that would allow development to occur on slopes less than 30% or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan, Greater Monterey Area Plan and the Carmel Valley Master Plan than other development alternatives.

EVIDENCE: (a) The subject property is within a steeply sloping area. The proposed water tank has been placed to avoid steep slopes where feasible, however no alternative areas exist on-site with slopes less than 30%.
(b) Alternative locations on the project site for the proposed water tank would also require the removal of protected trees, and may require the removal of more protected trees than currently proposed. Therefore, the water tank location, as proposed, better meets Monterey County's policies on removal of protected trees.
(c) The application, plans, and related supporting materials submitted by the project applicant to the Monterey County RMA – Planning Department for proposed development found in Project File PLN060397

12. **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. Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
13. **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) Preceding findings and supporting evidence.
14. **FINDING:** **APPEALABILITY** - The decision on this project is appealable to the Planning Commission and not the California Coastal Commission.
- EVIDENCE:** Section 21.80.040 of the Monterey County Zoning Ordinance (Title 21).

EXHIBIT D Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: California American Segunda Tank Project File No: PLN060397 APNs: 259-091-012-000& 259-093-014-000 Approved by: Zoning Administrator Date: August 14, 2008
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	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)
1.		<p>PD001 - SPECIFIC USES ONLY This Combined Development Permit (CDP) (PLN060397) consisting of: 1) a Use Permit to allow the placement of a 2.25 million gallon water tank, grading of 9100 cubic yards, retaining walls and a Design Approval; 2) a Use Permit to allow for development on slopes in excess of 30 percent; 3) a Use Permit for a height exception of the proposed 2.5 million gallon water tank per 21.62.030 B, for exceedance of the allowed height by 23 feet; 4) a Variance for coverage from 25 to 27 percent; 5) a Lot Line Adjustment; and, 5) a Permit for the removal of five protected trees (two Monterey Pines and three Coast Live Oaks). The property is located at Canada De La Segunda Road, Montera Ranch Subdivision, Carmel (Assessor's Parcel Numbers 259-091-012-000 and 259-093-014-000), Greater Monterey Peninsula Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</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>
		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. 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. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: “A permit (Resolution 060397) was approved by the Zoning Administrator for Assessor's Parcel Numbers 259-091-012-000 and 259-093-014-000 on August 14, 2008. The permit was granted subject to 38 conditions of approval and 7 mitigation measures which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department.” Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT 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	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	Owner/ Applicant/ Archaeologist	Ongoing	

Permit Cond. Number	Mitig. Number	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)
		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. (RMA - Planning Department)	required for the discovery.			
4.		<p>PD004 - INDEMNIFICATION AGREEMENT</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 final 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</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. 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, filing of the final map, whichever occurs first and as applicable	

<i>Permit Cond. Number</i>	<i>Mitig. Number</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>
		hold the county harmless. (RMA - Planning Department)				
5.		PD005 - FISH AND GAME FEE-NEG DEC/EIR 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 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. (RMA - Planning Department)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department. 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	Within 5 working days of project approval.	
6.		PD006 - MITIGATION MONITORING PROGRAM 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. (RMA - Planning Department)	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.	
7.		PD007 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department.	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</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 and Building Services Department)				
8.		PD008 - GEOLOGIC CERTIFICATION Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning Department)	Submit certification by the geotechnical consultant to the RMA - Planning Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
9.		PD009 - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA – Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
10.		PD010 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.	Owner/ Applicant	Prior to the issuance of grading and building permits	
			Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/ Applicant	Ongoing	
			Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department	Owner/ Applicant	Prior to final inspection	
11.		PD011 – TREE AND ROOT PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from	Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading	

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		<p>construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)</p>			and/or building permits	
			Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner/ Applicant/ Arborist	During Construction	
			Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.	Owner/ Applicant	Prior to final inspection	
12.		<p>PD012(E) - LANDSCAPE PLAN AND MAINTENANCE - MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (OTHER THAN SINGLE FAMILY DWELLING)</p> <p>The site shall be landscaped. Prior to issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)</p>	Submit landscape plans and contractor’s estimate to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	
			Submit one (1) set landscape plans of approved by the RMA – Planning Department, Maximum Applied Water Allowance (MAWA) calculation, and a completed “ <u>Non-Residential</u> Water Release Form and Water Permit Application” to the Monterey Peninsula Water Management District for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	
			Submit an approved water permit from the MPWMD to the RMA – Building	Owner/ Applicant/	Prior to issuance of	

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			Permit	Licensed Landscape Contractor	Building Permits	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/Applicant	Ongoing	
13.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/Applicant	Prior to the issuance of building permits.	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/Applicant	Prior to Occupancy / Ongoing	
14.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Biological Assessment and Survey has been prepared for this parcel by Denise Duffy and Associates, Inc, dated December 14, 2006 and is on record in the Monterey County RMA - Planning Department , Library No. LIB070197. All development shall be in accordance with this report." (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/Applicant	Prior to the issuance of grading and building permits.	
15.		PD016 – NOTICE OF REPORT	Proof of recordation of this notice shall	Owner/	Prior to the	

<i>Permit Cond. Number</i>	<i>Mitig. Number</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>
		Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Investigation and Seismic Shaking Hazard Analysis has been prepared for this parcel by Pacific Crest Engineering Inc., dated December 20, 2006 and is on record in the Monterey County RMA - Planning Department , Library No. LIB070187. All development shall be in accordance with this report." (RMA – Planning Department)	be furnished to the RMA - Planning Department.	Applicant	issuance of grading and building permits.	
16.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Seismic Shaking Hazards Analysis report has been prepared for this parcel by Zinn Geology, dated April 10, 2006 revised December 12, 2006 and is on record in the Monterey County RMA - Planning Department , Library No. LIB070187. All development shall be in accordance with this report." (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
17.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Forestry Management Plan has been prepared for this parcel by Staub Forestry and Environmental Consulting, dated March 11, 2008, and is on record in the Monterey County RMA - Planning Department , Library No. LIB080388. All development shall be in accordance with this report." (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
18.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Tank Failure Study has been prepared for this parcel by Pal Hegedus, RBF Consulting, dated	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building	

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		April 9, 2007 and is on record in the Monterey County RMA - Planning Department , Library No. LIB080387. All development shall be in accordance with this report." (RMA – Planning Department)			permits.	
19.		PD017 - DEED RESTRICTION – USE Prior to the issuance of a building permit the applicant shall record a deed restriction as a condition of project approval stating that: “This tank project (PLN060397) will not result in any new water supply or additional connections to the Cal Am systems, rather its function would be to increase storage capacity. The construction of the new tank would serve two purposes; allow uninterrupted backwashing of filters at the Begonia Iron Removal Plant and increase the efficiency of transfer and distribution of water to the Monterey area, specifically the City of Seaside.” (RMA – Planning Department)	Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.	Owner/ Applicant	Prior to the issuance of grading or building permits	
			Proof of recordation of the document shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Prior to occupancy or commencement of use	
20.		PD035 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)	Install and maintain utility and distribution lines underground.	Owner/ Applicant	Ongoing	
21.		PD038 - WATER TANK APPROVAL The water tank shall be painted an earth tone color to blend into the area and landscaped (including land sculpturing and fencing, where appropriate), subject to the approval of the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	Submit proposed color of water tank and landscaping plans to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading or building permits	
			Provide evidence to the Director of the RMA - Planning Department that the water tank has been painted and the landscaping has been installed according to the plans approved by the RMA - Planning Department.	Owner/ Applicant	Prior to the final inspection or occupancy.	
			All landscaped areas and fences shall be continuously maintained; all plant	Owner/ Applicant	On-going	

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			material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.			
22.		PD041 – HEIGHT VERIFICATION The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA – Planning Department and Building Services Department)	1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection 2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.	Owner/ Applicant	Prior to the issuance of grading or building permits	
23.		PD045 – CERTIFICATES OF COMPLIANCE (LOT LINE ADJUSTMENTS) The applicant shall request unconditional certificates of compliance for the newly configured parcels. (RMA – Planning Department)	The Surveyor shall prepare legal descriptions for each newly configured parcel. The legal descriptions shall be entitled “Exhibit A”. The legal description shall comply with the Monterey County Recorder’s guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the <i>Monterey County Recorder</i> , for the appropriate fees to record the certificates.	Owner/ Applicant/ Surveyor	Concurrent with recording the Record of Survey	
24.		NSAPCD001- NON-STANDARD Applicant shall confer with Monterey Bay Unified Air Pollution Control District, Mike Sheehan, regarding the removal of existing storm drain pipes to assure that there	Applicant shall confer with MBUAPCD and present Monterey County Planning department with a letter of release from the APCD.	Owner/ Applicant	Prior to issuance of grading and/or	

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		will be no release of asbestos. (MBUAPCD)			building permit.	
25.		FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Salinas Rural Fire Protection District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Owner/ Applicant	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Owner/ Applicant	Prior to final building inspection.	
26.		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Owner/ Applicant	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection	Owner/ Applicant	Prior to final building inspection	

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		to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Salinas Rural Fire Protection District)				
27.		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Salinas Rural Fire Protection District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Owner/ Applicant	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Owner/ Applicant	Prior to final building inspection	
28.		PW0034 – LOT LINE ADJUSTMENT Obtain a survey of the new line and have the line monumented. (Public Works)	Owner shall have a surveyor monument the new lines. Evidence of completion of monumentation shall be submitted to DPW for review and approval.	Owner/ Applicant/ Surveyor	Prior to Recordation of Survey	
29.		PW0035 – RECORD OF SURVEY File a Record of Survey showing the new line and it's monumentation. (Public Works)	Owner's Surveyor to prepare record of survey and submit to DPW for review and approval.	Owner/ Surveyor	Prior to Recordation of Record of Survey	
30.		NSPD002- NON-STANDARD- EASEMENT DOCUMENTATION Prior to issuance of Grading Permits or Building Permits, applicant shall submit the Record of Survey required by condition #29, which shall include the new drainage easement. (RMA-Planning Department)	Owner's Surveyor to prepare record of survey and submit to DPW and RMA Planning for review and approval.	Owner/ Surveyor	Prior to Recordation of Record of Survey	
31.		NSPD001- NON-STANDARD – CONSTRUCTION MANAGEMENT PLAN Prior to issuance of Grading Permits or Building	Owner shall submit a Construction Management Plan to RMA Planning and Public Works for review and	Owner/ Applicant	Prior to issuance of grading or	

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		Permits, applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. (Public Works)	approval.		building permits	
32.	1.	Mitigation Measure #1 (Tank Design): During design, the edge where the walls of the tank meet the roof shall be engineered to have a rounded form to avoid a sharp visual angle when seen against the adjacent visual backdrop.	Tank design shall meet standards specified in the mitigation measure.	Owner/ Applicant	Prior to issuance of grading and/or building permit.	
33.	2.	Mitigation Measure #2 (Tank Color): The proposed tank shall be painted an exterior color that is a non-reflective gray/green, similar to the existing tank and the surrounding landscape and vegetation.	The tank shall be painted an exterior color that is a non-reflective gray/green.	Owner/ Applicant	Prior to final building inspection	
34.	3.	Mitigation Measure #3 (Perimeter Fence): The proposed development plan shall include a perimeter fence that visually screens the tank to the extent feasible. The fence shall be constructed of wood, or other materials that match the color of the surrounding environment.	The perimeter fence shall be installed prior to final building inspection.	Owner/ Applicant	Prior to final building inspection	
35.	4.	Mitigation Measure #4 (Floristic Inventory and Rare Plant Surveys). Prior to initiation of construction	Prior to initiation of construction activities, the applicant shall retain a	Applicant/ County-	Prior to initiation of	

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		<p>activities, a floristic inventory and rare plant survey of the site shall be completed by a qualified biologist/botanist during the appropriate seasons to determine the presence or absence of the CNPS list 1B plant species above. Surveys shall be floristic in nature (i.e. all plant species observed shall be recorded), and shall be conducted in accordance with the CDFG <i>Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities</i> (revised May 8, 2000), and USFWS <i>Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants</i> (USFWS, 2000).</p> <p>Multiple focused field surveys may be required to capture the flowering period of the target species. The location and extent of any rare plant occurrences observed in the project area shall be documented in a report and accurately mapped onto site-specific topographic maps and aerial photographs. If special status plants are identified, the applicant shall submit written proof that the County and CDFG have been contacted. The report shall include estimates of the plant populations and the percentage of the total population that will be lost as a result of development. Once the location of these special status plant species is known, development shall be situated such that impacts to these species are avoided or minimized to the greatest extent possible. If impacts cannot be avoided, a mitigation and monitoring plan that addresses impacts to all special status species shall be prepared by a County-approved biologist/botanist and reviewed by the County and CDFG. The detailed mitigation and monitoring plan shall be developed to protect and enhance the remaining occurrences of these species and to increase</p>	<p>qualified biologist to conduct a floristic inventory and rare plant survey. If special status plants are identified, future applicants shall submit written proof that the County and CDFG have been contacted and development envelopes shall be situated such that impacts are avoided or minimized. If impacts cannot be avoided, a mitigation and monitoring plan shall be prepared by a County-approved biologist/botanist. Surveys shall be conducted prior to site disturbance on the property and appropriate mitigation shall be implemented if special status species are found to occur on site.</p>	<p>Approved Biologist or Botanist</p>	<p>construction activities</p>	

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		<p>the overall numbers of special status plants located on the property. The mitigation and monitoring plan shall at a minimum include the following:</p> <ul style="list-style-type: none"> • The overall goals and measurable objectives of the mitigation and monitoring plan; • Specific areas proposed for revegetation and their size; • Specific habitat management and protection concepts to be used to ensure long-term maintenance and protection of special-status species such as annual population census surveys and habitat assessments; establishment of monitoring reference sites; fencing of species preserves and signage to identify the environmentally sensitive areas; a seasonally-timed weed abatement program; and seasonally-timed plant/seed/bulb collection, propagation, and reintroduction of robust spineflower and Jolon clarkia into specified receiver sites; • Success criteria based on the goals and measurable objectives to ensure a viable population on the site in perpetuity; • An adaptive management program to address both foreseen and unforeseen circumstances relating to the preservation and mitigation programs; • Remedial measures to address negative impacts to the identified species and their habitat that may occur during construction activities as well as post-construction; • Reporting requirements to track success or failure of the mitigation program and to ensure consistent data collection and reporting methods used by monitoring personnel; and, • Maintenance and cost estimates. 				

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		The mitigation ratio (habitat created to habitat impacted) shall be 2:1 for every acre of special status plant species' habitat impacted by development.				
36.	5.	Mitigation Measure #5 (Avian Species Surveys). Pre-construction surveys shall be conducted for nesting avian species (including raptors) within 300 feet of proposed construction activities, if construction is to be initiated between February 15 and August 1. If nesting raptors (or any other nesting birds) are identified during the pre-construction surveys, an appropriate buffer should be imposed within which no construction activities or disturbance should take place (generally 300 feet in all directions for raptors; other avian species may have species specific requirements) until the young of the year have fledged, as determined by a qualified biologist. Alternatively, construction activities that may affect nesting raptors or other protected avian species can be timed to avoid the nesting season (generally February 15 to August 1).	At least two weeks prior to tree and/or shrub removal or initiation of construction activities that occur during the nesting/breeding season of native bird species (March 1 through August 15), a qualified biologist shall be retained to conduct nesting bird surveys and establish adequate protection fencing limits if necessary.	Applicant/ County- Approved Biologist	At least two weeks prior to tree and/or shrub removal or initiation of construction activities that occur during the nesting/breeding season of native bird species	
37.	6.	Mitigation Measure #6 (Special Status Animal Avoidance). Prior to the initiation of construction, USFWS shall be contacted in regard to appropriate avoidance and minimization measures to employ during the implementation of the proposed project. These measures typically consist of, but may not be limited to, the following: <ul style="list-style-type: none"> • Limiting the construction window to April 15 to October 15 (to generally coincide with the dry season); and • Pre-construction and construction-phase monitoring by a qualified biologist. 	Prior to initiation of construction activities, USFWS shall be contacted in regard to appropriate avoidance and minimization measures to employ during the implementation of the proposed project.	Owner/ Applicant	Prior to construction	

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38.	7.	<p>Mitigation Measure #7 (Educational Presentation). Prior to construction, a qualified biologist will provide an educational presentation in order to inform the contractors on the special status species likely to occur on site and appropriate identification of these species. If the special status species are identified on site during construction, CDFG shall be contacted and work shall stop until an approval to begin again is received or the animal has left the project site. If federally listed species are identified during construction, the USFWS shall be contacted and work shall halt until USFWS provides an approval to begin work again.</p>	<p>A qualified biologist will provide an educational presentation in order to inform the contractors on the special status species likely to occur on site and appropriate identification of these species.</p>	Owner/ Applicant	Prior to construction	
		END OF CONDITIONS				